

**Formalizing indigenous commons:
The role of 'authority' in the formation of territories
in Nicaragua, Bolivia and the Philippines**

Anne Larson¹ and Peter Cronkleton²

Paper prepared for the 13th biennial conference of the
International Association for the Study of the Commons,
Hyderabad, India
January 10-14, 2011

¹ Center for International Forestry Research, Managua, Nicaragua. a.larson@cgiar.org

² Center for International Forestry Research, Santa Cruz, Bolivia. pcronkleton@cgiar.org

Abstract

Indigenous peoples have sometimes sought the formalization of their customary territories to demand the enforcement of their borders, which have often not been respected by outsiders or the state. The process of formalization, however, generates new conflicts. This article explores how the recognition of indigenous forest commons is connected to questions about authority. For communal properties in particular, issues of 'authority' are central to shaping how decisions are made, whose opinion or knowledge is taken into account and how access to land and natural resources is determined in practice. The process of constituting collective territories is intimately related to the constitution of authority, as it involves not only the negotiation of physical boundaries but also the recognition of a particular entity to represent the collective. Though an entity that holds leadership powers may already exist, it is likely to be endowed with new decision-making powers and responsibilities; and in many cases a new entity will have to be created. This is not a 'local' process but rather emerges at the intersection of relations between the community, or territory, and the state. Similarly, given that 'authority' implies legitimacy, such legitimacy will have to be produced. Drawing on a comparison of cases of two indigenous territories in Nicaragua and Bolivia and an ancestral domain in the Philippines, this article shows how authority emerges from often conflictive processes of constructing the commons and shapes community rights to – and powers over – forests and forest resources.

Key words: *authority, indigenous rights, demarcation, forest commons, formalization, property rights*

INTRODUCTION

Since the mid 1980s, governments have begun to recognize the rights of communities living in forests that they have managed or used historically under customary institutions (Agrawal et al. 2008, Larson et al. 2010a, Sunderlin et al. 2008, White and Martin 2002). Today about a quarter of the forestlands in developing countries are formally in the hands of indigenous people and communities (Hatcher, pers. comm., based on data from Sunderlin et al. 2008). The largest portion of this shift from state to local land tenure comprises land now owned or managed by indigenous and traditional peoples in Latin America, and one of the most important factors behind it has been the international indigenous movement.

The types of rights recognized vary around the world. They may involve rights to resources or resource revenues that were not previously acknowledged; they may be temporary or conditional (Larson et al. 2010b). In the cases of indigenous peoples, however, the recognition of rights is more likely to involve the demarcation and titling of large territories, rooted in the struggle for identity, representation and cultural reproduction, as well as control over resources (Bae 2005, Plant and Hvalkof 2001, Barry et al. 2010).

What does authority have to do with the recognition of indigenous rights to land and forest? The idea of recognizing rights implies a simple process of giving one's blessing, in this case the state's legal blessing, to something that already exists. The relevant definitions in Webster's dictionary define the term to *recognize* as 'to admit the fact of' or 'to acknowledge formally' (Webster 1967). But the reality of recognizing people's rights to land is a far more complex process. Though there are many aspects to this complexity, this article looks specifically at issues of 'authority' as they become apparent in three different ways:

First, recognizing land tenure rights involves choosing an entity or person to be the legal representative of the rightsholders when rights are granted (see Fitzpatrick 2005). Even in cases whereby the names of all the people receiving rights appear on the land title (as in some cases of communal lands in the Guatemalan highlands for example), some entity needs to be recognized, or created, to act on behalf of the group. Often the title or right is granted in the name of this entity, on the assumption that it is a legitimate representative of residents.

Second, establishing this representative involves defining its domain of powers, or sphere of competence (Fay 2008). What decisions can this entity make with external actors in representation of the rightsholders? What power does it have over community members' access to resources? And, what responsibilities does it have to its constituents?

Third, the definition of a group of rightsholders and its representative is intimately tied to the definition of the physical space – the land area and resources – to which rights are being recognized. On the one hand, the specific spatial configuration, as through the

demarcation of borders, determines who has rights to the area in question and who does not, with obvious consequences. On the other hand, the definition of territory may have broader implications, playing a central role in geopolitical negotiations (see Sikor and Lund, 2009), such as between indigenous peoples and the state (Larson 2010).

This article shows that each of the three issues discussed above constitutes a potentially conflictive process taking place at the intersection between civil society and the state: between the 'community' demanding the recognition of rights and the state or an entity within the state apparatus. Central to this process is the definition of the third player: the entity that is chosen or that emerges to represent the newly recognized multi-community territories. The chapter explores three different cases in which indigenous territorial rights were recognized, in Nicaragua, Bolivia and the Philippines, and demonstrates how recognition leads to competition, conflict and/or negotiation over the construction of legitimate authority.

AUTHORITY RELATIONS AND COMMUNAL TENURE

The term 'authority' is used in several ways, particularly in the realms of policy and practice. In particular, it is used to refer both to the abstract notion of power (e.g. to hold authority) and to the person or institution holding that power (Fay 2008) – the first two points raised in the introduction. According to Weber (1968), authority refers to power that is 'legitimate'. Legitimacy refers to 'a generalized perception or assumption that the actions of an entity are desirable, proper, or appropriate within some socially constructed system of norms, values, beliefs, and definitions' (Suchman 1995: 574). Legitimacy empowers authority (Walker and Zelditch 1993) and 'leads people to defer voluntarily to decisions, rules and social arrangements' (Tyler 2006: 376). Of course, apparently voluntary compliance should not be taken as proof of legitimacy, as some people may use violence or threats of violence to obtain that compliance.

The issue of legitimacy raises additional questions about authority; in particular: who considers this authority – the entity or its power – legitimate, and how is legitimacy produced? If authority requires legitimacy, it cannot be a fixed attribute that is mandated or assumed. Rather, it must be constructed through social interaction and is subject to conflict and negotiation (Lund 2006, Sikor and Lund 2009, Jackman 1993). In this process, which may be instigated by the recognition of rights, actors will use a variety of means to win legitimacy for their preferred entity or representative, particularly in light of competing options.

The question of authority appears to be a central factor affecting the outcomes and success of forest tenure reforms, yet this issue has not been well researched.³ For communal properties in particular, decisions regarding 'authority' are central to shaping how decisions are made, whose opinion or knowledge is taken into account and how access to land and natural resources is determined in practice. When property rights are formalized, issues concerning authority define the extent of decision-making power

³ The exception is the study of decentralization, particularly those led by Jesse Ribot in various African countries.

that is held at different levels, from the community to the state. They are also important in understanding on-the-ground dynamics of power, which shape access to resources and benefits.

