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**COmmunity-based Management of
EnviromenTal challenges in Latin America**

Policy Appraisal

Local actors and sustainable governance models

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Introduction

COMET-LA (COmmunity-based Management of EnvironmenTal challenges in Latin America) is a research and cooperation project which seeks local solutions to prevent and resolve tensions arising from the use and exploitation of natural resources. The main aim is to identify **models** for **community governance** and sustainable management of useful natural resources for different **Socio-Ecological Systems (SES)**, amid the current context of climate change and increasingly competitive use of those resources.

Governance in the sustainable management of natural resources is a concept based on **human rights** and **equity**. Sometimes nature's benefits are not distributed equitably, with natural resources managed in a relatively inefficient manner. To correct such situations, governance models include regulations, institutions and processes that determine means of exercising power and responsibilities, decision-making and citizen participation in natural resource management. The governance models therefore propose a coordinated relationship between stakeholders, institutions, regulations or laws.

According to the IUCN (International Union for Conservation of Nature), governance can be exercised by the government,¹ on a shared basis, on a private basis and by indigenous peoples and local communities. In any case provision must be made to ensure that decisions involving the environment enhance the benefits of **biodiversity** and the **ecosystem** services for all people, with special emphasis on those who are vulnerable and/or live in poverty situations, bearing in mind the aspect of **gender** and the needs of **local** and **ethnic communities**.

This document presents a comparative synthesis of **three case studies** identified, characterised and analysed by the team of COMET-LA researchers, which significantly used methodological tools and participative techniques that include the stakeholders' view regarding SES.

Each of these cases is centred on governance of a certain kind of resource: forest management and ground use in the Santiago de Comaltepec Community in the State of Oaxaca (**Mexico**); management of biodiversity and water resources in the Community Councils of the Black Communities of Buenaventura (**Colombia**); and coastal and marine management in the Bahía Blanca Estuary (**Argentina**).

To that end, the document is divided into the following sections:

- Analysis of legal framework
- Analysis of governance system at local level
- Case studies
- Key demands of local actors
- Main conclusions and recommendations

¹ In this case, many studies agree on calling it "governability".

Legal framework

The legal framework is the set of rules established to authorise, allow, restrict or prohibit individuals' actions in a society. It is composed of various bodies of regulatory texts such as international treaties, constitutions, national and regional laws, decrees and codes, which play a very important role in the governance system for natural resources in the three case studies. It acts as a structure that enables interactions between actors and guarantees rights associated to land ownership, local peoples and environmental protection.

Table 1 presents the main regulatory instruments, plans and programmes covering the environmental policies practiced in those territories. Based on the degree of co-management of natural resources and participation of stakeholders as a decisive element of good governance, according to the types established by IUCN, we have marked in green those laws and/or regulations that enable governance, in orange those that allow it without lending it importance or developing it further, and in red those that do not promote governance.

