



# **Forests and the Biodiversity Convention**

**Independent Monitoring of the  
Implementation of the Expanded Programme  
of Work  
in Ecuador**

**Asociación Limococha**



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**Cover:**

One of the most natural forest types in Ecuador.  
Photographer: Johnson Cerda.

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## BACKGROUND

Ecuador is a pluricultural country that recognizes the existence of Indigenous nationalities and people in its constitution. The participation of Indigenous nationalities and peoples, who own 80 % of the country's forests, has not been considered in any of the processes. This means that actions carried out by the communities do not have any State institutional backing. On the contrary, there is strong pressure to relate to market mechanisms.

The development of forest activities in the country has been influenced by logging companies, thus the main orientation, according to the results of the national workshop, is more of a commercial nature and clearly market-related. If a revision is made of the plans of institutions responsible for forest issues, it becomes clear that the span of discussions must be increased and work must be done on plans drawn up with a consensus.

The work undertaken consisted of two parts: the first one of interviews with Indigenous organization leaders in the different regions of the country; interviews with those responsible for forest issues in the various government offices; and finally with the former and present authorities of the Ministry of the Environment in Quito city, and with regional representatives of this Ministry.

It is discouraging to note that not even the government officials were aware of the Expanded Programme. A couple of people in Indigenous and environmental organizations had some information on the plan. This makes us think that many of the decisions the State assumes at international meetings are socialized neither among the entities where they belong nor with civil society organizations.

## 1. BRIEF DESCRIPTION OF THE COUNTRY'S ENVIRONMENTAL, GEOPHYSICAL AND SOCIO-ECONOMIC ASPECTS

Geography and Climate. There are four clearly marked regions in Ecuador: Coast, Sierra, Amazon and the Insular Galapagos Islands. The country covers an area of 256,279<sup>1</sup> km<sup>2</sup>. The Ecuadorian Amazon covers an extension of 115,613 Km<sup>2</sup>, representing 45% of the national territory, and the temperature varies between 20°C and 33°C. The Andean zone of Ecuador covers a total area of 69,342 Km<sup>2</sup>, and the average temperatures range between 8°C and 23°C. The Ecuadorian coast stretches along 70,000 km<sup>2</sup>, and the climate is influenced by the El Niño current (warm) and the Humboldt current (cold). Records indicate that regarding present land use, native forests (including high shrub land) covers an area of approximately 8 million ha, mangroves cover about 227,300 ha<sup>2</sup> and forest plantations only 143,000 ha<sup>3/4</sup>. Most of the forests are to be found in the Ecuadorian Amazon and the north zone of the coast. Curiously enough, these are all the territories where the various Indigenous nationalities and peoples of Ecuador live.

Population: According to projected data issued by INEC<sup>5</sup> it is estimated that by 2007, there will be a population of 13.808,563 of which, approximately two and a half million live abroad. According to INEC the Indigenous population fluctuates between 10 and 25 %, however CONAIE estimates data on the Indigenous population at 45% of the national population. The diversity of nationalities and peoples in Ecuador is to be found in the Amazon, where ten Indigenous nationalities inhabit the Ecuadorian Amazon: Cofan, Secoya, Siona, Shuar, Wao, Achuar, Shiwiar, Andoa, Zapara and Kichwa. Four nationalities are located along the coast: Chachi, Epera, Awa and Tsachila. Various peoples of the Kichwa nationalities<sup>6</sup> are located in the Ecuadorian Sierra.

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<sup>1</sup> Official data prior to the signing of the peace treaty with Peru.

