

**ANNEX 2.1**

**Chronology of Events from January 2003 to November 2005**



**Chronology of Key Project Preparation and Implementation Events**  
**January 2003-November 2005**

January-February, 2003	A series of consultation events are organized to consult civil society on the design of a project to integrate the National Registry and Cadastral System (SINREC). Ofraneh participates in the event held in San Pedro Sula on January 30, 2003. (Annex 2.2)
August 26, 2003	Ofraneh and other organizations from civil society meet with PAAR's staff to discuss the consultation process for the draft of Property Law. An <i>ad hoc</i> working group is created to receive inputs from civil society on the law and revise the draft. (Annex 2.3)
October 8, 2003	A consultation workshop is organized to revise the draft of the Property Law based on the progress made by the ad hoc group. Ofraneh participates in the event. (Annex 2.4)
October 25-26, 2003	PAAR sponsors a consultation workshop organized by Ofraneh in San Juan Tela, Atlantida to discuss the draft of the Property Law. (For minutes of this event, please refer to the attachments in Annex II of the Request)
November 12, 2003	Representatives from Ofraneh meet with member of National Congress to present the results of the workshop held in San Juan Tela. (Annex 2.6)
November 26, 2003	The first round of consultations for the Indigenous Peoples Development Plan (IPDP) and the Environmental Assessment (EA) is held in Tegucigalpa. Participants request additional time to analyze the documents. Representatives from Ofraneh participate in the event. (Annex 2.7)
December 2, 2003	The second round of consultation for the IPDP and EA are held in Tegucigalpa. Participants endorsed the documents. Representatives from Ofraneh participate in the event. (Annex 2.8)
January 13, 2005	PATH staff meets with the vice-president of Ofraneh in La Ceiba to disseminate the Project. (Annex 2.9)
January 28, 2005	PATH staff meets with representatives from Odeco and Ofraneh (Garifuna organizations) to invite them to participate in the process of planning and dissemination of the Project. (Annex 2.10)
February 12, 2005	As a follow-up to the activities undertaken in January, PATH staff and the Government of Colon invite key stakeholders (including Ofraneh) to become part of a working group session to be held in Trujillo, Colon, on February 24 with the objective of organizing the Inter-institutional Commission for the regularization and titling of Afro-Honduran Lands in Atlantida and Colon.
February 20, 2005	PATH staff meets with representatives from Ofraneh to invite them to participate in the working group session to be held in Trujillo. PATH staff reports that Ms. Gregoria Flores from Ofraneh decided to no longer participate in the planning and dissemination events for the Project because other Garifuna stakeholders were involved.
February 24, 2005	At the meeting in Trujillo, a provisional Inter-institutional Commission is created with the objective of organizing the event where the 8 communities and 12 protected areas to participate in the PATH project are to be selected. The provisional commission decides to continue with the process with or without the participation of

Honduras

- March 15-17, 2005 Ofraneh and Odeco. (Annex 2.11)  
A workshop is held in Santa Fe, Colon, with representatives from Garifuna communities (including some members from OFRANEH), where the *Mesa Regional de Regularizacion y Resolucion de Conflictos* is created and 8 communities and 12 protected areas for regularization are selected. OFRANEH is included as part of the *Mesa Regional*. (Annex 2.12)
- April 1, 2005 World Bank Representative in Honduras meets with members of the *Mesa Regional*. (Annex 2.17)
- April 28, 2005 Ofraneh issues a public statement against the PATH project. The statement characterizes the other Garifuna stakeholders participating in the Project as “clowns”. (Annex 2.13)
- April 29, 2005 Members of the *Mesa Regional* meet in Sangrelaya, Colon in response to Ofraneh’s statement. The *Mesa* signs minutes stating their support for the Project and calling on all Garifunas organizations to join forces to strengthen the framework sponsored by the Project as well as inviting them to participate on it. (Annex 2.14)
- April 29, 2005 The *Mesa Regional* includes the community of Cocalito in the list of selected communities to participate in the Project upon request of the community’s representatives. (Annex 2.14)
- May 15, 2005 *Mesas Locales* are created in Santa Fe and San Antonio (Department of Colón).
- June 9, 2005 Representatives from OFRANEH meet with the *Mesa Regional* in Trujillo, Colon, and agree to send two representatives from their organization to be members of the *Mesa*. (Annex 2.15)
- June 9, 2005 Three working committees are organized to assist the *Mesa* in the areas of training, monitoring, and dissemination to the communities. *Mesas Locales* are created in Sangrelaya, Cocalito, and Guadalupe (Department of Colón). (Annex 2.16)
- August 1, 2005 Ofraneh submits a letter to the World Bank against the Project<sup>1</sup>. (Please refer to Annex II of the Request)
- September 22, 2005 Bank staff meets with members of the *Mesa Regional* in La Ceiba, Atlantida. At the meeting, it was agreed that the Project will finance a lawyer to assist the communities in the regularization process. (Annex 2.19)
- November 4, 2005 Representatives from Ofraneh are invited to meet with Government officials, Bank staff, and other Garifuna representatives in the context of the *Mesa Regional* in La Ceiba, Atlantida, to discuss their concerns with the implementation of the project. The representatives from OFRANEH show to the meeting, but refuse to participate. (Annex 2.20)
- November 4, 2005 The *Mesa Regional* issues a special minute requesting the World Bank not to meet with the representatives from Ofraneh outside the framework of the *Mesa*, and inviting Ofraneh to appoint their two representatives to the *Mesa* as they had agreed to on June 9, 2005. (Annex 2.21)
- November 11, 2005 Bank letter to Mesa Regional Garífuna, as a follow-up to November 4, 2005 meeting. (Annex 2.22)

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<sup>1</sup> Management reply to this letter and subsequent correspondence is described in Annex 4.

**ANNEX 2.2**

**Consultation Event on the Design of a Project to Integrate the National Registry and Cadastral System (SINREC)**

**January – February 2003**

**UNOFFICIAL ENGLISH TRANSLATION**



NATIONAL CONVERGENCE FORUM

Social Integration of the Process

Integrated National Registry and Cadaster System

Tegucigalpa, Honduras, C.A.  
January-February 2003

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**INTRODUCTION**

In accordance with the agreement reached between the National Convergence Forum and the Rural Land Administration Project (PAAR) with regard to the social integration of the proposed new Integrated National Registry and Cadaster System, the process coordinators conducted two seminars with civil society organizations, two with media representatives from San Pedro Sula and Tegucigalpa, and one presentation to representatives of international cooperation agencies.

This document summarizes the main observations made concerning the cadaster and registry modernization process in order to obtain inputs ensuring that the modernization process embodies the contributions of civil society.

**General Objectives**

1. Socially integrate and consult on the Property Regularization Process and the modernization and incorporation of Honduras’s registries and cadaster with the various sectors and stakeholders in national economic life.
2. Incorporate the views of the various sectors consulted so as to strengthen the process.
3. Obtain the various sectors’ commitment regarding their participation and active collaboration during project development and execution.

**Activities Carried Out**

Workshop seminar with civil society, Tegucigalpa	January 21
Workshop seminar with civil society, San Pedro Sula	January 30
Seminar with journalists, San Pedro Sula	February 1
Seminar with international cooperation agencies, Valle de Angeles	February 6
Seminar with editors, Tegucigalpa	February 7

## **Methodology**

Written invitations were sent to over 220 civil society organizations. The first workshop was held in Tegucigalpa with the participation of leaders from various municipalities in the Departments of Francisco Morazán, El Paraíso, and Choluteca. The second workshop was held in San Pedro Sula with representatives of civil society from the Departments of Cortés, Santa Bárbara, Copán, Ocotepeque, Intibuca, and Atlántida. Together, these two events involved the participation of 142 persons representing various organizations and associations.

There were three additional meetings, one with representatives of the international community (Valle de Angeles, February 7, 2003) and two with editors, editorial writers, and journalists from the communications media (February 1 and February 7, 2003).

The workshop seminars with civil society representatives lasted a full day and followed the program set forth below:

### **Morning**

- Presentation by the Supreme Court of Justice on the progress made with the registry modernization process.

Lectures on:

- Improvements in Property Markets
- Institutional Aspects of the Process
- National Registry Center Model, El Salvador
- Registry and Cadaster Model, Isla de la Bahía
- Question and answer session

### **Afternoon**

- Working committees

Topics

- Legal security
- Institutional Aspects
- Environmental Impact
- Gender Impact
- Economic Impact
- Distributive Impact
- Plenary

The seminars for the representatives of international cooperation agencies and journalists were a half-day in length and followed the following program:

- Introduction to the project
- Institutional aspects of the project
- Islas de la Bahía model

Following the presentations there was a discussion session with the panelists aimed at clarifying concepts and fleshing out the information provided.

### **Conclusions and Recommendations**

The results obtained from the committee work with the various representatives of civil society organizations after the reading of the paper and the presentations by the Supreme Court of Justice and the Executive Secretariat of SINREC are set forth below.