| Table 1. Legal framework for natural resource management | | | | | |
|--|---|--|--|---|--|
| Case Study | Argentina | Colombia | Mexico | | |
| International documents ratified by the three countries | Convention 169 of the ILO (International Labour Organization) on Indigenous and Tribal Peoples in independent countries (1989) Rio Declaration (1992) United Nations Framework Agreement on Climate Change (1992) and its Kyoto Protocol (1997) Millennium Declaration and its Millennium Goals (2000) | | | | |
| Legal system | Land ownership rights | National Constitution of 1853 art. 75.5, 124 | National Constitution of 1991 art. 58, 64, 332 | Federal Constitution of 1917 art. 27 | |
| | | Constitution of the Province of Buenos Aires of 1994 art. 28 | National Law 21 of 1991 which approves Convention 169 on rights of indigenous people art. 14.1, 15.1 | General Federal Law on sustainable forest management of 2003 art. 5 | |
| | | | National Law 70 of 1993 protection of cultural identity and rights of the black communities of Colombia art. 4, 5 | Federal Agrarian Law of 1992 art. 2, 9 Law on sustainable forest development of the State of Oaxaca of 2013 art. 6 | |
| | Protection of the environment and natural resources | National Constitution of 1853 art. 41 | National Constitution of 1991 art. 8, 79, 95 | Federal Constitution art. 4 paragraph 5 | |
| | | Constitution of the Province of Buenos Aires of 1994 art. 28 | National Law 2 of 1959 Forest reserve, ground protection and water | Federal Law on Ecological Balance and protection of the environment of 1998 art. 157, 158 | |
| | | Provincial Law 11.477 of 1993 on fisheries art. 1, 2, 3, 4, 9, 10, 17 (domain in waters and Fishery Councils) | Decree 1.449 of 1977 Conservation and protection of waters, forests and terrestrial and aquatic fauna | General Federal Law on Sustainable Forest Development of 2003 | |
| | | General National Law 25.675 of 2002 on the Environment art. 2, 10 | National Law 29 of 1986 regulates protected forest reserve areas | Federal Agrarian Law of 1992 | |
| | | National Law 24.922 of 1998 Fishery system | National Law 13 of 1990 General Fishery Statute | Ecological Balance Law of the State of Oaxaca of 1998 | |
| | | National Law 23.968 of 1991 maritime spaces | National Law 99 of 1993 creates the Ministry of the Environment and SINA | Law of Sustainable Forest Development of the State of Oaxaca of 2013 | |

| | | | | |
|--------------|--|---|--|--|
| | | National Law 25.688 of 2002 System for environmental water management | National Development Plan 2010-2014 Environmental sustainability and risk prevention | Climate Change Law of the State of Oaxaca of 2013 art. 2.1 |
| | | Environmental Law of the Province of Buenos Aires no. 11.723 of 1993 art. 1, 2, 3 | Code for Renewable Natural Resources and Environmental Protection of 1974. Art. 1, 307 | |
| | | Water Code for the Province of Buenos Aires art. 55, 79, 81, 97, 126, 127 | | Municipal Development Plan Santiago Comaltepec 2030 |
| Legal system | Participation of population in natural resource management | National Law 25.675 of 2002 art. 19, 20, 21 | National Constitution 1991 art. 2, 40, 79, 80 | Federal Law on Ecological Balance and Environmental Protection of 1998 art. 157, 158 |
| | | National Law 8.912 of 1977 territorial planning art. 2 | National Law 21 of 1991 art. 15.1 | General Federal Law on sustainable Forest Development of 2003, title VII |
| | | Environmental Law of the Province of Buenos Aires no. 11.723 art. 1, 2, 3 | National Law 70 of 1993 art. 4, 5 | Law on Ecological Balance of the State of Oaxaca of 1998 art. 11 |
| | | | | Law on Rights of indigenous peoples and communities of the State of Oaxaca of 1998 art. 51, 53, 55 |
| | | | | Climate Change Law of the State of Oaxaca of 2013 art. art 2.11, 43.7 |
| | Rights of indigenous and tribal peoples | | National Constitution of 1991 art. 330 | Federal Constitution of 1917 art. 1, 2 |
| | | | National Law 21 of 1991 art. 2.1, 14.1, 15.1 | State Constitution of 1922 art. 16 |
| | | | National Law 70 of 1993 art. 1, 3, 4, 5 | Federal Law on Ecological Balance and environmental protection of 1998 art. 157, 158 |
| | | | National Law 160 of 1994 agrarian art. 1, 3 | Federal Agrarian Law of 1992 art. 9, 10 |
| | | | Decree 1745 of 1995 land ownership of black communities | Law on Rights of indigenous peoples and communities of the State of Oaxaca art. 28, 29, 51, 52, 53, 55 |
| | | | Decree 1320 of 1998 prior consultations of indigenous and black communities | Climate Change Law of the State of Oaxaca of 2013 art. 2.1 |

Governance system at local level

The natural resource management at local level and specifically in the communities of the three case studies is sustained by cooperation between government, non-government bodies and local actors. The relations established between them, their motives and the communication and participation mechanisms determine the kind of management practiced in the territories.