<sup>2</sup> MMA/UICN/INTERCOOPERACIÓN Final Report PROBONA, Quito, May 1999 (Present land under forestation excluding Paramos)

<sup>3</sup> INEFAN/ITTO, 1995

<sup>4</sup> Strategy for Sustainable Forest Development in Ecuador, June 2000

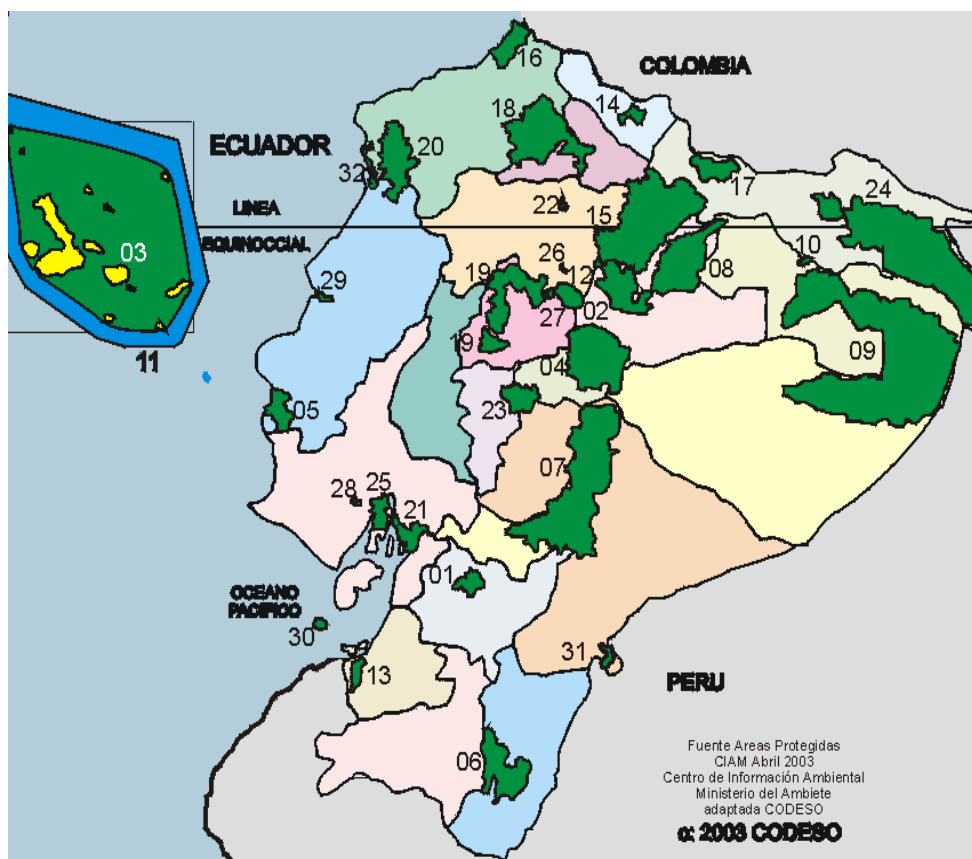
<sup>5</sup> <http://www.inec.gov.ec/default.asp>

<sup>6</sup> Art. 84 of the Political Constitution in force in Ecuador. Presently a new Constitution is being drawn up.

## 2. CHARACTERISTICS OF FORESTS IN ECUADOR

As is well-known, the creation of protected areas in Ecuador is superimposed on the majority of Indigenous territories that are presently in an unresolved state of conflict. The largest are to be found from the eastern range of the Andes to the humid tropical zone of the Amazon. Here below is a map of protected areas<sup>7</sup>.

❖ Graphic 1.



According to the strategy for sustainable forest development in Ecuador, drawn up in the year 2000, the following objectives are considered:

- To halt the of loss of native forests process;
- To conserve and manage forests and resources existing in natural protected areas;
- To restore lands suitable for forestation, that are lacking cover;
- To ensure the participation of the rural population, and of the Indigenous and Negro peoples and nationalities,

According to this plan, it is estimated that "the area of native forests (including high altitude shrub land) amounts to approximately 8 million ha, mangroves around 227,300 ha<sup>8</sup> and forest plantations only 143.000 ha<sup>9</sup>".

<sup>7</sup> [http://www.codeso.com/Mapa\\_Ecu03.html](http://www.codeso.com/Mapa_Ecu03.html)

<sup>8</sup> MMA/UICN/INTERCOOPERACIÓN Final report PROBONA, Quito, May 1999 (Present land under forestation, excluding Paramos).