### **CONCLUSIONS**

#### **Institutional Framework**

1. Consideration is being given to establishing the National Property Institute (INAP) as a decentralized institution, which would enable it to function as a self-sustaining and efficient entity free of direct interference from the political parties.
2. Structurally, it should have a board of directors, and Executive Director, and Departmental Directors.
3. The Board of Directors should be made up as follows:
  - One representative of the Executive Branch
  - One representative of the Supreme Court of Justice
  - Two representatives of civil society
  - One representative from AHMON
  - One representative from FENACH
  - One representative from COHEP.
4. For this process to be successful, there must be political will on the part of the three branches of government, as well as the autonomous and decentralized institutions of the state, to take part in it.
5. Ensuring the success of the Registry and Cadaster Modernization and Integration Process will require the approval and acceptance of all the trade associations involved in land use, such as: the Bar Association, the Association of Civil Engineers, the National Agrarian Institute, and the College of Architects.
6. It will be necessary to have efficient coordination among the institutions involved in order to ensure that the process develops transparently and sustainably.
7. The centralization of information should be avoided in view of the fact that, in the past, this attitude has been a negative factor when access is enjoyed by only a few, which has a negative impact on development in Honduras.

### **Legal Security**

1. The creation of an institution like the National Property Institute (INAP) will guarantee the legal security of family, business, and national assets. It will also contribute to providing information as to the legitimacy of ownership. Businesses can make the legal processes for making investments more flexible.
2. This modernization would contribute to resolving conflicts as to the legal status of ownership, conflicts which can go unresolved for many years.
3. It will provide greater security to the citizenry by facilitating the investigation of offenses and the application of preventive measures.

### **Economic Impact**

1. Registry and cadaster modernization and integration would boost economic activity, both for the land owner and the municipality, as well as facilitate access to credit, which will make it possible to engage in various economic activities.
2. It will contribute to an increase in municipal revenues.
3. Registry and cadaster modernization will impart transparency to various transactions.
4. It will contribute to a climate of trust for national and foreign investment.
5. It will enhance property values.
6. It will broaden the revenue base.
7. As regards negative impacts, the financing required for carrying out this project will increase the external debt, which will have a macroeconomic impact in Honduras.

### **Environmental Impact**

1. This process could provide information on areas that could be accessed, for use in ecotourism and construction for example, or areas that are world reserves or protected areas.
2. It would preclude illegal sales to the detriment of protected areas, the community, and the city itself.
3. It would improve the prospects for managing the use of land for developing projects and controlling city growth.
4. Information would be provided for purposes of achieving better land use.
5. The process should be consistent with current needs and existing laws or laws to be approved by the National Congress (Law on the Environment, General Law on Water Resources, Law on Forest Development and Protected Areas).
6. Stability in land transactions and adequate management of restrictions on protected lands and forested areas.

### **Gender Impact**

1. Carrying out this project would have a positive impact on the development of Honduras by promoting gender equity, as man and women would enjoy equal ownership rights.
2. In the case of families, property deeds should be in the name of the couple, except in cases where there is only one responsible person, whether male or female, in the household.
3. The project should improve access to real property ownership, without preference and with equal opportunities for both sexes.

4. Property records should be maintained under equal conditions, without taking the production area into consideration.

#### **Distributive Impact**

1. A cadastral survey of all lands is required in order to clarify which lands are national, private, community-owned, and public.
2. The modernization should be carried out in compliance with agrarian laws and regulations.
3. The National Agrarian Institute should continue to serve as the regulatory body for the process of legalizing rural landholdings.
4. This process must avoid the rejection of cultural values (for example, communal ownership) when the national registry system is designed.
5. On the negative side, the process could trigger some urban migration owing to indiscriminate land sales.
6. The process must ensure that social justice characterizes its execution and implementation phase.

#### **RECOMMENDATIONS**

1. The seminars being conducted to provide information to and seek the views of civil society should not be aimed at approving a **draft law** without the citizens having had the opportunity to gain full knowledge of the scope of that proposal.
2. The project should be neither politicized nor privatized, in the sense of avoiding interference by any political party or establishing INAP as a private enterprise.
3. The process should be agreed in concertation with all sectors of Honduran civil society, and the National Convergence Forum (FONAC) should stand as guarantor of compliance with such concertation.
4. The ancestral rights of indigenous peoples should not be disregarded.
5. The process should be implemented from an environmental perspective in order to prevent the destruction of protected areas and human patrimony. The process should take into consideration the relocation of persons from protected areas and from areas considered to be at high risk of flooding and landslides.
6. Programs should be created to promote the creation of micro, small, and medium-sized enterprises in order to reduce the possibilities of property sale.
7. The preliminary draft law on the creation of INAP should be widely disseminated.

**Annex 1**

List of Civil Society Organizations Participating in  
Tegucigalpa, Hotel Camino Real Intercontinental,  
Thursday, January 21, 2003

[List]

TOTAL PARTICIPANTS .....75 representatives of organizations

**Annex 2**

List of Civil Society Participants in San Pedro Sula, Hotel Princess,  
January 30, 2003

[List]

Total attendance.....67 representatives of organizations

*Honduras*

**Annex 3**

List of International Agencies Participating in the Seminar, Centro La Florida,  
Valle de Angeles, Francisco Morazán

[List]

A total of 18 persons took part.

List of Participants Representing the Communications Media  
February 1 in San Pedro Sula, February 7 in Tegucigalpa

[List]



**ANNEX 2.3**

**Aide Memoire of Consultation between Representatives from Civil Society and PAAR  
Project**

**August 26, 2003**

**UNOFFICIAL ENGLISH TRANSLATION**



AIDE-MEMOIRE

DELEGATES FROM VARIOUS SOCIAL AND ETHNIC ORGANIZATIONS, TOGETHER WITH OUTSTANDING CITIZENS AND REPRESENTATIVES OF THE GOVERNMENT AND THE RURAL LAND MANAGEMENT PROJECT (PAAR) (see list of participants)

**Consultation meeting on the draft of the Land Legalization Law**

**Tegucigalpa, Honduras, August 26, 2003**

The meeting was held at PAAR headquarters and was moderated by the Deputy Minister of Governance and Justice. The meeting dealt with two main issues:

- Exchange of comments and clarifications on the draft law and opening of consultations thereon;
- Promoting new opportunities for consultation to ensure the participation of the organizations present and others connected with this law.

Main points:

- The participants were informed that the meeting was a continuation of a number of consultations that were taking place in various sectors related to the impact of the reform proposed by the executive branch and agreed with the judiciary.
- The participants requested the withdrawal of the draft of the land legalization law submitted by the executive branch to the national Congress, as provided for under the Constitution. It was explained that all opinions received, including those expressed verbally at the meeting, would be conveyed to the executive branch.
- The participants did not submit any draft proposal except a one-page text that they wished to sign as an agreement between the representatives of the executive branch and the organizations present, proposing September 9 as a target date for a new version of the draft law.
- It was explained to them that, on the one hand, they were not authorized to sign any agreement and, on the other, that the group present at the meeting did not include the other targeted social sectors.
- When asked if they would submit any proposal concerning the draft law, they said they had not brought anything; however, they would associate themselves with the document prepared by Rigoberto Sandoval Corea on August 4, 2003.
- The participants were informed that the *Consejo Coordinador de Organizaciones Campesinas de Honduras* (COCOCH), which included CNTC, ACAN, CODIMCA, AHMUC, OCH, UMCAH, UTC, ADROH, and APROCEFE, had indeed submitted various draft amendments to the proposed law, dated August 21, 2003, concerning certain articles and expanding on a number of points.
- It was announced that the Garifuna ethnic groups and peoples would prepare a draft amendment to the law, incorporating a dedicated chapter.
- At the proposal of Rigoberto Sandoval, it was agreed to form a small working group of four persons to incorporate the suggestions received thus far. This group would begin its work on Thursday, August 28, from 9 a.m. to 1 p.m. for two or three days until it had prepared a version incorporating the suggestions.

- Mr. Sandoval Corea would be a member of this group, together with a representative of COCOCH and the Garífuna federations.
- The results would then serve as a basis for consultation with other sectors.

### PARTICIPANTS

No.	NAME	ORGANIZATION
1.-	Jose Maldonado Manzanarez	Consejo Nacional Campesino
2.-	Pablo Hernandez	<a href="http://ASJ-REVISTAZO.COM">ASJ-REVISTAZO.COM</a>
3.-	Rigoberto Sandoval	<a href="http://ASJ-REVISTAZO.COM">ASJ-REVISTAZO.COM</a>
4.-	Celinde Villena	PBOBO504E
5.-	Octavio Ruben Sanchez Barrientos	Casa Presidencial
6.-	Douglas B.	PAAR Adviser
7.-	Norma Godoy de Medina	PAAR Consultant
8.-	Eduardo Raul Derbes	ATP – PAAR Project
9.-	Carlos Alejandro Pineda	Deputy Minister of Justice
10.-	Julio Gonzales	PAAR
11.-	Evangelista Garcia Palacios	OFRANEH
12.-	Justino Fernandez Centeno	National Follow-up Committee
13.-	Maribel Mejia Diego	Sponsors
14.-	Celeo Alvarez Casildo	ODECO
15.-	Domingo Alvarez	OFranch
16.-	Horacio Martinez	Mov.Garifuna Iser/Lidawamar
17.-	Miriam Tifu	ODECO
18.-	Pablo Pastor	PAAR
19.-	Rachel Ostagaald	<a href="http://ASJ-REVISTAZO.COM">ASJ-REVISTAZO.COM</a>