The main results and observations of COMET-LA have been analysed and summarised in *Matrix 2*, which sets out the organisation's structure for managing natural resources and the

major conflicts regarding the governance system identified by the local actors for each case

| Table 2. Natural resource governance systems | | | |
|---|---|---|---|
| Case Study | Argentina | Colombia | Mexico |
| Who wields power and responsibilities? | | | |
| Main governmental actors | <p>Local. Coast guard of Argentina. Governments of the Municipality of Bahía Blanca, Coronel de la Marina and Monte Hermoso.</p> <p>Provincial. Provincial Nature Reserve Bahía Blanca, Bahía Falsa and Bahía Verde, provincial institutions for Agrarian Affairs, Public Works, Hydraulics and Sustainable Development.</p> <p>National. Federal Fisheries Council, Undersecretary for Fisheries and Aquaculture and National Aquatic Sports Council.</p> | <p>Local. Community Councils of the Black Communities of Buenaventura (CCCs), Local Government of Buenaventura.</p> <p>Regional. Government of Valle del Cauca and Regional Autonomous Corporation of the Valle del Cauca.</p> <p>National. Ministries of the Environment, Mines and Energy, Social Welfare, Agriculture, Education.</p> | <p>Local. Citizens Assembly and Community Assembly, Municipal Council and Permanent Positions.</p> <p>Regional. Government of the State of Oaxaca, Delegation of the District of Oaxaca.</p> <p>National. Mexican Federal Government and its Departments.</p> |
| Main non-governmental actors | <p>Aqua Marina International, FRAAM (Foundation for Reception and Assistance of Marine Animals), Rotary Club, Lions Club of Pehuén Co, Network of Young Leaders in Conservation, Association of Bahía Blanca Artisanal Fishermen, Chamber of Fishing Fleets and Owners of the Bahía Blanca Estuary, Gral. D. Cerri Fishing Club, Fishing Associations of Pehuén Co and Monte Hermoso, Bahía Blanca y Coronel Rosales, Neighbours Associations of Gral. D. Cerri and Pehuén Co, Chambers of Commerce and Industry of Pehuén Co, Monte Hermoso and Bahía Blanca, Chemical Industry Association of Bahía Blanca.</p> | <p>FUNDAPAV (NGO which has accompanied the CCCs for the last 7 years), ECOBIOS, AGROESOP Foundation, Puerto Aguadulce Foundation, Simbiosis Foundation, FUNDELPA (Foundation for Economic Development of the Pacific Coast), San Cipriano Foundation, Port Society Foundation, JUBCA (United Youth Working to Strengthen Calima), Save the Children, Calima Verde Foundation, International Red Cross, ONCAPROTECA (Black Farmers Organisation for Protection of the Territory of Bajo Calima).</p> | <p>WWF (World Wide Fund for Nature), FSC (Forest Stewardship Council), Inter-American Foundation, UZACHI (Union of Zapotec-Chinantec Forestry Production Communities), ERA, Métrica Empresarial y de Negocios S.C.</p> |
| How are decisions made at local level? | | | |
| Power of local actors in natural resource management | <p>They have no power in decision-making or in dictating policy and usage standards for managing and handling natural resources. However, there are certain structures and associations of fisherman with social rules and forms of organisation enabling them to confront and intervene in government decisions.</p> | <p>The communities have custody of the territory and therefore the power to intervene via the CCCs in natural resource management.</p> | <p>Governed via the system of <i>uses and customs</i> of indigenous peoples.</p> <p>Their main institutions are the Assembly of Co-owners, which establishes the system of duties and <i>tequio</i> (unpaid public positions and labour), whereby the communities have a high power of intervention in the natural resource management in the territory</p> |

study.

