OnTitlingCollectiveProperty,Participation, and Natural Resource
Management: Implementing Indigenous and Afro-Colombian Demands

A Review of Bank Experience in Colombia

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Author’s Note on Important Terminology:

“Indigenous”
The Indigenous Operational Directive of the World Bank has a flexible working concept of “Indigenous” which identifies Indigenous people in terms of marginality, customary institutions, territoriality, cultural distinction, language and self-identification. Under this working concept, although they do not have a clearly distinct language, Afro-Colombians of the Pacific littoral and rural Afro-Colombians in general can be considered Indigenous. This is because they make up some of the poorest populations in Colombia, they possess distinct social and customary institutions and consider themselves a distinct cultural group. More importantly they have traditionally occupied and used ancestral lands. Considering Afro-Colombians as Indigenous opened up a space for their inclusion as part of the NRMP, the legal protections of their lands and their participation in the management and conservation of the environment.

Nevertheless, in Colombia the term “Indigenous” is a specific legal and cultural category. In particular it signifies the descendents of the original inhabitants of Colombia, who still identify themselves as a community and who have kept their traditional institutions. Legally until the 1980s they were specifically those communities recognized as distinct through their titles to resguardos (Indigenous Territories) originally granted by the Spanish Crown. The historic continuity of this legal status is important for the definition of a community as Indigenous.

For purposes of convenience in this paper the term “Indigenous” is used to refer to the communities as defined in Colombia. That is to say, a legal status, in spite of the huge variety of people who fall under the category. This is done because although both Indigenous and Black communities can be considered “Indigenous” their legal status differs under Colombian law.

However, for purposes of Bank policy and future projects, the recognition of Afro-Colombians as Indigenous with all its implications, is a novel step that addresses poverty and inequality at a fundamental level. If Afro-Colombians had not been recognized under the rubric of Indigenous in this NRMP, the program would not have had the rational to address the community demands of the majority of the population affected by the project in a manner relevant to the actual situation on the ground, and possibly territorial conflicts would have increased with little avenues for resolution.

Reserves vs. Resguardos

The Colombian institution of the resguardo is similar to that of Native American Reservations in the USA, in that they delimit a territory within which there is a measure of self-government, autonomy and control in the hands of the Indigenous population and the resguardo has a particular and separate relationship with the central government. Resguardo could be translated as “reserve” or “reservation” in English, however, this would lead to a confusion with “reservas indígenas” or “Indigenous reserves” which delimit much more limited autonomy, control and self-government and have a much more dependent relationship to the state.
Executive Summary

Since 1994, the World Bank has been supporting the Colombian Ministry of Environment in the implementation of a Natural Resources Management Program (NRMP). It included three components of titling and demarcation of Indigenous resguardos, titling of Black community lands, and setting up of Regional Committees. The objectives of: 1) stopping the process of degrading natural resources, 2) promoting and improving the sustainable management and use of natural resources, 3) strengthening the capacity of the environmental, institutional and community management.

World Bank funds have been used to contract Afro-Colombian and Indigenous community organizations to inform rural peoples about these new laws, as well as to set the groundwork for the granting of collective titles. One of the benefits of the NRMP was that due to this active community participation and awareness of the program there was a rapid feedback mechanism regarding compliance with goals.

The NRMP went through three important transformations:
1) the Yanaconas Meeting of 1992 where the World Bank presented the proposed program for review by community organizations and representatives prior to initiation of the loan. Due to community demand, this meeting led to the reorientation of the institutional strategy to include the preservation of cultural and ethnic identity, the recognition of community territorial rights, including collective titling for Black communities, and, participation in the planning, execution and follow up of the program as the bases for the sustainable development of the region.

2) the Inter-Ethnic Regional Committees starting in 1997 were set up to revise tensions and possible inter-ethnic conflicts, and to develop knowledge of the territorial rights, the actions of the state and external violent factors. Significantly, as the exercise of titling produced an escalation in ethnic conflict over territory, the Inter-Ethnic Regional Committees transformed the Regional Committees from principally training, capacity building and information dissemination sites to highly effective sites of conflict resolution.

3) set up to combat tensions between the community and the government, the Action Plan of 1998 linked the operational plans for all three components into a single integrated work program with specific goals including strategies of territorial definition, capacity building, strengthening of intercultural understandings and conflict resolution.

An essential legal framework both existed and was created through the NRMP. Most important of these transformations was the 1991 new Colombian Constitution, which recognizes ethnic groups and their rights, including the right to collective territory and mandates participation as an integral part of the functioning of the state, for the first time. The NRMP is able to work from, and with these legal transformations, to make real some of the rights guaranteed in the constitution and to push for compliance with others, while at the same time the political will of the constitution enabled the NRMP to develop and implement environmental and territorial policy.
The existence of special legislation in independent forms gave rights to Indigenous and Black communities over areas that they occupy, but does not resolve complex situations where one or other share territories and have managed to develop forms of shared understanding and administration. In effect the legislation blocks the creation of joint inter-ethnic territories in spite of the community demand.

In the Pacific, which used to be on the margins of Colombian violence, today the phenomenon of violence causes a permanent state of anxiety causing large displacements of poor peasants to urban centers. The violence breaks up social networks and internal governing, disturbs economic life and traditional forms of work, and breaks up traditional ways of managing nature, using natural resources and defending ecosystems. Nevertheless, collective titles not only set up legal basis to claim back the territory in the future but specifically register the social, cultural and political existence of communities associated with the land and the moral obligation of the state to their members.

The NRMP was innovative in terms of community participation, conflict resolution and creating a solid base for environment conservation, instrumental in the implementation of legal statutes, the realization of constitutional rights of ethnic groups, and the justification and defense of territory, and fundamental to the creation of strong bonds between local residents and state institutions. A lot of the success was due to the coordinating efforts on the part of the PCU in the Ministry of Environment, which had to balance limiting and controlling spending with giving autonomy and agency to the institutions they worked with. Structural institutional transformations, not just within the local community organizations but also within the executing and coordinating agencies, are the basis of sustainability in such a program. In order to make participation a reality it was necessary to strengthen communities and their organizations as well as implementing agencies.

Titling gave a clear and solid ownership over territory and a legal base effective to protect it. In the context of armed conflict the winning of ownership over the land, through NRMP, has represented for many communities of the Pacific a real possibility for the defense of life and a degree of independence from the conflict. Titling has also acted as a base for bargaining and legitimacy. In spite of the insecurity and upheaval brought about by the violent situation, land titles lend a specific long-term stability and permanence to communities.

The efforts to obtain titles and the titling itself have contributed to strengthen the internal forms of government and the community’s negotiating capacity. Yet, productive actions that complement the Land Titling components of the NRMP are necessary to ensure the future long-term wellbeing of the communities. The legal status of the collective titles to Indigenous and Black communities affects how they operate as territories and how the councils can operate as governing bodies. A clarifying of legal positioning of ethnic territories, and municipalities in regard to one another, of revenue and resource collection and distribution, and of the administrative support from local and central government for the functioning of the territories would be needed to address arising territorial conflicts between administrative units.
The long-term effect of titling has been conservation through appropriation. The participatory nature of the program increased the community’s security in their capacity to make claims and to manage resources helping to recuperate cultural uses of territory and traditional knowledge about biodiversity. Due to community participation and awareness of the program there was a rapid feedback mechanism regarding compliance with goals. Environmental programs that want to secure citizen participation need to give special support to strengthening community organizations where they already exist, and to push for their formation where they are lacking.
Introduction

Since 1994, the World Bank has been supporting the Colombian Ministry of Environment in the implementation of a Natural Resources Management Program (NRMP). The program is intended to contribute to the arresting of the degradation of natural resources along the Pacific coast and the several upland watersheds that drain into the coast. Activities financed under the program include: (a) the development of a policy, information, and institutional base for forest management, with a particular focus on the Chocó region; (b) the rehabilitation and protection of selected water catchment areas in the western highlands; (c) the improved management of national parks; and (d) the strengthening of environmental and forestry education, training and research and program management.

As part of the Policy and Strategy Development aspect of the NRMP, three components deal with the titling and demarcation of Indigenous reserves (resguardos), the titling of Black community lands, and the setting up of a series Regional Committees, to ensure the active participation of Indigenous and Black communities and their organizations in the land titling, environmental monitoring and natural resources management activities financed under the program. These components are considered essential to the future conservation, management and sustainable development of the forestry and other natural resources of the Pacific Coast.

In particular the Bank has worked closely with the Project Coordinating Unit (PCU) in the Ministry of Environment (MOE), the Colombian Agrarian Reform Institute (INCORA), the Red de Solidaridad Social (RED), and the Indigenous and Black Community Affairs Offices of the Ministry of the Interior, as well as consulted with representatives of Indigenous and Black organizations to ensure the successful implementation of these components.

The NRMP loan 3692-CO for US$ 39 million with a maturity of 17 years including 4 years grace period, draws to a close at the end of the year 2000. By June 2000, the program had achieved 72% of its Land Titling goals, benefiting 19,860 families (over 100,000 people). The project spent US$ 3.25 million of the US$ 4.09 million allotted to these three components leaving a remainder of US$ 0.81 to terminate. The NRMP is responsible for 17% of land collectively titled to Indigenous people in the Pacific coast and 100% of land collectively titled to black Communities in Colombia in general.

Beyond what is indicated by the number of Collective Titles achieved during the program, the NRMP has been innovative in terms of community participation, conflict resolution and creating a solid base for environment conservation, instrumental in the implementation of legal statutes, the realization of constitutional rights of ethnic groups, and the justification and defense of territory, and fundamental to the creation of strong bonds between local residents and state institutions.
This paper is an outline of the chronology of Bank involvement in the Indigenous and Black Land Titling and the Regional Committee components of the NRMP, the participation of different actors, the change in the framework of the three components and the lessons that can be learned for similar programs in other parts of the country, and the region, as well as for Bank projects in other regions.