<sup>9</sup> INEFAN/ITTO, 1995

The Law on Forests and Conservation of Natural Areas and Wildlife classifies forests in the following way:

- ❖ **Forest Heritage.-** The State's forest heritage comprises forest lands which, in conformity with the Law, are its property, the natural forests existing on these lands, those cultivated on its behalf and the wildlife. Mangroves, even those on private property, are considered State assets and are outside the market; they are not available for possession or any other method of appropriation and may only be exploited through the granting of a concession.
- ❖ **Forests and Protective Vegetation.-** Forests and protective vegetation are considered to be those natural or cultivated plant formations that comply with certain requisites.
- ❖ **Forest Land in Private Property Forests.-** These are forest lands that, due to their natural conditions, location or because they are not suitable for farming, should be given over to the cultivation of timber and tree species, the conservation of protective vegetation, including grassland, and land that is considered to be such through soil classification studies in compliance with requirements, public interest and environmental conservation.
- ❖ **Forest Plantations.-** Forestation and reforestation of land suitable for forests, both public and private is declared to be obligatory and of public interest and their use for other purposes is prohibited.

Furthermore, natural areas belonging to the State Heritage are classified for administrative purposes in the following categories:

- a) National parks;
- b) Ecological reserves;
- c) Wildlife refuges;
- d) Biological reserves;
- e) National recreation areas;
- f) Fauna production reserves; and
- g) Fishing and hunting areas.

Protected areas in the Amazon have been the target for incursions by illegal loggers. These have hired local labour, generating serious internal conflicts in the communities: For example, the Waorani people in the Ecuadorian Amazon are facing pressure from Colombian loggers who pay certain members of the communities to get authorization to exploit timber. According to Moi Enomenga, leader of the Wao people, there are only three people who live along the highway and who illegally negotiate the sale of timber. This incursion of illegal loggers has caused the death of Waoranis who defend their territory and there have been various complaints and reports in the national press on these cases.

### 3. DESCRIPTION OF THE LAND TENURE REGIME AND SITUATION OF FOREST MANAGEMENT IN THE COUNTRY

Ecuador's political constitution considers community property. The need to promote "ownership of land under production and encourage agricultural enterprise" is emphasized. In 1994, the new Law for Agrarian Development incorporated the possibility of fractioning community lands, but this is in contradiction with the constitution, which points out that it is a right of the Indigenous peoples: *"To conserve the inalienable property of community lands, that cannot be in any way attached and must remain undivided, save the State's faculty to declare their public usefulness."*

According to data supplied by those interviewed, they estimate that there are lands administrated by the Ministry of the Environment and others that are part of the Heritage of

INDA<sup>10</sup> (National Institute for Agrarian Development) that was created with the new agrarian development law in 1994. The following modalities of land ownership are considered:

- Private property;
- Public land;
- Community property;
- State Heritage;
- Different categories of protected areas.

Although the Ministry of the Environment has a strategy for sustainable forest development in Ecuador, this process has not been consulted with the Indigenous peoples and other local stakeholders. According to Conaie authorities, its only supporters were the logging companies, so it might well involve conflicts in the future.

It is evident that there is no orchestrated plan for forest management, thus it is the nationalities, peoples and local communities that must seek mechanisms and strategies to avoid deforestation and strengthen their traditional territorial and forest management.

The Awa nationality in Ecuador possessing some 121 thousand hectares, protested to the Ministry of the Environment because they intended to give up co-management of an area of 17,493 hectares with the Afro-Ecuadorian community. This type of action occurs because of the pressure of the logging companies and palm oil companies. The coastal province of Esmeraldas has a high rate of deforestation because of these companies.

