Indigenous Peoples Development Framework
Colombia Peace and Development Project

Project Background: The Colombia Peace and Development Project (the Project) aims to create social and economic conditions that reduce the vulnerability of the population in five key areas to conflict-related violence, and allow for the return of internally displaced persons (IDP) to their homes or new rural lands. The Project will be largely implemented through regional organizations with strong social support active in the target regions, known as Peace and Development Programs (PDPs). The project regions include:

- Montes de María (17 municipalities in the Departments of Bolívar and Sucre);
- Oriente Antioqueño (23 municipalities in the Department of Antioquia);
- Alto Patía y Macizo Colombiano (24 municipalities in the Departments of Cauca and Nariño);
- Magdalena Medio (29 municipalities in the Departments of Bolívar, Santander, Cesar and Antioquia); and
- Ocaña–Alto Catatumbo-Pamplona (15 municipalities in the Department of Norte de Santander).

Indigenous Peoples The indigenous population of Colombia is estimated at approximately 800,000, or about two percent of the national population. The proposed project would be implemented in four Departamentos which include indigenous populations: Antioquia, Cauca, Norte de Santander and Sucre including about 227,000 persons classified as indigenous in the census. Of these, some 208,000 indigenous people are the owners of some 132 legally recognized indigenous territories (resguardos) with a total area of about 1 million hectares. The remaining indigenous population of about 19,000 belong to about 120 small communities that do not live in legally defined resguardos. This can be considered as the area of influence of the project.

About 12% of this population comprising some 26,405 people of seven different ethnic groups, lives in municipalities that will be direct beneficiaries of the proposed project. These municipalities include some 18 known indigenous communities of which 13 are legally recognized as resguardos, occupying some 52,364 Ha. The remaining five communities, comprising some 1760 inhabitants, located in the Departments of Antioquia, Sucre and Cauca do not yet have defined territories and are therefore more vulnerable to the usurpation of their lands and the natural resources located on them. Some of the resguardos located in the Departamentos of Sucre and Norte de Santander occupy additional lands in other Departamentos. This poses a problem for the project insofar as some indigenous communities are part of larger entities whose territory lies outside the area defined as the project area.

The social organization of these indigenous communities varies considerably by ethnic group and the conditions in each community. The largest indigenous population in the project areas is in Cauca with a population of some 21,668 or nearly 89% of the total beneficiary population. A majority of these belong to the Yanacona ethnic group, many occupying resguardos recognized since colonial times. The Cauca communities are represented by the oldest and best organized umbrella organization known as CRIC, the Cauca Regional Indigenous Council. There are other regional indigenous organizations such as the Indigenous Organization of Antioquia (OIA) and a National Indigenous Peoples Organization, ONIC, formed in 1982.

 Colombian law recognizes extensive rights of indigenous people, including the right to secure ownership of land, to the use of natural resources on the land, the right to self-determination (within the limits of national law), as well as the right to pursue a separate path of development. The Government of Colombia recognizes the political authority of indigenous Cabildos and Traditional Indigenous
Authorities Associations (AATI) to legislate and take decisions affecting indigenous people within their indigenous territories. This right is specifically recognized in the development of Life Plans (Planes de Vida) which indigenous communities at the level of the ethnic group are encouraged to prepare. In many cases, the indigenous communities of Colombia have had to expend most of their political capital on the struggle for recognition of the land rights and only a relative few have been able to develop complete Planes de Vida that deal with such issues as education, health, natural resource use, etc. In some cases, indigenous groups have been caught up in local and regional political struggles which has distracted them from the defense of the lands and other community rights. In other cases, indigenous communities have been forced by the fact or the threat of violence, kidnapping and economic pressures to adjust to conditions of armed conflict and the illegal drug trade in order to survive. Some indigenous people have been displaced by the armed conflict or the threat of violence. In some cases, such as the Yanacona indigenous population of the Cauca Region, indigenous people have themselves been afflicted by drug addiction, sexually transmitted diseases and alcoholism.

The IPDF documents a number of issues concerning indigenous groups in the proposed project areas. In several areas, there are insufficient health services available to serve the population and some indigenous populations have not been vaccinated or received other preventative health care. In The U’wa communities of Norte de Santander, there are high levels of acute and chronic diseases including tuberculosis, skin diseases and, other indigenous groups lack adequate educational services, including access to standard schools, much less schools that provide instruction in indigenous language and customs to which indigenous people in Colombia have a right. As a consequence, there is a high level of illiteracy among indigenous populations and school abandonment rates are high. Indigenous communities in the Cauca Valley have benefited from investments from INCORA and the Division of Indigenous Affairs of the Ministry of the Interior, mainly small-scale agricultural projects. However, no evaluation of the effectiveness or sustainability of these projects has been carried out. The availability of investment funds or credit for indigenous people has declined in recent years as armed conflict and the drug trade became strong influences in many rural areas. The IPDF also observes the erosion of indigenous languages and customs in several areas.