**ANNEX 2.4**

**Consultation Event on the Draft of the Property Law**

**October 8, 2003**

**UNOFFICIAL ENGLISH TRANSLATION**



**SINREC**

**We take pleasure in inviting you to the Concertation Forum on the  
Draft Law to Reduce Poverty by Regularizing  
Land Ownership and Economic Activities**

*The Forum will introduce and review a draft prepared by an ad hoc team made up of delegates from social organizations, noteworthy Hondurans, and experts in the field, which will be examined in a consensus-building process. The proposals and recommendations emerging from this Forum will be conveyed to the Advisory Committee of the National Congress for review and subsequent resolution.*

*The Forum will be held at the Hotel Clarión, in the Salón Viena,  
on Wednesday, October 8, from 8:30 a.m. to 5:00 p.m.*

*We look forward to seeing you there, and ask that you bring this card with you,  
as the number of spaces available for each organization is limited.  
Thank you for your understanding in this regard.*

Miguel Munguía  
AMHON

Juan Ferrera  
FONAC/SINREC

Erasmus Portillo  
INA

RSVP: 236-3086, 87

E-mail: [abellino@projectopaar.org](mailto:abellino@projectopaar.org)

*Honduras*

**ATTENDANCE LIST  
CONCERTATION FORUM ON THE DRAFT LAW  
TO REDUCE POVERTY  
THROUGH THE REGULARIZATION OF LAND OWNERSHIP**

**Hotel Clarión, Salón Vienna, October 8, 2003**

<b>No.</b>	<b>NAME</b>	<b>INSTITUTION</b>
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**ANNEX 2.5**  
**in the Chronology of Key Events**

October 25-26, 2003

PAAR sponsors a consultation workshop organized by Ofraneh in San Juan Tela, Atlántida to discuss the draft of the Property Law.

*For the minutes of this event - please refer to the attachments in Annex II of the Request.*



**ANNEX 2.6**

**Aide Memoire Of Meeting Between Representatives From Ofraneh And Members From  
National Congress**

**November 12, 2003**

**UNOFFICIAL ENGLISH TRANSLATION**



**AIDE MEMORE**

**MEETING  
ADVISORY COMMISSION AND REPRESENTATIVES OF INDIGENOUS  
AND BLACK COMMUNITIES  
PROPERTY LAW**

Meeting on November 12, 2003 in the City of Tegucigalpa, Central District Municipality, Garífuna representatives of the Honduran Black Fraternal Organization, OFRANEH, Mr. Wilfredo Guerrero, Mr. Junior Aviles, Ms. Teresa Reyes, Ms. Miriam Miranda, Mr. Selvin López and Ms. Iris Aquino representing the Confederation of Indigenous Peoples of Honduras (CONPAH), Magdalena Pérez, representing the National Coordinator of Indigenous and Black Women of Honduras (CONAMINH), and the representatives of the Advisory Commission of the National Congress concerning Land and Property; Deputies Rolando Dubon Bueso, Francisco Ramos, and consultants Javier Azcona and Romeo Ucles, and for the executive, Octavio Sánchez, in order to discuss the presentation of the results of the national consultation, organized with the Garífuna Peoples on October 25-26 in the Garífuna community of San Juan, the following was concluded:

1. The Advisory Commission declares that it has received the Aide Memoire of the national consultation workshop concerning the Property Law that was held in the community of San Juan, Tela on October 25-26, 2003.
2. The comments and proposals presented in the Aide Memoire of the National Consultation Workshop are being taken into consideration.
3. That the Law will anticipate special consideration to guarantee the collective rights of the indigenous and Black peoples of Honduras in the final report to be submitted for discussion at the general assembly of the National Congress.
4. The Advisory Committee accepts ILO Convention 169 and will take into consideration the said legal instrument when determining the most expeditious procedures for resolving the disputes that Indigenous and Black peoples' communities face concerning land tenure and territorial issues. As well as, the differentiated treatment within the same law for the regularization and titling of these communities.
5. A copy of the final version is going to be sent, through Lawyer Octavio Sanchez, so that those present give it a final review, and the observations will be sent through the most efficient mechanism, in order to be taken into account before the Law is approved.
6. OFRANEH will present a request to the secretary of the National Congress in order to participate in the semicircle of the National Congress when the said Law is discussed and approved, the date of which we will be informed when it is submitted for its third and final debate for approval.

Issued in the City of Tegucigalpa, M.D.C., Honduras, Central America, November 12, 2003.



**ANNEX 2.7**

**First Round of Consultation for the Indigenous Peoples Development Plan and  
Environmental Assessment**

**November 26, 2003**

**UNOFFICIAL ENGLISH TRANSLATION**





**AIDE MEMOIRE OF THE 1<sup>ST</sup> CONFERENCE TO REVIEW THE INDIGENOUS  
DEVELOPMENT PLAN AND THE ENVIRONMENT ANALYSIS OF THE HONDURAS  
LAND ADMINISTRATION PROGRAM (PATH)**

November 26, 2003  
Hotel Plaza del General  
2:00 to 6:00 pm

Documents:

- Indigenous development plan
- Environmental analysis

Participants:

- OPRANEH: Jarson Salvin Bedit, Teresa Reyes
- MASTA: Aurelio Ramos Allen, Edy McNab
- MASTA/Rayaka: Roberto Esteban
- ODECO: Yimene Calderón, Zulma Valencia; Karen Vargas
- LAKIATARA: Edgardo Benítez
- FETRIPH: Alfonso López; Enrique Carrasco, Marlon Moisés Santos
- SGYJ: Rodolfo Álvarez
- MOPAWI: Simón Greham, Adalberto Padilla
- PROLANSATE: Santiago Flores, Dennis Sierra
- Fundación VIDA: Orlando Ortiz
- PATH: Henry Merriam; Edgardo Derbes, Diacuy Mesquita; Román Álvarez, Erasmo Padilla, Joaquín Hernández, Nancy Barahona, Etna Pinel, Zuleyma Zablah.

Development:

The participants consider that there has not been sufficient time from when the document was received and the date of the workshop for an in-depth analysis of the tasks; accordingly, they have requested more time to analyze the Indigenous Development Plan. The workshop took place as follows:

1. There was discussion with regard to the 5 days of analysis that were requested and granted to hold a new workshop, which would be definitive, setting the date for December 2, 2003.
2. The terms were established under which the Indigenous Plan would be discussed.
3. The document was delivered to all those who had not downloaded it in their email.
4. Among the various points discussed were organizational topics and the participants expressed concerns with regard to the participation that indigenous peoples would have during the implementation of the indigenous plan; accordingly, the PATH agreed that the participatory processes would

*Honduras*

be a topic to be analyzed during the development of the Second Workshop in the document of the Indigenous plan.

Enclosures:

List of attendees duly signed

List of Delivery of per-diem

**ANNEX 2.8**

**Second Round of Consultation for the Indigenous Peoples Development Plan and  
Environmental Assessment**

**December 2, 2003**

**UNOFFICIAL ENGLISH TRANSLATION**



**AIDE MEMOIRE REMINDER OF THE 2<sup>ND</sup> ANALYSIS WORKSHOP OF THE  
INDIGENOUS DEVELOPMENT PLAN AND ENVIRONMENTAL ANALYSIS OF THE  
HONDURAS LAND ADMINISTRATION PROGRAM**

December 2, 2003  
Hotel Plaza del General

Analysis documents:

- Indigenous Development Plan
- Environmental Analysis

Attendees:

- NABIPLA: Arty Brooks
- FETRIXY: Selvin Bladimir Rodríguez, María Magdalena Pérez
- ECOMAC: Luis Evelyn, Lauro Rodríguez
- MASTA: Virginia Mendoza, Orbelina Orellana
- MASTA/RAYAKA: Donaldo Allen, Whayting Wrod
- AHJASA: Omar Nuñez, Oscar Armando Lazo
- WORLD BANK: Márquez Martínez
- FUDNAPIB: Aída M. Archaga
- LAKIATARA: Edgardo Benítez
- FETRIPH: Alfonso López, Marlos Rosario Duarte, Enrique Carrasco
- OPRANAH: Jarson Salvin Benedit, Enrique Carrasco
- PRESIDENCY: Lina Martínez
- SGYJ: Rodolfo Álvarez
- PATH: Henry Merriam; Edgardo Derbes, Diacuy Mesquita; Román Álvarez, Erasmo Padilla, Joaquín Hernández, Nancy Barahona, Etna Pinel, Zuleyma Zablah.

Indigenous Development Plan

Comments

**OFRANEH**

They consider that there has not been enough time for an in-depth analysis with regard to the tasks; work should be done together.

Rodolfo Álvarez: He clarified that the meeting was to get a first glimpse of the studies. He acknowledged that there is still a lot to do. There was the anticipation that people would get a preliminary look at the document, if the goals were worth observations; if the procedures were adequate, reminding that a project is being initiated.

### **ODECO**

Sulma Valencia and Carmen Vargas stated that these were only preliminary observations.

### **MASTA**

They stated that “the document has included people’s needs, but it has not sufficiently included their concerns. There are real problems that must be resolved and it would be great to have dates, to follow up with discussion of effective ways to resolve the problems”.

### **FETRIPH**

They stated “There should be a good start opening up to the communities, mainly with respect to the land. It should be done jointly and with a consensus. This law must be made known to the public-at-large”. They asked if PATH has the possibility of financing the awareness campaign. “We are giving time to define, when we can start with this proposal”.