If the term authority implies legitimacy, then it is misleading to use it simply to refer to an entity in power or in the struggle for power. For example, the term 'traditional authority', used often in reference to indigenous or traditional peoples, assumes that the traditional system grants legitimacy; but simply accepting the term, then, leaves little room to question that legitimacy. Nevertheless, it is difficult to avoid use of the term authority without creating confusion, particularly in reference to such 'traditional authorities' or to the mandates of legal frameworks, such as the communal and territorial authorities established by legislation in Nicaragua. In general, however, I prefer the term 'authority relations' to refer to the process of constructing legitimate power and only use the term authority when it appears unavoidable.

The central issue of concern in this article is the entity selected to represent the collective – in this case a group of indigenous communities – that receives formal rights under new legal arrangements (see Ribot et al. 2008). Both the nature of this entity – a territorial authority in the making – and its domain of powers are fundamental to the distribution of access to land and forest resources and to the benefits they generate. The actor or group chosen to represent the collective by law or policy may or may not be considered a legitimate, representative leader by the population, and it may or may not be the same one that has played this role or made these decisions in the past. This entity may be bestowed with the power to make significant external and/or internal decisions on behalf of the collective regarding resource access. It may be in charge of resources, including financial resources, intended to benefit the collective.

When a community or group receiving new or formal rights already has customary rights to the land, it might seem that the simplest solution is to recognize the actor or entity that is currently in power. There are at least two problems with this, however. First, formally recognizing an institution⁴ changes it: it strengthens it, imbuing it with a new source of legitimacy (Ribot et al. 2008). This raises concerns regarding the question of tradition, and the issue of 'traditional authority' in particular. The call to respect customary rights, such as traditional land rights, has been central to indigenous struggles in Latin America. But tradition and custom are loaded terms. For some, respecting or recognizing tradition refers to the enfranchisement of peoples whose rights have been denied (Taylor 1994); for others it means the opposite, protecting people as a group but not individual rights – a necessary condition for citizenship (Mamdani, 1996; see also Ribot et al. 2008).

Ribot et al (2008) warn, in particular, against conflating customary rights or practices with customary *authority*. When the state recognizes, in the tenure reform, a particular entity as the community representative, it is granting that entity external legitimacy. This entity may not have internal legitimacy, or it may have internal legitimacy but not to

⁴ The term institution here is used in the sense Ribot et al. (2008) refer to 'institutional choice' rather than in reference to social rules and norms.

manage the particular set of powers now being granted (Fay 2008). An example is the recognition of nondemocratic actors – chiefs and headmen who inherit their posts – in some African nations undergoing decentralization (Ribot et al. 2008, Ntsebeza 2005, see also Fitzgerald 2005).

Second, the granting of tenure rights may necessarily involve the formation of new entities to represent the beneficiaries, particularly for large territories. Indigenous movements in several Latin American countries, including Bolivia and Nicaragua, have promoted a territory model comprising multiple communities for the implementation of indigenous property rights. These territories are expected to facilitate the demarcation and titling of large areas covering the land areas that indigenous peoples have used historically. The territory model – seen as the most advanced form of granting indigenous tenure rights – should permit sufficient space for resource conservation, use and management, real participation of indigenous peoples in the definition and demarcation process, and the use of resource management models that combine traditional and modern practices for long-term development (Davis and Wali 1994).

The territory model has encountered serious problems, however, due to the choice of entity to represent the collective. When such territories are newly created and different communities are grouped together, there is often an assumption that an overarching governance structure exists or will simply emerge. But territorial demarcation and titling usually requires the formation of new governance institutions. In his review of experiences in the legalization of indigenous territories in four South American countries, Stocks (2005: 98) argues that ‘the weakness of the indigenous governing institutions’, and particularly the lack of democratic representation at the territorial scale, ‘is an extremely vulnerable aspect of the indigenous land movement’. One of the problems is that this is the scale at which governance institutions do not currently exist (though they may have historically, Van Dam 2010). Hence defining both the entity and the domain of powers involves forging new ground. The Nicaragua, Bolivia and Philippine cases here all represent indigenous territories comprising multiple communities.

The issues mentioned so far present a somewhat simplified view of these political processes, however. It will not always – or perhaps ever – be a simple matter of ‘choosing’ or ‘forming’ a new authority or ‘defining’ a domain of powers. Given the material as well as symbolic importance of the outcome of these processes, it is not particularly surprising that they would be subject to conflict.

The demands for recognition themselves have usually emerged from conflict, including the righting of historical wrongs, as in many cases of indigenous peoples around the world. For example, the first stage in indigenous rights recognition in Nicaragua emerged in a new Constitution after almost a decade of war; in the Philippines case study, the demand for land rights initially arose out of protests over a government plan to build a vacation resort called Marcos City inside their customary territory (Larson et al. 2010c). In addition, in cases involving land titling, demarcation is subject to conflict and negotiation over the definition of borders as well as over the fate of ‘outsiders’

holding land inside the territory.

But the relationship between authority and property goes beyond this. Sikor and Lund (2009: 2) argue that ‘struggles over property are as much about the scope and constitution of authority as about access to resources.’ In fact, property and authority depend on each other and are mutually constitutive. These authors argue that land claimants appeal to authorities to legitimize their land claim, while the act of authorizing the land claim legitimizes that authority’s power. Conflict over the nature of territorialization – the ordering of space and people within geographic boundaries (Vandergeest and Peluso 1995) – by different groups, both in and outside the state, can take land struggles to a different level. This is what happened in the case of indigenous territories in Nicaragua, as we will see below. The control of territory is a source of power; the control of power is a source of territory.

THE CASE STUDIES

The case studies presented here were all undertaken as part of a research project led by the Center for International Forestry Research, under the auspices of the Right and Resources Initiative in 2006-2008. The research was aimed at understanding processes of forest tenure reforms in several developing countries (for a full explanation of methods, see Larson et al. 2010a, Larson et al. 2010b). The cases did not have authority relations as a subject of study; rather this was an issue of interest that emerged later in the analysis and comparison of the findings.⁵

This section presents three cases of forest tenure reform. Nicaragua and Bolivia refer to large indigenous territories being demarcated and titled in the wake of important changes in national legislation to recognize indigenous land rights. The Nicaragua case is based on a study of the North Atlantic Autonomous Region (RAAN), which falls under the jurisdiction of an autonomous regional council, and in-depth research on two particular territories. The study highlights conflicts between indigenous leaders and communities over the configuration of territories and territory representatives. The Bolivian case discusses the demarcation and titling of the Guarayos indigenous territory in the lowland municipalities of Santa Cruz. In that case, the indigenous organization that led the battle for land rights was granted title as representative of the Guarayos people but with ambiguous authority in a context of contested rights leading to a split in the organization and the breakdown of local governance.

