

**INTERNATIONAL
CONVENTION
ON THE ELIMINATION
OF ALL FORMS OF
RACIAL DISCRIMINATION**



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RACIAL DISCRIMINATION

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 9 OF THE CONVENTION

Third periodic reports of States parties due in 1986

Addendum

COLOMBIA */

[24 September 1987]

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Annex

List of documents supplied by the Government of Colombia with this report.

*/ For the previous reports submitted by the Government of Colombia and the summary records of the Committee meetings at which the reports were considered, see the following documents:

Initial report - CERD/C/85/Add.2 (CERD/C/SR.655 and SR.656);
Second periodic report - CERD/C/112/Add.1 (CERD/C/SR.731 and SR.732)

Introduction

1. In the initial and second periodic reports submitted by our country on the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination, we described in detail all the legislation in Colombia that prohibits and prevents acts of discrimination against persons based on race, colour, descent or national or ethnic origin.

2. Since there have been no changes in our legislation, i.e. the rules of the Constitution that are the foundation of our laws, we have prepared this report with a view to highlighting the issues in which the members of the Committee showed the most interest during their consideration of the second periodic report. We shall give special place to government policy in all fields relating to the indigenous peoples, Colombia's minority group.

3. In the period since the second periodic report on the elimination of all forms of racial discrimination was submitted, highly significant events have occurred in the life of the Republic of Colombia. The main events include the presidential and the general elections, held with absolute strictness in re-affirmation of our democratic system. The winner of the presidential election was Mr. Virgilio Barco Vargas.

4. In accordance with constitutional rules, the elections were held in March and May 1986; the transfer of power and inauguration of the Congress took place as scheduled, on 20 July and 7 August 1986. For this reason, the report describes activities carried out under the previous Government, since President Virgilio Barco's plans and programmes have only started to be implemented and the results will be discussed in a subsequent report.

5. In any event, the Ministry of Foreign Affairs has been submitting reports to the United Nations, and they should be consulted as a supplement to the information we are supplying through this report. The following documents are available for consultation:

CCPR/C/1/Add.50 - Initial report of Colombia on the implementation of the International Covenant on Civil and Political Rights

CCPR/C/37/Add.6/Rev.1 - Second periodic report of Colombia on the implementation of the International Covenant on Civil and Political Rights

CERD/C/85/Add.2 - Initial report on the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination

CERD/C/112/Add.1 - Second periodic report on the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination

E/1982/3/Add.36 - Initial report on the implementation of articles 13 to 15 of the International Covenant on Economic, Social and Cultural Rights (the right of everyone to education, compulsory primary education and the right to take part in cultural life, to enjoy the benefits of scientific progress and to enjoy the benefits of authorship)

E/1986/3/Add.3 - Initial report of Colombia on the implementation of articles 10 to 12 of the International Covenant on Economic, Social and Cultural Rights (protection of the family; the right of everyone to an adequate standard of living; right to physical and mental health).

PART I

COLOMBIA'S INDIGENOUS POLICY

I. HISTORICAL BACKGROUND

6. The management of indigenous affairs in Colombia, from the Conquest through to colonial and republican times, has undoubtedly been a slow process in the development of the nation's history, with the specific socio-economic implications arising from an amalgamation of two diametrically opposed cultures. The parties engaged in this integration process are what some have called the "larger society", with its political, economic and social layers on the one hand, and on the other, the indigenous societies, with their own political, cultural, economic and social elements. Many factors have doubtless played a role in the development of this lengthy process, and every researcher and scholar, depending on his own approach, has made use of a particular factor in order to comprehend the phenomenon. Some have seen the land as being the crux of confrontation, and therefore the longest and bitterest disputes have been about the land. Others speak of a basic clash between two economic and social systems as the ultimate reason for the persistence of antagonism. Some have taken the view that the stubborn indigenous isolationism and resistance to joining in the mainstream ideas of Colombian society were nothing more than the outcome of the indigenous peoples' goal of maintaining and furthering their culture. All of these theories are probably correct, but perhaps they are not enough to characterize the struggles of the indigenous peoples of Colombia and differentiate them from those of other sectors of our society and of ethnic minorities in other countries.

7. One very well-known fact is that the change of system brought about by independence from Spain, far from opening the way for the indigenous peoples' claims, set up new obstacles to their development. During the long colonial period, the indigenous peoples, through demands and sacrifices, had succeeded in obtaining certain rights that were elementary in themselves but were absolutely essential to maintaining these peoples as stable and relatively independent societies. Essentially two rights were involved: first, collective ownership of an area of land, and second, the autonomous appointment and functioning of a small internal government, responsible for resolving minor disputes, guiding the common aims of the group and acting as a link with the Government authorities. We are speaking of the reservations and the cabildos. These two institutions, in the way they were maintained and the way they functioned, came to represent the deepest aspirations of the indigenous peoples, in terms of their territorial rights, the defence of their culture, the maintenance of their social organization and their particular methods of work and the distribution of their products. If we were to epitomize the lives of the indigenous inhabitants over the 175 years of the Republic, we might say that they largely consisted in striving to keep up these two institutions, or to secure them in places where the colonial Government did not hand them over to the indigenous peoples. All of the conflicts, the demands, the compromises, the ground won and the ground lost, on both sides, revolved around these objectives.

8. Naturally, indigenous struggles have not been a smooth and linear process. A review of the policy towards the indigenous inhabitants throughout the republican period clearly reveals four periods already pinpointed and described to some extent by various studies on the topic: the liquidationist period from 1810 to 1890; the reductionist period, from 1890 to 1958; the integrationist period, from 1958 to 1982; and the period of support for indigenous self-administration, from 1982 to 1985.

Liquidationist period

9. During this period, State action was aimed, on the one hand, at liquidating the indigenous reservation as a barrier to economic development and free trade in land and an outdated feudal institution, and on the other, at abolishing the indigenous cabildos as autonomous institutions of internal government, and in so doing achieving the liquidation, in those communities which did not have cabildos yet enjoyed their own system of authority, of all indigenous forms of organization and leadership. During this offensive, any cultural, economic or social considerations that might well disrupt the communities subjected to such measure were disregarded. In a kind of fetishistic cult of the written law, the legislators appeared to believe in the magical virtues of merely establishing rules intended to change an age-old social and political situation.

10. Approximately 30 enactments between 1810 and 1890 were aimed at rapid liquidation of the indigenous reservations and cabildos. The offensive began with the Decree of 10 September 1810, issued by the Supreme Interim Governing Authority of the Kingdom, in which article 2 stated:

"As a result of the above-mentioned equality and citizenship granted to the Indians with full restitution of their rights, which they shall shortly begin to enjoy, they shall become the owners of their reservation lands, the lands being distributed to each village according to its just value and in plots, separated in proportion to each family ...".

The liquidationist offensive lasted until 1889, as shown by an order of the Ministry of the Interior published in the Diario Oficial of 17 June 1889, which said:

"It is obvious that the indigenous cabildos do not have legal standing in keeping with current institutions, nor do they have jurisdiction that would enable them to be granted legal personality ...".

11. The effects of this constant and frequently pitiless struggle against the indigenous communities were not long in making themselves felt. One of the most serious was that many indigenous villages turned into a mass of peasants reduced to being free day-labourers or sharecroppers and tenants on the large estates. Miguel Samper described it as follows: 1/

"The poor indigenous peoples were induced to sell their small plots of land, where they had had their own shacks and enjoyed some independence and a secure base for subsistence. In a few years this property was concentrated in the hands of the few, the Indians became tenant farmers, the land was used to raise or fatten cattle and indigenous food consumption lost a large portion of its sources of supply.

But although the republican State was stubborn in pursuing its goals, the indigenous peoples were no less stubborn in their resistance. There is an enormous amount of historical evidence of actions carried out by the indigenous peoples of the country against the anti-community offensive underlying the laws on the division of the land of the indigenous reservations throughout this entire 80-year period."

12. Antonio García, a scholar writing on the status of the indigenous peoples in Colombia and Latin America, tells us, 2/ for example, the following:

"From 1835 to 1837 a wave of reaction broke loose among the indigenous peoples, as attested by the statements of the Ministers of the Interior and the Provincial Governors, yet the Indians, who believed in the liberating effect of the wars of independence, could only wage paper battles. Nevertheless, it was these struggles for the community that helped to ignite the Tierradentro indigenous uprising in 1861 against the large estate owners who were negotiating the community lands at Pitayó and Jambaló, and they were the foundations of the revolution led by Tomás Cipriano de Mosquera."

Reductionist period

13. This period began with Act No. 89 of 1890, which was no easy gain. The regional governments, with support from the central Government, had succeeded through their liquidationist offensive in eliminating the vast majority of reservations existing at the end of the colonial period. By 1890, the following reservations had disappeared: those in Boyacá, nearly all those in Cundinamarca, the vast majority of those in Antioquia and on the Atlantic coast and all of the reservations in Tolima. Only in the southern part of the country had the indigenous inhabitants of the sovereign State of Cauca succeeded through systematic opposition and with the support of some political circles, in hindering and delaying the repeated attempts at liquidating their reservations. The successful revolution of 1863, led by General Mosquera, whose earliest and most ardent followers had come from the indigenous population of Cauca, unhappy with the policy of dividing the land, had been a lesson for the leaders of the movement of the revival that came into power in 1880 and laid the foundations for a politically-centralized government of conciliation in the Constitution adopted in 1886.

14. With the radical romanticism that was a legacy of the French Revolution, the new Governments produced pragmatic formulas for dealing with the various administrative issues, among them the indigenous question. From that moment on, in our opinion, the policy on relations with the indigenous peoples was no longer seen as a task of liquidating the institutions which supported the life of the communities, but rather one of replacing them with others, as part of the same goal of reducing the indigenous peoples to the general standards of living and behaviour of the rest of the nation.

15. Two new elements emerged in support of the methods used to incorporate the indigenous peoples into so-called "national society" and distinguished this period from the previous one. These two elements were embodied in Act No. 89 of 1890; first, on the land issue, the task of breaking up the reservations and other community forms of land ownership and use was no longer thought of as simply a matter of enacting coercive laws, and a certain amount of tolerance was displayed towards the cabildos and the reservations, while

attempts were made through other means to overcome the indigenous peoples' resistance; and second, on the question of the indigenous inhabitants' "civilization", the easy method was chosen of allowing the Church to handle these peoples virtually autonomously through the missions. But Act No. 89 of 1890 did not change the ultimate objectives of the policy during the previous period; a new method of "incorporating the indigenous populations into national society" was simply being tried out. A scrutiny of the many laws enacted on the indigenous question during that period indicates that, in contrast to the paternalistic spirit of Act No. 89 of 1890, on several occasions there was a return to the older coercive measures. Compared with quite positive legislation, such as Act No. 60 of 1916, which authorized the establishment of new reservations, there were others, such as Act No. 55 of 1905, that openly confiscated community lands. To a certain extent, it was a period of confusion and a curious mixture of paternalism and coercive methods.

16. Yet Act No. 89 of 1890 did make some basic contributions to the protection of the indigenous populations: it meant relief from the worry of sudden liquidation of the reservations; it gave the cabildos legal status and, through them, granted some degree of autonomy to maintain indigenous traditions and customs; and it afforded protection for reservation lands by ensuring that they could not be seized, that they were inalienable and that they were not subject to prescription. For this reason, although the years from 1890 to 1958 were not really a period of peace, they did see significant progress for the future of the indigenous cause. Under the terms of Act No. 89 of 1890, the indigenous populations legally restructured their cabildos and, with their guidance reoriented the communities to strengthen resistance to divisive actions. They also incorporated the Act into their lives, adapted it to their specific circumstances, made it part of their ideological heritage and began to use it as a banner for their aspirations and a shield for their most deeply-felt interests. It was also an important period for the State's administrative apparatus, for in that considerable period of time of experimentation with legislation of various kinds some degree of awareness gradually emerged of the deep-seated structural reasons underlying the indigenous peoples' resistance.

Integrationist period

17. From the mid-1930s onwards, some social researchers, historians and anthropologists had formulated various theories on the indigenous question, had engaged in public debate on the matter and had demanded measures to defend and protect the aboriginal population. In 1940, as a result of the First Inter-American Indian Congress, held at Pátzcuaro, the Inter-American Indian Institute was established. Colombia, in Act No. 123 of 1943, acceded to the agreement establishing the Institute and undertook to establish, as it later did in 1947, a national body to carry out studies on the surviving cultures. In 1957, at Geneva, Colombia also signed the ILO Indigenous and Tribal Populations Convention. The struggle by our historians and social scientists, bolstered by the new international wave of pro-indigenous views, was without doubt a decisive factor in arousing awareness among broad sectors of the public and among some members of the ruling class in regions such as Cauca, where the indigenous population could play a part in stabilizing or disrupting the institutional order. It was precisely the Department of Cauca which produced a bill, later adopted as Act No. 81 of 1958, that basically changed the conception and the methods of handling the indigenous question. The Act viewed State relations with the indigenous inhabitants in terms of development

and not of forcible assimilation, and to achieve that goal, provided for a complex system of projects ranging from land redistribution to the allocation of resources for technological facilities for the indigenous population. A number of bodies were also established to boost these development processes. Naturally, Act No. 81 of 1958 did not reject the possibility of dividing up the reservations, but it admitted that the obsession with splitting up the lands had no meaning in regard to economic realities. This awareness, so to speak, on the part of the State had many effects, but one of the most significant for the indigenous inhabitants was that it put an end to the reservations being divided up in an arbitrary manner.

18. Still more laws lent strength to the new approach to indigenous questions. Probably the most important are those contained in Act No. 135 of 1961 (or Agrarian Reform Act) and in laws amending or supplementing the Act. It should be said that these laws and Act No. 81 of 1958 were part of the widespread belief that, by increasing the services to the indigenous inhabitants and responding to some of their most important grievances, including land issues, conditions would be created to facilitate a virtually spontaneous break-up of the reservations and the integration of the indigenous peoples into the life and values of Colombian society at large. Needless to say, the long-term objective of these legal provisions was not achieved in the slightest. Indeed, it may be said that the laws during the "integrationist" period were a relative failure. However, from the standpoint of the indigenous peoples' current situation in their process of organization, of gaining back their self-esteem and even gaining some important land rights they have represented a significant step forward. Nevertheless, the most important achievement stemming from their implementation, and even non-implementation, has been a more certain and clearer awareness, among many sectors of the public administration and society in general, of the real possibility that different forms of economic and social organization can live alongside each other in one country, that the indigenous peoples can keep to their own patterns, and what is more, the conviction that those patterns can represent highly positive values for the development of other sectors of the country's population. Just how this change of attitude on the part of the State came about is not yet completely clear, but it is obvious that throughout the periods we have described, the indigenous peoples succeeded in fully realizing the fundamental truth that their survival and their fate were tied in with defending and strengthening the two institutions that had made it possible for them to endure: the reservation, or collective ownership of an area of land, and the cabildo, or the maintenance of an authority of their own.

Period of indigenous self-administration

19. In 1982, two important events occurred in the policy on indigenous affairs in Colombia. In our opinion, they began a new system of State relations with the indigenous peoples. The first occurred in February with the holding of the First National Indigenous Congress and the establishment of a national organization, with a clearly-defined programme regarding land, health, education, economic development and the struggle to protect natural resources.

20. The second important event was the formulation of a programme of work with the indigenous peoples, described by the President of the Republic before a large audience in the municipality of Silvia (Cauca) in November 1984. Among his proposals, most of which echoed the conclusions and aspirations of

the First National Congress, the President announced the decision to shape an indigenist policy plan in consultation with the authorities of the indigenous communities and expressed his desire to carry out consistent and co-ordinated land, education, health and development programmes for their benefit. The President stressed the State's recognition of the legitimacy of these peoples' authorities and organizations and the need for them to participate in decision-making on policies that affect them. He also announced the adoption of measures for the scientific study, and use of the archaeological treasures, the social and linguistic values and the cultural heritage that belonged and still belongs to the indigenous peoples.

21. The President's proposals undoubtedly echoed the aspirations and demands of the indigenous peoples. Although many laws still exist orienting State action towards older relations or patterns, the President's proposals broke with a tradition of 160 years of divisive action. We have called this new period one of indigenous self-administration, because the very words of many of the President's speeches indicated his desire to grant the indigenous inhabitants the full right to participate in decisions affecting their lives and offered complete support for the continued existence of the indigenous populations' own authorities, in order for them to be the ones to shape their own development projects.

II. PRESENT SITUATION

22. The "Equitable Change" General Development Plan accords particular importance, in its strategies for the attainment of still greater democracy and of equity in development, to the plans and programmes for relatively less developed areas, which include the indigenous territories and communities. In general, social policy under the General Development Plan aims at giving greater economic and political power to the communities, so that they can become participants in development and custodians of the actions of the State.