The People and Their Region

The Pacific is a region of cultural complexity and diversity, administratively including the whole of the department of Chocó, and the western portions of the departments of Antioquia, Risaralda, Valle de Cauca, Cauca and Nariño. The Pacific basin is characterized by the presence of Black communities in the lowlands, river valleys and coasts and the presence of Indigenous communities in the higher elevations of the coast ranges and the cordillera. Indigenous and Black communities have thus organized their societies along the principle of verticality developing interconnected practices and technologies adapted to the use and management of a diverse ecology including the rain forests, seasonally inundated lowlands and the highlands. Today these groups have a special constitutional recognition and legislation that protects their rights after years of struggle for territorial legalization.

The bio-geographic region of the Chocó extends 1,300 km from Panama to Ecuador and covers an area of approximately 100,000 square kilometers making up 8% of the Colombian national territory. This area, which at its widest extends no more than 250km, has enormously diverse habitats ranging from the coastal basins to the Andean mountains. It contains rivers that run into the Pacific and into the Caribbean sea. It includes lowland coastal plains often containing mangrove swamps, the flatter river basins of the Atrato and San Juan rivers with altitudes of about 200 meters above sea level, the coast ranges which reach 2000 meters above sea level and finally the region of the western Cordillera of the Andes that rises to 4200 meter above sea level. Because of this great heterogeneity of altitude and longitude the Pacific region contain numerous ecosystems within its predominantly tropical rain forests.

The region is one of the most humid and rainy in the world with a rainfall average between 5,000 and 12,000 mm/year. Covered with tropical forests (77%) over some 9.1 million hectares, that have been managed and maintained by the Indigenous and Afro-Colombian populations, the region is privileged with an abundancy, variety, and variability of forms of animal and plant life.

The Inhabitants

The 83 municipalities that make up the bio-geographic region of the Chocó have a population of 2.3 million people that represent a little more than 6% of the total population of Colombia, 90% of whom are Afro-Colombian and 4% Indigenous. The Pacific region has 1.3 million people who are rural and whom make up 12% of the total rural population (1993 Colombian census).
The inhabitants of the Pacific region are considered some of the poorest in the nation. The social indicators of the Pacific are particularly staggering: an infant mortality rate of over 100 per 1000 live births; 82% of the population do not have sufficient basic necessities as compared with the national average of 32%; the illiteracy rate is 39%; and the per capita annual income is less than US$ 500.

The present economy is centered around an extractive system of natural resources, including timber, palms, gold, silver and river and sea products. In the southern part of the region and in the Andes agribusiness such as African palm cultivation, aquaculture, cattle ranching and sugar cane developed. Nevertheless, the main production is on a subsistence level produced through traditional practices.

The Indigenous communities of the northern Pacific region along the Atrato and San Juan rivers include the Embera, Wounaan, Katio, Chami, Tule and Zenu of the Choco and Antioquia. They live with Afro-Colombians as close neighbors, in some areas sharing territories and in other forming distinct communities. The Afro-Colombian communities are descended from enslaved populations from central west Africa principally the Guinea, Congo and Angola coasts, that were brought to exploit the mines of the Pacific from the first decade of the 17th century and principally through the 18th century. These communities have occupied the territories as laborers, as peasant producers during enslavement, and as freemen (libres) and rebelling communities termed “palenques” since they first arrived. Further to the south in Nariño live the Awa who also live in parts of Ecuador. They too live upland from the riparian dwelling Afro-Colombian communities that share their forested territories along the Guapi river and near the centers of Tumaco and Barbacoas.

**Community Organization**

Community organization in the region is varied, some areas have old well established community groups and others are only just beginning to organize as part of the process of titling. Problems and conflict related to the Land Titling process are mainly found in areas were community organization is weakest, such as in Cauca where neither the Indigenous nor the Black population have a strong history of community organization.

The two best examples of community organization in the Pacific are OREWA (the Regional Organization of the Embera and Waunana) and ACIA (the Integral Peasant Association of the Middle Atrato) both of whom represent a number of different communities of the Middle Atrato in the Chocó, have existed for over 15 years and were involved in struggles over territorial definition and legalization long before the NRMP. At the same time they were instrumental in the implementation of the NRMP in terms of training, capacity building, dissemination of information, conflict resolution and institutional vigilance.

Started in 1979, OREWA, originally a student organization in Quibdó with missionary direction, was probably the first expression of popular organizing in the Pacific with ethnic characteristics. It brought forth fundamental themes of land, cultural respect as an
identity base, autonomous self-government and the capacity to define and orient their own development options for the Embera and the Waunana Indigenous peoples.

Born in 1986 and comprised of 3,500 members, ACIA is the first and best organized Afro-Colombian community based organization to come up with an integrated solution to the problem of the legalization of land. They were instrumental in structuring the demand for collective rather than individual titles. It came into being in opposition to two land and timber concessions in the Middle Atrato and was formed through small neighborhood associations working to attain basic necessities called “grupos de base” within the communities of the Atrato assisted by a group of missionaries from the Dioceses of Quibdó. In 1990 at the Meeting in Defense of Our Traditional Territory of the Pacific, ACIA claimed their territorial rights as: a minority ethnic group, as part of the patrimony they have gotten historically and though labor, and as a responsibility of state duty. They demanded that these rights be fulfilled through the Collective Titling of the space in which they live.

**Territorial Organization**

If both Indigenous and Afro-Colombians are considered to have ancestral rights to land, then 95% of the inhabitants of the Chocó Region are entitled to land based on historic occupation. At the start of the NRMP most of the land in the Chocó Region was a public forest reserve under direct state administration.

A clarification of the land ownership situation was essential for the design of resource management and conservation policies, in order to assess the convergence of interests of the parties affected and involved, the distribution of economic benefits and costs, the degree to which market-based incentives can be used successfully and the justification, if needed, of compensatory measure for external costs and benefits. Taking into account existing individually titled land, areas occupied by Indigenous groups for which reserves were not yet legally established, and proposals for additional protected areas, an estimated 4 million hectares or 44% of the Chocó region was without clear land ownership at the beginning of the NRMP and available for the collective titling to Black communities.

Territorial organization of the Pacific region was historically structured around the extraction of mineral and forest resources. National and international companies at the margins of state control, generated forms of political and territorial control expressed in extreme forms of appropriation during the first half of the 20th century through mining concessions, rubber market networks, banana and sugar cane plantations, and huge networks of inlets and creeks converted to routes for the trade in mangroves. As a result of this, the countryside is made up of diverse land use situations depending on the how control is exercised over territory forming islands and pockets of population with limited communication with the exterior or within the Colombian nation.

This colonial heritage of territorial organization exists parallel to types of organization traditionally developed by Indigenous communities and taken up by Black communities.
through time. Company territorial control is superimposed on forms of self-ownership of Indigenous peoples or Black family networks. These forms came into conflict when the Pacific became the principal national center for timber production.

Since the 1950s, there was an abrupt change in the social and economic life of traditional peoples with the expansion of the ports of Buenaventura and Tumaco on the Pacific and Turbo on the Caribbean and of roads and railroads that connected the Andean region with the coast and the extraction of timber in all parts of the Pacific. This economic investment and development was promoted by the macro policy of “apertura” in the 1980s, designed to open up the frontier of the Pacific to commercial interests and Colombia to the Pacific rim economy. A new chapter in regional history was opened with the multiplication of extractive actions, the Andean colonization looking to amplify the agricultural frontier, state projects of integration, the agro-industrial capitalism of plantations of bananas and cattle in the north and of African palm and shrimp aquaculture in the south. The new order is characterized by the multiplicity of actors and the greater state presence in the regional functions. Between the 1960s and 1990s the proposed projects included a naval base at Bahia de Malada, the conclusion of the Pan-american highway, the Popayan-Lopez de Micay main road, the Pasto-Tumaco highway and the Santa Cecilia-Nuqui-Bahia Solano road, hydroelectric dams on the Bocobero and Micay rivers and large forest and mineral commercial concessions.

The new model which has menaced the existence of Indigenous and Black populations since the 1970s mobilized the Indigenous communities to protect their territories and initiate the conformation of resguardos. Since the 1980s this has been emulated by Afro-Colombians who organized to fight for their territorial rights, which were concretized through constitutional recognition in 1991.

Precursors of the NRMP

Since the 1960s different Indigenous communities had been pressurizing the government to convert Indigenous reserves into resguardos, the majority of which were converted in the 1980s. Although Afro-Colombians did not have legally recognized territorial rights as ethnic groups until the 1991 constitution, they too mobilized to have those rights recognized, as the concessions to Indigenous communities made their land tenure less secure. In 1988 ACIA and the Regional Autonomous Corporation of the Chocó, CODECHOCO, signed accord 20 that awarded ACIA 800,000 hectares of land in an unofficial agreement which, although was not legally binding became a district model.

The 1991 Political Constitution, which identifies Colombia as a multi-ethnic, pluricultural nation, recognizes and outlines the framework for collective territorial rights for ethnic groups. The new constitution created a different formula for running a government. It was instrumental in backing up the call for greater participation, consultation and recognition of territorial rights made by Indigenous and Black communities in the 1992 meetings in Yanaconas near Cali. At this meeting titling was introduced to the Natural Resources Management Program that was in formation, as a priority strategy for strengthening sustainable development and cultural identity.
Forest Action Plan For Colombia (PAFC)
The new Natural Resources Management Program (NRMP) grew out of the Forest Action Plan for Colombia (PAFC). Originally started in 1985 as the Tropical Action Plan, the PAFC had the objectives of: 1) maximizing the economic and social benefits of rural populations whose subsistence base was gained through use of forest resources, 2) elevating the participation of the forestry sector in the national economy and 3) protecting and renovating forest ecosystems of high biological value. The PAFC was a joint government of Colombia, the Netherlands, and FAO project. As a policy, the PAFC was more operational than strategic. It had an over emphasis on vigilance and control over protected areas and did not take into account the problem of unclear land tenure situation, nor resolve the territorial demands of Indigenous and Afro-Colombians.

World Bank Indigenous People’s Operational Directive

The 1991 Operational Directive on Indigenous People of the World Bank was instrumental in the formulation and execution of the NRMP. The objective of the directive is to ensure that Indigenous peoples do not suffer adverse effects during the development process and that they receive culturally compatible social and economic benefits. The strategy for addressing these issues is based on the informed participation of Indigenous peoples themselves, through out the consultation, incorporation, implementation and evaluation, giving full consideration of the options preferred by Indigenous people, in any project that affects Indigenous peoples and their rights to natural and economic resource.