The third case refers to another indigenous territory, the Ikalahan ancestral domain, in the Philippines. Unlike the Nicaragua and Bolivia cases, the Ikalahan land claim was not originally part of a national process to recognize indigenous lands, though this occurred later. The official ‘territorial authority’ is the Kalahan Educational Foundation (KEF), also initially established, as in Guarayos, to fight for the land claim. The KEF has managed

⁵ Information on the case studies was published in national reports (Cronkleton et al. 2008, Larson and Mendoza-Lewis 2009, Pulhin et al. 2008) and in Larson et al. 2010c. The Nicaragua case involves follow-up research by the author. The Bolivia case was written by Peter Cronkleton.

to avoid the kinds of conflicts seen in the other two cases and maintains a high level of legitimacy as a representative local authority.

Indigenous territories in the RAAN, Nicaragua

Indigenous people in Nicaragua won formal rights to their communal lands in the 1987 Constitution, and in the same year, the Autonomy Law was passed, creating the North and South Autonomous Regions. The first regional governing councils were elected in 1990. These regions represent about 45% of the national territory but only 12% of the population (INEC 2005). Nevertheless, the autonomous regions are home to the vast majority of the country's indigenous population – 8.6% of the total, of which the Miskitu comprise the largest group with 121,000 people (INEC 2005). (For more information on this case, see Larson and Mendoza-Lewis 2009, Larson 2010, Larson et al. 2010c).

After indigenous land rights were formally recognized in the Constitution, it took another 15 years and an international court case for the National Assembly to pass the Communal Lands Law (Law 448). The court case held significance for indigenous rights throughout Latin America. In that case, the community of Awas Tingni filed a demand before the Inter-American Court for Human Rights (CIDH) against the Nicaraguan government for granting a forest concession, on their traditional lands and without community consent, to the Korean company SOLCARSA in 1995. The community's legal representatives had fought the concession in the national courts to no avail, in spite of a Supreme Court ruling in 1997 that the concession was unconstitutional for failing to obtain the prior approval of the Regional Council as established by law (Wiggins 2002). In 2001, the CIDH ruled in favour of Awas Tingni, holding that 'the international human right to enjoy the benefits of property includes the right of indigenous peoples to the protection of their customary land and resource tenure' (Anaya and Grossman 2002: 1). It found that the Nicaraguan Government had violated the American Convention on Human Rights as well as the community's rights to communal property as guaranteed by the Nicaraguan Constitution. The Court ordered the state to adopt the relevant legislative and administrative measures necessary to create an effective mechanism for demarcation and titling for indigenous communities 'in accordance with their customary laws, values, customs and mores' (Judgment, cited in Anaya and Grossman 2002: 13).

Until this time, the central government had continued to treat the region's natural resources as state property; if regional council permission was required, it was usually granted. The region councils were very weak and had little funding or power. By 2003, this began to change. Three factors played key roles: the communal lands law (in effect as of January, 2003), the long-awaited approval of the implementing regulations of the Autonomy Statute (approved in 2003), and, most importantly, a change of government (entering in January, 2007). The first titles were delivered in late 2006, but it was thanks largely to an alliance between the government administration entering in 2007 and the Miskitu political party Yatama that most of the indigenous territorial claims in the RAAN, 13 territories for a total of almost 1.6 million ha, had been titled by mid-2010 (Procuraduria General de la República 2010). Today, the greatest direct threat to

indigenous lands and resources comes from invasions by colonist peasants and ranchers. In response, indigenous communities see titles as a way to strengthen their claim.

Like the Constitution, the communal lands law formally recognizes indigenous land rights but also establishes the institutional framework for demarcation and titling, with procedures for titling as either a single community or a group of communities. The communal lands law formally recognizes traditional communal authorities as the legal representative (externally) and government (internally) of the community (Art. 3). These include the *síndico* (the authority normally in charge of land and natural resource allocation), *wihta* (communal judge), coordinator (an authority existing in some communities that was established during and after the war, such as to negotiate for refugee aid and resettlement), and others. In practice it is the *síndico* that has usually been designated as the local official whose legal signature is needed to represent the decision of the collective. In Nicaragua's indigenous communities, these authorities are usually elected annually.

When communities form multi-community territories, the territorial authority is to be elected by an assembly of all the communal authorities from participating communities, according to the procedures they adopt (Art. 3, 4). This new governance institution is the administrative organ and legal representative of the territorial unit (Art. 5). The regional council then registers and certifies the people elected. The new legal framework states that *community or territorial authorities*, if and when 'they have the express mandate of the Community Assembly', should authorize all contracts for resource exploitation. The elected community-scale institution authorizes the use of communal land and resources by third parties; the territorial-scale institution authorizes the use of resources common to the multiple communities of a territory (Art. 10).

Two groups of communities were studied in-depth, Tasba Raya and Layasiksa. The former had decided to form a 7-community territory as of 2005, the latter expanded from a two- to a three-community territory in 2009. Both designed their territories based on common history and affiliation as a group of communities, and both had elected their territorial authorities according to the procedures established in the law. Nevertheless, the autonomous government would not provide accreditation, and indigenous political leaders refused to recognize their territories.

Political leaders from Yatama were pressuring communities throughout the region to form territories based on a design of their own conception. According to Miskitu leaders, they were interested in forming territories that covered a significant part of the land area, including all indigenous communities inside territories and moving quickly while the political moment was favourable (in reference to the current central government administration), in order to position themselves 'in between' the central government and the region's communities and resources (CRAAN 2007). Most importantly, their design involves reshaping the region's electoral districts; the municipal structure imposed by

the central government would be eliminated and replaced with an 'indigenous' structure of territories and territorial authorities.⁶

In theory, if community self-government were the foundation, with multi-community territorial institutions at the second tier and electoral districts based on these structures for the election of the regional autonomous councils, this new governance structure could provide the institutional basis for the self-determination of the indigenous and ethnic populations of the autonomous regions. But not all indigenous and ethnic groups, even many Miskitu, feel represented by Yatama or trust its leaders' motivations. In the two territories studied, the lack of accreditation of their elected authorities had concrete consequences, including the communities' inability to access funds designated for the territory. Both territories were subsumed into larger territories according to Yatama's design. And though the law mandates that 'territorial authorities' be elected in territorial assemblies, elections that had taken place in several of the region's territories were evidently manipulated. For example, in one case the people certified were not the ones elected. In other cases, the head of the territory, now called the territorial coordinator, was unknown to community leaders, who clearly did not participate in his election.