23. For the attainment of its objectives, the Plan started out from the following premises:

(a) A country can progress only within certain parameters of increasing community participation;

(b) A corollary to increasing community participation is the pursuit of greater equity in the distribution of the means and benefits of development. This does not mean promoting a paternalist image of a State which shares out the fruits of progress on purely political or charitable grounds. What matters is to provide the individual in particular and the community in general with the tools for realizing their aspirations to greater well-being and improved living conditions;

(c) Government members and public officials are the agents of the community, its interpreters and its servants. Far from imposing directives upon the community, Governments must echo and channel the community's aspirations and yearnings and give them concrete form in proposals for joint action.

24. This is the philosophy behind the National Programme for the Development of the Indigenous Populations (PRODEIN) which the National Economic and Social Policy Council (CONPES), Colombia's main planning body, is implementing as a comprehensive strategy to foster the well-being of the 450,000 indigenous people who live in communities in Colombian territory and have often been adversely affected by a development process of which they have been the victims rather than the administrators (see annex 1).

25. The decisions by CONPES were based on a "Diagnosis of the situation of the indigenous population of Colombia", which was made by the National Planning Department in late 1980 and contained, broadly speaking, the following conclusions:

(a) The growth rate of the indigenous population is very low (2 per cent) and the result of very high fertility combined with high mortality, which was the pattern prevailing at the beginning of the century;

(b) The indigenous populations of the Andean reservations and communities are handicapped by a system of smallholdings caused by excessive population density in terms of available land, soil exhaustion, the use of unsuitable technologies and pressure from the non-indigenous population;

(c) In the rain forests and savannahs on the farming and stock-breeding agricultural borderlands the indigenous peoples are in danger of being subjugated by the settlement process;

(d) Educational facilities in the indigenous territories are very scanty and the educational services available are unsuitable and of poor quality.

(e) The health situation in the indigenous territories is serious: morbidity rates are high, gastro-intestinal diseases, diseases preventable by immunization and respiratory infections take a heavy toll, the incidence of malaria and tuberculosis is high and nutritional deficiencies are widespread. (By the end of April 1987, the National Planning Department will be completing the second diagnosis of the situation of the indigenous population of Colombia).

26. To solve this formidable complex of problems, determined action by the State and a special approach to action to assist the indigenous population were called for. PRODEIN therefore espouses many of the arguments advanced by the indigenous peoples themselves at the First Congress of the Indigenous Peoples of Colombia, which took place in the municipality of Bosa in February 1982 and led to the establishment of the National Organization, an independent endeavour by the indigenous peoples themselves which the State, despite some difficulties, now recognizes and supports, since it perceives this process of organization as opening up new prospects for dealing with the indigenous population's question in such a way that it will be possible to move towards greater democracy and co-ordinate action on behalf of the indigenous populations with the communities themselves.

27. PRODEIN's activities are also based on Act No. 31 of 1967, approving ILO Convention No. 107 on Indigenous and Tribal Populations in Independent Countries, a legal instrument which has rendered invaluable services to the indigenist cause in Colombia.

28. Against this background, PRODEIN defines the development of the indigenous populations as meaning the strengthening of the ethnic group, the consolidation of territorial links between communities, and the free, participatory adoption of modern alternative means of livelihood whereby the communities can improve their systems of production and their quality of life and so preserve and creatively renew their cultural identity and their traditional modes of social organization.

29. Guided by this particular concept of development, PRODEIN has three major strategies intended preferentially for indigenous communities in immediate danger of losing their territory, for communities with a high degree of absolute poverty or acute cultural impoverishment, and for communities whose habitat is being affected by spontaneous settlement or by the construction of economic infrastructure.

30. The point of departure of the economic strategy is recognition of the rights, collective or individual, of the members of the indigenous populations to own their ancestral territories. In regard to natural resources, the principle has been established that the indigenous populations should have a priority right to exploit such resources in the regions they inhabit; provision is made for planting communal woods under the direction of the cabildos and a code of rules is proposed to protect the natural resources of the indigenous territories and promote forestry development by delegating the supervision and administration of those resources to the communities.

31. Regarding economic development, PRODEIN has based its action on five programming principles:

- (a) Planning and executing regional economic development projects;
- (b) Supporting community initiatives, especially those aimed at improving agricultural production;
- (c) Adapting farm credits and development programmes to the specific features of the indigenous populations;
- (d) Improving marketing networks by developing associative forms of consumption and marketing;
- (e) Protecting of the self-reliance economies of the populations that have little contact with Colombian society.

32. With regard to major building work on infrastructure, agreements can be made with the indigenous communities concerned, so as to remedy or compensate for the adverse impact of such operations. Support can also be provided to the indigenous peoples for the development of mining, particularly gold and other precious metals.

33. The social strategy is to support and promote the organization of the indigenous populations at the national, regional and local levels so that they themselves can actively participate in development work and achieve a higher level of political and social involvement in a multi-ethnic society with aspirations to justice and equity (see annex 2).

34. In regard to education, the guiding principle is ethno-education and efforts are directed to devising a school model which is essentially a community school with indigenous teaching staff, oriented towards active learning, flexible advancement, community participation, and the development of a curriculum adapted to the environment, the characteristics and the needs of the community.

35. Particular importance is accorded in education to non-formal processes of technical training for developing new products, improving agricultural management practices and raising the living standards of the population. In short, the objective in the educational field is to implement Decree No. 1142 of 1978 on indigenous education, which was issued by the Government, as a forward-looking principle of educational policy (see publication Fuero Indígena, p. 136).

36. PRODEIN's aim in the health field is to supply services that stand alongside yet are compatible with traditional indigenous systems. Health projects, the Programme emphasizes, must be directed to overcoming the structural factors which make for high morbidity and mortality rates. Its activities contribute to the application of Ministry of Health decision No. 10013 of 1981 by implementing the primary health care strategy with the involvement of community health officers. These activities are supplemented by drinking water supplies for stable population centres and by improving the nutritional standard, developing agriculture and stimulating the consumption of regional products. Health education has a particularly important place in the Programme (see annex 3).

37. As to legal protection, the Government is engaged in issuing, along the lines recommended by PRODEIN and with the active participation of the indigenous population, the regulations to Act No. 31 of 1967 (Act No. 31, Fuero Indígena, p. 97).

38. The Programme has assigned the Colombian Institute of Anthropology, a scientific and academic body, the task of setting in motion a national strategy of social, anthropological and linguistic research and a project for the protection and preservation of the historical and cultural heritage of the indigenous populations.

39. The third strategy, in institutional matters, is to democratize State practices in regard to the indigenous populations, and afford them the opportunity for active participation in the institutions in question. In the light of the need for adaptation of the institutions working in this sector, a supreme policy making body has been set up, together with a technical body for inter-agency co-ordination and an exclusively indigenous body, the National Indigenous Council, as a forum for consultation and harmonization of views on the activities of the State in regard to the indigenous population.

A. Achievements

1. Land and natural resources

40. Colombian legislation on indigenous affairs comprises a large number of scattered provisions on social, economic and cultural matters. These rules have been collated by the Ministry of the Interior into a compendium (Fuero Indígena) which has been distributed to the various State agencies and to the

indigenous communities themselves. It should be pointed out that, on land issues, the indigenous population of Colombia is subject to a number of legal rules of a special nature.

41. The indigenous population of Colombia, depending on the system of land-holding is to be found in reservations, in civil communities and in communities established on sites legally known as public lands.

42. Reservations. Since 1561 the name "reservation" has been given to lands granted to the indigenous population under letters patent issued by the Spanish Crown. This system has undergone some modifications owing to provisions enacted with the advent of the Republican era. Reservations can be defined as legal entities constituted by three basic elements: a community that identifies itself as indigenous, a title of ownership to land possessed in common, and a particular social organization adapted to the indigenous system of law or arising out of its own culture.

43. Reserves. Reserves represent a provisional form of land-holding whereby the State assigns an area of land to be held in usufruct by the indigenous communities. With this system, the ownership of the land is not clearly defined, inasmuch as the land and the subsoil still belong to the State and the indigenous inhabitants are merely usufructuaries. The Government's present policy is to convert reserves into reservations and thus give the indigenous inhabitants fully secure tenure of the lands ancestrally occupied by them.

44. Civil communities. These entities are on a par with reservations, since they consist of an indigenous community which is in collective possession of a specific area, situated in the Andean or Cordillera zone in most cases, but usually they have no title to it.

45. Communities occupying public lands. This category comprises communities occupying lands which have not been alienated from the State domain, i.e. which are legally considered as public lands. But the indigenous populations that occupy and work them have a preferential right to be allocated them in accordance with the provisions of the relevant legal rules.

46. Land occupancy. To give a better idea of the pattern of land occupancy by the indigenous population in Colombia, it will perhaps be helpful to give a breakdown from the standpoint of geographical location. The indigenous population is estimated at 450,000. Approximately 62 per cent of this total occupy settlements in what is known as the Andean zone, i.e. in lands associated from early times with the practice of farming in a market economy. About 10 per cent live in the Guajira peninsula and other Atlantic Coast regions of Colombia, and the remaining 28 per cent in the territories known as the Eastern Plains, Amazonía, Chocó, the Pacific Coast and other areas of lesser importance.

47. In terms of productive activity, two main groups can be distinguished: the first, which accounts for 67 per cent of the total population, is engaged mainly in agriculture and on a lesser scale in stock-raising, and is found in the Andean or Cordillera zone and part of the Atlantic Coast. The second group, known as rain forest and savannah indigenous peoples, the vast majority

of whom occupy areas near the country's borders, account for about 33 per cent of the population and live by subsistence farming and rudimentary stock-raising, supplemented by hunting, fishing and gathering.

48. Following the establishment of the Colombian Agrarian Reform Institute (INCORA) under Act No. 135 of 1961, and more especially Act No. 31 of 1967, whereby the Colombian Government acceded to the ILO Indigenous and Tribal Populations Convention, adopted at the fortieth session of the General Conference of the International Labour Organisation, held in Geneva in 1957, the Government began to adopt measures to accord recognition to the territories traditionally occupied by indigenous communities, first with the legal status of reserves and later through the establishment of land reservations. This latter formula was a response to the repeated requests by the communities concerned, which considered that to make over the land collectively under such an arrangement was much more to their advantage and better attuned to their usages and customs, since in this way they also obtained right of ownership over their territory.

49. Accordingly, between 1967 and March 1985, INCORA, the body empowered under the Act to establish reservations, created 34 reserves and 108 reservations with a total area of approximately 11,223,250 hectares for the benefit of 112,690 indigenous people. It should be noted that a large part of this area is covered by rain forest, which has to be kept for the protection of the ecosystem and, at the same time, constitutes the hunting, fishing and gathering grounds. The population concerned is distributed over 22 of Colombia's 32 political and administrative areas and comprises the following ethnic groups: Witoto (Murui), Ticuna, Andoque, Yucuna, Yagua, Cuna, Katío, Emberá, Macahuan, Cuiva, Tunebo, Coreguaje, Sáliva, Paez, Yuco, Waunana, Guajiro (Wayuu), Guaibo (Sikuani), Guayabero, Kogui, Malayo, Arhuaco, Achagua, Piapoco, Wanano, Desano, Cuaiquer, Motilón-Bari, Kofán, Inga, Siona, Kamsá, Pijao, Cubeo, Tucano, Siriano, Yuruti, Bora, Macuna, Yurutí-Tapuyo, Tuyuca, Piratapuyo, Macú, Tariano, Carapana, Cabillari, Taiwano, Tatuyo, Barasano and Piaroa (see annex 4).

50. For what we have termed the Andean or Cordillera zone, which generally consists of reservations dating back to colonial times, and for those sectors which simply constitute indigenous populated areas, lands contiguous to the indigenous territories have been purchased from private owners in order to extend the territories in question. This measure entails major investments, and consequently it is in many cases not possible to attain the desired goals with the limited resources available. Nevertheless, under this programme a total land area of about 27,000 hectares has been acquired and used for the benefit of some 7,783 families.

51. Lastly, for the so-called forest and savannah groups, occupying public lands, the Government's present policy is to continue to demarcate their territories so as to hand them over with the legal status of reservations.

52. As to the utilization of natural resources by the indigenous communities, much remains to be done. Though a National Code on Natural Resources and Protection of the Environment was drawn up under Decree No. 2811 of 1974, no regulations have been issued to implement it in regard to the natural resources in the indigenous territories. Nevertheless, Decree No. 622 of 1977 lays down that, when the Government decides to create a national park, the

land ownership rights of any indigenous groups in that same area can be legalized. Similarly, Decree No. 1608 and Decree No. 1681 of 1978, establishing the regulations to the Code, refer to hunting and fishing and provide indirect protection for the indigenous communities, inasmuch as they establish machinery to regulate subsistence fishing and commercial, sporting, scientific and developmental hunting and fishing, specifying the permissible types not prejudicial to third parties.

53. It should be noted that the present administration of the National Institute of Renewable Natural Resources and of the Environment (INDERENA) has planned and intends to transfer to the indigenous communities a high degree of responsibility for protecting, preserving and managing the natural resources in their own territories.

2. Health and education

(a) Health

54. A four-year primary health care programme is being carried out with the support of the United Nations Children's Fund (UNICEF) for the Cauca and Nariño indigenous communities. A primary health care programme has also been drawn up under the Comprehensive Plan for the Development of the Pacific Coast (PLAIDECOP) for the Embera inhabitants of the southern part of the coastal area. Voluntary health workers from the Embera and Waunana community are being trained under a co-operation agreement with the Government of the Netherlands, and indigenous health workers are also being trained by the services in Vichada, Vaupés Casanare, Arauca, Magdalena and Cesar.

55. The indigenous organization, for its part, has secured co-operation in Cauca and Cordoba from medical assistance and international relief bodies (Ayuda Médica and Socorro Internacional). Private agencies, such as the Foundation for Colombian Communities (FUNCOL), the Association of Lay Missionaries (USEMI) and Catholic Missions, are testing health service schemes for scattered population groups. In the Sierra Nevada the indigenous inhabitants themselves are developing a self-managed health scheme.

56. Considerable progress has been achieved in studies of the health of various indigenous populations as a result of the efforts of universities such as Valle University, Antioquia University and the National University, co-operation agreements such as that with the Netherlands Government, the work of researchers such as Lobo Guerrero and Herrera, the support of the Francico José de Caldas Colombian Scientific Research Investigations and Special Projects Fund (COLCIENCIAS) and, in general, the concern of the scientific community to identify the epidemiological characteristics of indigenous areas and that of indigenous institutions to solve health problems.

57. One of the main health questions is how local experiments should be tied in with the national health system. For this reason, the Ministry of Health convened a National Workshop on health services for indigenous communities, at Valledupar, Cesar, in March 1983. The Workshop reached the conclusion that the main reason why it was difficult to relate and gear the national health system to the needs of indigenous communities was that public health was considered solely from the standpoint of the provision of health services and no account was taken of the health concepts and practices of the inhabitants

concerned. The Workshop recommended a radical change in the approach adopted to the indigenous inhabitants because, in its view, understanding of and respect for the indigenous societies, their forms of organization, their values and health care practices were more important than material and financial resources and creating health units. For this reason, the Workshop considered that health programmes for the indigenous inhabitants should be reviewed and made more flexible, that vertically-structured programmes imposed from above should be avoided, and that such programmes should be formulated together with the community itself in the light of its actual needs.

58. A meeting on health care, social research and traditional medicine, held in Arauca in January 1984, came to the conclusion that the health problem was not simply a medical problem but basically economic, social and cultural in nature, and that any primary health care programmes should be based on joint inter-agency and multidisciplinary work.

59. The tasks faced by the State in this regard are enormous. PRODEIN has pointed out the way, and the development of a health care model that would, over the medium term, reduce the sickness and mortality rates, create acceptable health conditions and thus improve the quality of life of these peoples offers a challenge to agencies which are active in this sector, to the scientific community and to the indigenous inhabitants themselves.

(b) Education

60. Indigenous education in Colombia, from the standpoint of educational methods and content, has been closely linked with the nature of the general policies adopted by the State towards the indigenous peoples. It may be said that, in the past, education was yet one more means of achieving the objectives of these policies, depending on whether they were aimed at putting an end to the communal pattern of life of the indigenous inhabitants, reducing them to a so-called "civilized" way of life or integrating them.

61. Decree No. 1142, which to a great extent reflected the new approach to the relations with the indigenous communities and issued the regulations to Decree-Law No. 088 of 1976, was promulgated in 1978. This Decree laid down specific guidelines that afforded indigenous groups considerable leeway in the formulation of educational programmes that are suited to their needs, take into account their language and their values and involve active participation by the communities themselves "... with a view to ensuring respect for and development of their economic, natural, cultural and social heritage, their artistic values, their means of expression and their religious beliefs".