The directive identifies Indigenous people as among the poorest segments of a population having in varying degrees the following characteristics:
1) a close attachment to ancestral territories and to the natural resources in these areas;
2) self-identification and identification by others as members of a distinct cultural group.
3) an Indigenous language, often different from the national language
4) presence of customary social and political institutions, and
5) primarily subsistence-oriented production.

The operational directive recognizes that in many cases, proper protection of the rights of Indigenous people will require the implementation of special project components that may lie outside the primary project’s objectives. Some of these components include land tenure and a strategy for local participation. In order to incorporate components that recognize customary tenure and that ensure local participation the World Bank initiated a workshop meeting in 1992 in Cali, which was termed the Yanaconas meeting to review with the Black and Indigenous communities the proposed program components.
The 1992 Yanaconas Meeting

At this meeting the World Bank circulated the proposed plan for the NRMP to 62 representatives of local communities, NGOs and government agencies with the objective of:

1) arranging a forum whereby the design could be debated and prosper from the informed participation of the affected communities in determination of the development objectives and project components,

2) incorporate the recommendations made during the workshop into the appraisal of the NRMP and

3) ensuring an integrated community based approach to management and rational use of renewable resources and protected areas is forthcoming in all components.

The government of Colombia accepted the idea because the new political mandate laid out in the 1991 constitution recognized and emphasized participation and the territorial rights of ethnic groups. Additionally, the old PAFC was not liked by anyone, not the government, nor the Bank, nor the people. It was considered too 1970s in its emphasis on the amount of vigilance over the forests by the state.

The workshop was attended by the institutions of national government, representatives of all the Regional Autonomous Corporations, 28 community based groups, NGOs, the High-Level Consultancy Commission, the highest organ of the accord and agreement of the Afro-Colombian community sector, and the institutions of the national government responsible for developing territorial programs for Afro-Colombian communities in the Pacific Coast.

Although the original terms of reference for setting up the workshop did not mention Black community territory, (while mentioning other land tenure issues such as Indigenous resguardos), titling of Black community land was an essential factor introduced through the process of participation. Representatives of Black and Indigenous organizations and communities helped reorient the institutional strategy to include the preservation of cultural and ethnic identity, the recognition and granting of community territorial rights and the collective use of natural resources by the local communities, as the bases for the sustainable development of the region.

As a result of the workshop the National Planning Authority (DNP) agreed to guarantee the articulation of Transitory Article 55 that gives Afro-Colombians collective rights to territory which later led to the creation of Law 70 in 1993. From this meeting a sub-program named “Policy and Strategic Development” formed from the following components: forest policy, Black community land titling, constitution and demarcation of Indigenous resguardos, ecological zoning, environmental monitoring and Regional Committees. The Regional Committees were to guarantee community participation in the planning, execution and follow up of the NRMP.
The Natural Resources Management Program (NRMP)

The main thrust of the Bank Assistance to Colombia from the mid 1980s has been to help establish a policy environment supportive of growth led by the private sector. The NRMP progressed to set the groundwork for investment through institutional strengthening with titling as a vital part. The loan proposal and processing lasted from August 1989 until October 1993.

In 1993 the Bank Appraisal mission proposed that the NRMP requires complex policy actions which are relatively new to Colombia. These included: 1) improve the institutional and regulatory framework in natural resource management; 2) develop a sound forest concessions and royalties system; 3) clarify land rights, in particular for the Afro-Colombian populations in the Chocó; 4) involve Indigenous and Afro-Colombian communities in project planning, implementation, and environmental monitoring; 5) support investments made by communities for the rehabilitation of vital watersheds on a matching grant basis; and 6) improve the management of parks.

The following expenditure and goals were set forth for the Titling and Regional Committees components of the NRMP:

1) Titling and Demarcation of Resguardos, at $0.5 million over 5 years (0.8% of total loan). Establish 40 resguardos and demarcate 123 existing resguardos benefitting a total of 68,000 people.

2) Titling of Black Community Land, $2.0 million over 2 years (3% of total loan). Support initial actions to regularize and title land of Black communities in the Pacific Region under the terms of law 70. This would include: coordination between state entities and Black communities; estimation of the level of demand for titling, identifying the regional priorities, critical areas and potential problems; technical support and training; fieldwork with the communities informing them on the titling procedures and supporting their organization process; mapping and; supporting INCORA’s activities of land titling and registration.

3) Regional Committees, $1.3 million (2% of total loan). To support the operation of mostly existing regional committees of delegates of local communities and community-based groups from the Indigenous and Afro-Colombian populations in the Chocó Region. These committees would monitor the implementation of the NRMP, identify problems, coordinate land titling activities, build consensus and support proposed actions that would lead to mitigation or correction of perceived or actual environmental damages.
Indigenous Resguardos Constituted as Part of the NRMP

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**Total**                         |                | **2444,966** | **1,958** |

From Roldán and Sanchez External Evaluation June 2000
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<th>Families</th>
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**Total**                | **1,655,305** | **17,772**

From Roldán and Sanchez External Evaluation June 2000
The NRMP loan 3692-CO for US$ 39 million with a maturity of 17 years including 4 years grace period, draws to a close at the end of the year 2000. By June 2000, the program had achieved 72% of its Land Titling goals, benefiting 19,860 families (over 100,000 people). The project spent US$ 3.25 million of the US$ 4.09 million allotted to these three components leaving a remainder of US$ 0.81 to terminate. The NRMP is responsible for 17% of land collectively titled to Indigenous people in the Pacific coast and 100% of land collectively titled to black Communities in Colombia in general.

Results of the NRMP

<table>
<thead>
<tr>
<th>Titles</th>
<th>Number</th>
<th>Communities</th>
<th>Families</th>
<th>Hectares</th>
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<td>360</td>
<td>17,772</td>
<td>1,655,305</td>
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<td>Indigenous Resguardos constituted</td>
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<td>39</td>
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<tr>
<td>Indigenous Resguardos amplified</td>
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<td>20,243</td>
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<tr>
<td>Total</td>
<td>83</td>
<td>404</td>
<td>19,860</td>
<td>1,920,514</td>
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</table>

From Roldán and Sanchez External Evaluation June 2000
Legal Transformations

An essential legal framework both existed and was created through the NRMP. Most important of these transformations was the 1991 new Colombian Constitution. Voted in by the National Constitutive Assembly the new Colombian constitution recognizes ethnicity as part of the discursive framework of the nation-state. It declares Colombia an "ethnically and culturally plural society" and mandates participation as an integral part of the functioning of the state. This new declaration is intimately associated with access, use and control over land, ascribing new rights in land as it ascribes new forms of recognition and belonging. It thus lays out the framework for the Land Titling and Regional Committees components of the NRMP.

More specifically the new constitution recognizes for the first time ethnic groups and their rights including the right to collective territory. It upholds the Indigenous political organization (cabildo) as a recognized body of landholders. It also strengthens the autonomy of self-government and the protection of communal lands and unified and associative forms of property (articles 58, 63, 286, 287, 288, 330 and transitory article 55). It obliges a participatory form of government and provides for the protection of natural resources (articles 8, 80, 81, 82, 330-5).

The following articles have special relevance to Indigenous and Afro-Colombian populations:

- The right of communities to conserve their integrity and the physical and cultural patrimony (articles 2, 7, 10, 58, 63, 72, 79, 248 of living and to receive help in attaining this (articles 64, 330 and transitory 55)
- Right of communities to participate in public affairs, those that concern them directly or indirectly and especially in deciding their own future (articles 1, 2, 40, 41, 49, 286, 287, 329, 330, and transitory 55)
- Right of communities to the cooperation of the state in the protection of their life, culture and environment of their territories (articles 79, 330, and transitory 55).
- Right of communities to conserve and have respected their judicial and social institutions, traditions and customs. (Article 7, 8, 70, 246, 330, and transitory 55)
- Right of communities to demand and obtain justice and satisfaction of their rights (articles 29, 86, 94, 229, 246, 282 etc).
- Right of communities to land and natural resources (articles 63, 286, 329, 330, and transitory 55)
- Right of communities to health and social security (article 44, 48, 49, 50, 64, and 366)
- Right of communities to an education adequate to their requirements and according to their culture (articles 67, 68, 69, and 70)
- Right of communities to know their rights and have them known and respected by the rest of national society.

The new constitution opened up a space for ethnic groups that had not previously existed in Colombia. At the same time it set out provisions for participation and environmental
protection that were also novel. One of the strengths of the NRMP is that it was able to work from, and with these legal transformations, to make real some of the rights guaranteed in the constitution and to push for compliance with others, while at the same time the political will of the constitution enabled the NRMP to develop and implement environmental and territorial policy.

**Afro-Colombians and the New Constitution**

The 1991 Constitution opened up a space in which, for the first time, Afro-Colombians could organize and claim land as an ethnic group. Since the abolition of slavery in 1851 until 1991, Afro-Colombian populations did not have a single legal instrument from which to make territorial or self-governing claims. There were no legislative or constitutional acts and laws relating to the rights of Afro-Colombian populations, neither to prevent or correct discriminatory treatment nor to compensate in some manner the enormous inequality left by slavery over 350 years.

Indigenous peoples, being well organized and capitalizing on the solidarity created by the rejection of the celebrations marking the 500th anniversary of Columbus, were able to get two delegates elected to the National Constituent Assembly by national vote at the end of 1990. However, Afro-Colombians and Insular Natives, had no delegates to represent them, and used lobbying to put forward concerns. Working with the Indigenous organization OREWA, Black Community organizations, such as ACIA, formed a Working Table that lobbied for the dispersal and implementation of proposals, and mobilized and pressurized for the support of their demands which were presented by Indigenous constituents or the few sympathetic independents.