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<sup>10</sup> <http://www.inda.gov.ec/>



#### **4. DESCRIPTION OF THE SITUATION OF FOREST AND COMMUNITIES LIVING IN THE FOREST BEFORE AND AFTER THE COUNTRY SIGNED CBD/POW.**

Among all those interviewed in the process of research and at the national event held in Quito city in November 2007, only one person knew about the Expanded Programme and one other had heard something about it on the radio. Curiously, the government authorities responsible for forest issues did not know of the existence of the Expanded Programme. However, great efforts by indigenous communities and non-governmental organizations can be appreciated. The State's institutional reply is that they do not have an adequate budget or sufficient staff to comply with the objectives.

Since the year 2000, various nationalities and peoples of Ecuador are developing life plans based on a mapping of their territorial resources, enabling them to organize their territories by using GPS among others.

On lacking knowledge of the existence of the Expanded Programme on a State level, it would be hard to point out efforts arising since it was signed. What is clear is that Indigenous, local and Afro-Ecuadorian communities have stepped up their efforts to face the threat of extractive industries. Thus, the community of Sarayacu has been demanding that the government respect its traditional forms of living in harmony with nature and has demonstrated its traditional land management methods. This struggle has made it possible to protect their territory of approximately 200 thousand hectares of humid tropical forest and other territories in surrounding communities.

The Waorani nationality, located in three provinces of the Amazon, is the owner of approximately 700 thousand hectares of territory. This territory has undergone a series of decisions affecting free exercise of the rights of these people. For example, the Yasuni National Park has been created, concessions have been granted to oil companies and intangible zones have been set up, among other actions. In the midst of all this, many leaders continue to defend their forests because it is the only way of achieving the permanence of their people.

For approximately one year now, the Secoya<sup>11</sup> nationality from the Province of Sucumbíos in the Ecuadorian Amazon has been facing a serious problem in its territory because of the incursions of illegal loggers.

The Awa people have been defending themselves against the assault of logging and African palm companies as they are slowly taking individual land and exerting pressure through third parties in the Indigenous territories.

The forests in Indigenous territories have been protected and managed day by day with the support of modern technology, however according to the Indigenous leaders, the State is absent from supporting this process, all it does is encourage the exploitation of resources.

Government officials have stated that forestry policy in Ecuador is a failure, all stays on paper due to lack of appropriate resources and personnel. According to their comments, they limit themselves to making some control on the routes and nothing more. Decree No. 419 on a forest moratorium suggested by the Government of Ecuador with some gaps in the effort to protect forests has also failed according to government authorities themselves, so a reform of the decree has been launched<sup>12</sup>.

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<sup>11</sup> Interview with Justino Piaguaje

<sup>12</sup> <http://cifopecuador.org/uploads/docs/Respuesta%20Presidencia%20de%20la%20Rep%FAblica.pdf>

## 5. COMPARE THE GENERAL TECHNIQUES OF FOREST MANAGEMENT (INCLUDING THE LEGAL BASE AND LEGAL ACTION) BEFORE AND AFTER THE IMPLEMENTATION OF CBD/POW IN THE COUNTRY.

❖ **Government.** – According to the affirmations of some government officials, efforts have been made to restore, mitigate and eradicate threats on forests. However, it has been pointed out that one of the most serious and structural problems is the difficulty of eradicating “poverty.” One of the people interviewed stated “how can we demand them to have environmental behaviour if the necessary resources are unavailable, when there is hunger there is no thought for the environment, it is a problem of the economic model.”

A National Plan for Forestation and Reforestation and a National Biodiversity Policy and Strategy has been prepared. Before 1998, various institutions made a financial study on the causes of deforestation. Among the main causes mentioned are poverty, lack of resources and encroaching of the agricultural frontier. They understand that the lack of alternatives leads farmers to deforest. Over the past few months, mechanisms have been analyzed for funding and economic incentives to be allocated to local communities. The establishment of a conservation fund is also being studied, to enable them to conserve the forest.

There is a certain degree of training and advice on a local level to enable forest conservation outside protected areas. The action in protected areas follows a policy implemented by the government some time ago, a “conservation strategy for protected areas” through compliance with management plans.

