



ACCIONES

Dirección de Etnias/Ministerio del Interior y Justicia

THE PREVIOUS CONSULTATION TO ETHNIC GROUPS IN COLOMBIA





BASIC INFORMATION

➤ AFRO COLOMBIAN PEOPLE

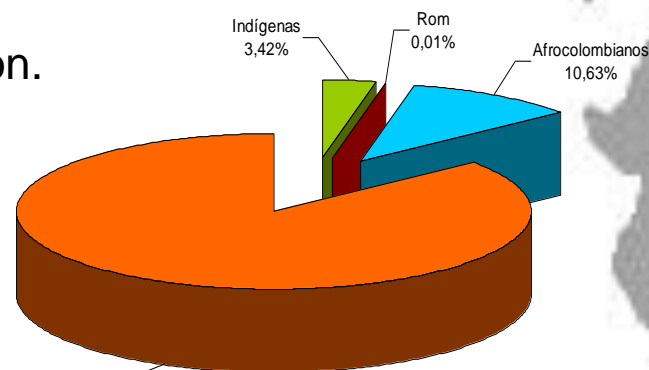
- **Population:** 10.5% of the total population
- **Territory (Lands):** Colectives Titles: 156 (5´198.967 has, 4.56% of the country extention)

• INDIGENOUS PEOPLE :

- **Population:** 3.3% of the total population.
- 84 diferent communities
- 64 oficial languages
- **Territory (Lands):** 34.000.000 has 29.8% of the country total extention.

➤ ROM (Gipsy)

- **Population** : 0.01% of the total population.



Nota: los datos corresponden a la población censada

Sin pertenencia étnica

85.94%

Información proporcionadas por el Ministerio de Educación Nacional a diciembre del 2006



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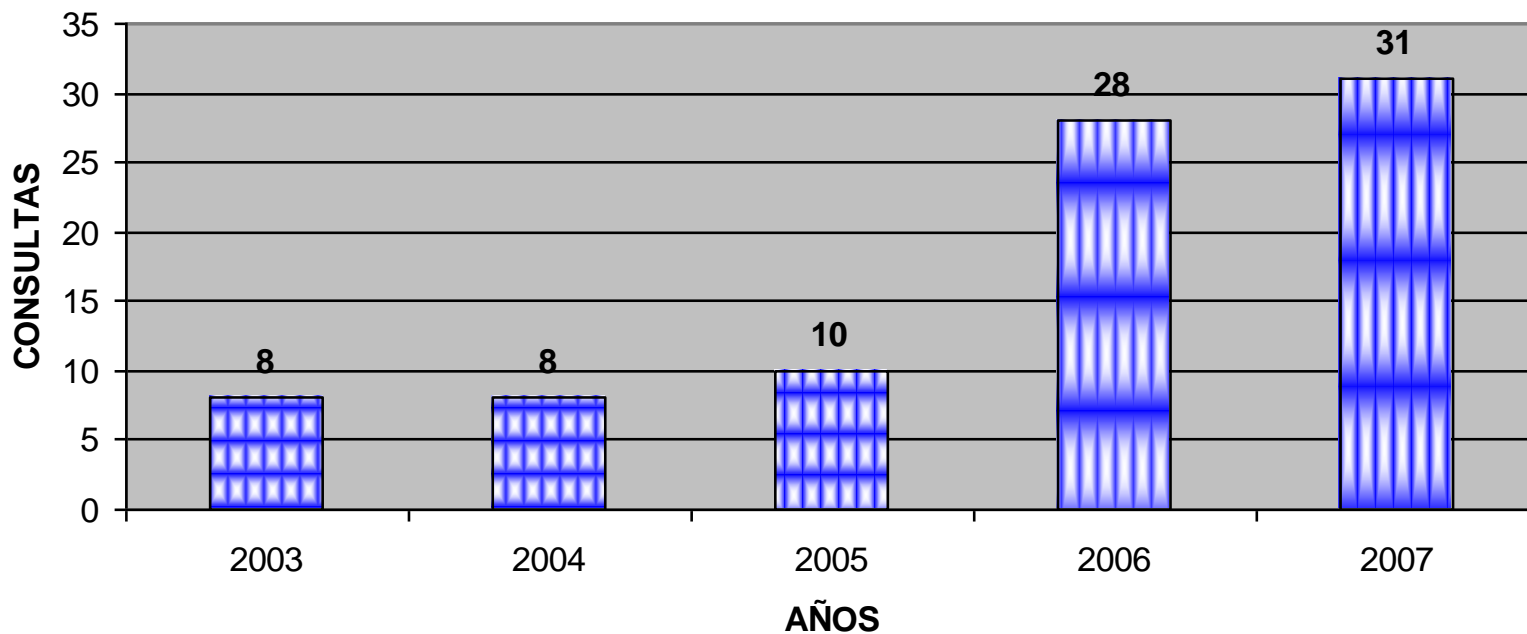
The Previous Consultation, in numbers.