62. A document entitled "General Guidelines for Indigenous Education", which developed the principles embodied in Decree No. 1142 and reflected general policies in regard to the indigenous communities, was prepared by the Sectoral Office for Educational Planning of the Ministry of Education at the end of 1982. This document outlines a new approach based on the concept of ethno-development, namely, the exercise of a people's social decision-making capacity concerning the management of its cultural resources in order to build its future in accordance with a plan that draws on its own values and aspirations. According to the document, the educational process in the indigenous communities should be directed towards the recognition and restoration of their cultural features and values and the assimilation of

other values in accordance with their needs, interests and aspirations which will inevitably differ, depending on the nature of the relationship established by each one with society at large. This process will increase the social decision-making power of various ethnic groups over their cultural resources so that they themselves will be the ones that draw up, implement and evaluate their educational programmes with the advice and under the supervision of the Ministry and the Secretariats for Education.

63. Pursuant to the provisions of Decree No. 1142 and in full accordance with the guidelines mentioned above, the Ministry of Education approved the basic primary education programmes drawn up and submitted to it by the indigenous Arhuaca community of Sierra Nevada de Santa Marta. It may be mentioned that these programmes were approved following a serious confrontation between the members of this indigenous community and the Catholic Mission which had been providing this service since the beginning of the century.

64. An ethno-education programme has also been drawn up, in co-operation with the YANAMA Indigenous Organization, for the indigenous population of the region of Media Luna, Guajira. This programme will start up in two basic primary education schools in the first grade; a further grade will be added each year until the entire basic primary education cycle is covered.

65. Significant progress has also been made in promoting indigenous education in the Departamento of Antioquia, where the Secretariat for Education has launched an ambitious plan to training bilingual teachers who will be responsible for education in the indigenous areas. Similar efforts are being made in the Vichada and Vuapès Comisariás by contractual education teams with guidance from the Apostolic districts concerned and under the supervision of the Ministry of Education, and a certain amount of success is being achieved.

66. An educational project of special note in the context of the progress being made in indigenous education is the one initiated, and being kept up by the Cauca Regional Indigenous Council (CRIC). Generally speaking, it functions in accordance with the terms of Decree No. 1142, using indigenous teachers and teaching methods and materials chosen by the communities themselves, and under the supervision of the authorities of each community and of the Council's technical supervisory teams. To support this initiative and provide a sounder basis for expanding the indigenous education programme in Cauca with institutional backing, the Ministry of the Interior concluded an agreement with Cauca University for the University to use a team of experts and prepare a curriculum suited to the special circumstances of the indigenous Paez and Guambiano peoples, who account for a large proportion of the inhabitants of this Departamento.

67. A few words should also be said about the non-formal education sector and the activities carried out by the National Apprenticeship Service (SENA) among the indigenous communities. This Service, using modern methods, developed a training system for rural communities and has considerably modified and adapted it to the actual needs and characteristics of the indigenous peoples, through a continuing evaluation of experiments conducted in various parts of the country. This flexible model, geared to the training needs of indigenous peoples in the context of the inevitable transition that many of them are making to the market-oriented production system, will have a vital role to play in satisfying the increasing demand for technical assistance and training from populations to which the State has lawfully assigned lands.

3. Economic and social development

68. In accordance with the PRODEIN guidelines, a special project has been devised for the development of the Inga, Siona and Kofán reserves in the south western Putumayo, together with a crop and livestock development programme which is being implemented on the basis of a diversified subsistence farming model (a productive activity model intended to ensure the subsistence of the farmer and his family) with a very simple line of credit and continuing technical assistance. Funding of nearly \$Col 100 million has been arranged with the Government of Canada to start up a livestock breeding programme for the Sicuani people in the central part of the Vichada Comisaría Especial. This pilot programme is of a particular kind in that livestock breeding will be developed on a communal basis and combined with improved of consumer-oriented agricultural production. The programme is to function as a revolving fund and loans will be repaid in kind.

69. INCORA, too, is moving ahead with a crop and livestock development programme in the Tunebo reservation at a cost of \$Col 30 million. A number of crop and livestock loans are being granted and various community services are being built under the Arauca Phase II settlement programme, with financing from the World Bank. In general, nearly, 1,000 indigenous families benefited from the INCORA credit and development programme in 1984, in which year loans amounting to about \$Col 75 million were granted. A total amount of \$Col 277 million had been lent to the indigenous inhabitants (about 4,000 families) by December of that year.

70. INCORA's sheep-farming programme in the cool Cauca area is particularly appreciated; loans are repaid in kind.

71. The Ministry of the Interior's Indigenous Affairs Division, through its Revolving Fund for Indigenous Development, has granted about \$Col 57 million in productive loans on the basis of a very simple procedure.

72. At the present time the Government is seeking funds to launch an ambitious social and economic development project for indigenous communities in areas affected by political violence; special importance will be attached to the programme for the development of the north-eastern part of Cauca, which will constitute an interesting development planning and co-ordination exercise.

73. The Antioquia Secretariat for Development is promoting a regional improved production programme among the indigenous communities.

74. The Indigenous Development Plan has also been drawn up under the Comprehensive Plan for the Development of the Pacific Coast and, at the national level, indigenous smallholders are covered by the Ministry of Agriculture's Integrated Rural Development Programme (see annex 5).

75. Generally speaking development programmes have been reoriented so as to emphasize activities designed to strengthen the community spirit and provide the indigenous inhabitants with an economic sphere in which they can manage their own economic and social affairs.

76. Mention must be made of the efforts being made to adapt credit, development and technical assistance services to the particular features of the indigenous communities. The following are some of the many problems that have to be resolved in this connection.

(a) Economic anthropology, a branch of anthropology that is of value in formulating programmes of this nature, has not been developed sufficiently in Colombia.

(b) The coverage of development programmes suffers from shortcomings of various kinds; some are of an economic nature and must be corrected, while other are of a practical nature for the standpoint of project implementation, and concern means of access to isolated areas and roads to open up forest areas;

(c) Most programmes are designed to make good the existing food gap. This objective, which is eminently social in character, makes it difficult to tap traditional sources of financing;

(d) Programmes which should be comprehensive can be implemented only in part owing to the difficulties referred to above;

(e) Despite the increase in the number of programmes to train staff with a knowledge of anthropology as extension and technical assistance officers in areas not previously reached, there is a shortage of such services;

(f) Programmes tend to suffer from shortcomings unless systematic steps are taken to enhance the community's administrative control over its resources.

77. In view of these and many other problems, the Government considers that it would be highly desirable to arrange exchanges of regional experience in indigenous development, particularly with the countries of the Amazon area.

4. Support for cultural development

(Activities of the National Committee for Indigenous Linguistics)

78. The Ministry of Education, by Resolution No. 2503 of 11 October 1983, set up the National Committee for Indigenous Linguistics under the Colombian Institute of Anthropology to advise the Government and its agencies in the formulation of policies in regard to research, dissemination, protection, teaching and use of the country's surviving languages. The following activities have been embarked upon with the support of this Committee:

(a) Post-graduate linguistics studies

79. In order to protect and preserve the indigenous languages, the Committee decided to give top priority to training a sufficient number of Colombian linguists to ensure suitable and continuous studies not only from the scientific or academic standpoint, but also from that of their probable and immediate use in bilingual and bicultural education.

80. It may be said that this decision reflects a nationwide consensus supported by the indigenous population and the representatives of society at large, who have undertaken to carryout the research involved for no motives or reasons other than to foster a national science */, without any discrimination as regards citizenship.

81. In this context, the Committee co-ordinated the course in indigenous linguistics with the Los Andes University and with the assistance provided by the French Government within the Department of Anthropology. Twenty students including two indigenous persons, have already completed the first theoretical part of the course and are doing practical phonetics work in various indigenous communities. The Committee also sponsored and supported the post-graduate linguistics course in the National University's Department of Languages, where one of the special areas of study is indigenous linguistics, for which 20 students are at present registered.

(b) Ethno-linguistic atlas

82. The Committee advised the Ministry of Education on the organization of the Seminar/Workshop on the ethno-linguistic atlas of the Andean sub-region, which was held in Bogotá from 23-27 July 1984 at Yerbabuena, the headquarters of the Caro y Cuervo Institute.

83. The meeting was attended by the countries signatories of the Andés Bello Agreement, and the Colombian delegation was headed by Mrs. Estella González de Pérez of the Caro y Cuervo Institute.

84. In this context, the Committee undertook to prepare a report on the status of indigenous groups and languages in Colombia, which was transmitted to the Andean Institute of Popular Arts (IADAP) in Quito, Equador, in July 1985. The report was drafted jointly by the Caro y Cuervo Institute and the Colombian Institute of Anthropology which already possesses information on indigenous communities in the form of expert studies.

(c) Standardization of indigenous alphabets

85. The Committee agreed to give priority to the task of drawing up standard guidelines and criteria for the elaboration of alphabets for indigenous languages.

86. In this connection, the discrepancies detected between the signs for the phonemes proposed and adopted have created difficulties from the standpoint of literacy campaigns and the teaching of these languages, quite apart from the differences of opinion that have arisen between institutions and ethnic groups concerning identification of the signs proposed.

*/ National in the sense that this research will be basically of a national nature and will serve the interests of the groups involved, throughout Colombia. Compliance with generally-recognized scientific principles is thereby ensured.

87. In this regard, a meeting of experts was held in December 1986 to examine problems connected with the Guahibo language. It is hoped that similar meetings can be held in respect of other languages during the year and that a technical sub-committee can be set up to study and decide upon basic criteria so that an official policy can be adopted in the matter.

88. The Committee hopes to be able to work with government and private bodies on solving this difficult problem and achieve a consensus in each specific case.

(d) The Summer Linguistics Institute

89. The Committee considered that the detailed views of the Summer Linguistics Institute (ILV) should be sought as matter of priority, and therefore held a number of meetings with its leading members. It is hoped that a joint linguistics committee can be set up under the Ministry of Education in the near future to supervise ILV's work and to make use of its experience in devising alphabets and bilingual materials, thereby initiating contacts between national agencies and ILV leading to the transfer of its functions to national bodies. However, the Committee stated that its willingness to engage in a dialogue did not imply endorsement of any kind of religious proselytism.

(e) Other activities

90. In accordance with its functions, the Committee has advised various government bodies and supported the idea of restructuring the Indigenous Languages Section of the Caro y Cuervo Institute. During the course of the year it intends to sponsor the publication of linguistic works of national interest and to co-operate with international bodies such as the Inter-American Indian Institute in the implementation of linguistic projects.

B. Medium-term and long-term projections of indigenist policy

91. By far the most significant development in the evolution of the Colombian indigenous question over the past 20 years has been the widespread movement among the indigenous communities to promote or strengthen organizations at the local, regional and national level. This trend on the part of the indigenous peoples has had a decisive influence on most of the measures of one kind or another suggested or adopted by the State and its agencies during that period. It is believed that this trend has had a particular impact in three areas, namely, the social and economic, the cultural and the legal fields.

1. Social and economic field

92. The indigenous peoples of the Andean region, with the support of the State and very often by their own efforts, have regained possession of extensive areas which as a rule formed part of the old reservations. It is estimated that the area "recovered" - which is the term used by the indigenous peoples themselves - amounts to about 50,000 hectares. A large number of communities which previously had to put up with a harsh smallholding system have for the first time had a piece of land which their members can cultivate independently on a family basis without having to work as day labourers, lease land or have recourse to the semi-servile terraje or porambería system (one under which the agricultural worker has the right to use a certain amount of

land in return for working for a certain length of time). Moreover, as has already been mentioned above, the indigenous peoples of the forest and savannah areas have, through INCORA's land programmes, become owners of extensive areas that were their ancestral lands. These peoples can now, subject to considerable limitations in many cases but certainly more freely than before, carry on their subsistence farming activities and for the first time have not had to embark upon their periodical migrations to escape the advancing tide of settlements.

93. Yet the achievements described above raise problems over the medium and long term for which lasting solutions should be found in good time. For example, the indigenous peoples who now have land to work lack the means to work it. The great expectations aroused among the majority of these peoples are so numerous that State bodies have been unable to satisfy them and will find it difficult to do so in the future owing to the meagreness of present budgets. What is required, therefore, while an active search continues for solutions to the problems of vague land titles, if any, among many indigenous communities, is to find ways of making financial and technical assistance available so that those who already possess land can work it and take advantage of what it can do to improve their living conditions. To this end, projects must be drawn up at the regional level in association with the communities themselves, suited to the specific circumstances of each community and each region, in an effort to obtain the necessary resources. This is not a matter of channelling vast sums of money into all indigenous regions or of bringing the most sophisticated advances in technology to the communities concerned. Certain communities have little or no need for such programmes, since they still depend on traditional activities such as hunting and fishing, for which there are abundant opportunities. Yet for some indigenous groups, the only possibility of survival and improvement lies in assistance from outside and in adopting new technologies.

2. Cultural field

94. The organization of the indigenous populations, the numerous meetings and seminars and the demands they have made to State bodies are a phenomenon that shows to what extent in recent years the indigenous inhabitants have regained a lost identity and a feeling of dignity as individuals and as Amerindians. This recovery, so to speak, of their own identity and of the values which lent consistency and a particular life to their communities, has been reflected in the growing interest in identifying manifestations of their culture which are ill-known or have been forgotten or have disappeared. The recovery of the mother tongue as the patrimony of each community and the campaign to ensure recognition and use of the community's language in the State's education programmes has led to many demands in the various regions. Some communities, on their own account and at their own risk, have started to work out and implement bilingual education programmes. Each community's traditional medical practices and skills are yet another concern of the indigenous inhabitants, for ignorance of them, and often the hostility long displayed towards them, meant that an entire people's skills in this regard were not kept up and, in many instances, disappeared.

95. As pointed out earlier, advances have been made in providing legal and practical support to indigenous groups in order to safeguard, respect and make appropriate use of some of the values of the indigenous peoples, such as their language, traditional medicine, and so on.

96. Rather more delicate is the range of the concerns and needs which have started to emerge in these fields, since they grow greater day by day and present more complex difficulties to solve. The growing demand for indigenous participation in health and education services, in engineering, in opportunities to perform even management roles, has taken many people by surprise. Since this readiness of the indigenous inhabitants to take part in handling or supporting the endeavours to safeguard or develop their cultural heritage will move into new fields and challenge others which have been handled by non-indigenous persons, it is important to use proper criteria in solving any conflicts. One criterion central to the State's current indigenist policy is that State action should be designed to ensure that each indigenous inhabitant will be in a position, as soon as possible, to take on the responsibility for handling all of his own affairs. Accordingly, co-ordination or co-operation from the indigenous population can be viewed not as an end in itself, but as a means of securing increasing delegation of responsibility to the indigenous inhabitants for handling the affairs that are of interest to them.

3. Legal field

97. Colombia's indigenous inhabitants have achieved the most significant advances in the legal field in recent years. The granting of some degree of stability to the reservations as systems of land tenure and use and community life has ensured the on-going existence of the cabildo, or small internal government, within each community. Again, the creation of new reservations on the basis of the land reform laws has led to the formation of more cabildos, in regions where the indigenous inhabitants previously had no kind of legal representation, in order to wield some power in defending the group's interests. In the light of the international agreements signed by our country, the laws in force, the rulings of our higher courts and the thinking of our writers, there is no doubt that the indigenous cabildos, as lawful authorities, enjoy clear and unquestionable powers in handling the internal affairs of communities. The capacity to take decisions which are administrative acts, jurisdictional acts and acts regulating general conduct in terms of the community itself, undoubtedly means that they are acts of power, that they are political acts.

98. This unquestionable capacity of the indigenous inhabitants to decide through their own authorities on matters of general interest will therefore be called upon to play a major role in the future advancement of these populations. It is unlikely that the decisions to be taken by the indigenous authorities, within the context of their own internal government, will present serious difficulties, since the current rules have made allowances for a complex range of solutions to various eventualities. However, it is foreseeable that, in regard to the fulfilment of the functions incumbent upon the indigenous cabildos as agents of the administration, namely as agents of a central power, it will not be so simple either to determine their true powers or to define possible conflicts with other authorities.

99. It is obvious that the central Government, through the various State bodies mentioned in this brief work, and particularly the unfailing endeavours of the Ministry of the Interior's Indigenous Affairs Division, has achieved marked success in rescuing the inherent values of some indigenous communities, forgotten in the past as a result of the excessive centralism of previous administrations.

100. Undeniably, the relative autonomy granted to the indigenous cabildos in handling their own affairs has made for stronger organization and for a better understanding among these communities of the State's efforts, which are admittedly at the initial stage, to integrate these populations as a part of the Colombian nation.