The choices that both Tasba Raya and Layasiksa had made – both in terms of territory and territorial authorities – enjoyed a large degree of internal legitimacy. Though there had previously been evidence of corruption among past leaders, both had worked with NGOs to help them improve accountability, and the *síndicos* at the time of our study had been re-elected and had no accusations against them. These local leaders, in representation of their communities, used a variety of tactics to try to win the external legitimacy – specifically the regional government's recognition – of these choices. Layasiksa, for example, expanded beyond its 2-community conception of 'community' and began negotiating with bordering communities, which were seen as 'daughters' of the original community, to become a larger 'territory' (one community agreed to be included and one did not), though still much smaller than the one proposed by leaders; they also obtained foreign aid funding from DFID to demarcate their own territory. Both Tasba Raya and Layasiksa lobbied the government and sought support from local NGOs and organizations.

Political leaders, for their part, used political pressure and advocacy to try to win the legitimacy – or at least acceptance – of their position among communities. In June 2010, the elected territorial authority of Tasba Raya received a title in representation of the much larger territory of Wangki Twi – Tasba Raya; he was able to negotiate a title that recognized two 'sub-territories' and, hence the inclusion of the name 'Tasba Raya' on the title. Layasiksa's project has failed to win any acceptance whatsoever.

⁶ This would involve legal reforms that would have to be approved by the legislature. Since territories cross municipal borders currently, it is unclear how the two institutional structures will relate with each other as long as both exist. Under the territorial structures, however, non-indigenous residents have no guaranteed form of representation.

Guarayos TCO, Bolivia

The recognition of indigenous land claims in Bolivia has resulted from a slow process of policy reform driven by mass marches and other forms of protest to pressure government decision makers. One result was the creation of a new type of indigenous property, known as a TCO or *Tierra Comunitaria de Origen* (literally, original community land), ratified in the 1996 agrarian reform law. The experience presented here is based on the study of the Guarayos TCO, located in a rapidly changing forest frontier province in the north of Bolivia's Santa Cruz department (for more information on this case, see Cronkleton et al. 2009, Larson et al. 2010c).

The Guarayos province in northern Santa Cruz was originally a Franciscan mission that had been established in the 19th century. The mission was secularized in as a result of the 1952 revolution, but the subsequent agrarian reform had little impact. Regional elite took possession of some lands and indigenous people established *de facto* control over areas around their villages. The 1953 agrarian reform did not recognize specific property rights but instead required indigenous people to adopt rural union organizations used by campesinos called *sindicatos*. The *sindicatos* became known as agrarian zones (*zonas agrarias*) with presidents chosen by traditional village leaders to assign plots to local families. In larger villages and towns with multiple agrarian zones, these were combined under a single umbrella organization known as a *central*. By the early 1990s, indigenous land use was organized around 12 village level agrarian zones and 6 towns with *centrales*.

The Guarayos land claim emerged in part due to tensions arising from competition for land in the province, after an interdepartmental highway opened the region to outsiders, including timber industries, ranchers, large-scale commercial farmers and smallholder colonists. Many of these actors were moving to the region for its forests and fertile soils. Hence in 1992, the Guarayos people created the Central Organization of Native Guarayos Peoples (COPNAG) to pressure for their land claims. Its leaders were elected by the six organizations (known as *centrales*) representing the Guarayos population in towns and small communities scattered across the province.

The *centrales* are not a traditional indigenous structure but rather emerged from the rural union movement originating with Bolivia's 1952 revolution. In the 1970s in Guarayos, communities began to adopt practices similar to those of the highland rural unions to occupy and allocate land, referred to as agrarian zones. Groups of agrarian zones come together to form the *centrales*. In both large and small settlements, communal assemblies headed by an elected president hold decision-making power over natural resources, allocated land to agrarian zones and mediate disputes. These village-level organizations provide the basis for the system of indigenous political power.

In 1996 COPNAG presented a TCO demand for almost 2.2 million ha, which was reduced to 1.3 million ha after the government's spatial needs study (VAIPO 1999). Through a rule referred to as 'immobilization,' new third-party claims in the area were prohibited until titling is completed. Nevertheless, in one important move that undercut

grassroots confidence in the process, the Forest Superintendence renewed logging concessions to more than 500,000 ha, much of which was inside the area claimed, over COPNAG's protest that these constituted 'new claims'.

Demarcation involves the evaluation and 'regularization' of third-party claims before issuing collective titles. Legitimate claims include those with long histories in the region or those already with title. In this process, COPNAG was given power and administrative responsibilities over the territory. Though it had been created to pressure the government to recognize the Guarayos' land claim, it was made responsible for representing Guarayo interests to the government, allocating resources by supporting forest management petitions of indigenous residents and certifying the authenticity of preexisting land claims by nonindigenous people. It would also hold the land titles in the name of the Guarayos people. Recognizing that this entity was granted a very new domain of powers as the process progressed, it is also important to note that the characteristics of this vast, discontinuous territory with limited infrastructure and great distances between communities and their representatives make it very difficult and costly to maintain communication, transparency and accountability. Also, the power granted indigenous leaders over the territory is ambiguous because the Guarayos TCO is superimposed over three municipalities that have official mandates and budgets, while COPNAG does not.

Demarcation moved quickly at first, because the titling agency chose to start in remote areas. Hence by the end of 2003, about 1 million ha had been titled. But by late 2006 only an additional 18,000 ha had been titled and little progress had been made near the highway and main town, where most of the population is concentrated. This is also the area subject to heavy pressure from colonists, loggers and others strategically placed to take advantage of the situation to occupy land.

Among other things, long delays and the strategy to avoid conflictive areas in the early stages allowed illicit land transactions to take place in the accessible lands that were highly prized by both indigenous people and outsiders. Competing claims often involved economically and politically powerful individuals, and COPNAG leaders were implicated in providing forged certification documents for landowners (López 2004, Moreno 2006); charges surfaced that in 2001 there had been 44 fraudulent transactions involving private landowners, COPNAG leaders and INRA technicians (López 2004).