Unfortunately, the control of deforestation is done outside the forest: it is done on the highways when the trees have already been cut. Ecuador is a country that enables forest harvesting, but under certain regulations that are hard to control. If the regulations are not complied with, the timber is confiscated, but it has already been cut. A National Plan for Forest Control and Traffic of Wildlife has been prepared.

Where no protected areas exist and there is a State Heritage forest, deeds have been granted for the protection of forests, such as in the case of the Awa who were granted 91 thousand hectares.

PRODERENA<sup>13</sup> is a project in the north of the country, in which eighty projects are being implemented, some of them for reforestation and Paramo management. It is a private initiative, financed by the European Union.

The National Biodiversity Policy and Strategy came into force in 2007, in spite of the fact that it was prepared in the year 2000. Although political decisions are taken, they are slow in being implemented.

❖ **Non-governmental organizations.** – Most of the representatives of NGOs consider that the Government has done nothing concrete to care for and protect forests. They agree that both the decentralization process and the forest moratorium decreed a short while ago, were a total failure and have not contributed to forest biodiversity conservation.

Unfortunately, the Ministry of the Environment is suffering from a problem of corruption due to the interests of logging companies, both in the Quito office and in the regional offices. There is no effective measure to halt deforestation. The system of forest control has not worked, because logging companies are involved in it through a green NGO set up by the logging companies themselves. It is as though we have a wolf minding the sheep.

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<sup>13</sup> <http://www.proderena.org.ec/>

They consider that the only way of halting deforestation that has worked is that of resistance by the local population who have realized how valuable their forests are, and how dependent they are on forests for a livelihood.

Planning of forest use by the State is deficient; it is giving way under the pressure of agriculture that is attempting to use everything that is not protected land and even forests for agriculture, with a totally archaic vision of reform and land use. The Ministry of the Environment does not have the amount of staff it should have, laws are not enforced, it has no budget and it does not have good leadership.

With the government's decree on Forest Moratorium a contrary effect has occurred, first of all the price of timber has dropped, the forest owners receive less value and so what they try to do is to take more out because, they say "after the moratorium, who will I be able to sell to?" and "they will buy my timber at a lower price."

Regarding previous governments, they have made some sporadic efforts to curb the loss of biodiversity and sustainable forest management, not always correctly but at all event they did make some proposals. For example, outsourcing forest control, reaching a consensus on a proposal for forest control, decentralizing forest responsibilities, establishing a green monitoring, and the agreement signed between the Ministry and the national police. "So there have been some proposals but they were not supported and have now ended. A result is the fact that the rate of deforestation in Ecuador is among the highest in Latin America.

❖ **Indigenous peoples** Most of the Indigenous organizations consider that the government is absent from actions to restore, mitigate and eradicate threats over forests. They consider that some non-governmental organizations have carried out actions, but not enough.

According to some leaders, the government has no interest in coordinating work on forest issues due to pressure from other economic interests; all they have done is divide the nationalities.

The Indigenous peoples, owners of forest resources, have not been consulted on policies and still less on their implementation, therefore they ignore what the government may be doing. All the policies or reforms have received the inputs of the logging companies and in no way those of the indigenous organizations.

The life plans of the nationalities involve planning of land use under its various dimensions. These efforts are not recognized by the State but are widely disseminated among the organizations, as they are one of the means to guarantee ownership and rights over the territories.

## 6. HOW THE CBD/POW COMMITMENTS ARE IMPLEMENTED ON THE BASIS OF A MARKET MECHANISM OF FOREST CONSERVATION

According to current and former government officials, forest resources are an economic factor implying approximately two hundred thousand jobs, in addition to what the forest means to the community people who live there and to the rest of society. According to information presented by the Ministry of the Environment<sup>14</sup> regarding the National Forestation and Re-Forestation Plan, the following data is available.