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Consultas Previas Protocolizadas 2003-2007





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Previous Consultation -The Procedure

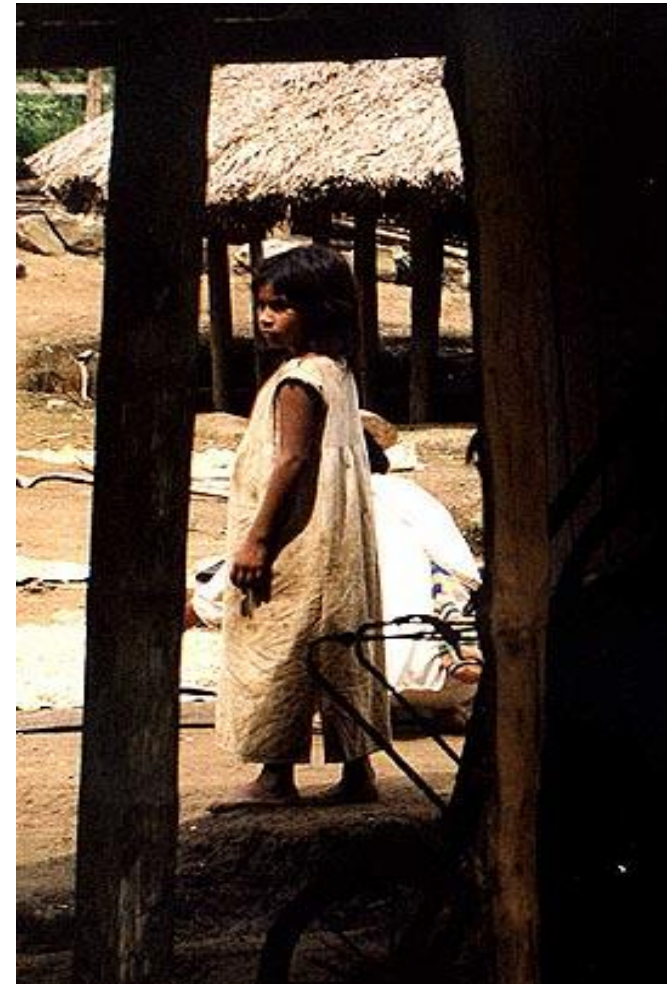


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¿What its the Previous Consultation ?

