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R2004-149 Other # 12 Box # 212119B
Shelton H. Davis - Colombia - Natural Resource Management [NRM]
Project - Correspondence

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WBG Archives

May 20, 1999

Dr. Juan Mayr Maldonado
Minister
Ministry of Environment
Calle 37 #8-40
Santafé de Bogotá, Colombia
Fax: 571-288-9892

Colombia: Natural Resource Management Program (Ln. 3692-CO)

Dear Dr. Mayr:

As you know, Mr. Shelton Davis made a short mission to Colombia in early March to supervise progress in implementing the Action Plan for the indigenous and black community land titling, and regional committee components of the Natural Resources Management Program (NRMP) since the last supervision mission of October 1998. Along with meeting with the Vice Minister for SINA and the General Coordinator of the Program, Mr. Davis met with the Directors of INCORA and the Red de Solidaridad, and with the head of Indigenous Affairs in the Ministry of the Interior. The mission's conclusions are presented in the attached aide memoire.

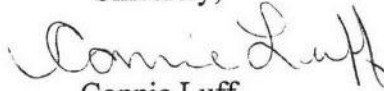
Concerning the mission's findings, Mr. Davis was impressed by progress made in the last quarter of 1998 and the beginning of 1999 in the constitution and demarcation of indigenous reserves. This resulted from the recent reorganization of INCORA, as well as the replacement of several key regional staff. The data indicated that the pace of land titling of indigenous reserves has increased substantially, and we hope that the goals outlined in the Action Plan of February 1998 can be reached by the end of the program in December 1999. Good progress was also made by INCORA in 1998 in the granting of collective titles to black communities. However, we continue to be concerned about the possible negative impact of the current budgetary cutbacks and lack of expenditure authorization (PAC) on the successful completion of the NRMP, and particularly the Action Plan for the three components to which we accord the highest priority.

We are also very concerned that the Action Plan's goals for black community land titling are now in jeopardy. During the mission, Mr. Davis was told that significant delays had occurred in the granting of collective titles for black communities occupying lands that contain mangrove forests. Subsequently, we learned that in mid-April the Chief of the Legal Office of your Ministry sent a letter to the *Subgerente de Ordenamiento Social de la Propiedad* in INCORA indicating that those lands containing mangrove forest are of public use and therefore can not be titled as collective property under Law 70 of 1993.

While recognizing the complexity of the legal issues involved, we fear that the Ministry's legal opinion will generate social unrest and prevent the fulfillment of commitments made to black communities in the Pacific Coast in the context of the Action Plan. Furthermore, we do not see how the ultimate objective of conservation and sustainable management of the valuable mangrove ecosystem will be achieved unless there is significant participation of the black communities living in these areas, as is successfully being done in the Sanquianga National Park.

Knowledgeable persons in Colombia who are familiar with the legal framework have advised us that there may be a compromise solution which respects the law, recognizes the rights of black communities living in these areas, and promotes the sustainable management of the mangrove ecosystem. We would appreciate if you would take into account our concerns about this matter and let us know how you envision the satisfactory resolution of this critical issue, which has important implications for the success of the Action Plan as well as for the Program and Agenda Pacifico XXI.

Sincerely,



Connie Luff

Acting Director

Country Management Unit

Colombia, Ecuador and Venezuela

Latin America and the Caribbean Region

Attachment

cc:

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**PROGRAMA DE MANEJO DE RECURSOS NATURALES
PRESTAMO BIRF 3692-CO
MISION DE SUPERVISION TECNICA
COMPONENTES A.2. DEMARCAcion Y CONSTITUCION DE RESGUARDOS INDIGENAS;
A.2.D. TITULACION COLECTIVA DE TIERRAS PARA COMUNIDADES NEGRAS y A.2.F.
APOYO PARA LOS COMITES REGIONALES**

1. La Misión Técnica de Supervisión del BIRF (Shelton Davis) visitó Colombia durante los días 10 y 11 de marzo de 1999, con el propósito de revisar el avance en la implementación del Plan de Acción. La Misión revisó el avance en el cumplimiento de las metas previstas para los componentes de titulación de tierras para comunidades negras e indígenas y de participación del Programa de Manejo de Recursos Naturales – PMRN. Se llevaron acabo reuniones con la Coordinación General del PMRN, la Gerencia de la Red de Solidaridad, la Gerencia del INCORA, la Viceministra de Coordinación del SINA del Ministerio del Medio Ambiente y el Director de Asuntos Indígenas del Ministerio del Interior.