❖ **Chart 1.**

Plantations	Goal
Forestry	1 million hectares in 20 years: - 750 thousand hectares of plantations for industrial and commercial production; - 150 thousand hectares of agro-forestry plantations; and - 100 thousand hectares of plantations for protection and conservation of natural resources and works of public interest.
Industrial and commercial	- 11 million m <sup>3</sup> of timber in managed plantations for the national and international market; - Approximately 2.4 million m <sup>3</sup> of timber from plantations for paper and cardboard.
Environmental	To recover deteriorated soils: - A permanent area of 636 thousand hectares, generating environmental services; carbon trapping and protection of watersheds, major civil works (generation of electricity and irrigation) at risk.

As raw material, there is scant data provided by logging companies on how many sources of labour are produced, what industries exist, exports, but for those who live in the forest it is their source of life, it is important for the whole country, as there is furniture production, etc. Furthermore, there are resources that are valued depending on each person's position. Producers and communities value them more because they live in the forest and off the forest. When there is sickness and they need money they cut down a tree and sell it.

There are many communities living in the forest; it is their source of income, but they are far from being a problem. What is serious is that there are large logging companies that consider the forest to be their only source of income.

The nationalities and indigenous peoples do not consider the forest as an economic factor or as a business, but as a space of survival where they live in harmony. The biodiversity found in the forest serves them as food, medicine, and cultural recreation, if sustainably managed. When there are communities linked to the market, the forest becomes an economic factor. There are communities that live next to the mangroves, but without that little strip of land, they would be unable to survive. The threats are the shrimp farming companies that take away the resources of these coastal people.

Several nationalities and peoples work with a vision of watershed management, involving many diverse ecosystems and territories of various Indigenous peoples.

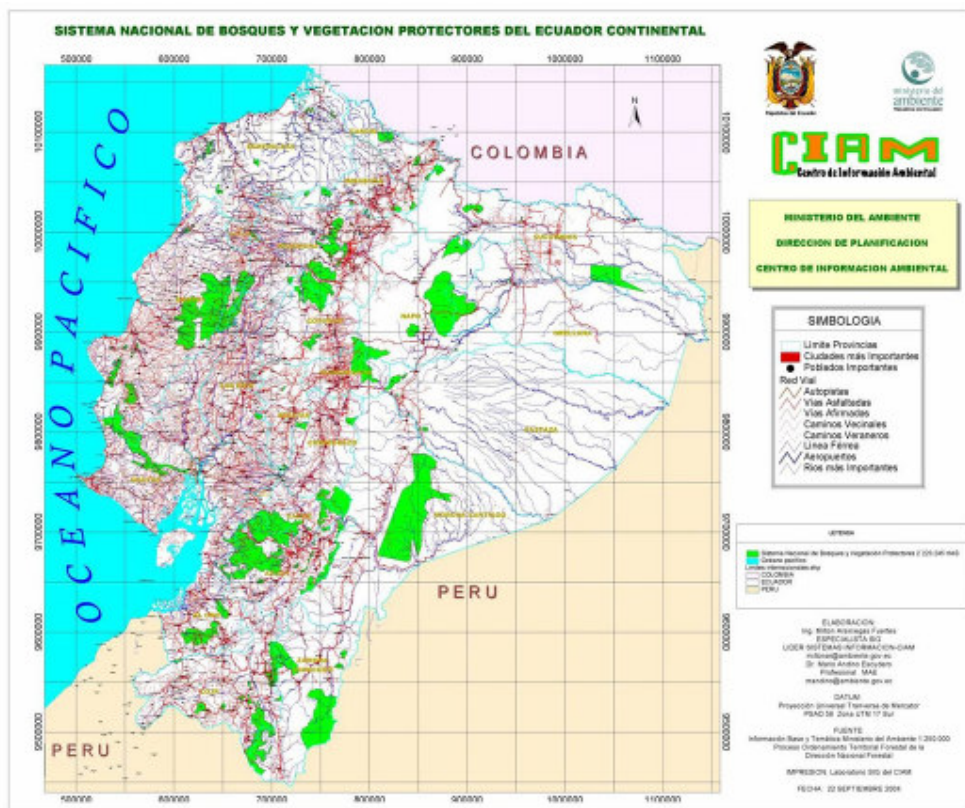
At all the meetings discussing forest issues, various representatives have been present, but the presence of the Owners of the Forest has been lacking.