Only groups from Buenaventura influenced by the Bishop Gerardo Valencia Cano, tried to put up a representative to the National Constitutive Assembly. The frustration of this process did not stop a young group of Afro-Colombians, el Movimiento Nacional Cimarrón, which later became a national movement, from presenting a proposal that through the constituents was put into the constitution. It proposed that:

1) “the Colombian nation is pluri-ethnic and pluri-cultural”,
2) laws must “prohibit racism and all discrimination against Black and Indigenous communities”,
3) they must “order the state to help zones inhabited by Black and Indigenous communities to accelerate their economic, social, cultural and political development,”
4) they must “recognize the ancestral right to property and use that Black and Indigenous communities have acquired over the land they occupy”,
5) and “determine a structure of national planning that promotes equality between the regions and eliminates the internal colonialism practices by more developed regions over the more marginal ones.”
Transitory Article 55
Specific recognition of Black communities in the 1991 constitution comes in the form of Transitory Article 55 which states that; “the government will create a law that recognizes the right to collective property for Black communities that have come to be occupying vacant lands in the rural riparian zones of the rivers of the Pacific Basin, in accordance with their traditional practices of production.” It dictates that the inter-ministerial commission set up to review the rights of the Afro-Colombian populations, and the Congress should produce a law putting in motion transitory article 55 by mid 1993. This law became law 70 in August 1993.

Indigenous Colombians and the New Constitution

Colombian law has always recognized Indigenous peoples as culturally and legally distinct societies within the greater national society, and as such holders of fundamental rights. One of these special rights was the right to property in the form of a resguardo specifically defined in law 89 of 1890. The resguardo as an institution granted the community complete rights of property over their lands, within a marked jurisdiction, free from civil ordinances.

The 1890 law 89 grants Indigenous people entitlement to set up their own forms of internal government, through the election of Cabildos or Indigenous Councils, bodies composed of several members of the respective community that take on the internal administration of the group, particularly with regard to the distribution and administration of communal lands and the carrying out of minor policing measures to keep internal order.

Cabildos were recognized by the state as public entities of a special character, incorporated into the country’s political and administrative structure. As government bodies responding to communities, they have two main functions: governing the community and participating on their behalf in activities outside the community’s normal life, but relating to the defense of the group’s interest.

The Agrarian Reform Law 135 of 1961 recognized the full rights of Indigenous people to property over their traditionally occupied lands. In the late 1960s INCORA implemented this law titling 73 resguardos of 1.0 million hectares. This law did not mention Afro-Colombians. Using the few provisions in the Agrarian Law that related to Indigenous people, sectors of the Indigenous population who were engaged in menial or servile forms of work on haciendas and estates in the department of Cauca, launched a vigorous movement aimed at claiming back the lands they had lost or at widening their vital spaces, if they had any.
The 1991 constitution confers upon the Indigenous territories the status of political and administrative institutions. This legal concept formally gives the Indigenous communities a high degree of administrative and fiscal autonomy to conduct their internal affairs and their relations with other public and private bodies. As a political and administrative entity integrated into the new constitutional system, an Indigenous territory can be governed by Indigenous authorities and a taxable base can be established for the members of the community. In addition, each Indigenous territory has a share in the distribution of national income. Can administer its own resources and provide public services, or at least some of those that are provided by territorial entities, such as education, health, basic sanitation, and can undertake engineering projects beneficial to the community etc.

Article 357 of the Constitution establishes the “Indigenous resguardo share in the nation’s current income,” such that all Indigenous communities who occupy a resguardo have the right to receive every year from the central government an amount of money proportional to the number of inhabitants, to cover administration expenses, provision of basic services and development programs.

**Law 70 of August 1993**

Following from the Yanaconas meeting the National Planning Authority (DNP) agreed to guarantee the articulation of Transitory Article 55 that gives Afro-Colombians collective rights to territory which came about in the form of Law 70 in August 1993. This law recognizes Afro-Colombian populations as ethnic groups and recognizes their territorial rights in the Pacific Basin, in the form of collective territories. In conjunction with decree 1745 of 1995, Law 70 stipulates how ethnic claims must be put forward, legal territorial recognition and what constitutes an Afro-Colombian ethnic group.

The NRMP made concrete the titling of Black property. While the constitution gave the recognition to the territory, the financial readiness and impulse to support the writing of this law on the part of the World Bank helped forge it into being.

Law 70 defines Black communities to be based on ideas of ethnicity, which are framed with four criteria in mind; culture, history, occupation and location. Law 70 grants a form of self-government in the “consejo comunitarios de comunidades negras” or Community Councils for Black communities. Nevertheless, the consejo comunitarios are formed in a confused legal conception and are the legal personification of the community and are thus constituted as entities with a purely private character. This private, not public character is granted by Law 70. Taken in this way, the consejo comunitarios are a clear disadvantage in comparison to the Indigenous Cabildos and the administrative councils of the future Indigenous Territorial Entities, which are clearly invested with attributions that are deeply buried in carrying out public functions.
Law 160, the New Law of Agrarian Reform of 1994

Law 160 was inspired by the constitutional view that it is the duty of the state to provide progressive access to landed property for agrarian workers and other rural public workers with the aim of improving the income and quality of life of the rural population. Additionally this law grants Indigenous peoples complete rights to property over traditionally occupied areas.

Implementing Law 160, decree 2164 of 1995 consolidates the process of constituting a resguardo. It says that INCORA must make studies of the land necessities of Indigenous communities, to give and title sufficient and additional land adequate to their assets and development, recognizing the property they traditionally occupied, the preservation of the ethnic group and the improvement of the standard of living of its members, without jeopardizing or infringing on the rights of Black communities detailed in law 70 of 1993.

Nevertheless, Article 85 of law 160 states that INCORA and the MOE, in concert with the community institutions, have to verify and certify that the communities comply with the social and ecological (respectively) functions of the property with out specifying the parameters by which this can be done. Thus, territory traditionally used by Indigenous nomads, semi nomads and agriculturists who survive on hunting, relocation and horticulture that are situated in Forest Reserves, can be designated as an Indigenous resguardos but its occupation and use still fall under the provisions established by the MOE and their rules on renewable natural resources.

Environmental Law 99 of 1993

Law 99 set up the National Environmental System (SINA), the Ministry of Environment (MOE) and Regional Autonomous Corporations. Until Law 99 INDERENA was in charge of environmental affairs. The law promotes the integration of Indigenous and Black communities that traditionally inhabited the region in the process of conservation and the cooperation of the international community in compensating the efforts of local communities to defend their unique ecosystems.

Citizen Participation Law 312 of 1994

This law outlines popular participation in political life as a right. The new constitution constructed a new model of national society defining the participation of civil society in the management of public affairs as supremely important. The law requires and specifically grants to minority communities community participation in the management and decision making that affects their economic, social, political, administrative and cultural life is.

As regards ethnic groups the objectives of participation in Law 312 are:
1) to assure their complete dominion and tranquil presence over territory,
2) to assure the protection of cultural patrimony of ethnic groups and the full respect of their identity,
3) to obtain an acceptable level of autonomy for the management of their internal affairs and to define their own models of development and their own strategies of improvement,
4) to contribute to the strengthening, in an increasing and sustainable manner, the climate of tolerance and respect for ethnic and cultural diversity in Colombia,
5) to assure their increased decision making power in the management of public affairs,
6) to provide in a progressive and sustainable manner the enjoyment of basic services especially health and education, as well as the ownership of new technology appropriate to environmental conditions, permitting ethnic groups to make adequate improvements to their resources and to improve their living conditions.

The Influence of International Conventions: ILO and RAMSAR

In conjunction with the World Bank policy on Indigenous people’s, a number of International Conventions shaped the NRMP and its effects and possibilities of being carried out. They either solidified the legal base the state was trying to create or structured the manner in which laws could be applied.

The International Labor Organization (ILO) Conventions 107 and 169 outline an international strategy regarding the rights, both civil and territorial, of Indigenous peoples in relation to their states. These conventions were instrumental in setting the agenda for a policy towards Indigenous people by the Colombian state by influencing the form of the new national constitution. Convention 169 was ratified in 1991 a few months before the constitution came into being and is closely incorporated into legislation regarding Indigenous populations in Colombia.

The Convention on Biodiversity (ratified in 1994) and the RAMSAR Convention on Wetlands of International Importance (ratified in 1971) outline the use of biodiversity and specifically wetlands affecting the implementation of titling as they identify areas of ecological fragility and international importance. Since the signing of the RAMSAR Convention mangrove swamps have been conceptually managed in Colombia as wetland ecosystems. This removes them from land that is available for titling and puts them under special protection of the MOE. The status of mangroves as wetlands is of fundamental importance to community titling since a large proportion of traditional community territories contain mangrove swamps (as is detailed further in this paper). While these conventions lend weight to conservation projects they also outline the boundaries of land that can be titled to communities.

The ILO Convention 107 of 1957 on the “protection and integration of Indigenous and tribal populations in independent countries”, helped to convert usufruct rights for Indigenous people in “territorial reserves” in Colombia to full territorial ownership as collective property. The program of legal recognition of Indigenous communities’ lands in forests and plains started in 1968 a year after the adoption and ratification of Convention 107 into national law as Law 31 of 1967. Based on article 11 of the Convention 300 or more resguardos were granted to the communities as their property between 1968 and the adoption of the ILO Convention 169 in 1989.
The ILO Convention 169 labeled resguardo lands as inalienable, unmorgageable, non-seizable and inprecciptible inspired by the new idea of a territory as a space of life for a people. This guaranteed the participation of Indigenous people in running the affairs within their territories. Colombia was a signatory to the convention and instrumental in its formation. The Convention and the new 1991 national constitution were in agreement on a lot of stipulations over the rights of Indigenous people including the right:
- to preserve their integrity and that of their physical and cultural heritage
- to improve their conditions of life and to receive support for this purpose
- to participate and decide upon their own future
- to the cooperation of the state for the protection of their lives, their cultures and the environment of the territories that they inhabit
- to preserve and have due regard for their institutions, traditions and legal and social customs
- to demand and see justice done in connection with their rights
- to land and natural resources
- to health and social security
- to an education which is suited to their requirements and in keeping with their culture
- to know their rights and see that their rights are known and respected by other members of the national society
- to communicate and cooperate among Indigenous peoples of frontier areas

The Convention rejects all acts, which could violate the fundamental rights and freedoms of Indigenous peoples. Rights of citizenship of Indigenous peoples shall be recognized without restriction, and their enjoyment of special privileges belonging to them as Indigenous peoples shall not constitute an obstacle to their exercising of the rights granted to all citizens. Colombia ratified the ILO Convention 169 four months before adopting the new Constitution with law 21 of 1991.