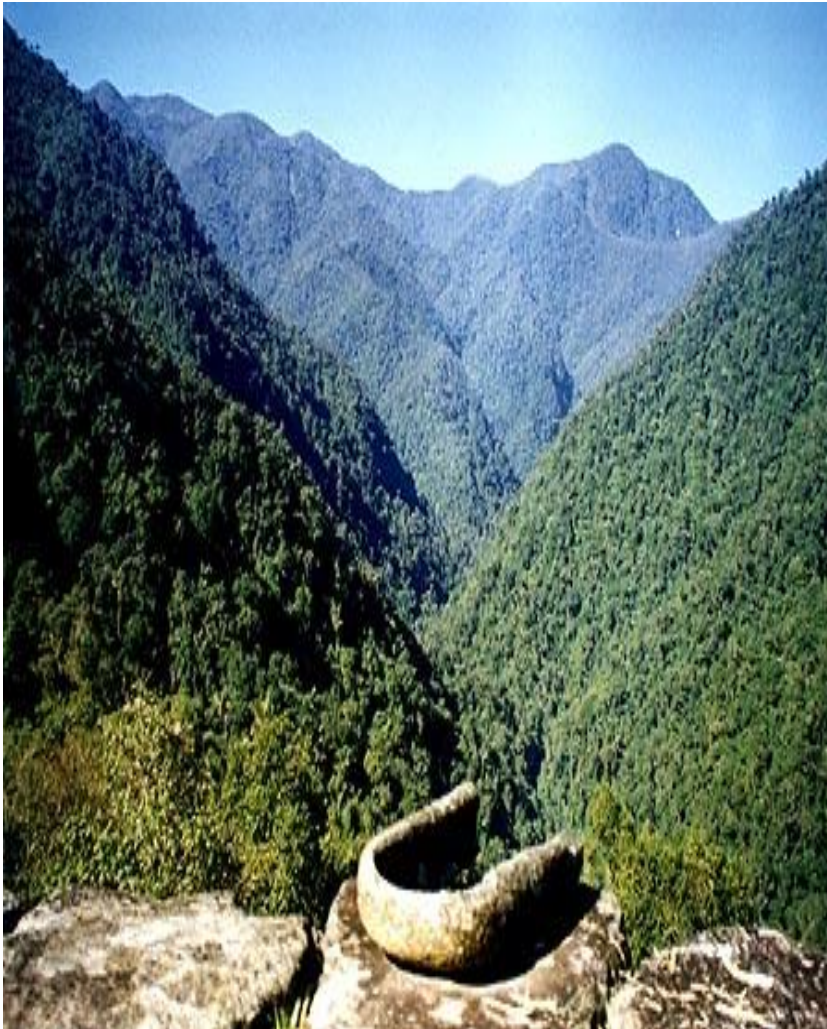
The Previous Consultation its a fundamental righth of the ethnic gorups, to participate in the decisions concerned.





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LEGAL FRAME

➤ International:

- Convention (No. 169) concerning Indigenous and Tribal Peoples in Independent Countries (ILO)

➤ National:

Colombian Political Constitution (artículos 2, 7, 40, 330 y 332),
Law 99 de 1993,
Decree 1320 de 1998,
Decree 200 de 2003



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PRINCIPLES OF THE PREVIOUS CONSULTATION

- Good Faith
- Legitimacy
- Due Process
 - Full and sufficient information.
 - Bilingual and intercultural communication.
- Legal Pluralism