2. AVANCES

La Misión encontró avances significativos en la implementación del Plan de Acción, entre los que se resaltan los siguientes aspectos:

- a) La Constitución de 19 resguardos indígenas en un área aproximada de 101.873, 69 hectáreas en beneficio de 4.640 personas, de los cuales 8 contaron con el apoyo del convenio suscrito entre el INCORA y la Gobernación de Antioquia y 11 en el marco del convenio MMA-INCORA.
- b) De los resguardos constituidos en el marco del convenio MMA-INCORA 10 hacen parte de la solicitud elevada por la OREWA ante el Ministerio del Medio Ambiente y el INCORA para atender trámites pendientes de constitución.
- c) En materia de Titulación Colectiva de Tierras para Comunidades Negras se otorgaron 3 títulos con un área de 206.268 hectáreas, a favor de 12.623 personas en el área de influencia de Cacarica, Chocó; Cajambre, Valle; y Unión Patía, Nariño.
- d) En beneficio de las comunidades negras a finales de 1998 se han otorgado 23 títulos colectivos en un área de un 1.260.677 hectáreas, beneficiando a cerca de 13 .383 personas.
- e) La RED debió atender la emergencia natural del Eje Cafetero y por esta razón no fue tan activa su gestión en el período transcurrido después de la última Misión de Supervisión. Sin embargo, apoyó la realización de la VII Sesión de la Comisión Mixta de Gestión y Seguimiento para el proceso de titulación colectiva de tierras para comunidades negras.
- f) De la misma manera, con recursos del PMRN, la RED suscribió un convenio con FONADE con el objeto de implementar una Estrategia de Comunicación y Educativa orientada a reconstruir, registrar y divulgar la dinámica organizativa de las comunidades negras del Medio Atrato, su relación con el entorno natural, las relaciones interculturales y en general procesos que condujeron y posibilitaron la titulación colectiva de sus territorios. Para la ejecución de este proyecto se tienen previstas las fases de investigación, producción y difusión y se esperan obtener como productos un audio-impreso, un documental y un libro, los cuales tendrán una amplia difusión y divulgación entre estas comunidades.
- g) Planes de Manejo. El MMA, con recursos del PMRN, suscribió con el Instituto de Investigaciones del Pacífico, CODECHOCO y la A.C.I.A. con el objeto de formular el Plan de Manejo Ambiental de los territorios colectivos en el área de influencia de la A.C.I.A. el cual servirá como instrumento para apoyar la toma de decisiones sobre el uso de la tierra, la calidad del medio ambiente y proporcionando la conservación de los recursos naturales.

RECOMENDACIONES

Para asegurar el avance en la implementación y cumplimiento de las metas previstas en el Plan de Acción, la Misión recomienda:

- a) Un seguimiento del trabajo de INCORA con relación al Plan de Cotingencia previsto para el componente de Demarcación y Constitución de Resguardos Indígenas para 1999, el cual deberá presentarse para su concertación con la organizaciones de comunidades indígenas en el próximo Comité Regional.

En materia de constitución de resguardos se tiene un total de 22 resguardos constituidos en el marco del PMRN y faltan por constituir 18 nuevos resguardos. En cuanto a demarcación, se tienen 73 resguardos demarcados quedando pendiente un total de 50 resguardos.

El Gerente del INCORA se comprometió en adelantar para la próxima reunión de Junta Directiva un número aproximado de 14 nuevos resguardos para el primer trimestre y los restantes durante 1999.

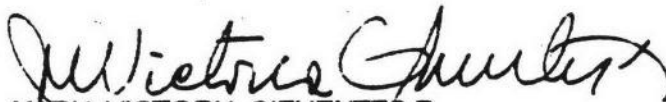
- b) El componente de Titulación Colectiva de Tierras para Comunidades Negras tiene previsto entrega de 53 títulos colectivos en un área aproximada de 1.5 millones de hectáreas en beneficio d 194.823 personas, durante el presente año. Es de anotar que el cumplimiento de esta meta esta relacionado con el concepto que el Ministerio del Medio Ambiente emita sobre la inclusión de áreas de manglares dentro de los títulos colectivos.

La Misión recomienda la pronta expedición de este concepto por parte de la Oficina Jurídica del Ministerio del Medio Ambiente, ya que la demora en la titulación es un factor que incide negativamente en el bienestar social de las comunidades. Al mismo tiempo, tales títulos colectivos son de vital importancia para el desarrollo sostenible de los recursos naturales, incluyendo la protección de los manglares.

- c) Para el mejor cumplimiento del Plan de Acción y para rescatar la memoria de los tres componentes la Misión recomienda la realización de una evaluación por expertos idóneos. Tales personas, deberán tener la capacidad y experiencia de hacer un profundo análisis de esta experiencia de participación indígena y afrocolombiana en un proyecto regional de protección de recursos naturales.
- d) Finalmente, ha discutido con la Coordinadora General del PMRN y los Gerente de la RED e INCORA la realización de un taller de reflexión sobre la experiencia en la titulación colectiva de tierras de comunidades negras y resguardos indígenas, y la participación comunitaria. Tal taller podría realizarse durante el segundo semestre de 1999, después de la concertación de la Agenda Pacífico XXI y antes de la terminación del PMRN.