The Process of Titling Collective Territories and the Pacific Today

Since 1994 Bank funds have been used to contract Afro-Colombian and Indigenous community organizations to inform rural peoples about these new laws, as well as to set the groundwork for the granting of collective titles. For 18 months from June 1994 to December 1995, the activities of the components focused on establishing the legal and institutional conditions for implementing the Indigenous resguardo and Black community land titling processes. The NRMP found that in order to make participation a reality it was necessary to: 1) strengthen communities and their organizations so they can take up the knowledge and responsibility of having territorial ownership and domination. This meant legal training, construction and consolidation of consejos comunitarios, regularization of management of natural resources, and definition and agreement on the boundaries of communities, and 2) necessary simultaneous training and capacity building of the institutional entity in charge of the procedures for instance INCORA.
Soon after the Loan Effectiveness, a High-Level Consultative Commission and affiliated departmental commissions were established to carry out consultations for the regularization of Law 70. The work of this commission, much of it financed under the Regional Committees component of the NRMP, resulted in Decree 1745 of 12 October 1995. This decree set out the procedures that make the titling of Afro-Colombian land possible. Decree 1745 regulates chapter III of Law 70 and defines rules and procedures for collective titling. It defines collective titling as fundamental to:

1) human rights,
2) cultural survival,
3) socio-economic development, and
4) natural resource protection and management.

Red de Solidaridad Social (RED)

Much of the success of the Black Land Titling component can be attributed to the hard work of the RED in designing and implementing the Regional Committees component of the program. The RED was created with the objective to promote the social and participatory side of development that:

1) promotes the advance of decentralization,
2) generates a better commitment to local collectivities in the creation of their self development,
3) consolidates new institutional models for the coordination and control of social politics in the territorial entities and promote social equality between all the population groups favoring the most vulnerable.

The RED ensured that the views of Indigenous and Afro-Colombians were represented in the program, and the transparency and accountability between government and civil society organizations. They worked through seminars and workshops with government and community entities and programs on the workings of the NRMP where they could exchange points of view known as “Mixed Regional Committees”. The RED did training in environmental and ethnic legislation, helped institutions become appropriate to the region and promoted popular communication. They also produced a series of popular educational materials on law 70 and other laws pertaining to land titling and use.
Regional Committees

With the creation of the MOE and the conformation of the RED, Regional Committees were organized under the direction general of the Environmental Regularization and Territorial Planning of the MOE. They were flexible meeting and consultation sites between the state and the communities of the Pacific region represented by their ethnic territorial organizations. They were created to address the local, regional and national dynamics and expectations of the NRMP to produce a legal framework for the ethnic, territorial and environmental rights and issues.

At first they provided technical assistance for the promotion of ethnic and territorial rights. Later, they began to promote these rights through strengthening the local communities and ethno-territorial authorities’ autonomous space, helping the consolidation of rights, and promoting instances of democratic participation and consultation. Within the Regional Committees they came up with principals, criteria and guarantees to guide the process of collective titling. The strength of the Regional Committees that were run through the RED was that they had:

1) an emphasis on active participation of regional Black and Indigenous organizations
2) pedagogical materials produced on the territorial rights of these populations.
3) initiatives to create inter-ethnic dialogue between Black and Indigenous organizations, as well as with state and regional institutions.

One of the strengths of the Regional Committees is that their agreements set both a trend and a bench mark from which to claim rights and compliance on the part of the state. In the medium term the Regional Committees highlight participation in planning, follow-up and evaluation of the program, looking to harmonize the objectives with the rights and interests of the local population. In the long term they present a challenge to build a strategy of regional transference and appropriation of the results of NRMP, both at the institutional level and that of the ethnic, territorial and urban organizations of the Pacific, understood as the joint actions of communication, training and consultation to promote the conservation of natural resources in the region.

Although the NRMP considers titling as the condition necessary for the conservation of the natural patrimony of the communities and the nation, the scope of the Regional Committees is limited as a space where the ethno-territorial organization of the Pacific can concur, because of being so tightly connected to the process of titling. Regional Committees need to widen the focus of discussions to include other aspects of the NRMP, for instance, of ecological zoning and national parks. Additionally the lack of leadership of the Regional Committees led to the impression among some Afro-Colombian organizations that gaining or initiating the distribution of economic resources, in particular land, was the aim of the process rather than just a portion.
Community Participation and Institutional Performance: INCORA and Indigenous Land Titling

One of the benefits of the NRMP was that due to community participation and awareness of the program there was a rapid feedback mechanism regarding compliance with goals. Indigenous organizations were particularly forthright in demanding and pursuing compliance in the demarcation and titling of resguardos. The most vocal of these community organizations, OREWA, wrote letters to the implementing agencies, to the World Bank and even to the President of Colombia demanding accountability and compliance.

OREWA’s main complaint was that since INCORA had started titling collective territories for Black communities they had stopped titling and demarcating Indigenous resguardos. A major finding of the mid term review in 1997, was that INCORA was dragging its feet and creating the potential for increased inter-ethnic conflict through faster pace of implementation of the Black community activities and a lack of coordination of the Indigenous and Black community programs. From September through December of 1997 there was a growing concern on the part of World Bank staff that “it is a great irony, that we would have titled Afro-Colombian land but at the price of the progress of the Indians” because of this delayed action and inactivity of INCORA in regard to Indigenous resguardos.

Through support to OREWA’s concerns, and letters to the MOE and INCORA, the World Bank pushed for compliance, and accountability with treats to withhold the loan. They advocated a change in personnel, the institutional and legal reorganization of INCORA, making Indigenous resguardo titling a high priority, an external evaluation and the integration of Regional Committees for conflict resolution.

As external evaluations, mid-term reviews and community complaints all indicated serious concern about the progress of Titling and Regional Committees, the World Bank sent a supervision mission in January of 1998 where they determined the MOE should elaborate a Plan of Action determining how they plan to address the problems of the Land Titling and Regional Committee components by end of February 1998.

OREWA did not cease acting as an overseer and pushing their own specific agenda. Right up to the present they continue monitoring the progress of the demarcation and titling of resguardos specified by the Action Plan. They continue to accuse INCORA of lacking political will to carry out the titling duties assigned to it, especially in the regional offices. Their strategy of contacting all those involved regarding their complaints remains an effective way to participate as a local community organization.

The Action Plan of March, 1998

After the meetings of Yanaconas in Cali in 1992, the Action Plan of 1998 is the most important turning point in the process of the NRMP’s components of a Land Titling and Regional Committees. This Action Plan was developed to link the operational plans for
all three components into a single integrated work program with specific goals, including a strategy for documenting the experience and lessons learned by the NRMP and participating institutions.

The Action Plan was set up to combat the tensions between the community and the government. It provided specific goals and the mechanisms to achieve them that allowed for the achievement of the Land Titling and Regional Committee component goals. This plan included strategies of territorial definition, capacity building, strengthening of intercultural understandings and conflict resolution.

More specifically it recommended that:
1) INCORA develop a computerized data system for tracking the process of titling.
2) INCORA contract regional Indigenous organizations to assist in conducting the delimitation and other topographic work necessary for the constitution of resguardos.
3) INCORA prepare a special land regularization plan for the constitution of resguardos in Cauca, Valle and Nariño.
4) The RED and other cooperating institutions should organize a special meeting of the inter-ethnic Regional Committee to discuss and agree upon INCORA’s operational plan for the two titling components and to resolve any outstanding issues or conflicts.
5) INCORA outline specific land titling goals for Black and Indigenous communities, defining the number of titles to be issued or the hectarage to be covered in the time remaining.

The Action Plan brought forward the important role of Inter-ethnic Regional Committees in conflict resolution, and coordination between Black and Indigenous community activities. The process of agreeing on the Plan of Action and the framework of measurable objectives in the Plan have played an important role in increasing coordination among the various implementing agencies, in establishing greater trust between these agencies and the indigenous and Black community organizations of the Pacific coast, and in promoting greater transparency and accountability. For the first time a systematic data base exists on the status of land regularization for both the Indigenous and Black communities, and monitoring of performance in meeting the milestones set for in the plan for 1998-99. Only with the formation of the Action Plan and clear corresponding strategies and criteria did the Land Titling and Regional Committee components of the NRMP gain its own momentum after moving very slowly.

**Expulsion of Regional Directors of INCORA.**

Due to community pressure, mainly from Indigenous groups, 2 regional directors of INCORA were forced to leave their positions. In 1998 the government of Colombia removed 9 out of 25 regional directors from their jobs because of inefficiency and irregularities. This reshuffle of functionaries of INCORA included 2 regional directors in the Pacific. The director from the Chocó was removed for inefficiency and administrative disorder and the director from Cauca because of inefficiency in the titling of Indigenous resguardos.
The Unique Experience of Titling Collective Territories For Black Communities: ACIA

The NRMP is responsible for 100% of land collectively titled to Black Communities in Colombia today. By June of 2000 the program had titled 1.65 million hectares of land to 360 Black communities benefiting 18,000 families. The first Black community collective title issued was the title of la Madre, in Bajo Atrato the only title issued in 1996. Another 6 titles were issued the following year including the title to ACIA for a territory of 695,254 hectares. The pace of titling picked up after the Action Plan of 1998 with the majority of titles being issued between 1998 and 2000.

ACIA, representing over 100 communities in one of the most remote, riparian areas in the Chocó region, was given their title deed for 695,254 hectares on 11 of Feb 1998 by Ernesto Samper, the then president of Colombia, to mark the auspicious occasion. As one of the first titles issued and definitely the largest, the process of titling the ACIA territory acts as a model for titling of collective territories for Black communities throughout the Pacific region.

The process of obtaining the titles was arduous. ACIA had to first negotiate the meeting and contract for mobilization, and training of the communities, then gather and process information, consult and agree with Indigenous, private and other organizations holding property, with other Black communities and the state and now define the new responsibilities since titling. The initial management of funds was difficult because of the number of entities and people involved in the formalization of the accord since the process was structured for international governments and entities rather than poor rural farmers with a high percentages of illiterate members.