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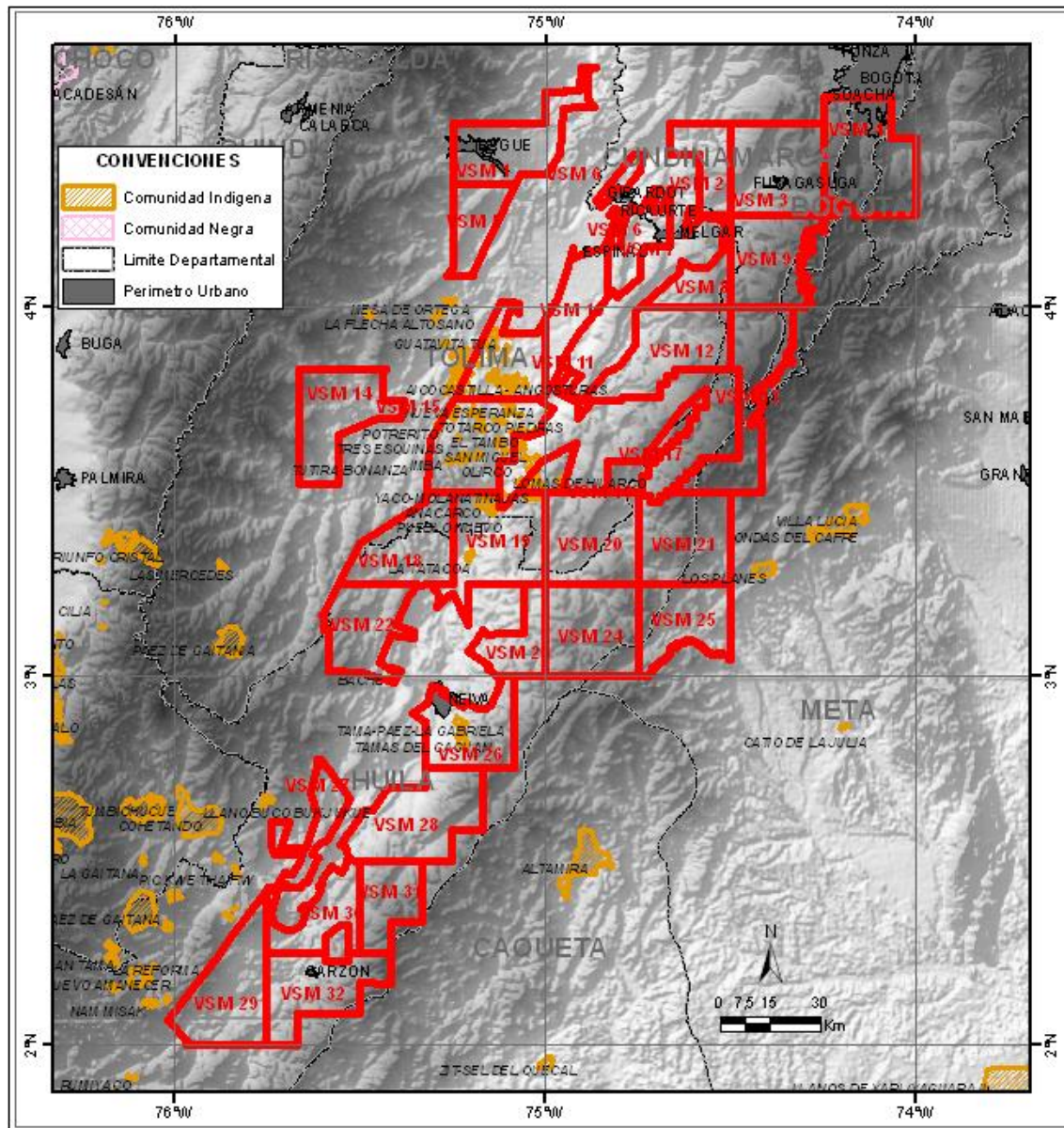
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¿When you required Previous Consultation ? Convention 169 ILO

- Consult the peoples concerned, through appropriate procedures and in particular through their representative institutions, whenever consideration is being given to legislative or administrative measures which may affect them directly (article 6);
- Before undertaking or permitting any programmes for the exploration or exploitation of natural resources pertaining to the lands of the ethnics groups(article 15) ;