III. NATIONAL EDUCATION CAMPAIGN (CAMINA)

REPORT ON ACTIVITIES

A. Introduction

101. The development plans adopted under recent governments have displayed continuity in education policies and advances in the overall approach to finding solutions to long-standing issues and to new problems that emerge as times change.

102. The 1975-1978 "Closing The Gap" Development Plan sought to give impetus to education programmes by radio and television and actively promote the use of the mass media for educational purposes as a service to the community.

103. The purpose of the "National Integration Plan" had been to concentrate on identifying and spreading indigenous cultural values and creating conditions for broad access to cultural and recreational facilities. Important in this regard is the role of the State in turning the mass media, as vehicles for culture, into props for formal education and mechanisms for non-formal education.

104. The overall framework of education policy under the "1983-1986 Equitable Change" Development Plan points to crucial problems in Colombia's education system and the need for more highly co-ordinated action and for better organization of resources in order to cope with the magnitude of the problem of the quality and coverage of the education system at various levels.

105. From this standpoint, the National Education Campaign (CAMINA) is a strategy for social change that seeks to provide further opportunities in formal and non-formal education traditionally available to the population.

106. The Distance Education Advisory Department of the Office of the President of the Republic has been co-ordinating CAMINA activities and programmes (annex 6) with the participation of various ministries and institutes.

B. Inter-agency co-operation

107. Inter-agency co-operation and co-ordination of activities with both public and private bodies were, from the outset, viewed as a fundamental strategy in guaranteeing that the CAMINA objectives were achieved.

108. In this regard, united co-ordinated efforts by State bodies and various organizations helped to work out mutually supportive action by all sectors in order to secure the necessary change in education.

109. The support from the mass media (press, radio and television) not only motivated the public at large but also meant that CAMINA programmes spread to the various areas and reached out to the largest possible number of people.

110. Many initiatives have also been taken by the private sector and by the Church to support CAMINA aims.

111. The armed forces were brought in to help in community education and literacy programmes and they have made a valuable contribution in reaching the most disadvantaged communities in the various parts of Colombia, particularly in the redevelopment areas.

C. International co-operation

112. Attention should also be drawn to the co-operation extended by foreign Governments and international organizations both in developing CAMINA in connection with National Education Year, 1985.

113. Equipment to produce teaching materials has been donated and financial support has been provided under technical and scientific co-operation agreements.

114. Through the Administrative Department of the Office of the President of the Republic, the Government of the Republic of Korea donated 500 colour television sets and 960 radio cassette recorders worth a total of \$US 130,000, and they have been distributed to the Community Education and Cultural Development Centres.

115. The Government of France donated computer equipment worth \$US 45,000 for the development of a joint project on distance education and technological innovations in education, a project which has been implemented with the participation of the National Apprenticeship Service (SENA), the Southern University Unit (UNISUR) and the Latin American Human Resources and Data Processing Centre.

116. The Government of Japan donated 210 educational programmes for television, amounting to 52 hours' programming time and worth approximately \$US 90,000.

117. Similarly, national and international bodies connected with community development projects in various regions have co-operated in adult literacy programmes.

118. By means of these bodies, it has been possible to serve rural communities and indigenous populations by developing programmes and teaching materials and programmes for training in various fields, so as to enhance the living conditions of these population groups.

D. Work areas

119. In the context of education for comprehensive and ongoing development of the individual and the community, CAMINA has concentrated on five priority areas of work.

1. Literacy

120. The implementation of the National Literacy Plan involved an initial organizational stage and it proved necessary to extend the period of the "Simon Bolivar" Adult Literacy Campaign to 31 December 1982, under the terms of Decree No. 3161 of 1982.

121. This organizational stage was accompanied by a process of preparing, reviewing and publishing educational and support materials for both learners and teachers.

122. The goals of the National Literacy Plan were to cover 2.5 million illiterates, 4 million functional literates and 500,000 children aged 10 to 14 not in school attendance.

123. The activities under the National Literacy Plan were conducted by the Advisory Department of the Office of the President of the Republic and the Ministry of Education, with the participation and co-operation of public and private bodies.

124. At the regional level, the Governors, the Intendants, and the Mayor of Bogotá and municipal mayors co-ordinated the participation of various bodies in the literacy programmes.

125. Highly positive results were obtained with the firm support of the Secretariats for Education, regional co-ordinators and volunteers joining in the Campaign.

126. To achieve the targets set, the Government declared 1985 as the year of the great offensive to eradicate illiteracy, and streamlined strategies were devised to make the programmes easily available to the population unable to read and write.

(a) Literacy centres

127. The policy of inter-agency co-ordination and nationwide mobilization sought to guarantee that the requisite human resources were available for the Literacy Plan. In this respect, it proved necessary to reassign the Ministry of Education's 9,000 posts for literacy teachers and to attach priority to the rural areas.

128. At the same time, students' social services gave their support, the armed forces and the Church played an effective part, and officials were enlisted from various national bodies such as SENA, Integrated Rural Development (DRI), the Colombian Agricultural Institute (ICA), and so on.

129. The Community Action Boards, the Family Benefits Funds, the mass media and volunteers from public and private bodies, as well as leaders trained by Popular Cultural Action, also took part.

130. With this guarantee of sufficient human resources, a programme was worked out to distribute educational materials throughout Colombia.

131. To this end, under an agreement with the postal administration, primers were sent out to literacy teachers at each main district and then distributed by the local co-ordinators. More than 3 million literacy primers were printed.

132. The evaluation reports on activities in 1985 were very satisfactory in regard to the numbers of people who completed and/or started the learning process at literacy centres. The Ministry of Education's figures reveal that nearly 1 million illiterates were covered, and it should not be forgotten that others started in the first half of 1986 and a further significant number of adults used other methods. The new target set for the first half of 1986 was 1 million illiterates, in the light of existing infrastructure and resources.

(b) Radio and television literacy campaign

133. For better coverage of the rural population, new literacy programmes by radio and television were prepared as an easy support system for learners and teachers.

134. The radio and television programmes were arranged on the basis of the material in the "Counting" and "Reading and Writing" primers and the "Literacy Teacher's Guide" kits. These broadcasts by radio and television provide further opportunities for a large number of people to learn on their own.

(c) Recorded courses

135. As yet another alternative for the rural population, 20,000 "Basic Course" records were distributed. With this method, a start can be made on complete literacy training, either individually or in groups.

2. Primary education, secondary education diploma and Open University

136. Under the education policies of the "Equitable Change" Development Plan regarding broader educational opportunities for sectors of the population not covered by the traditional education facilities, CAMINA has firmly encouraged the system of distance education and the use of the media, the aim being to provide a large number of persons with alternatives to start or carry on with their primary, secondary or higher education.

137. In view of the limited television coverage of Channel 3 and in order to increase the Channel's services to the population, the Governments of Colombia and France signed an agreement to expand the station's physical and technological infrastructure and reach the same number of people as Channel 1.

138. Moreover, in the light of the need to reorganize the legal and administrative structure of the People's Training Fund, the Distance Education Department was set up by agreement with the Governing Body of INRAVISION, thereby fostering and developing educational television nationwide.

139. Similarly, for the purpose of working out proposals, suggestions and ideas to enable the Government and INRAVISION to promote educational and cultural television, the Educational and Cultural Radio and Television Programming Policies Council was established (Decree No. 3266 of 8 November 1985) and it consists of the Minister of Communications, the

Minister of Education, a Presidential Adviser, the Director of INRAVISION, a representative of the National Planning Department, the Director of the Distance Education Department and the Director of the Broadcasting Department.

140. Some of the Council's principal functions are:

(a) To weigh up educational and cultural programming in terms of methods, substance, programmes and supplementary materials;

(b) To review and decide on the programming plans of the Distance Education Department and the Broadcasting Department;

(c) To monitor the implementation of policies and to suggest evaluation methods.

141. The establishment of the Distance Education Department and the functions of the Educational and Cultural Radio and Television Programming Policies Council have made for greater consistency and co-ordination between the education and communications sectors, to the benefit of the people who follow the educational programmes in the mass media.

(a) Basic primary education by television

142. The television primary education programmes and printed material produced by the Distance Education Department were first reviewed and brought up to date to bring them into line with the curriculum for adult basic education and to meet the needs and characteristics of the population. In 1984, a total of 8,915 people were covered by basic primary education courses.

143. In 1985, new television programmes were produced for the third, fourth and fifth grades of primary education. In addition, training and further training courses on producing educational programmes for television were arranged with the personnel of the Distance Education Department and INRAVISION in order to help bring about a qualitative improvement in education through the mass media. Technical advice for these courses was provided by the British Broadcasting Corporation (BBC), with the co-operation of the United Nations Development Programme (UNDP) and the United Nations Educational, Scientific and Cultural Organization (UNESCO).

144. To increase the coverage of basic educational programmes at the national level, they were broadcast on INRAVISION's Channels 2 and 3. In addition, the Secretariats for Education, with their local co-ordinators, were brought in to supervise the programming. The total number of pupils covered in 1985 was 23,900.

(b) Basic primary education by radio

145. Radio was also used for greater coverage by primary education programmes. For this purpose, the Ministry's technical team worked out a series of programmes to broadcast each course on National Radio, the Sutatenza Channel and various local stations.

146. Basic education programmes in the media were given further impetus under Decree No. 428 of 7 February 1986, which established the Curriculum for Adult Basic Primary Education, intended for persons over 12 years of age who have been unable to enter the regular school system. Literacy is the first stage in the Curriculum.

(c) Secondary education diploma by radio

147. For secondary education programmes by radio, which are traditionally broadcast on the national network, the co-operation of the Sutatenza Channel and local stations was also secured in order to provide more broadcasts in connection with National Education Year.

148. In 1985, the Department distributed 110,000 sets of printed material for the diploma courses, through the Agrarian Fund in all parts of Colombia.

149. A total of 39,694 pupils enrolled in 1984, 42,466 in 1985 and 22,069 in the first half of 1986.

150. In addition, in 1985 the Sutatenza Channel broadcast on a 24-hour non-stop basis educational programmes produced by various institutions, including the Colombian Institute for the Development of Higher Education (ICFES), SENA, ICA, UNISUR and the Colombian Cultural Institute (COLCULTURA).

(d) Open University

151. Under the Government's programmes in the "Equitable Change" Four-year Plan, UNISUR was the focal point for developing the Open University under the Distance Education System. At the same time, through co-ordination with ICFES, support was provided for programmes by the public and private universities that go to make up the Distance Education System (SED).

152. The Distance Education System in Colombia has its own particular features and is not merely a transplant of foreign experiments.

153. UNISUR, the State's pilot body for developing distance education programmes, has played a major role as the centre for educational, scientific and technological innovations in this kind of education. It has also made a significant contribution to the democratization of education by allowing pupils who meet a minimum of requirements to take part and by offering alternative programmes in technological fields and new occupations that are more in keeping with the process of the development and growth of Colombian society.

154. The great interest displayed in the programmes offered by UNISUR and the universities in the system of open higher education has led to the establishment of numerous regional distance education centres throughout Colombia. At the present time, the system has 80,000 students, 10 per cent of them enrolled with UNISUR.

3. Technical training

155. One of the Government's basic aims in the National Education Campaign (CAMINA) has been to tie educational processes in with the field of employment. Education and work, when combined, make for active participation by the individual and turn him into a force for change.

156. CAMINA has been supporting non-formal programmes for adults in various areas relating to labour training and community development by co-ordinating the activities of regional bodies and centres with the Ministry of Education's Adult Education Division.

157. These programmes have been directed at developing self-management in small-scale enterprises chiefly in rural areas and communities on the Pacific coast, in the Departamentos of Valle and Chocó.

158. The National Apprenticeship Service (SENA), as the government body for implementing social policy in training human resources, has also significantly increased its activities in regard to the workforce, through the National Open and Distance Training Service (SENAFAD).

159. The courses SENa provides under this system afford new training opportunities for adults who want to start or carry on with a particular kind of education without leaving their jobs.

4. Community development

160. Comprehensive continuing education and the population pattern are such that the demand in education has to be met by programmes which are intended for the population at large and will favour the growth of communities in human terms and foster their advancement.

161. In order to move ahead with a policy of greater education prospects for the lower-income groups, CAMINA has promoted programmes which are intended for the community and seek to improve its standard of living and develop kinds of education that answer the community's needs.

Community Educational and Cultural Development Centres (CECODEC)

162. Under this programme, sponsored by the nation's First Lady, CAMINA provides support for educational services by establishing and equipping such Centres, which are open to the community at large.

163. By providing the basic facilities of a library of approximately 1,200 volumes, a television set, a video cassette recorder, a radio cassette recorder and general teaching materials, the Office of the President of the Republic and the Ministry of Education, with the participation of the regional authorities and the municipalities, sponsor programmes in such fields as literacy, health, recreation, art, literature, folklore, and so on. The video cassette programmes distributed at the Centres are regarded as very useful support material.

164. Community participation in this project is a factor of major importance, since it is the community itself that decides how the activities at the Centres are developed and programmed. To the extent possible and to take advantage of existing resources, efforts have been made to set up the Centres at cultural institutes or public libraries, so as to ensure that they will be used to the maximum.

165. The libraries and equipment are distributed among the Centres in the following areas:

Area	Libraries	Television sets	Radio cassette recorders
Antioquia	34	22	22
Atlántico	17	17	17
Bogotá D.E.	53	15	-
Bolívar	42	25	43
Boyacá	53	21	61
Caldas	28	20	24
Caquetá	10	6	16
Cauca	38	20	38
César	26	30	34
Córdoba	37	20	30
Cundinamarca	22	-	-
Chocó	29	15	15
Guajira	12	12	12
Huila	58	20	53
Magdalena	41	20	40
Meta	28	20	30
Nariño	56	21	56
Norte de Santander	50	20	50
Quindio	12	22	32
Risaralda	23	23	23
Santander	57	28	39
Sucre	28	20	27
Tolima	60	25	50
Valle	54	37	35

Area	Libraries	Television sets	Radio cassette recorders
<u>National territories</u>			
Arauca	15	6	6
Casanare	19	8	8
Putumayo	23	-	-
Amazonas	12	1	1
Guainía	6	1	1
Guaviare	5	1	1
Vaupés	5	1	1
Vichada	8	1	1
San Andrés y Providencia	3	-	-
Total	964 <u>a/</u>	498	766

a/ Large libraries: 790, approximately 1,200 volumes.
165, approximately 250 volumes.

5. Technological innovations in education

166. Since one of CAMINA's aims is to help improve the quality of education, efforts have been made to promote teaching methods and techniques by means of pilot projects at different levels in various educational centres.

167. Similarly, research has been conducted into the use of computers in education, so as to evaluate the impact of technological innovations on the learning and teaching processes.

(a) Experiments in mental training

168. In co-ordination with SENA, the Ministry of Education and a number of universities and private educational bodies designed and applied new methods for the purposes of evaluating and looking into the possibilities of incorporating them into the appropriate curricula.

169. The experiments have produced highly positive results among children and adults in regard to the processes involved in reasoning, analysis and other skills such as creativity and interest in further inquiry.

170. CAMINA has also prepared the publication of support materials for distribution to bodies interested in implementing these projects.

(b) Computer-assisted education

171. Another major feature is the research into educational technologies and innovations which CAMINA has been sponsoring in experimental schools in order to determine their value as teaching tools or methods before they are used on a nationwide basis.

172. In keeping with these goals, since 1984 CAMINA has been conducting research at primary schools in the municipality of Nemocón, Cundinamarca, to evaluate the use of computers as teaching tools in rural schools in Colombia. At the present time, the project is being carried out at five primary schools in Nemocón and a school in the city of Bogotá.

173. To be precise, the most important aims of this research have been:

(a) To familiarize a group of teachers in a rural school with the use, advantages and limitations of personal computers;

(b) To familiarize a group of teachers at a rural school with Logo, a computer language that is eminently suitable for educational purposes;

(c) To determine, with the help of reliable tools, the development of creative skills among pupils who have had the opportunity to use Logo on computers for a number of months;

(d) To determine the degree of self-appraisal by children from rural areas who take part in the experiment with Logo.

174. Significant results have been obtained in this regard, especially in matters relating to creativity, mathematics, reading and writing and self-appraisal.

175. CAMINA, in striving to bring up-to-date methods of education to the children of Colombia, has been contributing in this way to the modernization of the system of education.

E. Investment resources

176. In 1984, the Administrative Department of the Office of the President of the Republic allocated investment funds to develop the programmes co-ordinated by the CAMINA Office.

177. Programming allocations were assigned under the Public Investment Fund to the following projects: planning, promoting and co-ordinating non-formal and distance education programmes; research and advisory services for the development of educational programmes; and producing and purchasing materials and equipment (see table 1). The continuity of these three programmes was ensured by further allocations in 1985 and 1986 (see table 1).