Thanks to their community work done before the process of titling, ACIA not only had a huge knowledge of the communities but a formidable ability to call meetings. They were thus able to do an intense job and hold 139 community workshops, 9 zonal workshops, and one great General Assembly. In order to solve border difficulties they created with OREWA and OIA (Organización Indígena de Antioquia) an Inter-ethnic Commission to look for solutions. With private property owners and other communities they directly negotiated on a case-by-case basis.

However, similar to what happened to other communities along the Atrato river, in 1999 external armed groups imposed control as the only power within the territory and many of the members of ACIA were displaced as refugees in urban centers. This was a very real negation of the exercise of construction of community self-governing and autonomy. Nevertheless, in 2000, thanks to the title and the new legal security over their land the communities of ACIA have managed to neutralize to a large extent the advance of the war in their territory.
Violence and Collective Territories of Ethnic Groups

The Pacific, which used to be on the margins of Colombian violence, has experienced dramatic changes that affected the models of traditional territorial appropriation of Black and Indigenous communities with the simultaneous degradation of the ecosystem since the late 1980s. These changes include: the state trying to integrate the region to the international markets, the fight of many companies for access to the forest and mineral resources, the domination of certain territories by drug traffickers, the increase in the region of armed confrontation between the military, paramilitary and guerrilla, and the model of cattle ranching colonization typical of other regions of the country and finally the configuration of Indigenous or Black social movements in defense of their territory and culture.

Today the phenomenon of violence causes a permanent state of anxiety among the inhabitants as the armed groups carry out terrorist actions, murder and retaliation in the countryside, which caused large displacements of poor peasants to larger urban centers. Although drug and political armed violence are somewhat independent they are more and more interconnected every day.

These violent conditions directly impact the Land Titling and Regional Committee components of the NRMP. For instance, shortly after the collective titles of the Black communities of la Nueva, Dos Bocas, Taparal, Clavellino and Chicao of the Lower Atrato river were issued in 1997 the populations were displaced by paramilitary. In 1998 other displaced communities of the Lower Atrato river sent a letter to the World Bank saying that being displaced makes it more difficult to obtain a title. They requested the participation of the International Red Cross, the office of the High Commissioner for Refugees of the UN and delegates from the Dioceses of Apartado and Chocó to form part of a high-level commission to look into titling and violence. They demanded collective entitlement as part of their proposal for a dignified return to their territories.

On the other hand in the case of rio Sucio in the Chocó, the very fact of the titling of collective territories for Black communities contributed to the return of numerous displaced inhabitants and communities, although the confrontation with armed groups continues. Nevertheless the capacity of communities to maintain peace, their possession of the land and to reasonably manage the environment is appearing to be increasingly affected. The effects include:

1) the breaking up of social networks and governing forms internal to the communities, in the incorporation of youths in these groups, the auto-proclamation as agents of justice or governing by forest agents in place of community authority, and the destruction of traditional cultural values and internal rules.
2) disturbed economic life and traditional form of work. Although this is done in many ways the removal of family members from traditional everyday activities by armed groups or drug traffickers and the abandoning of rural plots for urban areas when displaced has the greatest impact.
3) the break up of traditional ways of managing nature, using natural resources and defense of ecosystems in the introduction into the regional economy illicit crops as a financial front for armed groups, the toleration of these groups non regulated use of forest and mines and the possibilities of quick money.

In spite of this insecurity and upheaval brought about by the violent situation, land titles lend a specific long-term stability to communities. They serve not only to mark the legal boundaries of territory today, but to ensure the existence of the communities into the future. Andean Colombia has a long history of land titles demonstrating ethnic or community existence. Similar to Royal titles issued by the Spanish Crown during the colonial period to Indigenous communities in the Andes, the collective titles of the Pacific prove the existence of the community as a community and as an ethnic group to the wider Colombian nation. In the Andes many Indigenous communities ceased to be recognized as Indigenous, and their lands ceased to be recognized as their territories because they did not possess or could not prove their connection to, royal titles over the land.

One might argue that there is no point in titling land if those that possess the title cannot live there due to their displacement to urban areas because of violence. Nevertheless, the collective title not only sets up a legal basis to claim back the territory but it specifically registers the social, cultural and political existence of the communities associated with the land and the moral obligation of the state to the members. Thus, in a less violent future the titles facilitate the return of these people to their territories and traditional ways of life.

Ethnic Conflict and Resolution

The titling of collective territories for Indigenous and Black communities was not without conflict. Importantly the exercise of titling itself produced an escalation in ethnic conflict over territory. These conflicts had existed prior to the program, especially where Black communities had particularly insecure rights to land, while Indigenous communities held specific legal rights over neighboring and at times coterminous land, and where both communities were poorly organized. As the possibility of titling collective territory for Black communities became a reality conflicts arouse over territorial boundaries and over the process and rapidity of titling. At the same time the government policy of “cleansing” of resguardos through the removal of non-Indigenous populations increased the friction between Indigenous and Black communities.

The context of ethnic conflict and its relation to the NRMP is complex and depends on the prior relationship between Indigenous and Black communities, their relative participation as functionaries of the state, and their unequal legal access to secure title to land. On one hand it was difficult for Indigenous communities used to a certain process of titling to accept new restrictions and procedures for titling, such as environmental restrictions or having to consult with Black communities over boundaries. On the other hand INCORA stopped titling of Indigenous resguardos in the Chocó for almost 2 years.
during the NRMP, causing a strong impression of the lack of political will on the part of the government to title Indigenous territory.

With the possibility of obtaining legalization of their territory some Black communities no longer accepted the principals behind “cleansing” arguing that these lands were traditionally ancestral lands of Black communities. These pockets of land within resguardos became bones of contention. At the same time, in certain areas of the Pacific such as the Chocó, as the main functionaries in government institutions or in politics, Afro-Colombians used these positions to secure rights they deemed appropriated from them.

In 1997 the first Inter-Ethnic Regional Committee was held in Perico Negro, in the municipality of Puerto Tejada. It was organized by INCORA and set up to revise tensions and possible inter-ethnic conflicts, and to develop knowledge of the territorial rights, the action of the state and external violent factors. Black Communities and Indigenous organizations participated and so did national and regional implementing entities. The committee concluded that the Afro-Colombian and Indigenous communities still maintain traditional methods of conflict resolution that should be supported and promoted, and that it was nonetheless still necessary to adjust the actions of the different state entities for conflict resolution and to strengthen these mechanisms.

These Inter-Ethnic Regional Committees can be seen as the third turning point in the NRMP after the meeting of Yanaconas, and the Action Plan that fundamentally changed and enabled the program to accomplish its goals. Through these Inter-Ethnic Regional Committees the Regional Committees were transformed from principally training, capacity building and information dissemination sites to highly effective sites of conflict resolution.

**Community Organization and Conflict Resolution**

In 1998 the community organizations of the middle Atrato river, ACIA, OREWA and OIA used the Regional Committees to consult and come to an agreement over their territorial limits. The territory of Indigenous communities of OIA and OREWA surround the large territory of ACIA rising up from the Atrato river valley on one side to the Cordillera Central and the other to the Coast ranges. There were pockets of Indigenous and Black communities living within the territories of the other group. At the same time there were disputes over the boundaries of the already recognized territories.

Through the process of consultation and prioritization they were able to determine the final land mass of ACIA and delimit the neighboring 16 resguardos. The accord made possible the constitution of 8 resguardos in department of the Chocó in 1998 and eased the following constitution of 6 others in department of the Chocó and 2 in the department of Antioquia. The accord included the exchange of land to consolidate territory and in some areas the shared management of territory between Indigenous and Black communities. These communities were able to come to such agreements because of their
strong, long-term organization, which had been strengthened through their participation in the NRMP.

What is a Collective Title?

Interethnic Territories

The settlement dynamic of Black and Indigenous communities is not necessarily homogeneous with separate populations occupying clearly defined spaces. In reality throughout the Pacific Black and Indigenous populations are interconnected not only through trade but also through kinship, ceremonies and shared territorial spaces. Ironically, Law 70 truncated the process of forming interethnic territories. This legislation does not take into account the historical dynamics of the rural communities of the Pacific due to a lack of research and description of the types of settlements and relations that exist between these populations.

Since 1998 the communities of San Juan requested a joint Black and Indigenous Territory - the Territorio Wounaan-Negro. From San Juan south settlements do not follow the homogeneous rules that characterizes the Atrato or the Baudó. This is important to recognize when using ACIA as a model for future titling. Trying to force the communities into tenure systems that do not reflect their social reality can cause conflicts. At times Black communities have no territorial options outside of joint territories with Indigenous communities and the titling process could dispossess them. To make spaces for the reality of interethnic territories as a tenure modality and reduce conflicts through the incorporation of historical pasts of the communities, legislation needs to reflect the actual settlement patterns of the two communities.

The Legal Status of Ethnic Administration: Cabildos vs. Consejo Comunitarios

The existence of special legislation in independent forms gave rights to Indigenous and Black communities over areas that they occupy, but did not resolve complex situations where one or other share territories and have managed to develop forms of shared understanding and administration. One of the reasons that this is particularly difficult is the different status of the governing bodies of these territorial entities, and essentially the status of the territorial entities themselves.

The cabildo, the governing body for Indigenous resguardos, is a public entity of a special character incorporated into the country’s political and administrative structures. It is an autonomous institution that receives funds from the central government can collect taxes and make and administer laws within its territories and carries out public services and minor policing measures to keep internal order. It is integrated into the political system at the constitutional level.

The consejo comunitario, the governing body for collective territories of Black communities, on the other hand, is the legal personification of the community and is thus constituted with a purely private character. It retains an undefined and ambiguous
autonomy because it pertains to the municipality and relies on the municipality for the transfer of resources and revenues as it does not receive funds from the central government. Nevertheless, it is not within the authority jurisdiction of the municipality. It is unclear whether the consejo comunitario has the authority to collect taxes and make and administer laws within its territories or carry out public services and minor policing measures to keep internal order. It is integrated into the political system at the legislative level.