SHELTON DAVIS
Por el Banco Mundial



MARIA VICTORIA CIFUENTES R.
Coordinadora General PMRN

Santafé de Bogotá, D.C., marzo 11 de 1999

Egarfield/SDavis: ebg
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Cleared with and cc: Garfield, Acting Sector Leader

cc: Redwood, Wiens, **Davis**, Moser, Serra, Hazelton (LCSES); Solimano, Parker (LCC4C); Saez, Ruiz, Arboleda (LCC4C); LCSES IRIS1.

Colombia NRM 4 issues

① long lead time to implement - regulate law 70 - consultations (1994-1997)

② better to use organ. than state agencies to do
③ inter-ethnic conflicts ^{phys. & ethnic} in demarcation process

Incora regional office using land demarcation (politically) - inter-ethnic reserves

③ poverty & NRM with titles in hand (ACIA)

④ mangrove forests on coast - concessions & titling on public lands;

Agenda 21

Conflicts



Figura 66.1
COLOMBIA PACIFICO
 Areas del Sistema de Parques Nacionales Naturales Localizadas
 en la Región Pacífica a Diciembre de 1992

0 50 100 150k
 ESCALA

1. P.N.N. Los Katíos
2. P.N.N. Las Orquídeas
3. P.N.N. Ensenada de Utría
4. P.N.N. Tatamá
5. P.N.N. Farallones de Cali
6. P.N.N. Gorgona
7. P.N.N. Munchique
8. P.N.N. Sanquianga

COLOMBIA
NATURAL RESOURCE MANAGEMENT PROGRAM

PROJECT DESCRIPTION

A. NATIONAL FOREST POLICY AND STRATEGY DEVELOPMENT FOR THE CHOCO REGION:

- NATIONAL FOREST POLICY DEVELOPMENT (US \$1.0 MILLION OVER TWO YEARS)
- ECOLOGICAL ZONING OF THE CHOCO REGION (US \$1.9 MILLION OVER TWO YEARS)
- ENVIRONMENTAL MONITORING (US \$3.7 MILLION OVER FIVE YEARS)
- TITLING AND DEMARCATION OF INDIGENOUS RESERVES (US \$0.5 MILLION OVER FIVE YEARS)
- TITLING OF AFRO-COLOMBIAN COMMUNITIES (US \$2.0 MILLION OVER TWO YEARS)
- INSTITUTIONAL ANALYSIS OF FIVE REGIONAL AUTONOMOUS CORPORATIONS (US \$0.5 MILLION OVER TWO YEARS)
- REGIONAL COMMITTEES (US \$1.3 MILLION OVER FIVE YEARS)

B. WATERSHED PROTECTION AND REHABILITATION IN WESTERN HIGHLANDS (US \$25.7 MILLION OVER FIVE YEARS): -- 143,500 HECTARES

- MICRO-WATERSHED PROTECTION
- COMMUNITY FIREWOOD PLANTATIONS

C. MANAGEMENT OF NATIONAL PARKS AND BUFFER ZONES
(US \$8.7 MILLION)

D. FORESTRY ENVIRONMENTAL EDUCATION, TRAINING, RESEARCH,
ETC.

- EDUCATION AND UNIVERSITY RESEARCH (US \$8.2 MILLION OVER FIVE YEARS)
- VOCATIONAL TRAINING (US \$2.7 MILLION OVER FIVE YEARS)
- FORESTRY RESEARCH (US \$5.4 MILLION OVER FIVE YEARS)
- COORDINATING UNIT (US \$2.6 MILLION OVER FIVE YEARS)
- PROJECT PREPARATION AND EVALUATION CONSULTANTS (US \$0.9 MILLION)
- PANEL OF INDEPENDENT EXPERTS (US \$0.3 MILLION OVER FIVE YEARS)