The accusations of fraud and the influence of competing interests generated turmoil in COPNAG and the Guarayos political movement. In 2007 the former leaders were expelled, new elections were held, and a woman was elected president. But the organization split in two. The expelled leaders formed a parallel group that they called the 'authentic' COPNAG. Their source of legitimacy came from the Santa Cruz departmental government and the *Comité Cívico* of Santa Cruz, which also represents the interests of the industrial timber sector; these two groups recognized them as the official representative of the Guarayos TCO. The original organization is divided much along the contours of the national political conflict between the central government (in favour of the indigenous president, Evo Morales) and regional departmental

governments (against Morales and demanding regional autonomy).

Kalahan Education Foundation, Philippines

The first indigenous community in the Philippines to receive recognition of its forest rights was the community of the Ikalahan people, who obtained a 25-year agreement for the right to use, manage and exclude third parties from the Kalahan Forest Reserve in 1974. Prior to the agreement, the state held all formal rights to the land and forest, but the Ikalahan people used and managed the area according to their customary practices. It took 32 more years for the community to receive a permanent certificate of ancestral domain, in 2006. The Kalahan Education Foundation (KEF, originally set up to establish a high school, hence the name) is the formal representative of the Ikalahan, or Kalanguya people, and the designated institution with decision-making power over land and forest management (for more information on this case, see Dizon et al. 2008, Dahal and Adhikari 2008, Larson et al. 2010c).

The struggle of the Ikalahan people for the formal recognition of their rights began in the late 1960s in response to outside encroachment from land grabbers. In 1968, a few prominent politicians obtained title to about 200 ha of tribal lands, and in 1970, the government was planning to occupy more than 6000 ha to build a vacation resort called Marcos City. In 1972, the Ikalahan won a court ruling voiding the claims of these external actors but obtained no legal document securing their own rights. Hence, like the Guarayos people in Bolivia, they decided to form an organization to fight for formal recognition of their land claim. With the assistance of an American missionary who has lived in the community since 1965, Pastor Delbert Rice, they formed the KEF.

The KEF obtained the 25-year agreement, Memorandum of Agreement (MOA) No. 1, after two years of negotiations with the Bureau of Forest Department. The Ikalahan were the first indigenous peoples to obtain rights to their ancestral lands in this way. Four villages were included initially; in 1982, two more were added and, later, a third. By the time the MOA had expired in 1999, the Indigenous People's Rights Act had been passed, two years earlier. Hence rather than renewing the MOA, the KEF was issued a 5-year Certificate of Ancestral Domain Claim (CADC), and finally a Certificate of Ancestral Domain Title (CADT) in 2006. The title recognizes rights to 14,730 ha, though village elders had originally hoped to unify three provinces, for 58,000 ha, under one title; this was not possible due to border conflicts (Dizon et al. 2008).

The KEF now has about 500 member households in seven communities (*barangays*, which are the smallest units of political administration). More than 90% of the people living in the reserve are Ikalahan, and all Ikalahans are automatically KEF members. In each village, the adults in each *barangay* constitute the Barangay Assembly and are all voting members. Each *barangay* has elected local government officials (the *barangay* council), tribal elders (almost always men) and informal tribal leaders. According to Rice (2001), elders hold office by ascription and are people recognized as effective at providing leadership and resolving disputes, but they do not represent the community or make decisions for the community. The most important institution is the Tongtongan.

The Tongtongan functions like a tribal court, presided over by local elders, whereby the community comes together to discuss a conflict or problem; the elders make the final judgment, which is aimed at reconciliation (Rice 1994). The Tongtongan, as an informal or customary institution, is even more important for decision making than the KEF.

The KEF was formed by a group of elders, and its first board of trustees was made up of one representative from each of the participating *barangays*, plus three others (an additional representative from the most populous community, a youth representative and a non-voting representative of the *barangay* local government offices). Today, there are 15 voting members. The *barangays* each choose their representatives for two-year terms in general assembly meetings, which are held twice a year. The KEF is charged with establishing and enforcing the rules and regulations for the reserve. Today, these include regulations regarding swidden farming, tree cutting, chainsaw registration, fishing, quarrying, hunting and land claims. They include permanent or temporary bans on the use of certain timber or non-timber species, as well as penalties for violations. The KEF approves the allocation of all household parcels by issuing certificates of stewardship contracts signed by the farmer and the board of trustees. The board must also approve land transfers among tribal members. Land clearance and tree cutting require permits from the KEF's agroforestry office. Being a forest reserve, sales of timber are prohibited.

The relationship between the KEF and *barangay* governments is based on trust and mutual cooperation, including shared revenue from timber permits Dahal and Adhikari (2008). Community members also largely respect the rules, which were presented and discussed in each *barangay* before final approval by the board of trustees. The regular general assembly meetings are open to all, and when important issues need to be discussed, attendance and participation are high (Dizon et al. 2008). The Tongtongan continues to be an important institution for problem solving and collective decision making and works hand in hand with the KEF governance system. Honesty, equity and fairness are explicitly promoted. Notably, in one case, the chair of the board was implicated in illegal harvesting and transport of timber from the forest, and he was penalized (Dahal and Adhikari 2008). A third-party financial audit is conducted every year. Pastor Rice, who played an important role in building social capital and encouraging fair internal management, serves as executive director of the KEF and helps mediate relationships between the community and external actors, such as the government, donor agencies and NGOs. All of these factors have granted the KEF substantial internal and external legitimacy.

LESSONS ON AUTHORITY IN THE RECOGNITION OF INDIGENOUS RIGHTS

The cases present different ways in which authority relations have played out in three different contexts of rights recognition in indigenous or ancestral lands. Though many of the issues vary, there are a number of common threads. Most importantly for this article, all the cases involve the forging of a new 'authority' at a scale associated with the multi-community territory being recognized and titled. This section briefly summarizes the

central issues associated with authority relations in each case then examines two issues more closely: the roots of conflict and the roots of legitimacy.

The Nicaraguan case demonstrates how property borders became the negotiating ground in a larger battle between indigenous leaders and the state for legitimate power over the region. That is, indigenous leaders used territorial strategies to try to consolidate their power vis a vis the central government – creating large territories, and thus claims to all the land and resources within them, and reorganizing the administrative structure of local government in order to prioritize institutions supporting regional autonomy over the centrally-imposed municipality structure. Nevertheless, this process sidelined the needs and desires of the communities whose rights were being recognized.