As a result the ability of consejos comunitarios for Black communities, if compared to Indigenous cabildos and councils of territorial entities which have a public character, to authorize an adequate administration of community interests severely limits the perspective and possibilities of future territorial and communal development and management.

A key thing to note is that the main difference between the legal recognition between Black and Indigenous territories is that for the Indigenous communities the law recognizes some degree of Indigenous territorial control and provides for limited autonomy or self-rule. For Black communities the law recognizes more of a corporate structure similar community forests in the USA, with limited self-rule potential.

**The Legal Status of Collective Titles and Public-Use Goods**

Similar to many coastal territories of the Pacific, the traditional territory of the Peasant Association of Rio Patia, ACAPA, in Nariño includes intertidal plains covered by mangrove swamps, which they have used traditionally for subsistence production in fishing and collection of sea resources including bivalves and mollusks. The status of these mangrove swamps as land or sea, as public or private use goods, and thus as able to be titled or not, raises some important issues about the status of Collective Titles for Black Communities, the level of autonomy and control of community councils, the relationship between environmental policy and community involvement, and finally the inequality of rights between Indigenous and Black collective territories (standardization of the law).

Although the MOE and the community representatives ACAPA signed an accord in June of 1998 allowing the territory of ACAPA to be titled explicitly leaving out the areas of mangrove swamps the communities later protested the loss of over 20% of their territory. They argued that the mangroves are their sustainable livelihood that guarantee their food security, experience has demonstrated that the Black communities have conserved the mangroves historically, and a high percentage of the Pacific Territories contain mangroves. Thus the inclusion of the mangroves within the title up holds their constitutional right to protect their ethnic and cultural diversity and a real recognition of the collective right to territory of the lands of the Pacific Basin by Black communities.

In 1999 INCORA had a meeting to analyze and conceptualize the juridical nature of mangrove zones and the implications for Collective Titling for Black communities. After considering technical and legal arguments they came to the conclusion that the areas of
mangrove are not to be excluded from the titleable areas. They requested the go ahead to title from the MOE. However, neither INCORA nor the MOE wanted to take a stand regarding the titling of mangrove areas and neither proceeded.

In April of 1999 the legal office of the MOE was asked to state their position on the legal nature of the mangrove zones and their implication for the titling of collective property for Black communities of the Pacific. It was the opinion of the legal office that “the MOE is not the entity in charge of defining if a good is or is not of public use, in spite of its involvement in the theme especially when it was part of the technical commission and when the discussion involves areas that house mangrove ecosystems, according to articles 12 and 48 of law 160 of 1994 and article 20 of the regulatory decree 2663 of 1994. INCORA is the entity that has the function of delineating goods of public use, that can not be included in the collective titles as stated in article 6 of law 70 of 1993 and article 19 of decree 1745 of 1995.”

In the end INCORA and the MOE adopted the formula that had been used decades ago for the constitution of Indigenous reserves, that INCORA issue the title to the communities excluding the mangrove swamps, recognizing public ownership over the mangrove swamps as according to the law they could not be titled. Then the communities were awarded usufruct rights to the areas excluded.

While the usufruct rights to public use goods in the case of the mangroves seems a practical solution to conflicting policies of environmental protection and community control over natural resource management, the solution points to the limits of participation and ownership on the part of the community. These are also indications of the types of habitats considered manageable by communities and those that are not. For instance, the conversion of Indigenous reserves to Indigenous resguardos in the Pacific was a recognition of the communities ability of manage forests and a transference of the control of this management to the community level. It would appear that wetlands are not yet considered manageable by communities.

In mid 2000 OREWA wrote to the MOE requesting closure on the mangrove issue from the point of view of the Indigenous legislation to solve the problem of the Indigenous peoples who live in mangrove areas and use them traditionally. Deemed public use goods one would assume closure on the mangrove issue had been reached when addressing the problem in relation to Black communities. Nonetheless, because the two ethnic groups do not fall under the same legislation, and the titles do not title exactly the same thing, and Indigenous territories as public entities may be able to contain public use goods, the issue must be readdressed regarding Indigenous territories.
Some Benefits of Collective Titling and Participation:
1) the process of titling contributed to ethnic identification in a participatory manner, community organization and access to clear tenure.
2) the participatory nature of the program increased the community’s security in their capacity to make claims and to manage resources.
3) the efforts to obtain titles and the titling itself has contributed to strengthen the internal forms of government and the community’s negotiating capacity.
4) titling gave a more clear and solid ownership or dominion over their territory and a legal base effective to protect it.
5) in the context of armed conflict the winning of ownership over the land, through NRMP, has represented for many communities of the Pacific a real possibility for the defense of life and a degree of independence from the conflict.
6) titling has acted as a base for bargaining and legitimacy.
7) other programs had been programs of the government and not long term programs of the state. The NRMP was able to cover three government administrations as the communities were the stabilizing factor through the changed of administrations.
8) participation contribute to the maintenance of traditional knowledges and cultures.
9) the titling of Black community land was a determining factor in the defense of biodiversity.

Impact of the Land Titling and Regional Committees Components of NRMP

There are four areas of impact of the above three components:
1) communicational - between state and local organizations as well as between local organizations and the people.
2) organizational – the structure and unity of organizations.
3) spatial – territorial authority and control.
4) temporal – structural change and long term influences.

Communicational Impact:
Communication is a major problem throughout the region. The difficulty of uniting people across the region is a weakness of the program making it hard to centralize decisions and to coordinate work. Local communities have tried to ameliorate the situation by asking for an autonomous space to get together before the meetings of the Regional Committees in order to consolidate a regional position beforehand.

Community organizations, but especially Afro-Colombian organizations, felt that the process of titling enhanced their cultural cohesion and awareness. Through this process the communities demarcated and reactivated the oral history of their people and territories and built up the self-awareness and education about their culture. The titling process consisted in making social maps of the territory including maps for the future and the past, of narrating and recording the history of the people, their culture and their traditional practices and detaining the social relationships with the communities around
them. This generated a huge excitement at learning from the older generations by the young and understanding the internal diversity of the communities.

The titling process also helped recuperate the cultural process of use of the territory and traditional knowledge about biodiversity. This took place through a community intellectual movement including hunters, gathers, the elderly and traditional doctors to reconstruct the history of settlement of the territory, and to explain from their own perspective the importance and use of the natural resources that exist. Part of this knowledge is left in maps and minutes (memorias) from the workshops of social mapping. Most importantly, as expressed by some of the Afro-Colombian participants, the young and the old, the men and women were put together to synthesize traditional knowledge about the biological resources and the community territory as part of their own identity. The communities felt that this combined effort was particularly informative and useful.

Law 70 generated an institutional coordination framework such that the MOE, INCORA and the RED were able to work together without conflict. This institutional coordination was amplified by the Regional Committees and consultations. Adversely, the strong unity between the three organizations had the initial effect of distancing the Ministry of the Interior and in particular the High-Level Consultative Commission, since most of its job and space was taken over by the RED. However, the interethnic Regional Committee in Perico Negro, Puerto Tejada in August 1997 recuperated the High-Level Consultative Commission as the Committee brought it into agreements on the necessity of defining territory.

Organizational Impact:
The natural institutional rhythm of the implementing agencies was accelerated by the agreements with the World Bank on goals, resources and deadlines. There was a combination of political will, resources and social demand, which made the project the success that it was.

A lot of the success was due to the coordinating efforts on the part of the PCU in the MOE which had to balance limiting and controlling spending with giving autonomy and agency to the institutions they worked with. Their ability lay in the rigidity in which they demanded compliance with deadlines and funding accountability, and the flexibility they gave the institutions in planning and going about their work. As the PCU was not responsible for the implementation of projects, although fully responsible for the use of funds, they served as strong overseers of spending. The structuring of this facilitating mechanism within the MOE is an important lesson for the coordination of future projects. Additionally the people who worked on the NRMP had an amazingly high level of dedication and enthusiasm for the project both at the World Bank and in Colombia.

The MOE discovered during the program that the cheapest form of strengthening environmental institutions was through the participation of the people in the process such that they were in charge of the project themselves. This type of participation was novel. Previously the conservation programs had placed the environment before the social such
that people were not involved until after the creation of the legislation. They later discovered that the long-term effect of titling has been conservation through appropriation. Because of the stability that titles provide they have witnessed an interest in conservation by communities of the region.

At first INCORA had a sole division attending Indigenous and Black communities within one area of administration. Law 70 of 1993 and Decree 1745 of 1995 along with community pressure was a great push to force the titling of Black community territory. The national government named Ortilia Vegas, a Black woman, as manager of INCORA in the Pacific and under her INCORA separated the single program attending ethnic groups into two separate programs at the end of 1997.

At a time when INCORA was dividing the unit attending Indigenous and Black community land titling, the RED instituted Interethnic Regional Committees (they had started out as separate Black and Indigenous Regional Committees). The changes that took place in INCORA would appear to have allowed for, and perhaps demanded, the complimentary change in the RED. As the Collective Territories for Black Communities became a reality with the reordering of the administration within INCORA, the resolution of interethnic conflict became more important as well.

**Spatial Impact:**
The new territorial units challenge old ideas of power and authority between the Territories of Black Communities, Resguardos and Municipalities, contesting control over 1) land, 2) resources in general 3) natural resources in particular and 4) permissions and licenses for extraction and exploitation of minerals. This becomes obvious in instances such as the formation of Plans of Territorial Regularization. The PCU has to coordinate between these territorial units as well. The uncertainty of these relations is compounded by the fact that Consejos Comunitarios do not receive funds for services such as health and education from the central government as do Indigenous Resguardos, but rather depend on the municipality for such funds, yet they are not within the authority jurisdiction of the municipality.

The shortage of vacant land (baldíos) in the Pacific Coast affects the sustainability of the project to continue titling in the future. It will soon not be possible to extend territories in the Pacific except through the purchase of private property. This is already becoming a problem in areas where resguardos cannot be amplified without encroaching on land held by others. INCORA is trying to address this problem outside of the Pacific by buying private property to deed as collective titles to Black communities.