178. CAMINA has invested the funds to develop projects which will make for a qualitative and quantitative improvement in education precisely in those sectors of the population that are not covered by the system of formal education.

Table 1. Implementation of budgeted investment resources
1984-1986
(Million pesos)

Programmes	1984	1985	1986	Total per programme
Planning and technical assistance for education	18	14	12	44
Scientific and technological research and popularization	27	25	16	68
Procurement of material and equipment	18	13	12	43
Total annual appropriations	63	52	40	155

179. In order to assist in the work undertaken by the Ministry of Education on non-informal and adult education programmes, CAMINA sponsored the design and production of new material in the areas of health, nutrition, child development, leisure activities, music, literature, geography, and so forth.

180. The printed material has been used to supplement the literacy programmes and has been distributed to adult education centres throughout the country (table 2).

Table 2. Design and production of printed material a/

Title	Numbers of copies
1. Growing up with our child	40 000
2. Toys to make at home	30 000
3. Origami for children	30 000
4. Cooking and nutrition	30 000
5. First aid	30 000
6. Geography	30 000
7. Guide to better living	55 000
8. History of shipping on the Magdalena River	30 000
9. The stories of Rafael Pombo	30 000
10. Colombian literature	30 000
11. The great inventions	30 000
12. Everday objects	30 000
13. The music of Colombia	30 000
TOTAL	425 000

a/ The data on the literacy primers ("Reading and Writing" and "Counting") are not included in this table since the publication costs were met by the Ministry of Education.

181. Further, in order to promote educational television programming and to make maximum use of viewing time, video material was produced for broadcasting on the INRAVISION channels and to supplement the printed material. Video cassettes were also duplicated so that they could be circulated more widely through the centres providing informal education programmes (tables 3 and 4).

Table 3. Production of video material

Series	No. of programmes	Duration of programmes	Total duration
1. Literacy: Reading and Writing	30	15 mins.	7 hrs. 30 mins.
2. Literacy: Counting	30	15 mins.	7 hrs. 30 mins.
3. Literacy Teacher's Guide	5	20 mins.	1 hr. 40 mins.
4. The way to health	12	15 mins.	3 hrs.
5. Origami for children	8	15 mins.	2 hrs.
6. Toys to make at home	10	15 mins.	2 hrs. 30 mins.
7. Cooking and nutrition	11	15 mins.	2 hrs. 45 mins.
8. The stories of Rafael Pombo	10	15 mins.	2 hrs. 30 mins.
9. Guide to better living	40	12 mins.	8 hrs.
10. Geography	11	15 mins.	2 hrs. 45 mins.
11. The great inventions	10	12 mins.	2 hrs.
12. Everyday objects	10	12 mins.	2 hrs.
13. First aid	10	12 mins.	2 hrs.
14. The music of Colombia	10	12 mins.	2 hrs.
15. History of shipping on the Magdalena River	10	12 mins.	2 hrs.
16. Colombian literature	10	12 mins.	2 hrs.
Totals	227		52 hrs. 10 mins.

Table 4. Duplication of video material

Series	No. of copies	No. of cassettes per series	Total no. of cassettes
1. Literacy: Reading and Writing	172	8	1 376
2. Literacy Teacher's Guide	172	1	172
3. The way to health	150	2	300
4. Origami for children	100	1	100
5. Toys to make at home	150	1	150
6. Cooking and nutrition	150	1	150
7. The stories of Rafael Pombo	200	2	400
8. Guide to better living	150	4	600
9. Geography	150	2	300
10. The great inventions	150	1	150
11. Everyday objects	200	1	200
12. First aid	200	1	200
13. The music of Colombia	200	1	200
14. History of shipping on the Magdalena River	200	1	200
15. Colombian literature	200	1	200
Totals	2 544		4 698

F. Special projects

1. Information technology

182. For the implementation of scientific and technological research programmes, CAMINA earmarked investment resources for the following projects:

(a) Research in the rural sector on computers as a teaching aid:
\$Col 12 million;

(b) Procurement of microcomputers for rural schools: \$Col 3 million;

(c) Training seminars on information technology for teaching staff:
\$Col 1.5 million.

2. Distribution of materials

183. The following resources were earmarked for the distribution of materials:

- (a) Campaign to combat drug addiction: \$Col 1.5 million;
- (b) DIGIDEC publications to promote the community activities boards: \$Col 2 million;
- (c) Adult training courses in rural and indigenous communities: \$Col 14 million;
- (d) Research into and design of materials to stimulate mental development as a pilot programme in basic primary education: \$Col 4 million;
- (e) Popularization of science and technology through the implementation of the programmes of the Fundación Museo de los Niños: \$Col 8 million.

3. Distribution of investment resources

184. Investment resources are distributed as follows:

	(million pesos)
Research and design of educational material	8
Printing of material	32
Video production	46
Video duplication	3.5
Special projects	37.5

Total	127.0

IV. DECENTRALIZATION AND THE BENEFITS FOR DISADVANTAGED POPULATION GROUPS

185. Under the special powers conferred on it by Act No. 12 of 1986, the Government issued a number of decrees transferring to the municipalities a series of local functions such as the construction and administration of water sewage and mains, slaughterhouses and market places, the building and maintenance of "parish" roads, the building and administration of parks and sports infrastructure, the supervision of town-planning work, the maintenance of all public thoroughfares, and the regulation and organization of urban transport systems.

186. In the past, despite the fact that the services in question were eminently local in character, they were in the hands of national bodies which sometimes had no contact of any kind with the community and were unaware of its real needs.

187. As a result of acute centralism, the Government used to control virtually all available resources. Of the total revenue from taxation, the Government retained over 80 per cent, the Departamentos 12 per cent and the municipalities a modest 6 or 7 per cent. The situation in regard to credits was even worse, with 95 per cent for the nation, 4 per cent for the Departamentos and 1 per cent for the municipalities.

188. New laws and statutory provisions sought to strengthen the municipalities. They included Act No. 14 of 1983 and Act No. 12 of 1986. Act No. 14 of 1983 amended the arrangements for the payment of municipal taxes (land, industry and trade) in order to adjust the rates and modernize systems of payment, and Act No. 12 of 1986 made substantial changes to the municipalities' share of the sales tax. Until last year, the municipalities received nearly 27 per cent of the total amount collected throughout the country; in the years ahead the proportion will steadily rise and reach a ceiling of 45 per cent in 1992.

189. According to the estimates made thus far, the municipalities throughout Colombia, particularly those with less than 100,000 inhabitants, will be the major beneficiaries (since they will receive 84 per cent of the additional amount) and in real terms in 1992 will have double the resources they receive at present. Under the decrees it has recently issued, the Government will discontinue the funding of work costing nearly \$Col 12 billion in current terms. The municipalities will receive under Act No. 12 approximately \$Col 40 million (also in current terms). In other words, the municipalities will receive much more than it costs them to finance the work that has been transferred to them.

190. However, this does not mean that the greater part of the money will be lost on operational costs, since Act No. 12 requires municipalities to earmark the new sources of income for investment. Accordingly, it states, in principle, that the new resources shall be utilized on an investment programme already approved by the council, and departmental planning offices are empowered to audit the sectoral distribution and the allocation of expenditures, while the respective municipal departments are empowered to monitor execution. In order to simplify control, municipalities will be required to keep separate accounts of the expenditures chargeable to the new resources.

191. Greater efficiency in municipal spending is required on the part of the municipalities in order to manage these resources. In any event the decrees clearly indicate the way in which the resources are to be used. The Ministry of Finance will calculate each year the total resources each municipality will receive, and in accordance with the provisions of the law, will determine the amounts to be used for urban and rural investment and the payment of amounts owed by the municipalities.

192. Part of the resources will be allocated to debt payment. A decree provides that the nation may withhold the resources under Act No. 12 in order to write off the public debt contracted by the municipalities vis-à-vis other State entities. This rule is intended to avoid any failure by territorial entities to discharge their obligations from having repercussions on the central authorities.

193. The diversion of the resources for other ends and/or failure to comply with the provisions contained in the decrees will incur the penalties specified in criminal law.

194. To sum up, the new functions assigned to the municipalities, the effect of which will be to confer very considerable benefits on remote and less advanced areas and population groups, are:

- (a) Providing drinking water, basic sanitation, public slaughterhouses and market places;
- (b) Constructing health centres and posts and local hospitals;
- (c) Comprehensive technical assistance to small farmers and users of the services of the Colombian Agrarian Reform Institute (INCORA);
- (d) Planning rural development programmes for zones with a peasant economy;
- (e) Building, equipping and maintaining schools;
- (f) Building sports and leisure facilities;
- (g) Designing public housing programmes in co-operation with the regional offices of the Territorial Credit Institute (ICT);
- (h) Issuing building permits and monitoring project execution;
- (i) Building, administration and maintenance of urban roads and parks;
- (j) Building and maintenance of local roads;
- (k) Planning and construction of river ports;
- (l) Regulation and control of urban and suburban transport.

PART II

INFORMATION IN RELATION TO ARTICLES 2 TO 7

Article 2

195. Each State party shall take effective measures to review governmental, national and local policies, and to amend, rescind or nullify any laws and regulations which have the effect of creating or perpetuating racial discrimination wherever it exists.

196. The previous report set forth the many constitutional provisions that effectively guarantee the rights of citizens. On this occasion, however, we should like to go a little deeper into what is meant by the supremacy of the Constitution, which sets out all the fundamental rights of the individual within Colombian territory. We do so in order to create an understanding of the importance and effectiveness of the provisions of the Constitution, which we shall not repeat, since they have not been amended, rescinded or nullified, with the exception of certain rules such as those concerning the election of mayors, which we shall discuss in detail at a later stage.

197. Colombia is a State in which the rule of law prevails, and one of the consequences is a guarantee that the Constitution will be maintained at all times under a specially designed legal procedure, which is a mechanism known as "constitutional jurisdiction". It is the best safeguard of the rights of the individual, which act as a curb on the authority of the State.

198. While it is true that the system of laws "is an organic set of rules ranging from the fundamental rules in the Constitution to acts of enforcement through administrative acts, judicial decisions and juristic acts, there is, as pointed out by Legas y Lacambra, a "natural requirement that lower ranking rules should be consistent with higher ranking rules". 3/

199. The supremacy of the Constitution was only established and guaranteed effectively in the reforms contained in Legislative Act No. 3 of 1910.

200. The Colombian system for reviewing the constitutionality of laws is sui generis and it reflects genuine progress in this area, since it is considered to be a most comprehensive and effective procedure, combining machinery for review by "public action", by "exception", prior review or review during the process of enacting the laws, and automatic review. Under the 1886 Constitution, it is the task of the Supreme Court of Justice to conduct a prior review of parliamentary bills objected to by the President as being unconstitutional.

201. In order to discharge this function, the Supreme Court of Justice has a Constitutional Chamber comprising four judges who are experts in constitutional law. Decisions must be taken in plenary, after the opinion of the Attorney-General of the Nation has been heard and after an examination and a report by the Constitutional Chamber (art. 214 of the Constitution).

202. In Colombia, there are four procedures for jurisdictional review to safeguard the supremacy of the Constitution:

(a) Review of the constitutionality of parliamentary bills;

(b) Review of constitutionality by public action;

(c) Review of constitutionality by exception;

(d) Review of constitutionality in an emergency and automatic or prompt review of constitutionality.

(a) Review of constitutionality of parliamentary bills

203. The President of the Republic may object to any bill on the grounds of unconstitutionality, within the periods of time established in article 86, paragraph 1, of the Constitution. In this case, if the Congress so urges, the bill must go before the Supreme Court of Justice for it to decide within six days whether the bill is permissible. In the event of an affirmative decision by the Court, the President has to approve it, whereas if the decision is in the negative, the bill is shelved (art. 90 of the Constitution).

(b) Review of constitutionality by public action

204. Only persons who are citizens may bring such an action for unconstitutionality. It is therefore regarded as a public action and is brought in the common interest, namely, preservation of the integrity of the legal system, on which the legal security of individuals depends.

205. However, the Supreme Court of Justice maintained in various decisions that such an action could be brought by foreigners, provided they were residents of the Republic, 4/ as well as by legal persons. The Court gave the following ground for its decision in the case of foreigners:

"Article 18 of the Constitution states:

'Citizenship is a prerequisite in order to exercise electoral functions and to hold public office involving authority or jurisdiction.'

"Consequently, citizenship is in general required only for electoral functions and for certain public functions. When article 41 of Legislative Act No. 3 of 1910 states that any citizen may apply for a decree to be made unenforceable, it does not require him to be Colombian, since article 18 limits the requirement of citizenship only for certain purposes."

206. The Supreme Court of Justice nevertheless altered its view in a ruling on 5 August 1969 in which it maintained the following: 5/

"The Chamber notes that article 214, paragraph 2, of the Constitution attributes competence to the Court to decide definitively on the enforceability of all laws and decrees issued by the Government in exercise of the functions mentioned in article 76, paragraphs 11 and 12 and article 80 of the Constitution, when an allegation of unconstitutionality is brought before the Court by any citizen.

"In the cases of articles 121 and 122, the second paragraph of article 214 states that 'any citizen' (this is emphasized by the Chamber) may intervene to defend or challenge the constitutionality of the decrees to which the articles refer.

"Article 14 of Decree No. 432 of 1969 grants any citizen 'the right to make a written application to the Constitutional Chamber to defend or challenge the constitutionality of the legislative decrees' issued by the President of the Republic in the cases referred in articles 121 and 122 of the Constitution, and article 16 of the Decree sets out the requirements for allegations concerning unenforceability in the cases indicated therein, brought 'by any citizen'. Article 14 of the Constitution establishes that 'Colombians over 18 years of age are citizens'. Hence it is proved that the Constitution grants the right to bring actions concerning unenforceability not to 'legal persons', as defined and classified in article 633 of the Civil Code, but solely to citizens."

207. The Supreme Court of Justice has also repeated that one need not be a lawyer in order to bring a public action for unconstitutionality. This statement is consistent with the inherent features of the action: once the application has been submitted, the initiative on the part of the citizen in respect of unconstitutionality virtually ends, since no one is notified of its acceptance. The communication is promptly forwarded to the Attorney-General, and the judge decides whether evidence should be requested, as appropriate, and he orders the application to be examined and renders the judgement. Remedies or interlocutory applications other than those concerning an objection or an impediment are inadmissible and the judgement, once given, is communicated to the Government.

208. Under article 214 of the Constitution, the following are subject to review by public action:

(a) Laws, although as a general rule the Court has established a number of exceptions in its case law;

(b) Special decrees, namely those issued by the President of the Republic in exercise of the authority granted by the Congress in conformity with article 76, paragraph 12, of the Constitution;

(c) Decree-laws or extraordinary decree-laws, namely those issued by the President of the Republic in exercise of the authority granted by the Congress in conformity with article 76, paragraph 12, of the Constitution;

(d) Law-ranking decrees issued by the Government to apply parliamentary bills on plans and programmes for economic and social development (art. 80 of the Constitution).

209. In a ruling on 28 June 1952, the Supreme Court stated: "Any breach whatsoever of any article of the Constitution falls within the jurisdiction of the Court, provided it is brought to its attention, either by the President of the Republic, in the case of objections provided for in article 90 of the Constitution, or by allegations made by citizens, in accordance with article 214 of the Constitution.

210. Under an express provision in article 16 of Decree-Law No. 432 of 1969, issued in exercise of the authority vested in the President of the Republic by article 76 (c) of Legislative Act No. 1 of 1968, the Court is competent to deal with petitions concerning any formal unconstitutionality of laws, namely defects of form in their enactment. The provision states that "an allegation by any citizen of the unenforceability of a law or a decree issued by the Government in exercise of the powers conferred by article 76, paragraphs 11 and 12, and article 80 of the Constitution as a result of the infringement of the substantive provisions or procedures of the Constitution, shall be referred to the Supreme Court of Justice, in the manner prescribed therein". 6/

(c) Review of constitutionality by exception

211. Article 215 of the Constitution prescribes that "in any case of incompatibility between the Constitution and the law, the provisions of the Constitution shall preferably be applied". This provision establishes the exception of unconstitutionality, and is a defence available to individuals who are injured by an unconstitutional law or decree.

(d) Review of constitutionality in an emergency and automatic or prompt review of constitutionality

212. Under the terms of articles 121 and 122 of the Constitution, legislative decrees issued by the Government in exercise of the powers vested in it by those articles are subject to an automatic review of constitutionality when a state of siege or a state of economic or social emergency has been declared.

213. The Government must send certified copies of legislative decrees to the Supreme Court of Justice on the day after they are issued, so that the Court can take a final decision on their constitutionality.

214. If the Government does not comply with the duty to send them, the Court immediately, on its own initiative, takes cognizance of them. To that end, as soon as the President of the Constitutional Chamber is notified of the issue of a decree, he is required to request a certified copy from the General Secretariat of the Presidency, within a period of two days, and in the meantime work will proceed on the text that has been published.