### **Rodolfo Álvarez**

He clarified that it does not involve a law.

### **MASTA**

There are points of relevance. “I agree with the plan for acknowledging an overview of the communities (communal property). There are also indigenous people who are unable to be recognized as individual owners (case of the Ladinos)”.

They asked how the Ladino colonos are going to be treated. What was going to be done? “If we are not clear on this point, there is no way to resolve the issue”.  
We are not clear if the solutions adopted in these parts are valid for the rest”.

They suggested inviting the delegates from the German Cooperation and COHDEFOR with regard to the Plátano river reserve.

### **FETRIPH (PETCH)**

“We lived [here] before the settlers (*colonos*), we have always been marginalized”.  
They stated that the decree law of the Plátano River is very new and the settlers are already exploiting the media. “in the settlements they have gone past our rights”.  
The decree law does not make it possible to grant property rights within the buffer zone. “We want to hold on to what belongs to us”.

### **Mina Honda Tribe**

They commented that they agreed to give individual titles to farmers on land belonging to the tribe.

### **Candelaria Tribe**

“The government has committed monumental mistakes. There is a reason for international claims”.

The government bought land in our ancestral areas and handed it over to peasants displaced of the Cajón”.

The government blackmailed our tribes, a lot of people have been imprisoned and are dead, we are concerned by these new laws”. “DIVIDING THE LAND IS DIVIDING OUR PEOPLE”.

### **PETCH**

They spoke of cases of conflict resolution (Conflict Resolution Committee).

### **TAHUACA (Edgardo Benítez)**

“International funds, there is another type of interest. It has a relationship with the Puebla/Panama Plan. Projects that at the end of 15 years of the INA-FHIS-UNDP have left more problems [than before]”.

“It is really this proposal, something that will truly benefit us; this is a law, it is a project; the federations should bring their technicians and politicians; they should bring their specialized resources. There is always a card up their sleeve, the commissions don’t work, the indigenous peoples are always responsible; though you don’t always have to see it from my negative standpoint, we should give space to the federations so they can bring their best human resources”. Don Edgardo Benitez, stated having problems with the federation with regard to poor investment of funds (but he is a technician), but the Tahuaca have an excellent organization like the Lencas.

### **ODECO**

Karen said that only actions are indicated in the document with regard to the land and stated that to formulate a plan, the participation of the communities is necessary.

“The plan itself has good things, what concerns us is the fact of the indigenous and Afro-Honduran participation, how they are going to intervene. The term of the capital markets concerns us and the role of the World Bank. The communities are mature to interpret and in all the poor peoples, there is a good deal of allusion to the information. And we are concerned by the land tenure regimes”.

He also stated that the Afro-Honduran terms should be homogenized (non-black).

Moreover, he stated that the positive and negative impacts should be evaluated. “We are concerned by the qualification by the status of occupancy certificates; who will be the owners of the land; I don’t believe in the certificates, they are a trap of the State”.

“Protected Areas, for what or for whom. Regularization of rights. What rights? People want land”.

They stated that they did not agree with the term “Ethnic Groups”, it should be “Ethnic Entities”.

## **Part II**

### Environmental Analysis Document

#### **OFRANEH**

“I don’t see a plan for developing natural resources, it is necessary to know what it is before beginning”.

#### **CONCLUSIONS:**

1. The participatory methodology and the political willingness to disseminate the project and its specialized studies (environmental and indigenous) were well perceived by the participants.
2. The content of the studies, include great changes in policies and procedures, which requires that the representatives of the federations discuss them thoroughly at the grassroots level and time for understanding it better. This issue will be address during project implementation, through component 1, which includes institutional strengthening, training, and local dissemination, and the generation of policies and norms.
3. There is good disposition to initiate the project and implement the proposal, providing confidence and access to the processes will improve this disposition.
4. The representatives agreed to consult with their grassroots to appoint members to the indigenous national forum (*mesa nacional indigena*)



**ANNEX 2.9**

**Aide Memoire of Meeting Between the Vice-President of Ofraneh and PATH Staff**

**January 13, 2005**

**UNOFFICIAL ENGLISH TRANSLATION**



**LAND ADMINISTRATION PROGRAM OF HONDURAS  
(PATH)**

**COMMUNITY PARTICIPATION AND ETHNIC AFFAIRS.  
AYUDA MEMORIA  
SOCIALIZATION VISIT TO OFRANEH**

La Ceiba, February 13, 2005

**PARTICIPANTS**

Meeting held in the office of the Honduran Black Fraternal Organization (OFRANEH) with Mr. Alfredo López in his capacity as Vice-president; Ms. Nidia Arguijo and Jorge Cacho consultants of the Honduras Land Administration Program (PATH).

**DEVELOPMENT.**

Mr. Alfredo López started the conversation on the proposal of San Juan, Tela; regarding the Property Law, he said it did not fulfill the expectations of the people, and pointed to some articles that where the acknowledgement of ownership by third parties is unclear; there are 2 articles that worry him and some actions have already been taken. The organization is generally accused of issuing complaints or of other things.

He stated that there are many limitations in the property law and there are articles that are fatal.

Alfredo López asked that agreements which have been set down must be fulfilled to see if there is a willingness to do things.

Regarding our request to make a joint effort, he stated that things go back a while which results in people not being trusted and now we want things to look like we're best friends? A dialog should be started so we can do away with the mistrust and do something that will generate trust.



**ANNEX 2.10**

**Report of Dissemination Activities Conducted by PATH Staff in January 2005 in the  
Garifuna Area**

**January 2005**

**UNOFFICIAL ENGLISH TRANSLATION**



**REPORT**  
**Dissemination and Presentation Meetings**

**Introduction**

Among the activities of community participation and ethnic affairs, joint meetings and events have been held since the beginning of November 2004 with public and private organizations that carry out activities along the Atlantic coast, specifically with the Afro-Honduran communities that will be selected for the property registration and entitlement process.

The movement of indigenous and native African people has gone beyond our borders and for several years the Afro-Honduran community has been spearheading the process to legalize land ownership. In view of this, events in various Central American and Caribbean countries are being held to share experiences and come up with alternative solutions.

**Indigenous and African-Honduran activities**

Workshop of January 10 in La Ceiba, Atlda; meeting of the Council for the Poverty Reduction Strategy (CCERP).

**Methodology.**

The process initiated by the PATH, which includes identifying those that are carrying out activities in the region of the Atlantic Coast of Honduras, specifically with regard to the environment, protected areas; [carried out by] directors and representatives of NGOs, political and municipal governments.

**Joint efforts.**

During this month, events have been held with leaders of Afro-Honduran organizations. We held a breakfast meeting on January 28 in view of planning a community meeting with the Honduran Black Fraternal Organization (OFRANEH) and the Ethnic Community Development Organization (ODECO).

A meeting [was held] on January 12, with Celeo A. Casildo, President, Attorney Karen Vargas legal representative and Ms. Miriam Tifre Project Coordinator of the ODECO. The president remarked on the high degree of organization. He [also] mentioned the visit made by the Architect Merrian in one of the presentations on the property law and what today is the Land Administration Program of Honduras (PATH).

They were informed of the work being done in this process to legitimize the priority selection of 8 communities by their leaders and the civil society.

The development of the Afro-Honduran Communal Assembly was also mentioned, in which the activities of the PATH were dealt with more in depth.

A meeting [was held] on January 13 with the vice-president of the Fraternal African-Honduran Organization OFRANEH.

A meeting [was held] on January 14, 2005, with Architect Henry Merrian, General coordinator of the PATH and Architect Erasmo Padilla Technical Coordinator of the PATH and Celeo Álvarez Casildo, president and attorney Karen Vargas, legal Representative of the ODECO who declared her support and stated her desire to actively participate in this process as experts.

**COMMUNITY PARTICIPATION AND ETHNIC AFFAIRS  
INSTITUTIONS, PUBLIC/PRIVATE ORGANIZATIONS AND GOVERNMENT  
THAT HAVE BEEN VISITED  
AND INVITED TO PARTICIPATE IN THE AFRICAN-HONURAN ASSEMBLY.  
(Proposal for the month of January 2005.)**

No.	Name of Representative	ACRONYM	NGOs and institution	Comment
1	Justo Cesar Carcamo. Executive Director	FUCSA	Fundación Cuero y Salado.	
2	Arquímedes García López. President	AMHBLI	Asociación Miskitu Hondureño de Buzos Lisiados	Miskitu Association of Honduras of
3	Dr. Claudio Casas. Executive Director	WER	World Emergency Relief C.A.	
4	Julio Oswaldo Flores Ramos	<a href="mailto:waicasanababec@hotmail.com">waicasanababec@hotmail.com</a>	Cultural	
5	Alex Amaya Municipal	Municipality	Municipality of Trujillo	
6	Daniel Flores Municipal Mayor	Municipality	Municipal dad Tela.	
7	Gonzalo Rivera Municipal Mayor 1	Municipality		
8	Adonis Hernandez	FUPNAPIB	Fundación Parque Nacional Pico Bonito	Pico Bonito National Park Foundation
9	Melida Quevedo Executive Director	ECOSALUD	Ecología y Salud	Ecology and Health
10	Sandra Pineda. Executive Director	PROLANSATE	Proyecto Lancetilla, Pta. Sal y Texiguat	Lancetilla, Pta. Sal and Texiguat Project
11	Vanessa Merlo Rodríguez R. Development Management	Municipality	Tela	
12	Daniel Trejo Land Survey assistant	Municipality	Municipality of Tela	
13	Alejandro Cáceres Head of Land Survey	Municipality	La Ceiba	
14	Melvin Bustamante	PROLANSATE	Proyecto Lancetilla, Pta. Sal y Texiguat	Lancetilla, Pta. Sal and Texiguat Project
15	Hernan Sevilla Head of Urban Planning	Municipality	Municipality of La Masica	
16	Hector Aguilar. Head of Land Survey	Municipality	Municipality of La Masica	
17	Rogelio Ortega President of MAMUCA	Municipality	Mayor of La Masica	
18	Mr. Juan Gómez	Governor Politician	Colón	