COLOMBIA
NATURAL RESOURCE MANAGEMENT PROGRAM
INDIGENOUS PEOPLES AND COMMUNITY DEVELOPMENT PLAN

- (1) DEFINITION AND LEGAL PROTECTION OF INDIGENOUS LANDS THAT DO NOT HAVE TITLE;
- (2) BOUNDARY DEMARCATION OF 123 EXISTING AMERINDIAN RESERVES;
- (3) ACTIONS TO ADVANCE THE PROCESS OF LAND TITLING FOR AFRO-COLOMBIAN AND AMERINDIAN GROUPS IN THE CHOCO REGION;
- (4) SUPPORT TO REGIONAL COMMITTEES OF REPRESENTATIVES FROM AFRO-AMERICAN AND AMERINDIAN GROUPS TO FACILITATE THEIR INVOLVEMENT IN ENVIRONMENTAL MONITORING AND LAND TITLING PROCESSES;
- (5) WITHIN THE NATIONAL PARKS COMPONENT, INDIGENOUS AND AFRO-COLOMBIAN RIGHTS ISSUES WOULD BE SPECIFICALLY ADDRESSED IN THE FOLLOWING ASPECTS:
 - REVIEW OF LEGAL STATUS OF INDIGENOUS LAND AND OF NATIONAL PARKS WITH A VIEW TO PREPARE A LAW PROPOSAL THAT WOULD CLARIFY THE CONSTITUTIONAL NORMS WITH REGARD TO THE STATUS OF INDIGENOUS LANDS WITHIN PROTECTED AREAS;
 - REVIEW OF THE USER RIGHTS OF AFRO-COLOMBIANS IN THE SANQUIANGA NATIONAL PARK; AND,
 - REVIEW AND REGULARIZATION OF INDIGENOUS LAND RIGHTS WITHIN THE PARAMILLO NATIONAL PARK.
- (6) EXTENSIVE CONSULTATIONS WITH THE AFFECTED POPULATIONS UNDER THE SUB-COMPONENTS FOR: ECOLOGICAL ZONING, DEVELOPMENT OF FOREST POLICY, ENVIRONMENTAL MONITORING, PERIODIC PROJECT EVALUATIONS, AND EXTERNAL ADVISORY PANEL ARRANGEMENTS.

COLOMBIA
NATURAL RESOURCE MANAGEMENT PROGRAM

TITLING OF AFRO-COLOMBIAN COMMUNITIES

A. OBJECTIVE:

THE OBJECTIVE OF THIS SUB-PROJECT WOULD BE TO SUPPORT INITIAL ACTIONS TO REGULARIZE AND TITLE LAND OF AFRO-COLOMBIAN COMMUNITIES IN THE PACIFIC REGION, UNDER THE TERMS OF THE NEW LAW BASED ON ARTICLE 55 OF THE CONSTITUTION.

CURRENTLY, MOST OF THE LAND IN THE CHOCO REGION IS A PUBLIC FOREST RESERVE UNDER DIRECT STATE ADMINISTRATION. A CLARIFICATION OF THE LAND OWNERSHIP SITUATION IS 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 MEASURES FOR EXTERNAL COSTS AND BENEFITS.

B. ACTIVITIES FINANCED UNDER THE PROGRAM:

- ESTABLISHMENT OF COORDINATION MECHANISMS BETWEEN THE AGRARIAN REFORM AGENCY (INCORA) AND OTHER PUBLIC AGENCIES;
- PREPARATION OF A STUDY TO ESTIMATE LEVEL OF DEMAND FOR TITLING, IDENTIFYING REGIONAL PRIORITIES, CRITICAL AREAS, AND POTENTIAL PROBLEMS;
- TECHNICAL SUPPORT AND TRAINING PROGRAM ORIENTED TO THE PUBLIC INSTITUTIONS AND PRIVATE CONTRACTORS TO DEVELOP THE CAPACITY FOR PERFORMING THE TITLING PROCESS USING GLOBAL POSITIONING SYSTEM (GIS) TECHNOLOGY;
- FIELD WORK WITH THE COMMUNITIES INFORMING THEM ON THE TITLING PROCEDURES, AND SUPPORTING THEIR ORGANIZATION PROCESS AND THE FIRST PHASE OF THE TITLING PROCESS (CLARIFICATION OF COMMUNITY GROUPINGS, BOUNDARIES OF THE AREAS, DESCRIPTION OF DEMOGRAPHIC, ETHNO-HISTORIC AND LAND-USE FACTORS);
- PROVISION OF LOGISTICAL AND FINANCIAL SUPPORT FOR THE FUNCTIONING OF THE INTER-INSTITUTIONAL AND OPERATIONAL TITLING COMMITTEES ESTABLISHED UNDER THE PROJECT;
- PREPARATION OF PLANIMETRIC MAPS OF EACH COMMUNITY;
- INCORA'S CORE ACTIVITIES OF LAND TITLING AND REGISTRATION RELATED TO THE PROGRAM FOR THE AFRO-COLOMBIAN COMMUNITIES; AND,
- INCORA'S INCREMENTAL COORDINATION AND SUPERVISION ACTIVITIES INCLUDING MINOR EQUIPMENT PURCHASES FOR THE USE OF GIS DATA.

COLOMBIA
NATURAL RESOURCE MANAGEMENT PROGRAM

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COLOMBIA
NATURAL RESOURCE MANAGEMENT PROGRAM

INDIGENOUS PEOPLES AND COMMUNITY DEVELOPMENT PLAN

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