215. During the automatic review of the constitutionality of legislative decrees, any citizen may intervene to defend or challenge their constitutionality. In order to safeguard this right of the citizen, when the case has been assigned to the Chamber, the judge must order it to be posted in the Secretariat of the Court for a period of three days, during which time the Attorney-General of the Nation and any citizen may apply in writing in a memorandum to the Constitutional Chamber for the purposes stated (see art. 13 of Decree-Law No. 432 of 1969).

216. When that period has elapsed, the case shall be forwarded to the office of the judge so that he may study it, and from this time onwards the Constitutional Chamber has a period of 10 days in which to submit and register the relevant report. When that period has elapsed, the plenary Court has a period of 20 days in which to take its decision (see art. 14 of Decree-Law No. 432 of 1969).

Article 3

217. Colombia has always attached great importance to the promotion of human rights and fundamental freedoms, without distinction of any kind as to race, colour, descent or national or ethnic origin. The Government does not allow racial discrimination as an official policy. On the contrary, it has adopted measures in favour of persons who might be in a position of inferiority because of their level of education or way of life.

218. Colombia condemns apartheid and similar racist policies and advocates their eradication.

219. It should be recalled that, as a member of the United Nations, Colombia endorsed the United Nations Declaration on the Elimination of All Forms of Racial Discrimination.

Article 5

220. The previous report referred to article 26 of the Constitution, which provides for equal treatment in the courts, thereby further guaranteeing respect for the right to security of person and protection by the State against violence or bodily harm, whether inflicted by Government officials or by any individual group or institution, as set out in article 5 (b) of the Convention. In this connection, it should be pointed out that Colombian legislation provides for remedies for persons who are deprived of their freedom without just cause, thereby protecting them from arbitrary arrest.

221. It will be recalled that, just as the Convention establishes the right to equal treatment in the courts and all other organs administering justice, so article 9 of the International Covenant on Civil and Political Rights provides that no one shall be subjected to arbitrary arrest or detention or deprived of his liberty except on such grounds and in accordance with such procedure as are established by law. Colombia is also a party to this international instrument.

222. Although the higher interests of justice may sometimes make it necessary to order the pre-trial detention of persons accused of breaking the criminal laws, even where no penalty may apply, such detention is a precautionary measure that is taken while the relevant investigation is being conducted. Title X (Offences against the freedom of the individual and other guarantees) and chapter II (Arbitrary arrest), articles 272 et. seq., of the Penal Code establish the remedy of habeas corpus, whereby a detainee is authorized to request a judge other than the one who ordered his arrest to determine whether he was detained in accordance with the requirements laid down by law, for, if such requirements have not been met, his immediate release must be ordered. An application for habeas corpus may be filed directly by the person concerned or by another person on his behalf. The application may also be filed ex officio by the Public Prosecutor's Department or at the request of any interested party:

"Article 272

Unlawful arrest and detention. Any public employee who abuses his authority to arrest and detain another person shall be liable to one to five years' imprisonment and to the loss of his employment.

Article 273

Unlawful extension of the period of detention. Any public employee who unlawfully extends a person's period of detention shall be liable to six months to two years' imprisonment and to the loss of his employment.

Article 274

Ad hoc arbitrary arrest. Any public employee who, contrary to the legal requirements, receives a person in order to deprive him of his freedom or hold him under a security measure shall be liable to six months to two years' imprisonment and to the loss of his employment.

Article 275

Disregard for habeas corpus. A judge who does not examine, or rule within the lawful time-limit on an application for habeas corpus or in any way hampers examination thereof shall be liable to six months to two years' imprisonment and to the loss of his employment."

223. With reference to article 5, and particularly the right of everyone, without distinction as to race, colour or national or ethnic origin, to equality before the law, it is important to inform the Committee that, under the special powers vested in him by article 1 of Act No. 52 of 1984, the President of the Republic issued a decree on the new Code of Criminal Procedure, which will enter into force on 1 July 1987.

224. The new Code of Criminal Procedure embodies the following basic principles:

- "Article 1. Right to due process
- Article 2. Recognition of human dignity
- Article 3. Presumption of innocence
- Article 4. Liberty of person
- Article 5. Application of the more favourable law
- Article 6. Impartiality
- Article 7. Promptness
- Article 8. Proceedings free of charge
- Article 9. Public nature of proceedings
- Article 10. Adversarial nature of proceedings
- Article 11. Purpose of proceedings
- Article 12. Combined civil and criminal proceedings
- Article 13. Sphere of jurisdiction

Article 14. Unity of proceedings

Article 15. Higher court review

Article 16. Restoration of status quo ante

Article 17. Res judicata."

225. Title III, which deals with procedural matters, refers to the Public Prosecutor's Department:

"Article 121

Exercise of functions. The functions of the Public Prosecutor's Department in criminal matters shall be exercised by the Attorney-General of the Nation, criminal judges, prosecutors in higher district courts, special agents appointed by the Attorney-General of the Nation, prosecutors in higher courts and circuit courts and municipal representatives.

The House of Representatives shall perform specific prosecution functions.

Article 122

Functions. The Public Prosecutor's Department shall be required to perform the following functions:

1. As the representative of society, the Public Prosecutor's Department shall aim to secure the punishment of criminal offenders, the defence of persons accused without just cause and the award of compensation for any loss or injury sustained as a result of an offence.

In the exercise of these functions, the Public Prosecutor's Department shall call for the production of evidence to shed light on the truth, take measures for the security or release of the accused, lodge appeals and, in general, take part in all stages of preliminary investigations and criminal proceedings;

2. Monitor compliance with the obligations and restrictions applicable in cases of summons, security, release on bail, suspended sentence, conditional release, house arrest and partial detention in the place of work or study and ask for the imposition of penalties or revocation thereof where necessary. To this end, the competent official of the Public Prosecutor's Department may request co-operation from the Technical Unit of the Judicial Police and the production of evidence by the judge;

3. Safeguard human rights in prison, judicial, police and psychiatric internment establishments so that persons detained therein shall be treated with respect for their dignity, shall not be subjected to cruel, degrading or inhuman treatment and shall have proper medical treatment and hospital care;

4. Visit, at least once a month, prisons and psychiatric hospitals where persons linked to proceedings in which it is involved are being detained in order to inquire into their personal and legal status and ask for the release of those it regards as being so entitled;
5. Monitor security measures in order to guarantee proper enforcement;
6. Conduct judicial supervision of the offices with which it works. The Attorney-General of the Nation himself or the deputy prosecutors shall be responsible for the supervision of the Supreme Court of Justice.

Rider. Where the representatives of the Public Prosecutor's Department fail to exercise these functions, the competent judge shall notify the Office of the Attorney-General of the Nation with a view to the imposition of any appropriate penalties.

Article 123

The Public Prosecutor's Department in criminal courts and criminal investigation courts. In criminal proceedings within the jurisdiction of the municipal courts and in investigations being conducted by them, the functions of the Public Prosecutor's Department shall be exercised by the municipal representative.

In criminal investigation courts, the functions of the Public Prosecutor's Department shall be exercised by the municipal representative in the place where the incidents under investigation occurred."

226. Just as the Office of the Attorney-General of the Nation performs supervisory functions to guarantee and defend human rights, so the establishment of the Public Defence Counsel's Office (chapter III) is a way of guaranteeing the right of persons without adequate means of support to equal treatment in the courts.

"Article 131

Public Defence Counsel's Office. The services of the Public Defence Counsel's Office, which is organized and operated by the Ministry of Justice, shall be made available to anyone who does not have the financial means to guarantee his own defence.

Article 132

Court-appointed defence counsel. When there is no public defence counsel in the place where the proceedings are being conducted or it is impossible to appoint one immediately, the defence counsel shall be appointed by the court."

227. In order to give effect to these articles relating to the public defence counsel, the President of the Republic and the Ministry of Justice issued Decree No. 53 of 13 January 1987 providing for the services of a court-appointed defence counsel and set up a division in the Ministry of Justice for this purpose (annex 7).

228. Legislative Act No. 1 of 1986, which entered into force on 9 January 1987, introduced new and democratic institutions in Colombia's system of political organization, including the election of the mayors of all towns by direct suffrage.

229. One of the purposes of the Act on the election of mayors (annex 8) is to create institutions that will strengthen the country's democratic representative system. Other key ideas are the advancement of the provinces and the creation of further opportunities for popular participation.

230. The election of a town's mayor by its inhabitants is without any doubt a democratic step forward because it gives the community political responsibility for its own administration, eliminates the defects and limitations of the former system, creates new opportunities for popular participation and lays the foundations for more efficient and stable local government. In administrative terms, it creates the necessary efficiency and stability for the exercise of the functions and the provision of services for which the town is responsible.

231. Participatory democracy calls for the active involvement of citizens, not only in the choosing of their leaders, but also in adopting policies and decisions of concern to the community. This principle, which is of vital importance for the policy of decentralization, is tangible proof of the exercise of political rights by Colombian citizens and of the reforms that will henceforth enable them to vote in local elections and to stand for election to the most important local office, namely, that of mayor.

232. Under this open-door policy, the election of mayors by the people is an appropriate way of limiting the presidential régime and guaranteeing a smooth transition from representative to participatory democracy (see annex 9).

233. To ensure the effective exercise of political rights, the Congress adopted Act No. 58 of 18 July 1985 relating to the establishment and existence of political parties and their active participation in elections (see annexes 10 and 11).

234. With regard to article 5 (e) on economic, social and cultural rights, in particular the rights to work, to just and favourable conditions of work and to protection against unemployment, this report contains a brief description of the activities of the National Apprenticeship Service (SENA), which was set up by the Government and uses its entire budget and various means and methods to train the most needy population groups for productive work.

235. Each year, SENA provides free training courses for approximately 500,000 students who will be entering the labour market and need further occupational skills. SENA's coverage is nationwide and it operates in all sectors and at all levels of the economy, with particular emphasis on marginal urban and rural population groups.

Nature of SENA

Decree No. 3123 of 1968

"Article 1

The National Apprenticeship Service (SENA), which was set up under Decree No. 118 of 1957 is a Government body which has legal personality, independent assets and administrative autonomy, forms part of the Ministry of Labour and is responsible for giving effect to the Government's social policy for the promotion and vocational training of the country's human resources.

Article 2

The National Apprenticeship Service (SENA) shall have the following functions:

1. To promote the social advancement of the worker through comprehensive training so that he may become a useful and responsible citizen possessing the necessary moral and cultural values for the maintenance of social peace in accordance with the principles of Christian justice;
2. To provide vocational training for workers in all economic activities and at all job levels in order to increase national productivity and speed up the country's economic and social development;
3. To co-operate with employers and workers to establish and maintain a national apprenticeship system with principles and methods based on the provisions of Act No. 188 of 1959 and Decree No. 2838 of 1960, regulating apprenticeship contracts;
4. To organize vocational training programmes for adult workers;
5. To organize, by means of special agreements with funds from such agreements, accelerated vocational programmes for unemployed and under-employed persons;
6. To organize, on the basis of consultations with employers, on-the-job vocational training and advancement programmes for administrative and other workers at all levels;
7. To co-operate with employers in the selection and vocational guidance of workers who are to benefit from SENA's services and to select them directly when employers do not perform this function or when the persons concerned are independent workers or unemployed;
8. To give employers technical assistance in setting up industrial relation services for the purpose of devising scientific methods and procedures of selecting, promoting, managing and training staff;
9. To co-operate with the Ministry of Labour in conducting research on human resources and in preparing and updating the Standard National Classification of Occupations;

10. To take part in the conduct of research relating to all aspects of the scientific organization of work;
11. To advise the Government on its relations with the International Labour Organisation and bilateral technical co-operation agencies; and
12. To perform functions which are assigned to it by law and are not incompatible with the provisions of this Decree."

SENA's objectives

236. The objectives assigned by law to SENA are to meet vocational training needs on the basis of the guidelines and prospects for the economic activity of enterprises, workers and the community in general, in the light of the sectoral and regional socio-economic characteristics of Government plans and programmes.

237. Since its inception, SENA has concerned itself with comprehensive vocational training and, over the years, has redefined the meaning of this concept, which has progressed from training for a particular job to more flexible and open training for productive work; from training for the development of manual skills to training for the development of intellectual skills; and from technical training to training for management, organization and participation.

Population groups served by SENA

238. With a view to the training of new skilled and specialized workers, the aim is to provide training for young people in order to meet the labour market's requirements in terms of replenishment and larger numbers of workers.

239. Training in the form of refresher courses for jobholders is provided for adults; such courses are short, flexible and suited to the beneficiaries' training needs, work schedules and other requirements.

240. In this connection, training is also provided to improve the knowledge and skills of semi-skilled adults who do not necessarily have jobs.

241. SENA also has special refresher course training programmes for middle-level, supervisory and highly qualified staff.

242. Through on-the-job training, SENA carries out activities relating to specialization and the division of labour for enterprises ranked according to their level of specialization, technological development and organization. These activities are intended for small, medium-sized and large enterprises in all economic sectors.

243. In the informal sector, SENA works with the following population groups: workers, employees, peasants, indigenous peoples, fishermen, owners of small businesses, housewives, students in the formal sector, retired persons, juvenile workers, young women and, in general, groups of rural (village) and urban (slum) workers throughout the country.

SENA's programmes and activities

Training centres

244. The activities of training centres are classified according to their duration and the type of population group for which they are intended:

(a) Apprenticeship. For young people between the ages of 14 and 21 who have not entered the labour market; duration: two or three years;

(b) Refresher courses. For jobholders; duration: between 120 and 200 hours;

(c) Skills development. For adults wishing to be trained rapidly for a semi-skilled job; advancement for high school and university graduates wishing to qualify as specialists;

(d) Specialization. For jobholders who have some skills, so that they may become more specialized by means of specific training in areas where it is necessary to keep pace with technological advances.

245. In addition to the activities of training centres, a training-production scheme is being adopted as a method of giving persons who have completed vocational training some knowledge of management techniques so that they can organize their own work station or productive process.

246. At present there are 93 centres, namely 18 agricultural centres, 25 industrial centres, 21 commercial centres and 29 combined centres. The centres have 2,353 instructors.

On-the-job training

247. Through on-the-job training, SENA meets the training and management consultancy needs of today's economy so that enterprises and the persons belonging to them can achieve full development.

248. Such training is provided for large, medium-sized and small public and private enterprises in various economic sectors; for trade union, occupational and labour organizations; and for professionals, specialists and other persons wishing to set up their own enterprises.

Comprehensive technical assistance for small and medium-sized enterprises

249. The purpose is to improve the management of small and medium-sized enterprises through the development of human, administrative and technological resources and to meet the training needs they themselves have identified.

250. Owners are trained in the use technology, of technical information and data processing for enterprise management.

251. Small and medium-sized manufacturing firms receive support in the form of qualitative and quantitative measures which include advisory services and assistance in the techniques and use of credit. The main objective is to promote the development of small and medium-sized manufacturing firms so that they can play an active role in solving the country's social and economic problems.

Training of new business owners

252. The aim of this programme is to create and develop business motivation, attitudes, know-how, skills and values in persons who have the potential, interest and decision-making ability to set up their own enterprises and to help solve the problem of unemployment and lay-offs.

Technology programme

253. Through information, popularization, research and development, this programme is helping to solve technological production problems by creating a national technological culture through the collection, systematization and selective dissemination of innovative technologies.

254. A computerized network of documentation centres has been set up in the following technological fields: quality control; metal working; die casting and smelting; mining; clothing and textiles; woodworking and furniture; industrial electronics; market studies; animal and milk products; and meat, fruit, vegetable, herb, spice and fish processing; it is intended for 1,500 enterprises and has 5,000 microfiches and 8,000 documents stored on computers.

255. Technology is being popularized through the mass media on three radio programmes, in two newspapers, and manuals, video cassettes and consumer handbooks.

Data processing for vocational training

256. This programme is intended to set up vocational training activities to meet the needs created by the growth of computer technology and to provide support for educational reform through the rational use of data processing resources and, in particular, computers to improve and develop students' learning ability.

257. At present, SENA has 27 data processing centres in various regions and has designed, produced and tested a set of educational programme applications with teaching material for the following subjects: basic mathematics, financial mathematics, basic electronics, electricity and auto mechanics.

258. SENA has purchased 165 microcomputers and 41 different programmes for training in data processing technology.

259. The main target group is composed of persons working in the commercial and services sector, where data processing technology has had the greatest impact. From 1984 to 1986, courses were given for 4,157 worker-students and 1,059 business owners.

Distance teaching courses

260. SENA is designed as a programme of personalized, participatory, autonomous and supervised learning, and self-teaching primers and audiovisual support material (such as radio programmes, video cassettes, and so on) are used to communicate with the students.