| | | | |
|--|---|--|--|
| Operational rules for natural resource management | None exist. | The Community Councils established internal rules and mechanisms of management of natural resources, particularly water and biodiversity. These rules and mechanisms attempt to regulate the way in which everyone access to natural resources. This in order to regulate the negative impacts that these practices can generate on the conservation of natural resources. | The Community Assembly issues authorisations for the commercial use of natural resources. Permission from the Commission for Communal Goods and the Vigilance Council is required to use natural resources for own consumption. |
| Women in decision-making | Women play a dominant role in domestic and community labour, with little participation in fishermen's associations and good representation in tourism, business and trade associations. | In the Community Councils, gender roles remain traditional and assigning to women greater burdens on the private sphere. Collective land rights and better conditions of access of goods and services do not necessarily translate into changes in gender relations. Despite this, an increase in the participation of women in land use is perceived, without that being a general condition. | The first female co-owner was elected in 2010 and women's participation has increased in the assemblies, due to emigration of the men. The women's role in nature conservation is being tenuously acknowledged, though their actions are not fully visible and recognised. |

Table 2. Natural resource governance systems (continuation)

| Case Study | Argentina | Colombia | Mexico |
|---|---|---|---|
| Organisational structures (networks) for natural resource management | | | |
| Social | There are social organisations to deal with environmental contingencies and cultural and recreational activities. | There are social organisations that enable or mediate in the interchange of physical, financial and human resources and are involved in providing environmental services and in the economic and cultural aspects, the provision of public services and policy generation. | There are social organisations whose main activities concern how natural resources are dealt with, financing of farm and forest production and the generation of regional policies. |
| Environmental | There are organisations of neighbours and for protection of the coastal environment which promote activities associated to natural resource conservation. | There are environmental organisations that draw up conservation agreements in specific instances. Remedy of environmental impacts and public policies to protect and regulate NRs, social networks for extraction, processing and distribution of natural resources and collective action activities associated to the natural resource management. | There are local organisations that promote sustainable development models. Regional organisations that help appropriately manage natural resources. Global organisations to create ecological market networks (green labelling and compliance with standards). |
| Market-related | There is a public/private organisation for management of the Bahía Blanca maritime port. Organisations for integration of industry in society. Formal organisations of artisanal fishermen. Companies involved in tourism activity. | There are organisations for agro-livestock production, community exchange and local markets. Informal organisations for gold mining and fishery production. | There are organisations for usage and advice regarding sustainable forest management, commercialisation of wood products and ecotourism. |
| How citizens participate in natural resources management | | | |
| Participative election rules | There are no collective election rules. | Agreements are made, backed and endorsed by means of participative assemblies of the Community Councils. | Collective agreements are made, backed and endorsed by the Community Assembly. Agreements are made in the Council of Elders, endorsed by representatives with the most experience in the community. |
| Mechanisms for monitoring and sanctions | There are no mechanisms for users' participation in the monitoring and sanctioning offences associated to natural resource management. Artisanal fishermen informally report the presence of illegal boats. | The Steering Committees of the Community Councils are co-responsible for compliance to rules and standards associated to natural resource management. | Every member of the community is obliged to report to the authorities any incident of improper natural resource use. A penalty system is in place at local level. Additionally, the community's members begin a dialogue process with an offender to resolve the problem the moment the infringement is detected. |

Table 2. Natural resource governance system (continuation)

| Case Study | Argentina | Colombia | Mexico |
|--|--|---|--|
| Conflicts between local actors and governance systems | | | |
| Conflicts between local actors and governance systems | <p>There is a conflict of interests between social conformation and the government system.</p> <p>Actors and decision-makers do not often agree about the allocation and use of natural resources.</p> <p>Decisions concerning natural resources are made for territory larger than the local one.</p> | <p>People are in a constant dilemma between obtaining private income and a common resource.</p> <p>Situations that are challenging the capacity of the local organisation: presence of armed actors.</p> <p>Influx of settlers who use violence as a strategy to control territory and extract gold.</p> <p>Multiple community interests.</p> <p>Difficulty of reaching agreement about territorial development strategies.</p> | <p>Discrepancy among actors regarding the local governance system, because they are not given enough economic and social opportunities.</p> <p>Conflicts affecting institutional sustainability are:</p> <p>Women and youths do not participate with equal conditions in the system's benefits.</p> <p>Youths can change their way of thinking about the system due to influences such as TV and emigration.</p> <p>Widespread concern about the system of duties and <i>tequio</i>, as unpaid and/or low paid activities affect the family economy.</p> |