**Temporal Impact:**
The titling of property changed people’s way of thinking about their region, especially for Black communities. They began to think about it as a naturally rich area where remaining rather than migrating was now an option. Now that the land has been removed from the market there has been a repopulating of the territory accompanied by a rise in ethnic identification. Additionally, the support of the existence of solid regional and
grassroots organizations and the security offered by legally recognized territorial
dominion has been invaluable for struggles for peace.

The NRMP’s model of participation can serve as an example for other projects that
would like to define and adopt participatory strategies. The model has contributed to
strengthening the image and the legitimacy of state entities that assume the responsibility
to carry out their functions in the eyes of the public. A real interest in the environment
and sustainable development developed among the community. At present a large
percentage of the community organizations are working on management plans for their
territories. Nevertheless the environmental authorities are not taking advantage of this
favorable occurrence to development initiatives more in accord with the communities to
maintain and consolidate the commitment.

The sustainability of Collective Territories in the future depends on: a) being part of an
environmental policy, b) the control and use of natural resources, c) the accompaniment
of productive activities to prevent reversion, d) management plans, and e) the resolution
of internal conflicts between individual and collective credit and organization. The latter
is particularly hard as there is no clear policy about credit and each community
organization has to deal separately with the problem. For instance, ACIA invented a
usufruct contract so that farmers could obtain credit.

The government is trying to incorporate the ideas of the Collective Land Titling and
Regional Committees components of the NRMP into macro political policies for the
Pacific allowing them to slowly become structurally part of policy development. The
Organic Law of Territorial Regularization for land use planning is going to emphasize
territorial entities. However, while Indigenous Resguardos are going to become
Indigenous Territorial Entities and have equal power to municipalities, the Collective
Territories of Black Communities have less autonomy and pertain to municipalities and
rely on them for the transfer of resources and revenues. This is a constitutional condition
and only a change in the constitution can affect this administrative positioning.

INCORA has begun for the first time to incorporate the theme of Black Communities in
their new Plan of Operation along with that of Indigenous Communities. They have
begun a program to buy land in areas outside of the Pacific for Black Communities who
don’t have land. They have already purchased land in San Andreas, Santander and in the
North of Cauca, and have had petitions for titles in three territories out side of the Pacific
in Cartagena, Caldas, and Antioquia (Uraba). This had been part of the demands of
Regional Committees of Black Communities since 1998.

Nevertheless INCORA is dropping the use of Regional Committees outside of the Pacific
Basin because; 1) the specificity of the Pacific enabled the success and utility of Regional
Committees while other areas do not have the same conditions, and 2) the jurisdiction of
the RED to call Regional Committees is limited to the Pacific. They claimed to have
learned from the strategy of participation of Regional Committees and from the High-
Level Consultative Commission. However, they appear to see the Regional Committees
as capacity building arena and do not take seriously their conflict resolution potential.
Lessons Learned

The Program:
The NRMP also shows that to make participation effective a program needs to work with the community or organizations that have direct interest in the solution to the problem. Many environment programs are programs of the government and not long-term programs of the state. The NRMP was able to cover three government administrations because the communities were the stabilizing factor through the changes of administrations. Indigenous and Black people have a large awareness of the right to participate, and have come to demand and obtain it in part without direct laws or regulations. The state entities recognize it just a responsibility and requirement of a quality of service of public administration. Law 70 generated an institutional coordination framework such that the MOE, INCORA and the RED were able to work together without conflict. It is important that these advantages become institutionalized.

The natural institutional rhythm of the implementing agencies was accelerated by the agreements with the World Bank on goals, resources and deadlines. A lot of the success was due to the coordinating efforts on the part of the PCU in the MOE, which had to balance limiting and controlling spending with giving autonomy and agency to the institutions they worked with. Their ability lay in the rigidity in which they demanded compliance with deadlines and funding accountability, and the flexibility they gave the institutions in planning and going about their work.

In spite of the ample praise given to the functioning of the Regional Committees both as capacity builders and as conflict resolution mechanisms, they seemed the least structurally incorporated into policies and future plans of implementing organizations. Perhaps this is because they were organized and administered by the RED whose jurisdiction and future existence is uncertain at the moment. Nevertheless, the lack of incorporation of Regional Committees as conflict resolution mechanisms in future projects of administering institutions, but especially within INCORA, is a wasted lesson. Institutions whose future plans do not include Regional Committees should include in their analysis of sustainability alternatives in popular participation.

Institutions:
Structural institutional transformations, not just within the local community organizations but also within the executing and coordinating agencies, are the basis of sustainability in such a program. The NRMP found that in order to make participation a reality it was necessary to: 1) strengthen communities and their organizations so they can take up the knowledge and responsibility of having territorial ownership and domination. This meant legal training, construction and consolidation of consejos comunitarios, regularization of management of natural resources, and definition and agreement on the boundaries of communities, and 2) necessary simultaneous training and capacity building of the institutional entity in charge of the procedures, for instance, INCORA.
Conservation:
The long term effect of titling has been conservation through appropriation assuring a solid base for conservation. Because of the stability that titles provide they have witnessed an interest in conservation by communities of the region. Thus making titling a determining factor in the defense of biodiversity. The titling of property changed people’s way of thinking about their region, especially for Black communities. Now that the land is removed from the market there has been a repopulating of the territory accompanied by a rise in ethnic identification.

The NRMP was able to work from, and with the legal transformations, to make real some of the rights guaranteed in the constitution and to push for compliance with others, while at the same time the political will of the constitution enabled the NRMP to develop and implement environmental and territorial policy.

The participatory nature of the program increased the community’s security in their capacity to make claims and to manage resources. The titling process also helped recuperate the cultural process of use of the territory and traditional knowledge about biodiversity. This took place through a community intellectual movement including hunters, gathers, the elderly and traditional doctors to reconstruct the history of settlement of the territory, and to explain from their own perspective the importance and use of the natural resources that exist. Part of this knowledge is left in maps and minutes (memorias) from the workshops of social mapping. Most importantly, as expressed by some of the Afro-Colombian participants, the young and the old, the men and women were put together to synthesize traditional knowledge about the biological resources and the community territory as part of their own identity. The communities felt that this combined effort was particularly informative and useful.

Participation:
The agility in delimiting territory, the support for the demographic and technical information and the search for accords with other communities and persons as a necessary information base for titling was only possible in the cases in which the organizations themselves had done the prior work of informing and training the community. For instance, thanks to their community work done before the process of titling, ACIA not only had a huge knowledge of the communities but a formidable ability to call meetings. Thus, for environmental programs that want to secure citizen participation there needs to be special support given to strengthening community organizations where they already exist, and to push for their formation where they are lacking.

Due to community participation and awareness of the program there was a rapid feedback mechanism regarding compliance with goals. Indigenous organizations were particularly forthright in demanding and pursuing compliance in the demarcation and titling of resguardos. One of the strengths of the Regional Committees is that their agreements set both a trend and a benchmark from which to claim rights and compliance on the part of the state. In the medium term the Regional Committees highlight participation in
planning, follow-up and evaluation of the program, looking to harmonize the objectives with the rights and interests of the local population.

The process of titling contributed to ethnic identification in a participatory manner, community organization and access to clear tenure. Community organizations, but especially Afro-Colombian organizations, felt that the process of titling enhanced their cultural cohesion and awareness. Through this process the communities demarcated and reactivated the oral history of their people and territories and built up self-awareness and education about their culture.

**Territories:**
Titling gave a clear and solid ownership over territory and a legal base effective to protect it. In the context of armed conflict the winning of ownership over the land, through NRMP, has represented for many communities of the Pacific a real possibility for the defense of life and a degree of independence from the conflict. Titling has acted as a base for bargaining and legitimacy.

In spite of the insecurity and upheaval brought about by the violent situation, land titles lend a specific long-term stability to communities. They serve not only to mark the legal boundaries of territory today, but to ensure the existence of the communities into the future. The collective title not only sets up a legal basis to claim back the territory but it specifically registers the social, cultural and political existence of the communities associated with the land and the moral obligation of the state to the members. Thus, in a less violent future the titles facilitate the return of these people to their territories and traditional ways of life.

Productive actions that complement the Land Titling components of the NRMP are necessary to ensure the wellbeing of the communities. At present a large percentage of the community organizations are working on management plans for their territories. Nevertheless the environmental authorities are not taking advantage of this favorable occurrence to development initiatives more in accord with the communities to maintain and consolidate the commitment and the state needs a clear will to orient actions to overcoming poverty.

The efforts to obtain titles and the titling itself have contributed to strengthen the internal forms of government and the community’s negotiating capacity. Nevertheless the sustainability of Collective Territories in the future depends on: a) being part of an environmental policy, b) the control and use of natural resources, c) the accompaniment of productive activities to prevent reversion, d) management plans, and e) the resolution of internal conflicts between individual and collective credit and organization. The latter is particularly hard as there is no clear policy about credit and each community organization has to deal separately with the problem.

The legal status of the collective titles to Indigenous and Black communities affects how they operate as territories and how the councils can operate as governing bodies. The legal status of titles is not equivalent between Indigenous and Black communities, the
former having a public status and the latter a private one. In the Pacific south of San Juan settlements are not homogeneous with separate populations occupying clearly defined spaces that these disparate statuses of the titles indicate. In effect the legislation blocks the creation of joint inter-ethnic territories in spite of the community demand.

The existence of special legislation in independent forms gave rights to Indigenous and Black communities over areas that they occupy, but did not resolve complex situations where one or other share territories and have managed to develop forms of shared understanding and administration. Trying to force the communities into tenure systems that do not reflect their social reality can cause conflicts. This is important to recognize when using ACIA as a model for future titling. To make spaces for the reality of interethnic territories as a tenure modality and reduce conflicts through the incorporation of historical pasts of the communities, legislation needs to reflect the actual settlement patterns of the two communities.

With the proliferation of municipalities, and territories under the control of extragovernmental groups, it would seem that the inequality of status between Consejo Comunitarios and Cabildos, and their respective territories as administrative units will produce new territorial conflicts with other territorial administrative units such as municipalities. The disparity in relations with the central government in the funding of the entities, and their ability to collect taxes from their inhabitants compounds the problem. A clarifying of legal positioning of these territories in regard to one another, of revenue and resource collection and distribution, and of the administrative support from local and central government for the functioning of the territories would be needed to address this problem.
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