261. The SENA centres throughout the country, with their workshops and laboratories, are also a method of support, since the students may use them to practise their skills and hold group meetings under the supervision of SENA tutors.

262. The current situation is as follows:

(a) The programme is organized at the central and regional levels through the Open and Distance Training Division and a network of 19 regional programmes;

(b) There are 156 instructors trained in conceptual, technological, pedagogical and administrative aspects specific to this approach;

(c) The following courses are provided: assistant bookkeeper, bank assistant, sales, administration of co-operatives, home electrical installations, dress-making, semi-industrial carpentry, peasant training (agricultural and entrepreneurial), peasant training (stock-raising), self-help building, mechanical engineering for coffee-growing areas, vegetable gardening, administration for small firms, interpersonal communications and relations, and refresher courses for journalists.

263. The number of students in the agricultural and stock-raising sector is 10,212.

264. In the industrial sector 23,833 persons are being trained in both rural and urban areas.

265. In the commercial sector, the number of trainees is 32,923.

266. Together with the Journalists' Study and Training Association and FEDEPRENSA, a refresher course for journalists has been set up, based on needs perceived in the profession at the national level.

National rehabilitation and reconciliation plan

267. This plan strengthens the comprehensive vocational training activities in both urban and rural populations in marginal zones where social and economic conflicts give rise to violence, and in zones where the peace process is being consolidated.

268. The work under the Peace Plan consists of six main components:

(a) Expanding SENA's own infrastructure and services to the zones of conflict;

(b) Training communities to enable them to plan and administer their development;

(c) Providing communities with the infrastructure to administer their own training (Community Training Centres);

(d) Using leaders to foster greater training activities throughout the community;

(e) Establishing a community organization for training purposes and for relations with SENA, from the village or neighbourhood level up to the national level;

(f) Inter-agency co-ordination.

Small firms

269. The focus in this case is on business, technical and organizational training for both owners and the workers in small production units. They participate actively in the training and advise on how to improve productivity, increase profitability, improve living conditions, create and consolidate productive employment and promote and strengthen economic organizations.

270. The following teaching aids are used: text-books on technical specialities, 27 video cassette programmes and 5 radio programmes on the administrative aspects of small firms and 2 video cassette programmes on organizational matters.

Self-help building

271. The objective of the self-help building projects is to organize those communities which lack housing and encourage forms of participation and decision-making to solve the housing problem, with inter-agency support.

272. The following teaching aids are currently available: 16 technical manuals, 27 technical primers, 14 social participation primers, 10 slide programmes on technical and participatory aspects of the programme, 10 promotional videos and 5 radio programmes.

Food marketing

273. SENA is working on a strategy of mobile markets and is also training market-place retailers and promoting shop-keepers' organizations.

274. The teaching material consists of a methodological manual, 16 self-teaching primers, 2 videos and 3 slide programmes; the work is carried out under 16 regional programmes. The methods vary, depending on the particular strategy involved.

Community Training Centres

275. These are small centres and consist essentially of a construction area of approximately 200 m², basic facilities (one fully equipped multiple-use workshop, one ordinary classroom, one office, one storeroom and services), at an average cost of approximately \$Col 5 million, including the equipment, built during the training process by the community itself. The centre is then given to the community to use and operate in vocational training work.

276. By the end of 1986, 127 Community Centres were given to approximately the same number of municipalities.

Training for Peasant Community Participation (CAPACA) and Training for Social and Urban Community Participation (CIPACU)

277. The CAPACA and CIPACU methodologies took shape operationally during 1986 and were applied in the following fields: social plan for peace, strengthening the Community Training Centres; preparation of training instructors; development of self-help building; development of small firms; food marketing; development of agreements and community training arrangements.

278. The CIPACU methodology was used in all the Popular Urban Vocational Promotion programmes (PPPU) and the following specific projects: small firms, urban food marketing, self-help building, and CAMINA.

Establishment and strengthening of community organizations

279. The aim of this programme is for the community to enhance its ability to participate consistently and systematically in decision-making on its own development. This work has led to the promotion of organizations at the village, neighbourhood, municipal, departmental and national levels, and they include the Colombian Confederation of Small Firms (CONAMIC), the National Low-cost Housing Co-ordinating Office and the National Community Co-ordinating Office. Support has also been provided for the activities of the National Co-ordinating Office for Agrarian Organizations, the National Association for Peasant Development and the National Association for Integrated Rural Development (ANDRI).

Preparation of leaders

280. The purpose is to prepare leaders who are themselves instructors and will have a multiplier effect on SENA training activities and encourage the organization of urban and rural communities to support vocational training work.

281. The leaders are provided with the necessary infrastructure, equipment, means, advisory assistance and resources to enable them to train other persons as instructors.

SENA income

282. SENA's income consists of its own revenue, appropriations from the national budget and financial resources.

Own revenue

283. This comes from tax income, the sale of services, contractual income, commercial transactions, sundry income and contributions from employers in the construction industry:

(a) Among these categories, the most important is tax income, namely the contributions employers are required to make under Act No. 21 of 1982, as a fixed percentage of the amount they pay in wages in their enterprises;

(b) Sale of services. These resources are obtained from international technical co-operation services to other countries;

(c) Contractual income. Income from the return on loans issued by the Housing Fund;

(d) Commercial transactions. Sale of the products created by practical vocational training exercises;

(e) Other income. Provided, inter alia, by fines, profits on sales of assets and by Act No. 33;

(f) Employers' contributions. This is the construction industry sector's contribution to the financing of the sector's programmes. The contribution exempts them from hiring apprentices (minimum wage for 40 workers).

Appropriations from the national budget

284. SENA takes part in Government programmes such as Integrated Rural Development and the Community Integration and Participation Programme for which it receives resources from the national budget.

Financial resources

285. The following make up SENA's financial resources:

(a) Return on financial investments. Income from temporary investments of surpluses;

(b) Surpluses. Surpluses which, after deduction of expenditures, are still available in the budget for the following fiscal year;

(c) Other budget resources. Return on loans granted to staff for domestic accidents.

SENA expenditures

286. These consist of operating costs, the debt service and investment expenditures.

Operating costs

287. These are costs for staff, material and overheads in administrative areas, as well as payments to the Office of the Controller General of the Republic, the clearing houses and social security, among others.

Debt service

288. This category includes SENA's repayments towards the Agency for International Development and small loans under Act No. 5, in some regions.

Investment expenditures

289. This heading covers social investment, property investment and Act No. 55 of 1985:

(a) Social investment. These are expenditures incurred in the organization's operational programmes;

(b) Property investment. These are expenditures which increase the value of the organization's assets, such as land, buildings, equipment and tools;

(c) Agreements under Act No. 55 of 1985. In compliance with this Act, SENA signed agreements with the following bodies: the Ministry of Education, Handicrafts of Colombia, the Latin American Data-Processing Centre, the Colombian Agrarian Reform Institute, the Colombian Agricultural Institute and the National Employment Service.

Table 5. Persons trained, by regional programme

Regional programme	1981	1982	1983	1984	1985	1986 a/	
Bogota-Cundinamarca	152 581	117 473	100 230	109 099	112 007	133 339	26.63%
Antioquia-Choco	75 678	59 814	57 196	55 128	53 627	78 993	15.78%
Valle	56 936	25 441	25 900	29 029	34 167	43 794	8.75%
Atlantico	24 486	18 868	16 686	21 585	22 400	29 384	5.87%
Bolivar-Sucre	23 987	19 032	20 743	21 899	21 910	26 312	5.25%
Santander	24 762	20 343	21 991	22 437	25 839	24 149	4.82%
Norte de Santander	15 005	10 749	9 291	17 870	18 704	23 003	4.59%
Tolima	23 064	16 531	11 841	14 410	17 751	19 149	3.82%
Cordoba	12 352	9 628	11 457	13 898	12 046	15 715	3.14%
Caldas	16 465	12 299	12 248	14 880	17 776	14 383	2.87%
Risaralda	15 574	11 658	12 463	13 565	10 193	13 969	2.79%
Boyaca	22 133	10 291	9 772	12 583	13 425	13 746	2.75%
Huila	11 946	8 995	10 118	13 127	12 338	11 477	2.29%
Quindio	10 177	5 940	6 874	6 843	7 492	11 383	2.27%
Cauca	16 657	20 085	9 870	13 142	13 911	11 365	2.27%
Narino	13 353	9 097	7 543	8 880	8 743	9 285	1.85%
Magdalena	10 612	9 358	10 237	11 954	8 500	8 298	1.66%
Guajira					4 536	6 656	1.33%
Cesar	9 881	6 524	5 394	4 440	7 191	6 338	1.27%
Total	535 649	392 126	359 854	404 769	422 556	500 738	100.00%

Source: Planning Division.

a/ Programmed figures for 1986.

Table 6. Persons trained, by type of training

	1981	1982	1983	1984	1985
Apprenticeship	29 561	18 250	18 656	17 308	18 356
Skills development	113 597	73 120	62 500	72 669	69 818 <u>a/</u>
Refresher courses	377 691	290 683	270 474	306 631	327 539 <u>a/</u>
Advancement	7 728	3 788	3 836	3 737	3 533
Specialization	7 072	6 285	4 388	4 424	3 310
Total	535 649	392 126	359 854	404 769	422 556

Source: Planning Division.

a/ Includes social policy students.

Table 7. Persons trained, by economic sector

	1981	1982	1983	1984	1985	1986 <u>a/</u>
Agriculture and stock-raising	166 163	124 696	85 694	98 431	105 928	196 050
Industry	175 099	112 148	120 356	130 659	138 873	157 356
Trade and services	194 387	155 282	153 804	175 679	177 755	147 332
TOTAL	535 649	392 126	359 854	404 769	422 556	500 738

Source: Planning Division.

a/ Programmed figures for 1986.

Table 8. Persons trained, by method

	1984	1985	1986 a/
Training in centres	110 708	101 295	84 221
On-the-job training	98 983	108 067	111 382
Rural vocational promotion	109 508	111 317	155 204
Urban vocational promotion	52 909	53 036	86 546
Distance teaching	32 661	48 841	63 385
Total	404 769	422 556	500 738

Source: Planning Division.

a/ Programmed figures for 1986.

Article 7

290. In covering this article in the previous report, we dealt broadly with all matters relating to monitoring of the media so as to prevent any form of racial discrimination. We also included some articles of the laws which guarantee equality in education in our country and also stipulate penalties for teachers and directors of educational centres who in any way reject staff on grounds of race, colour, illegitimate birth, social differences or religion.

291. As the full and detailed legislation referred to has not changed and continues to be in force, it need not be repeated, but it is worth pointing out that the Government's numerous activities in teaching and education to combat prejudices that lead to racial discrimination include the publication by the Ministry of Education of some primers on the Constitution of Colombia. They are elementary, instructive, with easily understandable diagrams and are intended for young schoolchildren, so as to explain their duties and rights and make them aware from childhood of the importance of peaceful co-existence, understanding, tolerance and friendship among the races that make up our country. To give a better idea of the teaching method used, an example is attached (annex 12).

PART III

REPLIES TO QUESTIONS BY THE MEMBERS OF THE COMMITTEE DURING
THE CONSIDERATION OF THE SECOND PERIODIC REPORT OF COLOMBIA

292. With regard to the request by Mr. Sherifis for confirmation that the right to vote and the right to stand for election are the only rights denied to aliens in Colombia, we would point out that Executive Decree No. 1000 of 16 March 1986 sets forth provisions concerning the issuance of visas and the control of aliens.

293. As in all countries throughout the world, Colombia, in exercise of its sovereignty, enacts laws to regulate the entry of aliens into the national territory. With the exception of tourists and persons from some countries with which Colombia has no special agreements, aliens entering the national territory are required to have a visa, which is issued in the light, inter alia, of the migrant labour policy, the purpose being to protect the work-force and the jobs of Colombian nationals.

294. Chapter IV of the Decree also regulates the way in which an alien carries on or changes his profession, business or occupation. Article 119 of Decree No. 1000 stipulates the following:

"An alien shall carry on the profession, business or occupation which has been authorized in connection with his entry into Colombia, for a minimum period of one year. Upon the expiry of this period, the Aliens Division of the Administrative Security Department may authorize a change or addition."

295. Colombians are not subject to this type of control in order to carry on any activity or occupation they wish, and the State authorizes or denies requests by aliens for changes in occupation so as to protect the employment of Colombians.

296. The State also regulates deportation and expulsion, which are penalties that apply solely to aliens and not to nationals. Articles 128 et. seq. specify the grounds for possible deportation of aliens from the national territory without prejudice to any legal penalties applicable.

297. The following are some of the grounds:

"Article 128

An alien shall be deported from Colombia on the following grounds, without prejudice to any legal penalties applicable:

(1) If he enters the country in violation of the provisions of this Decree;

(2) If, without any justifiable reason, he remains in the country longer than the period specified in the relevant visa or entry document;

(3) If he is fined twice or more during one year for breach of this Decree;

(4) If, having been given a time limit by the Administrative Security Department to leave the country, according to the cases established in this Decree, he has not done so;

(5) If he enters the country as a tourist and engages in profit-making activities within Colombian territory;

(6) If he helps other aliens to enter and remain illegally on Colombian territory;

(7) If he is under an obligation to confirm the visa and has not done so;

(8) If he makes false statements or misleads the authorities responsible for legalization, supervision and registration.

Article 129

The Aliens Division of the Administrative Security Department shall promptly deport an alien who has committed any of the acts referred to in the previous article. Decisions concerning deportation shall be communicated to the Ministry of Foreign Affairs for matters falling within its competence.

Article 130

An alien who has been deported may re-enter Colombian territory only six months after the date of his deportation, with a visa authorized by the Ministry of Foreign Affairs."

298. Articles 131 et. seq. of the Decree establish the grounds for expulsion from Colombian territory, without prejudice to any penalties applicable. They include:

"Article 131

Without prejudice to any penalties applicable, an alien shall be expelled from Colombian territory on any of the following grounds:

(1) If he has been sentenced for offences which incur the penalty of deprivation of liberty for a period of more than six months and the sentence does not envisage expulsion;

(2) If he defrauds the National Treasury in any way;

(3) If he interferes in any way in the internal politics of the country;

(4) If he propagates or promotes by any means doctrines which seek to change the social order;

(5) If he is charged with subversive activities which, in the opinion of the Government, constitute a danger to the Colombian State;

- (6) If he seeks to obstruct the smooth conduct of Colombia's international relations or tries to discredit the country or its institutions;
- (7) If he agitates or makes propaganda against the Governments of countries with which Colombia maintains diplomatic relations;
- (8) If he violates provisions concerning access to places, documents or items which, for reasons of national security, are under the control of the civil or military authorities;
- (9) If he trades in arms or objects for the exclusive use of the armed forces without the necessary licence;
- (10) If he engages in the illicit traffic of drugs, in procuring and, in general, in any anti-social activity;
- (11) If he bribes or tries to bribe public officials;
- (12) If he takes part in directing or financing strikes declared to be illegal;
- (13) If he has been assigned areas for residence purposes or been prohibited access to a particular place and acts in breach of such requirements;
- (14) If he falsifies a work contract intended to serve as evidence for the authorities;
- (15) If, while living in the country, he facilitates the entry of other aliens with false promises of a work contract or the issue of a visa or entry or residence papers;
- (16) If he is under a deportation order and does not leave the country within the specified period."

299. With regard to the clarification requested on paragraph 20 of the report, in which reference is made to the American Convention on Human Rights, and the question whether the Convention has been incorporated into Colombian legislation, it should be noted that the Convention was signed in San José, Costa Rica, on 22 November 1969 and became Act No. 16 of 1972.

300. Similarly, the international treaties and conventions adopted by the Republic are incorporated into municipal law, in accordance with Act No. 7 of 1944, once they have been ratified. Therefore, the San José Pact, or American Convention, forms part of municipal law, as does the International Covenant on Civil and Political Rights, adopted by Act No. 74 of 1968 and ratified on 29 October 1969. The same is true of the Optional Protocol to the Covenant and of the International Covenant on Economic, Social and Cultural Rights. These international instruments fill any gaps or shortcomings in existing legislation with regard to the recognition of human rights.

301. As to the percentage of ethnic groups, mentioned in paragraph 179 of the report, attention is drawn to the oral statement by Ambassador Hector Charry Samper that, of Colombia's 27 million inhabitants, approximately 20 per cent are of white origin.

302. With respect to Mr. Oberg's comment concerning the discrepancy between paragraph 1, which says that in Colombia there is no racial discrimination, and the subsequent contradictory statement in the report and in the Ambassador's oral introduction that "racial discrimination exists in every nation of the world with varying degrees of intensity and in a great diversity of forms", the reason lies in the fact that, as the members of the Committee could see clearly from the report, the existing legislation does not discriminate against persons or groups of persons in any way, i.e. in official matters no distinction is permitted on grounds of race, colour, origin, descent or religion; however, the thoughts or hidden feelings of some persons who sometimes, either consciously or subconsciously, behave coolly towards others are quite another matter.