<b>19</b>	Israel Centeno President	GEMHO	Gemelos de Honduras	
<b>20</b>	Karen Vargas Monitor	ODECO	Org. de Desarrollo Comunitario	Community Development Organization
<b>21</b>	Orlando Veja President Board of Directors	FUCAGUA	Fundación Calentura y Guaymoreto	Calentura and Guaymoreto Foundation
<b>22</b>	Nicolas Delgado PCG monitor Manuel Sánchez PG spiritual guide	Garifuna Catholic Pastoral Center  Garifuna Catholic Pastoral Center	Tela  La Ceiba	
<b>23</b>	Cirilo Rasion Felman Mayor	Municipality	La Moskitia	
<b>24</b>	Delmer Brown	Governor Politician	Gracias a Dios	



**ANNEX 2.11**

**Invitation and minutes of working group session to integrate the provisional Inter-Institutional Commission for the demarcation and titling of Garífuna communities**

**February 24, 2005**

**UNOFFICIAL ENGLISH TRANSLATION**



**Secretariat of State in the Ministry of Governance and Justice  
Republic of Honduras, Central America**

**Invitation**

You are hereby invited to a working group meeting in order to set up the Inter-institutional Commission for the Regularization and Titling of Land in the Afro-Honduran communities in the departments of Colón and Atlántida and to discuss matters relating to the management of opportunities for poverty reduction. The meeting will be attended by the technical staff of the PATH project that is executed by the Ministry of Governance and Justice.

Date: Thursday, February 24, 2005

Time: 2:00 p.m.

Place: Office of the Governor, Department of Colón

Sincerely yours,

*(Signed)* Juan Gómez Meléndez  
Governor, Department of Colón

### Minutes of the meeting

The following representatives of the Honduran Land Administration Program and community leaders representing the Afro-Honduran people met in the halls of the Office of the Governor at 2:00 p.m. on Thursday, February 24, 2005: community of Cristales and Rio Negro, members of the community of Rio Esteban, Centro Independiente para el Desarrollo de Honduras (CIDH), municipality of Santa Fe, Organización de Desarrollo Etnico Comunitario (ODECO), International Committee for the Development of Peoples (CISP), Popol Nah Tum, Office of the Governor of Colón, Centro de Promoción de la Salud y Asistencia Familiar (CEPROSAF), Inter-municipal Technical Unit, Solidarity International, Mancomunidad de Municipios Garifunas de Honduras (MAMUGAH), San Alonso Technical Center. In introducing the Honduran Land Administration Program, the technical staff discussed the scope and objectives of the program for the regularization of land ownership in the Garífuna and Miskito communities under the property law, for which a provisional committee was formed to plan the first Workshop of Dissemination and Selection of Afro-Honduran Communities, to be held from 15 to 17 March.

The following committee members were chosen:

Omar Loredo	Community of Cristales and Rio Negro
Nancy Figueroa	ODECO
Juan Alberto Castillo	Uti Si/MAMUGAH
Thelma Gotay	CEPROSAF
Juana Olivia González	Office of the Mayor of Santa Fe
Evangelista García	Community of Rio Esteban
Nelson Lenin González	CIDH
Juan Gómez	Office of the Governor

Wilfredo Cacho of the Association of Professionals of Sangreleya (APROSA) and Teofilo Iacayo of the Iseri Lidawamari Movement will also join, upon recommendation by the Assembly.

The committee will be responsible for preparing the logistic aspects of the first Assembly (invitations, preparation of an agenda, budget). The Assembly will expand and approve the membership of the committee at that time.

There being no further business, the meeting was adjourned at 4:12 p.m. Signed and approved in the city of Trujillo.

*(Signed)*

Omar Loredo	Nancy Figueroa
Juan Alberto Castillo	Thelma Gotay
Juana Olivia González	Evangelista García
Nelson Lenin González	Juan Gómez Meléndez

**Office of the Governor  
Department of Colón  
Trujillo**

**List of participants**

Event                    Venue: Office of the Governor, Trujillo    Chair: Mr. Juan Gómez

No.	First and last name	Title	Office	City	Telephone	Signature

*(See original for names, etc.)*

**HONDURAN LAND ADMINISTRATION PROGRAM (PATH)**

**Community participation and ethnic affairs**

Date: February 24

Place: Trujillo, Colón

Time: 2:00 p.m.

No.	Full name	Community	Organization and/or institution; Fax and/or e-mail	Title	Telephone

*(See original for names and other information.)*

**HONDURAN LAND ADMINISTRATION PROGRAM (PATH)**

**Community participation and ethnic affairs**

Date: February 24

Place: Trujillo, Colón

Time: 2:00 p.m.

No.	Full name	Community	Organization and/or institution; Fax and/or e-mail	Title	Signature

*(See original for names and other information.)*



**ANNEX 2.12**

**Minutes of the Creation of the *Mesa Regional de Regularización y Resolución de Conflictos de Atlántida y Colón* and Preliminary Selection of 8 Communities and 12 Protected Areas**

**March 15-17, 2005**

**UNOFFICIAL ENGLISH TRANSLATION**



**AIDE MEMOIRE**  
**ESTABLISHMENT OF THE MESA REGIONAL OF REGULARIZATION AND**  
**CONFLICT RESOLUTION AND SELECTION OF 12 PROTECTED AREAS**

We, leaders of the Garífuna communities, municipal authorities, Governor, representatives of the Association of Municipalities of Honduras [AMHON], representatives of MAMUGA, the Garífuna Catholic Pastoral Diocese Commission, representatives of OFRANEH and of the Community Development Organization of Honduras [ODECO], meeting at the Guaymuras Center within the framework of the Workshop on the Selection of Afro-Honduran Communities and Protected Areas organized by the Land Administration Program of Honduras PATH with the participation of representatives of the following communities:

**I. Municipal District of Esparta**

1. Cayo Venado
2. Nuevo Go

**II. Municipal District of Santa Fe**

3. Santa Fe
4. Guadalupe
5. San Antonio

**III. Municipal District of Juan Francisco Bulnes**

6. La Fe
7. Buena Vista
8. Batalla

**IV. Municipal District of Limon**

9. El Limon
10. Vallecito

**V. Municipal District of Santa Rosa de Aguan**

11. Santa Rosa de Aguan

**VI. Municipal District of Irióna**

12. Irióna Viejo
13. Punta Piedra
14. Sangrelaya
15. Cocalito

**VII. Municipal District of Balfate**

16. Rio Esteban

**VIII. Municipal District of Trujillo**

17. Rio Negro
18. Cristales

**IX. Municipal District of Tela**

19. Triunfo de la Cruz
20. La Ensenada
21. Miami
22. Rio Tinto

**AIDE MEMOIRE**  
**ESTABLISHMENT OF THE *MESA REGIONAL* OF REGULARIZATION AND  
CONFLICT RESOLUTION AND SELECTION OF 12 PROTECTED AREAS**

**X. Municipal District of La Ceiba**

- 23. Corozal
- 24. La Ceiba

**XI. Municipal District of La Masica**

- 25. La Masica

Following a presentation and discussion about the processes of land Regularization and Titling, an agreement was reached to establish the ***MESA REGIONAL OF REGULARIZATION AND CONFLICT RESOLUTION OF ATLÁNTIDA Y COLON***, which is structured in the following manner:

- ? The 6 members of the regional organizing committee.
  - i. Juan Alberto Castillo
  - ii. Nancy Figueroa
  - iii. Juan Gómez
  - iv. Omar Loredó
  - v. Juan Olivia González
  - vi. Telma Gotay
  - vii. Evangelista Garcia
  - viii. Nelson Lenin González
- ? 1 representative of each *patronato* of the 8 communities selected.
- ? 1 representative of each land committee (or its equivalent) of the 8 communities selected.
- ? OFRANEH
- ? ODECO
- ? Garífuna Catholic Pastoral Diocese Commission

Each representative will act as a permanent member, and because of the importance of the issues to be handled, each representative will name a substitute to the *Mesa* who will replace him in the event of the absence of the representative.