No less important is the struggle for economic power and control over natural resources. Though it is true that central government administrations have tried to control the region's resources and that this plan positions 'the region' better for the future, the process has placed indigenous leaders at odds with indigenous communities, at least in some cases. That is, the configuration of territories became a way to strengthen indigenous political power *and* to control communities and community resources. The territories and authorities that communities chose have been marginalized; communities have been pressured into accepting a particular shape and size of territory, which determines who is eligible to elect the territorial authority; and the coordinators of the imposed territories have sometimes been designated by party leaders rather than elected. Leaders and communities thus sought *different entities* as the legitimate territorial representative, based in part on the configuration of the territory itself. This case demonstrates that the battles over legitimate territory and legitimate representative are inextricably linked.

The Guarayos case also demonstrates the importance of broader geopolitical conflicts in the trajectory of rights recognition on the ground. As in Nicaragua, the nature of the conflict shifted once a president supportive of indigenous rights, Evo Morales, was elected. Nevertheless, the level of conflict today is far worse in Guarayos: in spite of having central government support, the Guarayos territory is still located in lowland municipalities that are dominated by powerful politicians and economic actors that do not sympathize with indigenous people's demands for rights. These elites – and the nature of the titling process, which left the most difficult areas until last and thus may have promoted land grabs – exerted substantial pressure on elected indigenous leaders. The result was a process of legitimate representation, which began with benefiting communities electing their representative in the process of advocating for their territorial claim, but then faltered when a new domain of unfamiliar powers, political and economic pressures and lack of oversight and accountability resulted in corruption and a split in the leadership.

As in Guarayos, the organization created to represent the Ikalahan collective in the Philippines case was the same one that was originally set up to fight for land rights. But the Philippines ancestral domain case presents a success story. The KEF had a

number of advantages over COPNAG: the territory is much smaller and more homogeneous, thus communication for accountability is much simpler; powerful outsiders seeking to invade Ikalahan lands were defeated in court over 30 years ago; and the area is a forest reserve, hence there is probably less incentive for elite land grabs today. The current situation is much more conflictive in the Guarayos territory. Also key to the KEF's success, however, has been finding the appropriate balance between the new entity with powers over land and natural resources and the traditional institution for solving community problems, and significant efforts to guarantee transparency and accountability. It is notable that a trusted, embedded external broker has facilitated these processes.

Roots of conflict

The cases all demonstrate rights demands that have emerged from conflict. This conflict often involves indirect or broader-scale struggles relating to the denial of indigenous rights historically; but direct conflicts, principally incursions into territories claimed by indigenous communities, are precipitating factors. The definition of territorial boundaries also often results in disputes and negotiation, as competing claims from neighboring communities or from people living inside indigenous territories must be resolved.⁷

It is no surprise, then, that the recognition of rights – and indigenous rights in particular – does not signify an end to conflict but rather the beginning of a new phase of struggle. Struggles over territory and authority are intimately linked. Territory leaders, or authorities, become key loci around which issues of political and economic power converge.

For indigenous people, particularly those organized in vast regions as in much of Latin America, communities and territories are embedded in broader struggles over political rights and autonomy with an important geopolitical component. Political demands include the right to self-determination and development, including economic rights to land and natural resources. Hence regional indigenous political leaders in Nicaragua define their interests in relation to a central state administration that is currently friendly but historically has been far more often hostile. Their interest in the configuration of territories and territorial authorities, then, is grounded in this historical geopolitical conflict and is aimed at strengthening 'the region'.

In Bolivia the issues are similar but the tables are turned. The regional authorities are also at odds with the central state administration for control of the region in their demand for autonomy, but this time it is the regional authorities that are also hostile to indigenous rights. They manage to divide the indigenous movement to try to undermine COPNAG's potential for political and economic control of the region, so they can keep it for themselves. Their interest in the territorial authority, then, is both to strengthen 'the region' vis a vis central government but also to control resources and weaken community rights.

⁷ Note that this process is done prior to titling in Guarayos but after titling in Nicaragua.

That is, in both cases there is a component of control that is looking outward, interested in blocking the meddling interests of the central government, and another that is looking inward, toward the communities and indigenous peoples of the region. This is the point where the broader political and economic interests start blending into personal interests. This clearly occurred in the Bolivia case; it is not clear, in the Nicaraguan case, to what extent indigenous leaders aim to strengthen community rights, as they also, at least at times, have sought to control territorial authorities.

In all three cases, territorial authorities have power over people and resources inside the territory and also serve as the legal representatives of community interests externally. Hence, communities depend on them for access to land and resources and for political representation in their interest. For external actors seeking control over people and resources on the ground, controlling the territorial authority is key.

Roots of legitimacy

In all three cases, communities chose their representatives through processes that were both backed by law (the Communal Lands Law in Nicaragua, laws of incorporation in Bolivia and the Philippines) and embedded, at least to some extent, in indigenous or local traditions. The combination appears to be important for both *local* legitimacy and accountability. But this alone is not enough to guarantee their success, particularly in light of outside pressures.

Bolivia's incorporation laws allow indigenous organizations to develop their own by-laws, and the election of COPNAG was done through the existing rural organizational structure of *centrales*. When problems arose, the corporate legal structure was used to oust the unaccountable directors and elect new ones. In the Philippines, each *barangay* elects both its local government officials and its representative to the KEF board; many board members are village elders. Though some problems are resolved through the corporate structure, important problems and conflicts are debated before the traditional tribal court, the *Tongtongan*. The court is made up of elders and who make the final judgment, which is aimed at reconciliation (Rice 1994).

Nicaragua's indigenous communities elect their traditional communal authorities who then come together, as defined in the Communal Lands Law, to elect the new the territorial authority. The problems with this process were associated with powerful outside actors trying to control, reorganize or manipulate it – for this they appeared to have little recourse.

All of the cases demonstrate the importance of the legitimacy of the territorial leader being proposed, but the specific circumstances are different in each. In the Philippines case, both external and community-level actors accept the same entity as the legitimate representative of the territory. In Nicaragua, this was a specific point of contention, as regional political leaders and communities proposed different entities. And in Bolivia, the ousting of the existing directorate of COPNAG resulted in a split such that one original

entity became two – one legitimate to regional politicians, the other legitimate to the communities that had organized the new election.

When there was contention, each side sought to win the legitimacy of its choice. But communities are clearly the weaker contestants. Their efforts to use advocacy and support networks to push forward their choices were largely ignored. It is not clear, after all, to what extent those in power need legitimacy or just the appearance of legitimacy to get their way (see Deephouse and Suchman 2008). But there were clearly efforts at negotiation to win voluntary compliance in the Nicaraguan case, once it became clear that pressure alone would not work.