303. In connection with paragraph 58 of the second report, the reference to "sexual freedom" should be understood to mean "equality between the sexes"; in addition, the paragraph refers to the offences covered by Title XII of the Colombian Penal Code on offences against moral integrity, namely insult and slander:

"Article 313

Insult. Any person who attributes dishonourable intentions to another shall be liable to one to three years' imprisonment and a fine of \$ Col.1,000 to \$ Col.100,000.

Article 314

Slander. Any person who falsely attributes a punishable act to another shall be liable to one to four years' imprisonment and a fine of \$ Col.5,000 to \$ Col.500,000.

Article 315

Indirect insult and slander. Any person who publishes, reproduces, or repeats an insult or slander attributed by another person or who makes the allegation in an impersonal manner or uses expressions such as "it is said, it is claimed" shall be liable to the penalties laid down in the preceding articles.

Article 316

Special circumstances for increasing or lowering the penalty. When any of the offences covered by this Title are committed by using any social or other mass information media or at a public meeting, the relevant penalties shall be increased by one sixth to one half.

If the offences are committed in a written statement intended exclusively for the person offended or in his presence alone, the penalty to be imposed shall be reduced by up to one half."

304. In other words, the second report refers to equality between the sexes, non-discrimination, humiliation or superiority of either sex and respect for a person's sex in connection with a decision taken by him concerning his private life.

305. The answer to the request for information made in paragraph 19 of document CERD/C/SR.731 about "cases of eviction" and, in particular, whether the indigenous inhabitants concerned can be evicted from reserves and reservations, is set out below.

306. At no time can the indigenous inhabitants be evicted from their reservations or reserves; on the contrary, there are legal provisions for the protection of the indigenous inhabitants, such as Act No. 89 of 1890 and Act No. 31 of 1967. The indigenous territories are respected and the Government provides machinery which is being used to improve the reservations and reserves.

307. With regard to the legal distinction between reserves and reservations, it can be said that a reservation is established by the Governing Board of INCORA and is legalized through an administrative act (decision), whereby legal ownership of the lands is granted to the indigenous inhabitants who make use of them in accordance with their traditional customs and allot them through the cabildo according to their needs. There are also reservations established by Royal Letters Patent of the Spanish Crown, which confer legal ownership on the indigenous inhabitants. The reserves are also established by INCORA and held in usufruct by an indigenous community which administers the land. At the request of the community, it can be converted into a reservation. At present there are only a few reservations left.

308. In connection with Mr. Oberg's request for further details on the Indigenous Affairs Division and the Cauca Regional Indigenous Council, the Ministry of the Interior's Indigenous Affairs Division supervises the country's indigenous policy, in accordance with the provisions of Decree No. 1634 of 1960 and Decree No. 1741 of 1973. It operates in co-operation with various State bodies and draws up its programmes in consultation with the communities.

309. The Cauca Regional Indigenous Council (CRIC) is a regional organization, with legal personality under private law, and its activities cover in the Departamento of Cauca. Development programmes are co-ordinated with the Council.

310. Conflicts between the indigenous inhabitants and white settlers are being resolved with the establishment and improvement of reservations for the indigenous communities.

311. Settlers who are not in the reservations or reserves can obtain individual title to the lands they exploit, which facilitates access to the services of credit institutions.

312. In response to the question in paragraph 21 of document CERD/C/SR.731, it should be noted that the National Institute of Renewable Natural Resources and the Environment (INDERENA) is the national body for the conservation, management and use of natural resources; in the areas they occupy, the indigenous groups have direct control over the resources and receive

co-operation, training and guidance from INDERENA inspectors. Any exploitation of natural resources is under the control of the competent authorities.

313. With reference to the question by Mr. Karasimeonov about the need to restore and protect the rights of the indigenous population (para. 24), it has been and continues to be the State's policy to ensure genuine social and economic justice for the indigenous population. Therefore, the Attorney-General of the Nation established a special office for indigenous affairs, with a view to dealing immediately with any complaints submitted by the indigenous inhabitants and to ensuring that their rights are respected as in the case of any Colombian.

314. In the matter of participation by the indigenous peoples in putting economic, social and educational reforms into effect (para. 26), it is important to point out that the community is consulted on any project, programme or reform so that it can decide whether to adopt or reject it.

315. At the regional level, most of the indigenous peoples form organizations and many of them belong to the Colombian National Indigenous Organization (ONIC).

316. With reference to Mr. Cremona's question, in paragraph 30 of the same document, about the way the indigenous language or languages are being fostered in the Government's educational programme, and more especially the language in which indigenous children are primarily educated in schools, it is important to explain that not all of the indigenous population receives bilingual education. Wherever possible, use is made of indigenous or white teachers, preferably from the same community, who are fully acquainted with its customs, traditions and speak the same language. Such education is in conformity with Ministry of Education Decree No. 1142 of 1979.

317. The answer to Mrs. Sadiq Ali's question, in paragraph 37, about the legal distinction between reservations and indigenous reserves is to be found in paragraph 307 of this report.

318. As to legal assistance to indigenous inhabitants in cases of eviction, it is important to point out that the Indigenous Affairs Division provides assistance, through legal experts who represent the indigenous inhabitants or communities free of charge in all matters relating to land, settlers, boundaries, and so on, and the Division is a party to all civil or criminal proceedings for the purpose of defending and protecting them.

319. As mentioned earlier, the indigenous inhabitants have their own local, regional and national organizations and, together with the Indigenous Affairs Division's officials throughout the country, they acquaint the competent authorities with any act committed in breach of their rights under the Constitution and Colombian laws.

320. The black population descended from slaves live largely on the Pacific coast, an area not inhabited by indigenous groups. The black population engage in the plentiful deep-sea fishing available and in other activities. They are in the north west, whereas the Amazon area, the rain forest in which

there is a large indigenous population, is in the southern part of Colombia on the borders with Brazil and the forest areas of Peru, so that there are no cases of conflicts between indigenous inhabitants and blacks.

321. In response to Mrs. Sadiq Ali's question (para. 38) about other voluntary bodies set up by the ethnic communities themselves and the role they play, we would draw attention to the Colombian National Indigenous Organization (ONIC).

322. To trace the origins of ONIC, one has to go back to 1970, when the National Association of Peasant Users (ANUC), was set up under the sponsorship of the Government of President Carlos Lleras Restrepo.

323. This peasant organization was joined by the indigenous communities in Cauca, Nariño, Putumayo, Sotavento and Cunas de Antioquia. There was a split within ANUC and the indigenous communities lined up with one side. On 24 February 1971, the Cauca Regional Indigenous Council (CRIC) was founded in Toribio (Cauca) at an assembly which was held in Silvia (Cauca) in which indigenous communities from all over the country took part.

324. UNDICH was created in Chocó in October of the same year and the Vaupés Regional Indigenous Council (CRIVA) in November. In 1974, the Arhuaca community organized COIA. These indigenous organizations were established in order to assert the rights and reaffirm the culture of the indigenous populations. In the same year, 400 delegates from the Indigenous Secretariat met at the IIIrd ANUC Congress in Bogotá, which gave rise to Unidad Indígena, a newspaper for publicizing the problems of the indigenous communities.

325. The first cabildos in Tolima united in 1975 to form the Tolima Regional Indigenous Council (CRIT), and CRIC and CRIT withdrew from ANUC in 1976.

326. In 1980, the first national indigenous meeting was held at Lomas de Hilarco (Tolima) from 8 to 12 October. Various regional organizations took part: Joint Action (UNUMA), CRIC, UNDICH, Sierra Nevada, Comunidades de Betulia, Resguardos de la Montaña, Cañomono, Lomoprieta and Cristiania, CRIVA, San Andrés de Sotavento and Orteguzza Medio, along with delegates from Venezuela and Ecuador. This led to the foundation of the national indigenous co-ordinating body.

327. Other new organizations were created during this period, such as the Western Regional Indigenous Council (CRIDOC), the Embera Waunana Regional Organization (OREWA) and the Orteguzza Medio Regional Indigenous Council (CRIOM).

328. Further to the work done by the participants in the first national indigenous meeting, the First National Indigenous Congress was held in Bogotá from 24 to 28 February 1982, with 2,000 delegates from indigenous communities and organizations throughout the country. This Congress led to the foundation of ONIC, with the participation of the various organizations mentioned above.

329. ONIC's programme is to protect the autonomy of the indigenous populations and their history, culture and traditions by obtaining land for reservations, promoting community economic organizations by means of bilingual and

bicultural education under the supervision of the community, and restoring indigenous medicine and health programmes which are in keeping with the social and cultural features of the communities themselves.

330. ONIC was recognized by the Government in 1983 and became part of the National Indigenous Council (CONI), which is itself part of PRODEIN, a government-supported Programme for the Development of the Indigenous Populations that heads all the bodies connected with indigenous affairs. In the same year, the First Meeting of Indigenous Teachers was held for an exchange of educational experiences in indigenous communities. This kind of event was arranged again in 1985 with a seminar on ethno-education organized and co-ordinated by ONIC and the Ministry of Education.

331. Congresses of the regional indigenous organizations participate whenever the need arises and support is provided for each organization. Furthermore, the organizations take part in meetings, congresses and forums with the rank and file members. In May 1985, ONIC acquired property to house its general secretariat, communications section, legal advice department, administration and meetings rooms, with sleeping quarters for delegations from the various organizations.

332. As part of the of ONIC's operations and the co-ordination of its work, the Executive Committee meets every two months and the Executive Board every six months. Problems are discussed at each meeting, together with the progress of each regional organization, so as to programme, in accordance with the needs that arise, a number of tasks consisting of courses and visits to the regions concerned.

333. The Colombian Natural Indigenous Organization is part of the Indian Council of South America (CISA), which groups all the organized indigenous groups in the whole of South America. ONIC attended the Third Congress, in 1983. Worldwide, it has had the opportunity to participate in organizations such as the World Council of Indigenous Peoples (WCIP) and, for the first time, attended the Fourth Assembly, held in September 1984.

334. ONIC has its own newspaper, called Unidad Indígena, which first appeared 10 years ago in response to the development of the indigenous movement and is the spokesman for its interests.

335. In short, ONIC is the most important indigenous organization, since it has 400,000 members throughout Colombia. For further explanations, annex 13 contains a political map of Colombia published in the special issue of Unidad Indígena of 6 February 1986, showing the communities and regional organizations that make up ONIC, namely:

CRIC	Cauca Regional Indigenous Council
CRIT	Tolima Regional Indigenous Council
OREWA	Embera Waunana Regional Organization
CRIR	Risaralda Regional Indigenous Council
ORIC	Casanare Regional Indigenous Organization

CIT	Tairona Indigenous Confederation
CRIVA	Vaupés Regional Indigenous Council
UNIGUVI	Guainía and Vichada Indigenous Union
CRIOM	Orteguaza Medio Regional Indigenous Council
CRIDOC	Western Caldas Regional Indigenous Council
UNUMA	Joint Action (Llanos Indigenous Organization) Regional Cabildo of San Andrés de Sotavento Antioquia Indigenous Co-ordinating Committee (Cunas, Chamíes, Zenúes, Katios)
CRIMA	Medio Amazonas Indigenous Regional Council
ORIECOP	Pacific Coast Embera Regional Indigenous Organization.

Communities

Macanuanes	- Arauca
Comunidades del Trapecio Amazónico	
Ingas, Kamsa	- Putumayo
Cabildo Tunebo	- Boyacá
Indígenas del Caguán	- Huila

Organizations on the Reservations

ORIST	Tuparro Sikuane Indigenous Reservation Organization
ORICEVI	Centro de Vichada Regional Indigenous Organization
LOIUC	Río Orinoco Vichada Uhuo Thuja Indigenous Organization

336. As to the question about the laws enacted and the way the State prevents the exploitation and protects the rights of the indigenous populations (para. 43), the Office of the Attorney-General established the Indigenous Affairs Unit under Decision No. 014 of 8 July 1985 and the Unit's main functions are:

(a) To safeguard the rights of the indigenous inhabitants and their communities;

(b) To examine and expedite complaints and requests in this regard submitted to the Office of the Attorney-General;

(c) To act at all times as the co-ordinating body for the Office of the Attorney-General with all official departments responsible for indigenous affairs, and particularly with the appropriate division in the Ministry of Internal Affairs and the authorities in the Departamentos;

(d) To visit indigenous areas for the purposes of conducting inspections, gathering information and making inquiries;

(e) To maintain, for the purpose of fulfilling its other functions, contact with the national, departmental and municipal authorities and with the decentralized agencies;

(f) To contribute to the protection, well-being and solution of the needs of the indigenous communities;

(g) To maintain comprehensive and up-to-date information that is indispensable for these matters.

337. In addition, of course, the Office of the Attorney-General acts in co-ordination with its district offices to ensure observance of the laws and of the safeguards for the indigenous inhabitants as Colombian citizens, and more particularly in matters pertaining to the protection of their human rights, their lives, good name, culture and property (annex 14).

338. In this regard the Unit, together with the Indigenous Affairs Office, the Ministry of Education, the Ministry of Works, the Ministry of Health, INCORA, INDERENA and the Agrarian Fund, carries out planned activities intended to create national indigenous reservations and reserves affording the indigenous communities with protection against encroachment by settlers and against land pressures, and also to provide ecological protection of natural resources.

339. With reference to the social and cultural traditions of the indigenous populations, educational programmes have been carried out by building schools, by providing adult education and by moving ahead with the incorporation of the indigenous inhabitants into the system of secondary education and affording opportunities for entrance to university.

340. Co-ordinated training plans are being carried out with SENA in some regions. Pursuant to decision No. 010013/81, the Office of the Attorney-General keeps watch on efforts to guarantee medical and hospital care free of charge for indigenous inhabitants at all hospitals and health centres in Colombia. Health care units are being built in Tolima, Sierra Nevada and Cauca.

341. One of the objectives of the Indigenous Affairs Unit is to continue to monitor compliance by public officials with their obligations towards indigenous inhabitants and their duties under the law, and also to enhance, in co-ordination with the various official bodies and with private persons, education, health, cultural and welfare services by building schools and colleges, land communications, providing electricity, radio-telephone and television services for the indigenous population, building the appropriate facilities for them, and appointing suitable personnel, preferably from the communities themselves.

Notes

1/ Cited by Luis Eduardo Nieto Arteta in Economía y cultura en la historia de Colombia.

2/ Antonio García, Legislación indigenista y política de Estado (mimeograph), INCORA.

3/ Luis Carlos Sachica, Constitucionalismo colombiano, 2nd ed., Bogotá, Editorial Temis, 1972.

4/ See Oscar José Dueñas Ruiz, "Jurisprudencia de la Corte Suprema de Justicia en materia constitucional", Derecho Positivo.

5/ Ruling by the Constitutional Chamber, Derecho Colombiano, Bogotá, October 1969.

6/ Sentence of 28 August 1980, Foro Colombiano.

Annex

List of documents supplied by the Government of Colombia
with this report */

1. PRODEIN. National Programme for the Development of the Indigenous Populations.
2. Fuero Indígena.
3. Decision No. 10013 of 24 September 1981 of the Ministry of Health, issuing rules concerning the indigenous communities.
4. Legal establishment of the indigenous territories, by: (a) years; (b) ethnic groups; (c) areas, and (d) Departamentos, 1966-1986.
5. Integrated Rural Development Programme in Indigenous Areas.
6. Education Programme for All Colombians: CAMINA.
7. Decree No. 53 of 13 January 1987, establishing the Public Defence Counsel's Office.
8. Act No. 78 of 30 December 1986, on the election of mayors.
9. Results of the elections for the Chamber of Representatives and the Senate, 1986 elections.
- 10 and
11. Results of the general elections for the President of the Republic, 1986.
12. Constitution of Colombia.
13. Political map of organized indigenous groups in Colombia.
14. Decision No. 014 of 8 July 1985, establishing the Indigenous Affairs Unit as the Advisory Office to the Attorney-General of the Nation.
15. Memorandum on agreements concluded by Colombia with neighbouring countries in connection with the protection of indigenous populations.
16. Agreements with Peru, Ecuador and Venezuela concerning the protection of indigenous populations.
17. Copy of Note No. 5988 of 25 February 1987 of the Colombian Agrarian Reform Institute, concerning the establishment of indigenous reservations.
18. Copy of the list of indigenous reservations and reserves.
19. Copy of a map indicating indigenous reservations and reserves.

*/ A copy in Spanish of each of the documents mentioned in this list is available in the Secretariat for members of the Committee wishing to consult them.