The communities selected that are part of the *Mesa Regional* are:

- |                                                                      |                                                          |
|----------------------------------------------------------------------|----------------------------------------------------------|
| 1. <b>San Antonio</b> Municipal District of Santa Fe-Colon           | 5. <b>Sangrelaya</b> Municipal District of Irióna-Colon  |
| 2. <b>Punta Piedra</b> Municipal District of Irióna Colon            | 6. <b>Rio Tinto</b> Municipal District of Tela-Atlántida |
| 3. <b>Cristales Y Rio Negro</b> Municipal District of Trujillo-Colon | 7. <b>Santa Fe</b> Municipal District of Santa Fe-Colon  |
| 4. <b>Limón</b> Municipal District of Limón-Colon                    | 8. <b>Guadalupe</b> Municipal District of Santa Fe-Colon |

Finally, the working groups were incorporated to select the 12 protected areas to be delimited by PATH:

- 1. Janeth K.
- 2. Punta Izopo

3. Texiguat
4. Cayo Blanco
5. Punta Piedra
6. Reserva De Betulia
7. Farallones De Limon

Page 2 of 9

8. Laguna De Zambuco
9. Corredor De Payas O Poyas
10. Laguna De Guaimoreto, Capiro and Calentura
11. Barra De Calderas A Cabo Camarón
12. Microcuenca Del Rio Juana Leandra

By authorizing the establishment of the aforementioned *Mesa Regional*, the plenary establishes a series of objectives, mandates and goals that this *Mesa* must always take into account, seek to faithfully fulfill and carry out as stipulated hereinafter:

### **GUIDING PRINCIPLES OF THE *MESA REGIONAL***

In interpreting and applying the provisions of this agreement, the following principles must be taken into consideration:

1. **Ethnic and Cultural Diversity.** This is the principle under which the activities of the *Mesa Regional* will be performed in compliance with the lifestyle of the Garífuna peoples, and will take into consideration its cultural, economic and environmental distinctiveness, as well as the criteria of comprehensiveness, interculturality, linguistic diversity and flexibility.

2. **Autonomy.** This signifies the right of the Garífuna Peoples to make autonomous decisions under the guidelines established in ILO Convention 169.

3. **Will of Majority.** This must be applied so that decisions reflect the will of the majority attending the respective ordinary or extraordinary meetings, and are consistent with justice and the well-being of the Garífuna peoples.

4. **Principle of Non-Exclusion.** This guarantees the right of participation and expression of opinions of all parties involved in this Program.

5. **Efficiency.** This signifies the best social and economic use of administrative, technical and financial resources available for the development of the work of the *Mesa Regional*, and so that the resources and benefits of PATH are used and offered in an adequate, opportune and sufficient manner.

6. **Participation.** This refers to the involvement of the *Mesa Regional* through its representatives in activities of control, management and inspection of the components of the Program in its entirety.

7. **Correction of Procedures.** Deficiencies in procedures that are correctable may be remedied with the objective of guaranteeing the correct application of processes and the rights of members of the *Mesa Regional*

**DEFICIENCIES OF IRREMIABLE PROCEDURES**

Any action or meeting of the *mesa regional* that is carried out with the objective of exercising its own functions without formally guaranteeing the right of participation or expression of its members, will be invalid and therefore without effect.

**OBJECTIVES AND MANDATES OF THE PLENARY IN RELATION TO THE  
*MESA REGIONAL AND PATH***

Page 3 of 9

**AIDE MEMOIRE**  
**ESTABLISHMENT OF THE MESA REGIONAL OF REGULARIZATION AND**  
**CONFLICT RESOLUTION AND SELECTION OF 12 PROTECTED AREAS**

1. The *mesa regional* is created with the objective of coordinating the process of regularization and conflict resolution in the 8 communities selected for that purpose.
2. As part of its activities, the *mesa regional* must include monitoring and planning with government entities and international agencies with the purpose of identifying and receiving financial and human resources within the framework of land tenure that may enable the following problems to be solved.
  - a. Financing of title clearance
  - b. Financing of productive projects
  - c. Financing of health projects
  - d. Financing of education projects
  - e. Financing of environmental projects
  - f. Financing to strengthen institutions
3. In Atlántida and Colon the *Mesa Regional* must coordinate the delimitation process of the protected areas, and must handle the issues of the protected areas together with the issues of the nearby Garífuna communities in order to prevent any negative impact upon Garífuna Peoples.
4. PATH will join the *Mesa* as an additional member in order to assist with regularization and conflict resolution in the Garífuna communities selected.
5. PATH will assist the *Mesa Regional* in its operations, training and planning with various local, regional and central Government authorities, as well as with various international agencies.
6. Delimitate the areas titled to the Garífuna communities and proceed with the communal regularization while respecting the title as a private communal area without dividing it into individual parcels, as the Garífuna lands are our heritage. Without proceeding to an actual cadastral survey of the Garífuna community in at least 15 to 20 years.
7. The *Mesa* must create operational procedures for its operations, and this process, as well as various processes that they [sic] carry out, must be duly validated at their given time by the communities of the Garífuna Peoples and, based on this consultation, carry out the adjustments and alterations that the people consider appropriate.
8. The process must be followed up so that every member is fully aware of same.

This meeting concludes at 1:00 PM on Wednesday, March 17, 2005.

THE FOLLOWING AUTHORITIES AND LEADERS ATTENDING THE WORKSHOP  
SIGNED THIS DOCUMENT.

Page 4 of 9

**AIDE MEMOIRE**  
**ESTABLISHMENT OF THE MESA REGIONAL OF REGULARIZATION AND**  
**CONFLICT RESOLUTION AND SELECTION OF 12 PROTECTED AREAS**

*[Most of the handwritten entries appearing here and on the following six pages are illegible. The first two pages of names and signatures are both identified as “page 5 of 9”. The last page, page 9 of 9, has no entries. ]*

NAME	COMMUNITY	POSITION	SIGNATURE



**ANNEX 2.13  
in the Chronology of Key Events**

April 28, 2005

Ofraneh issues a public statement against the PATH project. The statement characterizes the other Garifuna stakeholders participating in the Project as “clowns”. (Annex 2.13)  
*For the text of this statement please refer to Annex I of the Request*



**ANNEX 2.14**

**Minutes of the *Mesa Regional's* Meeting in Sangreleya, Colón**

**April 29, 2005**

**UNOFFICIAL ENGLISH TRANSLATION**



**SPECIAL MINUTES**

MEETING AT THE COMMUNITY CENTER OF SANGRELAYA ON FRIDAY, APRIL 29, 2005, THE MEMBERS OF THE *MESA REGIONAL* AND COMMUNITY LEADERS IN THE FRAMEWORK OF THE REGULARIZATION AND CONFLICT RESOLUTION PROCESS OF THE HONDURAS LAND ADMINISTRATION PROGRAM (PATH) IN VIEW OF RECENT EVENTS THAT HAVE TAKEN PLACE IN RELATION TO THIS PROCESS, AGREE UPON THE FOLLOWING:

[ink stamp of OFRANEH, Office of Coordination, La Ceiba, Atlantida, illegible signature]

1. To continue with the strengthening of the regularization and conflict resolution process involving Garífuna communities in Honduras.
2. That the slogans and pronouncements issued against PATH should not be taken into consideration by the authorities. Since the community issue is being discussed and examined within the *Mesa Regional* with the participation of community leaders in order to satisfy these legitimate demands.
3. We encourage Garífuna organizations to unite their efforts in order to strengthen the comprehensive development, considering PATH as a facilitating instrument.
4. We invite those outside this process to become involved and increase our human capital.
5. PATH has been granted a vote of confidence by the Garífuna through the *mesa* of regularization and conflict resolution of Colón and Atlántida, and for this reason we insist that it continues respecting and working towards the fulfillment of the agreements and guiding principles of the *mesa regional* that guarantee the communities' demands and exigencies. Otherwise, the communities reserve the right to continue assisting the said process.

In witness whereof, we sign this document.

*[Most of the handwritten entries appearing here and on the following two pages are illegible. These pages are followed by the translation of the heading that appears on the last 3 pages that also carry illegible handwritten entries]*

	NAME	COMMUNITY	POSITION	SIGNATURE

**HONDURAS LAND ADMINISTRATION PROGRAM (PATH)**  
**Community Participation and Ethic Affairs Department**

**Name of Workshop:** Training of Local Office in Sangrelaya  
**Place and Date:** Sangrelaya, Colon, April, 29, 2005

<b>No.</b>	<b>Name</b>	<b>ID Card</b>	<b>Representing Organization</b>	<b>Position</b>	<b>Place of Origin</b>	<b>Signature</b>

**ANNEX 2.15**

**Minutes of the Meeting Between Members of the *Mesa Regional* and Representatives from  
Ofraneh**

**June 9, 2005**

**UNOFFICIAL ENGLISH TRANSLATION**





**AGREEMENT OF THE MEETING HELD BETWEEN THE MESA REGIONAL AND OFRANEH [Honduran Black Fraternal Organization]**

Meeting in the City of Trujillo Colon on June 9, 2005 within the framework of the fourth meeting of the *Mesa Regional de Regularización y Resolución de Conflictos de Atlántida y Colón* and the Honduran Black Fraternal Organization, **OFRANEH**.

Following a series of studies concerning processes recently undertaken pertaining to land issues and the various legalization models that have been implemented.

Concerning the Land Administration Program (PATH) it has been agreed as follows:

1. We do not oppose the Land Administration Program (PATH), and agree to propose to our board of directors to join the Regional Office with one owner and one deputy.
2. We acknowledge that the work that the *Mesa Regional* has performed should continue with this process to be joined by the members appointed by the current Board of OFRANEH.
3. To review the document, *Methodology for Determining and Measuring Land to be Titled in the Ethnic Community* presented by the members of this organization once they have joined. Nevertheless, this will not prevent discussion of the document concerning what has been achieved by the *Mesa Regional* thus far.
4. We express our commitment to continue the struggle for the defense of Garífuna lands in union with the Regional Office for Regularization, Conflict Resolution and Titling of Atlántida and Colon.