Finally, much can be learned from the Philippines case specifically. It is notable that the only case here in which an authority emerged that was legitimate both to the state and to the community involved a highly respected, embedded external broker. Pastor Rice has served as an effective intermediary between the community and the government (Dahal and Akhikari 2008). This is also the oldest case: the court case that reversed the Marcos government's plan for a resort took place in 1972. The KEF has evolved over time, with changes in the size and configuration of the board of directors. It is neither entirely new nor entirely traditional but rather appears to have found an acceptable balance between the two types of institutions. Rice has played a key role in maintaining legitimacy over time by assuring transparent rules of the game and the implementation of effective accountability mechanisms.

CONCLUSION

The three cases together provide an instructive panorama of the issues surrounding authority that emerge in the recognition of indigenous land rights. They demonstrate the complex and often conflictive political processes unleashed by such policies and show that the recognition of forest tenure rights is far from straightforward and predictable. Six lessons emerge:

First, the entities chosen to represent communities or territories matter. As authorities, legitimated by the state through the recognition process, by communities through election, etc., they have concrete effects on outcomes for indigenous people. In the RAAN, leaders at the territory level approve logging permits and have access to tax income designated for the territory. In Guarayos, COPNAG was granted the power to support logging petitions and to certify the validity of land claims. In the Philippines, the KEF grants land and forest access permits and establishes management norms defining resource access.

Second, apparently simple solutions, such as recognizing the existing 'authority', may not be an option. In all three cases, there was no existing governance institution at the scale required. Scaling up from existing community organizations in Nicaragua, *barangays* in the Philippines or *centrales* in Bolivia is a viable alternative, but these processes may be highly conflictive depending on the interests at state and the degree

of attention to issues such as accountability.

Third, even when communities elect their representative and defend the local legitimacy of this authority, a state entity – or other key actor – may have a conflicting interest. This is what happened in the RAAN. Hence representation at the territory level, tied to the configuration of territories, became the battleground with indigenous (Miskitu) leaders, who in turn sought to reshape the design of representation at the regional level to their political advantage vis a vis the central government.

Fourth, the election of entities at the territory level may lead to overlapping, ambiguous and conflicting domains with existing state government structures such as municipalities. In Guarayos, for example, the indigenous territory crosses municipal borders, and their specific relationship and distinct domains of powers have not been defined. In Nicaragua, if indigenous leaders are unable to get legislation passed to replace the existing municipal structures with territorial boundaries, the problem of jurisdiction will also have to be resolved.

Fifth, elected, representative authorities may start out with a certain amount of legitimacy but they can also break down without effective accountability and control mechanisms. Effective representation and accountability can be very difficult at a territory scale, particularly if it is large and sparsely populated and/or without previous governance experience at this scale. The COPNAG leadership fell into corrupt practices under heavy pressure from powerful economic interests and individuals; previous communal and territorial leaders in both Tasba Raya and Layasiksa had also been accused of corruption.

Sixth, effective representation is possible. The KEF is an effective organization with high levels of both internal and external legitimacy. The role of Pastor Rice suggests the significance of a mediator and community advocate who has moral authority both internally and externally.

This article has demonstrated that the issue of authority should not be ignored or treated lightly in the process of recognizing indigenous rights to forest or land. The recognition of rights is often contentious and is likely to result from grassroots struggle – and there is no reason to believe the struggle ends once rights are granted (see Larson et al. 2010b). One key arena of contention is the choice of entity to represent the collective, an issue intimately tied to the control of land, resources and political power. Hence it is no surprise that the choice of territorial ‘authority’ is subject to conflict and negotiation.

The three cases show that simply choosing the correct, downwardly accountable institution to represent those receiving rights may not be an option; in fact, in none of the cases did such an entity exist at the scale required. More to the point, legitimate power cannot not chosen: it has to be constructed.

References

Agrawal, A., A. Chhatre and R.D. Hardin 2008 Changing governance of the world's forests. *Science* 320 (5882): 1460-62.

Anaya, S.J., and C. Grossman 2002 The case of *Awas Tingni v. Nicaragua*: a new step in the international law of indigenous peoples. *Arizona Journal of International and Comparative Law* 19 (1): 1-15.

Bae, M.H.M. 2005 *Global Patterns of Alienation and Devolution of Indigenous and Tribal Peoples' Land*. Washington, DC: World Bank.

Barry, D., A. Larson and C. Colfer 2010 Forest Tenure Reform: An Orphan with Many Uncles, in A.M. Larson, D. Barry, G.R. Dahal and C.J.P. Colfer, eds., *Forests for People: Community Rights and Forest Tenure Reform*. London: Earthscan.

CRAAN 2007 Ayuda memoria: Asamblea territorial de Tasba Raya, Waspam, Llanos y Río Abajo y el Territorio MISRAT, Municipio de Waspam Río Coco, Consejo de la Región Autónoma Atlántico Norte, Bilwi, Nicaragua. May 19.

Cronkleton, P., P. Pacheco, R. Ibarguen, and M. Albornoz 2009 *Reformas en la tenencia de la tierra y los bosques: La gestión comunal en las tierras bajas de Bolivia*. La Paz, Bolivia: CIFOR and CEDLA.

Dahal, G.R., and K.P. Adhikari 2008 Bridging, linking and bonding social capital in collective action. Working Paper 79. Washington, DC: CAPRI.

Davis, S.H. and A. Wali 1994 Indigenous land tenure and tropical forest management in Latin America. *Ambio*, vol 23, no 8, pp485-490.

Deephouse, D.L., and M.C. Suchman 2008 Legitimacy in Organizational Institutionalism, in R. Greenwood, C. Oliver, K. Sahlin, & R. Suddaby (Eds.), *The SAGE Handbook of Organizational Institutionalism*: 49-77. Thousand Oaks CA: Sage.

Dizon, J.T., J.M. Pulhin, and R.V.O. Cruz 2008 *Improving equity and livelihoods in community forestry: the case of the Kalahan Educational Foundation in Imugan, Sta. Fe, Nueva Vizcaya, Philippines*. Project report. Bogor, Indonesia: CIFOR and RRI.

Fay, D. 2008, "Traditional authorities" and authority over land in South Africa. Paper presented at Conference of the International Association for the Study of the Commons (IASC). July 14-18, Cheltenham, England.