SOCIAL INFORMATION – MINIRONDA VALLE SUPERIOR DEL MAGDALENA

BLOQUE	NOMBRE DEL RESGUARDO	AREA (Has)
VSM 11	AICO	7
VSM 11	BOCAS DE TETUAN	31
VSM 11	CASTILLA - ANGOSTURAS	415
VSM 11	CHENCHÉ AMAYARCO	39
VSM 11	CHENCHÉ BALSILLAS	42
VSM 11	CHENCHÉ BUENOS AIRES	199
VSM 11	CHENCHÉ BUENOS AIRES	229
VSM 11	CHENCHÉ MEDIA LUNA	203
VSM 11	CHENCHÉ-SOCORRO-LOS GUAYABOS	361
VSM 11	GUAIPA CENTRO	140
VSM 11	GUATAVITA TUA	609
VSM 11	PASO ANCHO-CHICUAMBE	799
VSM 11	POTRERITO DOYARÉ	555
VSM 11	RECINTO PALMAROSA	221
VSM 11	SAN DIEGO	26
VSM 11	SAN MIGUEL	183
VSM 11	SANTA MARTA DIAMANTE	176
VSM 11	SANTA MARTA INSPECCION	178
VSM 11	SANTA MARTA PALMAR	102
VSM 11	VUELTA DEL RÍO	88
VSM 15	CHENCHÉ AMAYARCO	282
VSM 15	EL TAMBO	480
VSM 15	FLORAL TRADICIONAL	111
VSM 15	GUASIMAL	52
VSM 15	HILARQUITO	116
VSM 15	IMBA	597
VSM 15	LAS PALMAS	112
VSM 15	LOMAS DE HILARCO	28
VSM 15	NATACOY PIAJO	217
VSM 15	NUOVA ESPERANZA	413
VSM 15	PACANDE	64
VSM 15	PALMA ALTA	180
VSM 15	POCHARCO	124
VSM 15	POTRERITO	221
VSM 15	RINCÓN DE ANCHIQUE	129
VSM 15	SAN MIGUEL	422
VSM 15	SANTA MARTA INSPECCION	176
VSM 15	TOTARCO DINDE TRADICIONAL	44
VSM 15	TOTARCO DINDE-INDEPENDIENTE	184
VSM 15	TOTARCO NIPLÉ	248
VSM 15	TOTARCO PIEDRAS	476
VSM 15	TOTARCO TAMARINDO	197
VSM 15	TRES ESQUINAS	101
VSM 15	TUTIRA BONANZA	245
VSM 15	YACO-MOLANA	21
VSM 16	CHAQUIRA	82
VSM 16	DIAMANTE	3
VSM 16	LOMAS DE HILARCO	304
VSM 16	TINAJAS	1427
VSM 19	ANACARCO	952
VSM 19	BARZALOZA	77
VSM 19	COCANA	101
VSM 19	LA TATACOA	288
VSM 19	PACANDE	34
VSM 19	PUEBLO NUEVO	277
VSM 19	RINCÓN BODEGA	85
VSM 19	TINAJAS	992
VSM 19	YACO-MOLANA	196
VSM 20	TINAJAS	30
VSM 22	BACHE	83
VSM 26	TAMA-PAEZ-LA GABRIELA	556
VSM 26	TAMAS DEL CAGUAN	952





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Kinds of Consultation

- **CONSULTATION FOR ENVIRONMENTAL LICENSE**
 1. Rules under the law 99 of 1993 and the Decree 1320 de 1998.
 2. Lead by the Environmental Ministry, with the support of the Ministry of Interior.
 3. The consultation constitutes a fundamental step, during the process to obtain the environmental license.

- **CONSULTATION WITHOUT ENVIRONMENTAL LICENSE:**
 1. Rules under the law 21 de 1991 and the Decree 200 de 2003
 2. Lead by the Ministry of Interior.





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PREVIOUS STAGE PRESENCE OF ETHNIC GROUPS

➤ **Certification of presence of ethnic groups.**

- At the request of interested the DIRECTION OF ETHNIC GROUPS (Ministry of Interior) along with the INCODER certify the presence of ethnic groups in the area of influence of the project.
- The Direction of Ethnic groups has 15 working days to emit the certification (counted from its reception).
- When it persists the doubt of presence of ethnics communities in the area, Direction of Ethinc Groups programs a verification visit to the zone.



RECOMMENDATIONS

- To create a consolidated social group in which at least one person, belongs to the community seated in the place where the project will be developed.
- To make and maintain contact with the local authorities.
- To elaborate a manual of good practices, that includes a chapter in which the company identifies, the main cultural characteristics of the ethnic groups that live in the area of the project.

MINISTRY OF INTERIOR AND JUSTICE THANK YOU



CONTACT INFORMATION
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