In witness whereof, we sign this document on the ninth day of the month of June of the year Two Thousand Five.

*[all signatures illegible]*

Angel Amilcar Colon Quevado  
OFRANEH

Basilía Figueroa  
Board of Trustees of Cocalito

Nancy Figueroa  
Secretary, Regional Office

Alberto Castillo  
SI, Regional Office

*Honduras*

[ink stamp illegible]

...Olivia Gonzalez  
Mayor of Municipal District of Santa Fe

Luis Barrios Lino  
Member, OFRANEH

Vicente Loredó  
Board of Trustees, Santa Fe

Wilfredo Guerrero  
Coordinator, Defense of the Land  
Village of San Juan, OFRANEH

Alfred Lopez  
Financial Coordinator

Luis Fernandez  
Coordinator, Land and Territory

Alejandro Fernandez  
Board of Trustees, Village of San Antonio

Olegario Lopez  
Deputy Assistant, Department of  
Gracias a Dios

Carlos Barbareno  
Vice President, Board of Trustees of  
Guadalupe

Alberto Lalin Chimilio  
Councilman, Municipality of Trujillo

Laura Agapito...  
Garífuna Pastoral  
Diocese Coordinator

Nelson Lenin Gonzalez  
CIDH [Independent Center for the  
Development of Honduras]

Gilma Lamberte  
Travesia Youth Program,  
OFRANEH

Luis Barrios  
OFRANEH

Augustin Guerrero  
Director of Registry, Limon

Celso Cacho Alvarez  
Coordinator, Defense of the Land,  
Sangrelaya

Cesar Garcia Maria, Defense of the  
Land and Nat. Rec. of Travesia,  
OFRANEH

Zacaria Fernandez Montero  
Spiritual Affairs, OFRANEH

Mario Martinez  
President, Board of Trustees  
Sangrelaya

Lilian Carol Rivas  
Communications Coordinator,  
OFRANEH

Cesar Garcia Mariano  
Defense of the Land and National Rec.  
of Travesia, OFRANEH

Zacarias Bernandez Montero  
Spiritual Affairs, OFRANEH

Ilbin Bermudez  
President, Board of Trustees, Limon

Celso Alberto....  
Councilman, Municipal District of Santa Fe

Maribel Mejia Diego  
Board Member, Board of Trustees, Rio Tinto

Magdalena Martinez  
Secretary, Board of Trustees, Rio Tinto

Judith Bernandez  
Health Committee, Village of Rio Tinto

Ricardo Omar Loreda  
President-Elect, Village  
of Cristales y Rio Negro

Ansula Bermudez  
Black Caribbean Pastoral

[illegible]  
Coordinator, CIDH

Emrinino Arribia Colon  
President, The Elderly  
Village of Tocamacho

Maria Teresa Garcia  
Auditor, Board of Trustees, Guadalupe.

Maria Elena Fernandez  
Secretary, Board of Trustees of  
Village of Guadalupe

## **PACT ON MUTUAL RESPONSIBILITIES**

WE THE REPRESENTATIVES OF THE SUPPORT COMMISSION NAMED BY THE MAYORS AND COUNCILMEN OF THE ASSOCIATION OF BLACK CARIBBEAN CITIES OF HONDURAS [MAMUGAH] WITHIN THE FRAMEWORK OF THE WORKING CONFERENCE CONVENED BY THE NATIONAL INSTITUTE OF WOMEN [INAM] TO EXPAND AT A NATIONAL LEVEL AND AUTHORIZE TECHNICAL ASSISTANCE IN ORDER TO STRENGTHEN MAMUGAH HAVE ENTERED INTO MUTUAL COMMITMENT AGREEMENTS WITH THE HONDURAS LAND ADMINISTRATION PROGRAM (PATH) INTENDED TO SUPPORT THE PROCESS OF REGULARIZATION, TITLING AND CONFLICT RESOLUTION IN THE BLACK CARIBBEAN COMMUNITIES SELECTED FOR THAT PURPOSE. THEREFORE, WE AGREE AS FOLLOWS:

1. To strengthen and assure the process of regularization, titling, and conflict resolution.
2. Request the Office to accept new members from among youth, women and the elderly.
3. Authorize the National Expansion Committee to create open radio programs, forums and town hall meetings and to use other community mechanisms with the support of PATH.
4. Strengthen MAMUGAH and community-based social organizations on the issue of regularization, titling and conflict resolution through training activities.
5. Position women, youth and the elderly as fundamental players in the process of regularization, titling in the Black Caribbean communities.
6. Request reports from the regional office about advances of the regularization and titling process to date.
7. Request permanent technical assistance from PATH in the Province of Colon.
8. Thank INAM for providing space within its program to arrange this meeting.

In witness whereof, we sign in the city of La Ceiba, Atlantida on the fifteenth day of the month of July of Two Thousand Five.

*[all signatures illegible]*

HAIDA IRENE AVILA  
MUNICIPAL SECRETARY  
SANTA FE, COLON

CARLA DARLENA MARIN  
BLACK WOMEN'S NETWORK  
TRUJILLO, COLON

VICTOR GEOVANY CASTILLO  
MUNICIPAL COUNCILOR  
LIMON, COLON

ANA LILA MARIN  
ADMINISTRATIVE SECRETARY  
INTERNATIONAL SOLIDARITY

SANTOS ROBERTO LOREDO  
REGISTRY DIRECTOR  
SANTA FE

SANTOS SIMEON MIGUEL  
MAYOR OF IRIONA

JUAN GOMEZ MELINDEZ  
GOVERNOR, PROVINCE OF COLON  
[ink stamp of Provincial government]

*[pages six and seven are identical]*

AUTHORIZING MAYORS AND COUNCILORS

MARIO FLORES  
SANTA FE, COUNCILOR I

GUZMAN PAZ  
IRIONA

GLENDA DIONISO CASTILLO  
IRIONA

ALEJANDRA MIGUEL ALVAREZ  
IRIONA

VIDA ARMANDO CATILLO – Vice Mayor of Santa Fe

EUSEBIO DIAZ MATUTE  
MUNICIPAL COUNCILOR, SONOQUERO, COLON

SIXTO QUIATO  
COUNCILOR, BALFATE, PRESIDENT OF BOARD OF TRUSTEES

ROBERTO ARIAS RAMIREZ, MAYOR OF BALFATE, COLON.

## RECORD

We, Administrators of the Black Caribbean villages, municipal authorities, Governor, representatives of the Association of Municipalities of Honduras [AMHON], representatives of MAMUGA, the Black Caribbean Catholic Pastoral Diocese Commission, representatives of OFRANEH and of the Community Development Organization of Honduras [ODECO], meeting at the Guaymuras Training Center within the framework of the Workshop on the Selection of Afro-Honduran Communities and Protected Areas organized by the Land Administration Program of Honduras with the participation of representatives of the following communities:

### **I. Municipal District of Esparta**

1. Cayo Venado
2. Nuevo Go

### **II. Municipal District of Santa Fe**

3. Santa Fe
4. Guadalupe
5. San Antonio

### **III. Municipal District of Juan Francisco Bulnes**

6. La Fe
7. Buena Vista
8. Batalla

### **IV. Municipal District of Limon**

9. El Limon
10. Vallecito

### **V. Municipal District of Santa Rosa de Aguan**

11. Santa Rosa de Aguan

### **VI. Municipal District of Iriona**

12. Iriona Viejo
13. Punta Piedra
14. Sangrelaya
15. Cocalito

### **VII. Municipal District of Balfate**

16. Rio Esteban

### **VIII. Municipal District of Trujillo**

17. Rio Negro
18. Cristales

### **IX. Municipal District of Tela**

19. Triunfo de la Cruz
20. La Ensenada
21. Miami
22. Rio Tinto

**X. Municipal District of La Ceiba**

- 23. Corozal
- 24. La Ceiba

**XI. Municipal District of La Masica**

- 25. La Masica

Following a presentation and discussion about the processes of land regularization and Titling, an agreement was reached to leave the title simply as Workshop Meeting. Furthermore, emphasis was placed on regularization and titling with the component of production, which permits the economic strengthening of the communities subject to the process of regularization. Later, agreement was reached to support the organizing committee of the event in order to initiate the process in coordination with PATH, and with the representation of the communities benefiting from the process.

Finally, the working offices were integrated to select the 8 communities to be regularized by the Land Administration Program of Honduras and which are listed hereunder.

*[signatures illegible]*

SAN ANTONIO MUNICIPAL DISTRICT OF SANTA FE-COLON

PUNTA PIEDRA MUNICIPAL DISTRICT OF IRIONA COLON

CRISTALES Y RIO NEGRO MUNICIPAL DISTRICT OF TRUJILLO COLON

LIMON MUNICIPAL DISTRICT OF LIMON-COLON

SANGRELAYA MUNICIPAL DISTRICT OF IRIONA COLON

RIO TINTO MUNICIPAL DISTRICT OF TEL-ATLANTIDA

SANTA FE MUNICIPAL DISTRICT OF SANTA FE-COLON

GUADALUPE MUNICIPAL DISTRICT OF SANTA FE-COLON

The session ended at 7:10 pm on March 15, 2005.