<sup>14</sup> [http://www.ambiente.gov.ec/paginas\\_espanol/4ecuador/bosques.htm](http://www.ambiente.gov.ec/paginas_espanol/4ecuador/bosques.htm)

## 7. THE COUNTRY'S ROLE IN THE CREATION OF FOREST AREAS AND FOREST CONSERVATION

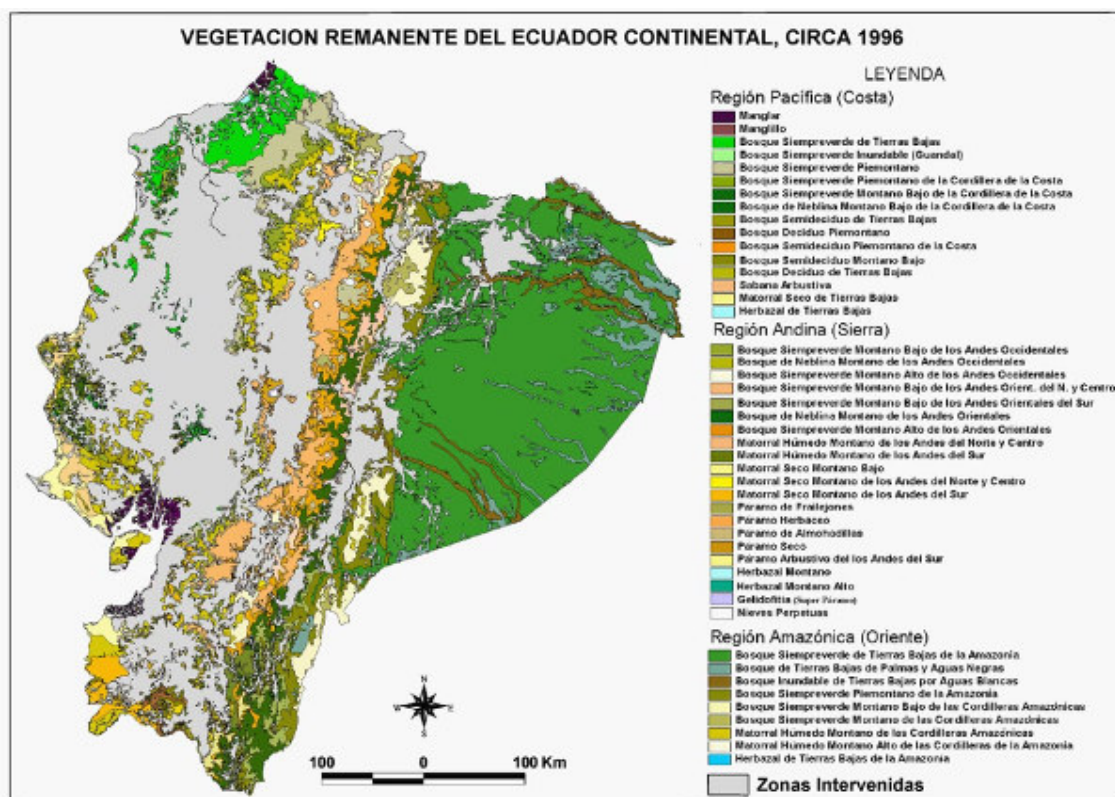
Here below is the map of the "National System of Forests and Protective Vegetation of Continental Ecuador."

❖ Graphic 2.



It may be considered that most of the forests of Ecuador are located on Indigenous territories in the Ecuadorian Amazon together with a considerable part of the north zone of the Ecuadorian Coast that is also under the jurisdiction of the Indigenous peoples. It is therefore evident that the traditional practices of the Indigenous peoples have led to forest conservation in Ecuador. So far, any government activity regarding forests has been for commercial purposes alone.