The IPDF offers a number of general observations:

- Most of the indigenous communities in the project areas have some form of community representation and self-governance such that they can be relied upon to faithfully represent community opinions and concerns;
- Most of the indigenous communities in the proposed project area have a clear sense of ethnic identity and desire to maintain their distinctive identity.
- All of the indigenous communities contemplated by the Program demand recognition of a broad degree of freedom with regard to management of their community affairs;
- Most of the communities included in the Project Area have formal property right regarding the use of natural resources, however some of these communities, especially some of the Yanacona communities of the Macizo and of Antioquia and Sucre, the U’wa have serious limitations on how they use natural resources for reasons related to the armed conflict, illicit crops and/or peasant settlers within their territories;
- All the indigenous communities within the Project Area lack, to some degree, full access to health, education, and justice, due to the inability of the state to provide such services. However, in some cases, the communities simply lack information about the availability of such services and hence do not avail themselves;
- All the project-related communities are aware of their right to participate in governmental projects that are of interest to them;
• In different degrees, all the communities in the project have an indigenous organization that must be consulted regarding any proposed project that affects them;
• Some communities, notably those of the Yanacona of the Macizo (Municipio La Sierra) and the Embera communities of Puerto Berrio and Yondó in Antioquia have serious issues regarding obtaining clear title to their community lands.

Based on these observations, the IPDF proposes the following guidelines for the Project based on Colombian legislation and OD4.20.

1. Any initiative considered for support by the project that affects indigenous communities should be fully discussed with the respective community before it is implemented, even if such initiative would have only indirect effects on the indigenous community, and the community’s concerns should be taken into account;
2. Consultation with indigenous communities should be made in a fashion compatible with the community’s own decision-making structures;
3. The project should consider designing specific subprojects to support indigenous communities, avoiding formulas or “standard” designs prepared for non-indigenous communities;
4. All project initiatives should be carried out in articulation with the community’s Life Plans in cases where such plans have been developed;
5. Priority should be given to subprojects that strengthen the access of indigenous communities to health, education and justice, as well as economic subprojects that improve the communities’ diet [Note this requirement is fully compatible with the design of the project as a whole specifically Component 2 (i) Food security and 2(ii) Improving Access to Municipal Health and Educational Services.]
6. The project should provide support for the demands for land titling for those communities who lack secure title [The project can support studies and technical assistance to communities seeking to assert their land rights under Component 3];
7. In designing project interventions, care should be taken not to inadvertently support illegal occupation of indigenous lands;
8. With particular regard to the U’wa people the project will need to take into consideration the fact that this ethnic group has a central Cabildo located outside the proposed project but this organization must be consulted and allowed to participate in formulation of project activities affecting the U’wa people in Norte de Santander. In order to avoid problems, it could be highly useful to consider actions that will strengthen the governance of the U’wa people as a whole such as the formulation of a Life Plan for this ethnic group.
9. In the case of communities with more incipient local organization such as the Embara and Katio people of Puerto Berrio and Yondó in Antioquia Department, it may be advisable to request the assistance of the regional organization the OIA to assist in work with these communities.

The design of the project is fully compatible with the above guidelines. The only recommendation that cannot be fully supported by the project is the titling of untitled indigenous lands although the project can support studies and technical assistance for the delimitation of such lands. Bank policy does not allow financing for land acquisition or payment of compensation to non-indigenous occupants of indigenous lands.

In order to assure full respect for the interests of indigenous people under both Colombian law and Bank policy, the National Technical Committee and the PCU should have the capacity to work and evaluate indigenous projects. This can be achieve through an institutional coordination with governmental institutions with experience on indigenous rights (e.g. Indigenous Affairs Office – Ministry of the...
and/or hiring consultants for specific tasks. In addition, one staff member within each PDP (preferably a representative of indigenous people in the respective region) should serve as an indigenous monitor for the region. This individual would serve a dual function: (a) a watchdog function and (b) an advocate function. As watchdog, the monitor would review subproject proposals under all components to assure that the rights of indigenous people as defined in Colombian law and Bank policy are fully respected. As advocate, the monitor would see to it that indigenous communities have full access to the services and benefits offered by the project. The project monitoring design would take account of the indigenous people in each project area and report specifically on the benefits made available to indigenous people.