Case studies

1 [Argentine Case](#)

Private property prevails in Bahía Blanca Estuary land ownership, though natural resources are under State custody in accordance with the National and Provincial Constitutions of 1853 and 1994, respectively. Laws 11.723 of 1993 and 25.675 of 2002 indicate that the inhabitants have the right "*to be consulted and to give their opinion in administrative procedures associated to environmental preservation and protection*", whereby they do not directly take part in decision-making. They nevertheless organise in associations such as those of the artisanal fishermen, with a view to influencing and participating in processes that concern natural resource management.

Nor are there mechanisms for the population's participation in monitoring and sanction processes with respect to natural resource conservation. Although artisanal fishermen usually report the presence of illegal boats, only coast guards have power to exercise police control over boat traffic. They also collaborate as police auxiliaries to control fishing and environmental contingencies.

2 Colombian Case

According to Law 21 of 1991, in Boaventura's case land is owned by the community. Each Black Community has a Community Council (CCC), per article 330 of the Constitution and Law 70 of 1993. Their identity and rights are acknowledged in those same laws, and their duties are *"to delimit and assign areas inside adjudicated land, to ensure the conservation and protection of collective ownership rights, the preservation of cultural identity and the exploitation and conservation of natural resources"* (Law 70 of 1993).

Article 15.1 of Law 21 of 1991 grants peoples the right to *"participate in the use, administration and conservation"* of natural resources existing on their land. However, the State is *"owner of the sub-soil and non-renewable natural resources"*, as indicated in article 332 of the Constitution; use of water and biodiversity in particular is done in a shared manner between the communities and the State.

3 Mexican Case

As in other territories around the country, in Santiago de Comaltepec, land is owned by the community. The community population centres have their own property and own the land they have been given. Forest resources found in the common territory are also administered by the community according to laws and procedures established by the State (Agrarian Law of 92, Law on Rights of Indigenous Peoples and Communities of the State of Oaxaca, General Law on Sustainable Forest Development of 2001, Sustainable Forest Development Law of the State of Oaxaca).

Article 2 of the National Constitution stipulates that localities have a local government system based on *"indigenous uses and customs"*. Complemented by the General Law on Ecological Balance, it allows all members of the community (Community Assembly) to take part in decision-making that affects natural resource management. On the other hand, article 4 of the National Constitution guarantees the right to a healthy environment and its protection. There are also formal vigilance and sanction mechanisms at local level which include participation of the territory's users in natural resource protection and are upheld in the Santiago Comaltepec 2030 Municipal Development Plan and in the municipal programme for Environmental Conservation and Protection.

Key demands of local actors ²

Demands of local actors in Argentina

- To educate, inform and raise awareness among the community, tourists and decision-makers about the environment and community values;
- To empower and promote organisations that foster more cooperation between the community base and institutions;
- To create mechanisms for community participation to carry out natural resource management plans;
- To establish, with the participation of all stakeholders, a legal system and a control and sanction system for closed seasons, artisanal fishing and coasts;
- To control development of productive activities, improving competition of artisanal activities vis-à-vis large companies.

Demands of local actors in Colombia

- To enhance *self-education* and *ethno-education* by publicising the Ethno-Education Plan of the Community Councils, capacity-building of teaching staff and recognition by the Ministry of Education of the plan in the education curriculum;
- To create a governance school to train and help local actors better manage their resources and to cooperate with other institutions at various levels;
- To develop and enhance the sense of belonging to the community's territory;
- To improve communication and relations between authorities, institutions and inhabitants with a view to having more impact on public policies;
- To establish a territorial planning programme at local level that includes the stakeholders view regarding management of their resources;
- Capacity-building and adjustment of laws to community needs;
- To ensure good compliance with existing regulations (management plan) and establishment of a legal system and control and sanction system that enable improved forest use and management.

² The key demands of local actors were mostly obtained from local workshops in Argentina, Colombia and Mexico.