In this Map of the Vegetation Remaining in Ecuador, although it is some years old, the location of the forests can be seen, and they continue to be protected by the Indigenous peoples. "Eighty percent of the country's forests are located in Indigenous communities" according to information from a representative of the Jatun Sacha, but they consider that they are not organized around this issue. Regarding the Moratorium, for example, the Government met with the logging companies but the Indigenous peoples were absent.

❖ Graphic 3.

## 8. WHAT IS THE ROLE OF INTERNATIONAL AGENCIES AND OTHER RELEVANT REGIONAL INITIATIVES IN PROMOTING THE IMPLEMENTATION OF THE CBD/POW COMMITMENT IN THE COUNTRY?

The results of the interviews showed the economic support allocated by institutions such as the European Union in the case of the PRODERENA project and some other projects in the Amazon, also that of the Inter-American Development Bank and FAO through programmes with the Ministry of the Environment, related with the commercial factor of forests.

The participation of Universities is repeatedly mentioned in various environmental programmes also linked to forests; however, they still have a low profile.

There are other initiatives coming from various donors through non-governmental organizations. However, the Ministry of the Environment does not coordinate this type of action and very often it is isolated. In many cases, these small actions have reached the communities, but also in a scattered way.

The Global Environmental Fund's Small Grants Programme (GEF/SGP) develops concrete action in various regions of the country, in some cases with the support of European governments.

However, it was concluded that all these initiatives are uncoordinated. The Government institutions view some of the other non-governmental organizations that work on forest issues as enemies, when efforts could be joined if the real objective is the protection of forests and their sustainable management. The NGOs take a distance from the Ministry of the Environment because of more pressure by the logging companies. The Indigenous people are outside all this situation and it would be good if at some point they were to sit down with the State to share their experience in benefit of the country's biodiversity.

## **9. WHAT HAVE BEEN THE CHANGES IN THE COUNTRY'S ENVIRONMENTAL SITUATION SINCE THE CBD/POW ENTERED INTO FORCE?**

The existence of the Expanded Programme of Work on Forest Biological diversity was not even known in the country, and therefore actions carried out so far have been due to pressure from non-governmental organizations and the Indigenous peoples to protect biodiversity in Ecuador.

The Indigenous leaders were much surprised by the existence of this commitment on the part of the country with the Convention on Biological Diversity and even more so over the lack of knowledge of this document among Ministry authorities.

Unfortunately, in the country, in government spheres, little or nothing effective has been done to safeguard or manage forests. As pointed out by some of those interviewed, up to now the mobilization of local stakeholders is what has enabled forest protection and biodiversity.

## **10. ON THE BASIS OF INFORMATION AND DATA GATHERED DURING THE INTERVIEWS, PLEASE MAKE A COMPARATIVE ANALYSIS OF THE SITUATION OF FORESTS AND COMMUNITIES THAT LIVE IN FORESTS, BEFORE AND AFTER THE CBD/POW INITIATIVES.**

The following can be noted:

- Forest communities believe that with the decrease of forests in the country, the pressure put on their territories by legal and illegal logging companies is increasingly strong. This is creating internal conflicts and dividing the organizations of the nationalities and peoples.
- Illegal loggers have entered to deforest protected areas and in some cases, such as the Yasuni National Park, where the legal situation of the Indigenous territories has not yet been defined, this creates a doubly difficult problem for forest defence.
- The Indigenous organizations headed by the Confeniae<sup>15</sup> have set out the need to sit down with the government to discuss fulfilment of the Programme of Work, to achieve forest protection and reorientation of the market approach.
- Considering that the Indigenous peoples possess 80% of Ecuador's forests, it is necessary to achieve their participation in the different opportunities for political decision-making. With the holding of the Constitutional Assembly in Ecuador and the ratification of Indigenous territorial circumscriptions, the protection of the country's forests could be achieved.

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<sup>15</sup> <http://www.confeniae.org/>



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