Fitzpatrick, D. 2005 "Best practice" options for the legal recognition of customary tenure. *Development and Change* 36 (3): 449-75.

INEC 2005 Resumen Censal. VII Censo de Población y IV de Vivienda. www.inec.gob.ni/censos2005/ResumenCensal/Resumen2.pdf (accessed April 10, 2008).

Jackman, R.W. 1993 *Power without force: the political capacity of nation-states*. Michigan: University of Michigan Press.

Larson, A.M. 2010 Making the 'rules of the game': Constituting territory and authority in Nicaragua's indigenous communities. *Land Use Policy* 27: 1143-52.

Larson, A.M. and J. Mendoza-Lewis 2009 Desafios en la tenencia comunitaria de bosques en la RAAN de Nicaragua. Managua: CIFOR and URACCAN.

Larson, A.M., D. Barry, G. R. Dahal, and C. J. P. Colfer (eds.) 2010a *Forests for People: Community Rights and Forest Tenure Reform*. London: Earthscan.

Larson, A.M., D. Barry and G.R. Dahal 2010b. New rights for forest based communities: understanding processes of forest tenure reform. *International Forestry Review* 12 (1): 78-96.

Larson, A.M., E. Marfo, P. Cronkleton, and J. Pulhin 2010c. Authority Relations under New Forest Tenure Arrangements. In *Forests for People: Community Rights and Forest Tenure Reform*, edited by A.M. Larson, D. Barry, G.R. Dahal, and C.J.P. Colfer. London: Earthscan, 93-115.

Lund, C. 2006 Twilight Institutions: Public authority and local politics in Africa. *Development and Change* 37(4): 687-705.

López, G. R. 2004 Negociaron tierras fiscales en la TCO de Guarayos. *El Deber*, Nov. 7, Santa Cruz de la Sierra, Bolivia.

Mamdani, M. 1996 *Citizen and Subject: Contemporary Africa and the Legacy of Late Colonialism*, Princeton University Press, Princeton, New Jersey, USA, and David Phillip, Cape Town

Marfo, E. 2006 *Powerful relations: the role of actor-empowerment in the management of natural resource conflicts. A case of forest conflicts in Ghana*. PhD thesis (published), Wageningen University, Netherlands.

Marfo, E. 2009 *Security of tenure reforms and community benefits under collaborative forest management arrangements in Ghana: a country report*. Accra, Ghana: CIFOR and RRI.

Moreno, R. D. 2006 COPNAG denuncia la venta en \$us 1,2 millones de TCO en Guarayos. *El Deber*, Nov. 27, Santa Cruz de la Sierra, Bolivia.

Ntsebeza, L. 2005 Democratic decentralization and traditional authority: dilemmas of land administration in rural Africa. In *Democratic Decentralization through a Natural Resource Lens*, edited by J. C. Ribot, and A. M. Larson. London: Routledge, 71-89.

Opoku, K. 2006 *Forest governance in Ghana: an NGO perspective: a report produced for FERN*. Ghana: Forest Watch.

Plant, R. and S. Hvalkof 2001 Land titling and indigenous peoples, Sustainable Development Department Technical Papers Series. Washington, DC: Inter-American Development Bank.

Procuraduria General de la Republica 2010 Sistematización de Aprobación y entrega de títulos de propiedad comunal y territorial, Régimen de propiedad communal, Managua. Mimeo.

Pulhin, J. M., J. T. Dizon, R. V. O. Cruz, D. T. Gevaña, and G. R. Dahal 2008. *Tenure reform on Philippine forest lands: assessment of socio-economic and environmental impacts*. Los Banos: College of Forestry and Natural Resources, University of Philippines.

Ribot, J. C., A. Chhatre, and T. Lankina 2008. Introduction: institutional choice and recognition in the formation and consolidation of local democracy. *Conservation and Society* 6 (1): 1-11.

Rice, D. 1994. Clearing our own Ikalahan path. In *Marketing of Multipurpose Tree Products in Asia*, edited by J. B. Raintree, and H. A. Francisco. Conference Proceedings of Multipurpose Tree Species Research Network in Asia. www.fao.org/docrep/x0271e/x0271e03.htm (accessed January 10, 2009).

Rice, D. 2001. *Forest management by a forest community: the experience of the Ikalahan*. Philippines: Kalahan Educational Foundation.

Sikor, T., and C. Lund 2009. Access and property: a question of power and authority. *Development and Change* 40 (1): 1-22.

Stocks, A. 2005. Too much for too few: problems of indigenous land rights in Latin America. *Annual Review of Anthropology* 34: 85-104.

Suchman, M.C. 1995. Managing legitimacy: Strategic and institutional approaches. *Academy of Management Review* 20: 571–610.

Sunderlin, W., J. Hatcher, and M. Liddle 2008. *From Exclusion to Ownership? Challenges and Opportunities in Advancing Forest Tenure Reform*. Washington, DC: Rights and Resource Initiative.

Taylor, C. 1994 *Multiculturalism: Examining the Politics of Recognition*, Princeton, New Jersey: Princeton University Press.

Tyler, T.R. 2006 Psychological perspectives on legitimacy and legitimation. *Annual Review of Psychology* 57: 375-400.

VAIPO 1999 *Identificación de Necesidades Espaciales TCO Guaraya*. La Paz, Bolivia: VAIPO.

Van Dam, C. 2010 Indigenous territories and REDD in Latin America: Opportunity or threat. Draft.

Vandergeest, P. and N. Peluso 1995 Territorialization and state power in Thailand, *Theory and Society*, vol 24, pp385–426.

Walker, H. A., and M. Zelditch, Jr. 1993. Power, legitimacy, and the stability of authority: A theoretical research program. In J. Berger, & M. Zelditch, Jr. (Eds.), *Theoretical Research Programs: Studies in the Growth of Theory*. 364–381. Stanford, CA: Stanford University Press.

Weber, M. 1968 *Economy and Society: Outline of an Interpretive Sociology*. Berkeley: University of California Press.

Webster, M. 1967 Webster's Seventh New Collegiate Dictionary. Springfield, Massachusetts: G&C Merriam Company.

Wiggins, A. 2002 El caso de Awas Tingni: O el futuro de los derechos territoriales de los pueblos indígenas del Caribe nicaraguense, reprinted in A. Rivas and R. Broegaard (eds) (2006) *Demarcación territorial de la propiedad communal en la Costa Caribe de Nicaragua*, Managua: MultiGrafic.

White, A., and A. Martin 2002 *Who Owns the World's Forests?* Washington, DC: Forest Trends.