Demands of local actors in Mexico

- To ensure community education in accordance with the community's values and linked to community management;
- To strengthen the system of *uses and customs*, including participation of women in decision-making and longer terms in public positions;
- To enhance the community's collective memory by transmitting local knowledge and values to children and youths;
- To facilitate training of qualified personnel to run communal businesses;
- To recognise the social role of community businesses and generate mechanisms for State subsidies/tax deduction for social work done by the community;
- To revise and improve development plans and forest management, including participation by local inhabitants, especially women and youths.

Main conclusions and recommendations

General Conclusions

- Two governance models can be discerned in the analysis: the governance model for indigenous peoples and local communities pertaining to the Mexican and Colombian cases, managed based on collective legal custody of the territory, where local actors directly participate in natural resource management; and the shared governance model corresponding to the Argentine case, although stakeholders and decision-makers act separately. The land is mostly private property deeded to private individuals and the laws only allow inhabitants to issue opinions about administrative procedures associated to preservation and protection of the environment and territorial planning.
- In the three cases examined there has notably been progress in women's rights, though they are still limited due to discriminatory cultural frameworks: unequal participation, decision-making deficits, limited access to resources and relegation to household work. This indicates the need to include the focus on gender and equitable measures.
- Generational turnover and youth training is a key to maintaining local structures for participation and resource management.

- It is noteworthy that in the Mexican and Colombian cases the prior consultation of ethnic groups set out in Convention 169 of the ILO is a groundbreaker that determines a new model for natural resource government and custody of territory based on respect and autonomy of indigenous peoples and those of African descent.

Recommendations for the Argentine case study:

- To adopt the **three pending draft laws on coastal management** to establish **co-management** of natural resources by some local stakeholders and the government. The purpose of this mechanism is its institutionalisation and regulation; the following aspects should be considered:
 - **Integration of local players with decision-makers** to work out common strategies for overall management of coastal/maritime resources, especially the management of fishing resources;
 - Inclusion of follow-up, control and sanction mechanisms that ensure **good application** by government actors of laws and regulations established to manage and conserve natural resources;
 - Consideration of an **equitable balance** between public and private **economic interests** and **natural resource** conservation goals;
 - To establish mechanisms for **equitable and inclusive participation for all citizens** in the governance system, and particularly of **women** in fishermen's associations where they are poorly represented at present.

Recommendations for the Colombian case study:

- To strengthen the emergent territorial governance process by means of new **systems of rules generated by the Community Councils**. To that end, one opportunity identified during the development of COMET LA may be the **Territorial Master Plan**, as long as during its production and implementation:
 - Mechanisms are included for the participation of **all citizens** in decision-making, **generating equitable access** to collective land rights, with special emphasis on women; and it is meant to:
 - **Improve the local organisation system**, working to counter the presence of armed actors, regulating and prohibiting the influx of settlers who use violence as a strategy to control territory to extract gold, and **favouring dialogue** between local actors;
 - Include **consolidation** of the economy via the labour market, to end the constant dilemma individuals face between obtaining **private income and a common resource**.

Recommendations for the Mexican case study:

- To improve the **plans for development, management of forest resources and community conservation areas** so that they strengthen the community's governance system, including the following:
 - To establish a system of **paid labour** at individual level;
 - To create mechanisms for **participation of all citizens** and especially **women** in decision-making, natural resource management in their territory and nature conservation;
 - To highlight the **communities' traditional and cultural values** as long as they are not discriminatory, vis-à-vis more individual ways of thinking influenced by the global nature of communications and migration phenomena.

Finally, we especially recommend that the motions presented at the Jeju 2012 IUCN General Assembly be applied to each of the case studies: [Resolution 053 to Mexico](#), [Recommendation 165 to Argentina](#) and [Recommendation 175 to Colombia](#).

For more information, please consult the websites of the IUCN and COMET-LA:

<http://www.comet-la.eu/index.php/en>

<http://www.comet-la.eu/index.php/en/publications.html>

<http://www.iucn.org/es/noticias/?13149/Aprendiendo-sobre-gobernanza>

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