THE FOLLOWING AUTHORITIES AND LEADERS ATTENDING THE WORKSHOP SIGNED THIS DOCUMENT

*[Most of the handwritten entries appearing here and on the following two pages are illegible]*

NAME	VILLAGE	POSITION	SIGNATURE



**ANNEX 2.16**

**List of Participants Integrating the Working Commissions of the *Mesa Regional* and the  
Three *Mesas Locales* in the Communities of Guadalupe, Cocalito, and Sangrelaya**

**June 9, 2005**

**UNOFFICIAL ENGLISH TRANSLATION**



## CREATION OF THE MESAS LOCALES IN THE GARÍFUNA AREA

Mesas Locales were created as an instance where the community participates and discuss their territorial issues.

These Mesas Locales are integrated by leaders from different community organizations, the grassroots and other representative members of the community.

### **Mesa Local Comunidad de Cocalito**

President:	Marcelino Dolmo
Vice President:	Sotero Mejia
Secretary:	Feliza Norales
Treasurer:	Martha Figueroa
Fiscal:	Virgilia Velásquez
I Chairperson:	Lucas Martinez
II Chairperson:	Alejandro Miguel
III Chairperson:	Sandro Rivas
IV Chairperson:	Cesar Aquino

### **Mesa Local Comunidad de Sangrelaya, Irióna, Colón.**

President:	Justino Fernández
Vicepresident:	Francisco Ortiz Dolmo
Secretary:	Rosalidia González Velásquez
Treasurer:	Sandra Álvarez Martínez.
Fiscal:	Aparicio Bernardez Casildo
I Chairperson:	Zenón Dolmo Álvarez
II Chairperson:	Santos Sofía Bulnes Guzman.
III Chairperson:	Nelly Velásquez Batiz
IV Chairperson:	Eusebio Centeno Álvarez
V Chairperson:	Benita Martinez
VI Chairperson:	Jorge Thomas Castillo.

### **Mesa Local Comunidad de Guadalupe. Santa Fe, Colon.**

1. Carlos Barbareno
2. Perfecto Guillen
3. Venancio Caballero
4. Ciria Cayetano
5. Selma Cecilio M. David
6. Maria Teresa García
7. Celso Alberto Guillen
8. Bartola Bernardez
9. Emeregildo Sosa
10. Manuel Martínez.
11. Ignacio Mejia.

**CREATION OF THE FOLLOWING WORKING COMMISSIONS TO STRENGTHEN  
THE MESA REGIONAL**

**TRAINING COMMISSION**

**Members :**

1. Vicente Loredo, (Patronato Sta Fe)
2. Telma Gotay, (CEPROSAF).
3. Juana Olivia González (Alcaldesa Mcpio de Santa Fe)
4. Maria Teresa García, (Patronato. Guadalupe)
5. Carlos Barcelona, (Patronato Guadalupe)
6. Maria Elena Fernández. (Patronato Guadalupe)
7. Nancy Victoria Figueroa. (ODECO)
8. Lauro Agapito Álvarez. (Comisión Diocesana)

**MONITORING COMMISSION**

**Members:**

1. Olegario López
2. Alberto Lalin Chimilio
3. Lauro Agapito Alvarez Dolmo
4. Nancy Figueroa
5. Lenin González.
6. Juana Olivia González.

**DISSEMINATION COMMISSION**

**Members:**

1. Amilcar Colón Presidente de OFRANEH
2. Celso Cacho Grupo Campesino
3. Lauro Agapito Pastoral Garífuna

**ANNEX 2.17**

**PATH Bulletin Reporting Activities in Miskito and Garifuna Communities**

**April – July 2005**

**UNOFFICIAL ENGLISH TRANSLATION**



*Waisaku Uganu Buiti*

Reporting with our own identity  
For the Indigenous Peoples and Hondurans of African descent

Quarterly Report, No. 1, April-June 2005

***Charting a new course through community participation***

*Miskitos select communities*

The Community Participation and Ethnic Affairs Department of the Honduran Land Administration Program (PATH) held a workshop on socialization and selection of Miskito communities in order to begin the process of regularizing land ownership and titling in those communities. The workshop was attended by departmental and local authorities, the presidents of Moskitia Asia Takanka (MASTA) federations, NGOs, churches, the media, and other organizations in the Department.

*Garifunas set up a Regional Committee (Mesa Regional)  
on regularization of land ownership and titling*

Leaders of Garifuna communities, municipal and departmental authorities, and representatives of the Fraternal Black Organization of Honduras (OFRANEH), the Organization for Community and Ethnic Development (ODECO), the Association of Garifuna Municipalities (MAMUGAH), Pastoral Garifuna, and other organizations met in the Guaymuras de Trujillo Training Center in Colón to discuss and analyze PATH's proposal regarding regularization of land ownership. After ample debate, they also agreed to form the Regional Committee for Regularization and Conflict Resolution of Atlántida and Colón.

***Viewpoints***

EDITORIAL

PATH: COMMUNITY PARTICIPATION AND THE  
INDIGENOUS AND BLACK PEOPLES OF HONDURAS

Regularizing land ownership and titling is a complex and problematic process. When we try to address the problem in areas traditionally occupied by indigenous and Garifuna peoples, the sheer scale of the work to be done and the extent of existing disputes are overwhelming for the bodies charged with finding solutions.

As a partial solution, based on sectoral standpoints, a series of laws have been passed and international agreements signed that together establish a framework for solving some of these issues directly.

The difficulty stems from what we in PATH call “the soup,” by which we mean a clash between international agreements. The same applies to several existing laws that initially served to pass new laws and permit signature of those international agreements. For that reason, the solution lies not only in direct application of these instruments, but also in the involvement of the population in their execution, **provided that the beneficiary people expressly wish to be so involved.**

With this principle in mind, PATH’s Community Participation and Ethnic Affairs Department begins operations aimed at facilitating and supporting the land ownership regularization and dispute settlement process in selected areas of the Departments of Atlántida, Colon, and Gracias a Dios.

Community participation is neither a process nor an objective; it is a systematic way of doing things that embodies the principle of letting the people itself decide on the best path to pursue for its development.

Implementation of this principle entails a high degree of responsibility, because “being participatory” does not mean kowtowing to a representative or leader. Adopting a participatory approach means bothering to seek out the representatives of the different sectors making up this community and involving, training, and ultimately empowering them to solve their land ownership problems and internal disputes, while at the same time getting government institutions and PATH to participate as facilitators.

Thus, through PACAE, PATH is attempting to break new ground in the handling of regularization and conflicts with the Miskito and Garifuna peoples in a context of full mutual respect and a vigorous rejection of paternalism.

Finally, we should be aware that, as in any other process, there are four core enemies of development initiatives. We call them the four “D”s: disinformation, disregard, distrust, and disinterest (**Tr**.or, in better English, DIMA: disinformation, ignorance, mistrust, and apathy).



## COMMENTARY

PATH and our point of view

**By: Alberto Lalin Chamilio**

Municipal Councilor, Trujillo, Colón

Member of the Regional Garifuna Committee

The Honduran Land Administration Program (PATH) arises at a very difficult and polemical moment for the Garifuna community in Honduras, when acquiring land is one of the most prosperous activities for those who, oblivious to circumstances and consequences, brazenly display how astutely they can rob and appropriate community property for themselves, aided and abetted above all by an ineffective Executive and a set of agrarian laws that are only strictly enforced when they affect poor neighborhoods (*los marginales*).

The Program seeks, probably, to mitigate the impact of the Government's irresponsibility toward ethnic groups and to improve the handling of communities' property rights.

As an active member of a people that has borne the brunt of the authorities' brutality, I have had to watch impotently as the government itself and invasions by private individuals have robbed us of our land, taking advantage of us as persons who cherish peaceful coexistence.

PATH offers our people a brilliant opportunity. Although, from our point of view, we cannot hide our concern and a certain degree of mistrust, it is also true that we are beginning to adopt this useful tool, which provides us with ample room to forge a solid basis for expanding or titling the ancestral lands that represent our heritage and constitute a key element for the preservation of our culture, which is a source of international pride for Honduras.

It is worth underscoring that compensation (*saneamiento*) is a key factor, an ongoing aspiration of all the peoples that already possess titles to their lands. We acknowledge that this project is very important and that our people should make the most of, despite the doubts sown among the Garifuna people by the State's neglect of its concerns and the experience that, whenever the State remembers our existence it is only to convey one more act of deceit.

We trust that this harmful habit does not form part of the PATH agenda and that for our Garifuna communities it will be a beacon, guiding us on our way.

*We are heirs to this land*

By: Aurelio Ramos

President of MASTA

Member of the Miskito Regional Committee

***“This land is ours. We inherited it from our ancestors... They died, but we their children, grandchildren, and great children live on and new generations are on their way to forge the future of a free society with its own identity.”*** - Council of the Elderly in LATINASTA, WATIASTA, AND WAMAKLISCINASTA.

Since the 1980s and 1990s, there has been growing pressure on land tenure and increasing legal insecurity as a result of the encroachment of farmers and livestock breeders that threatens the indigenous populations still lacking legal guarantees. Research into land use and tenure began in 1990 and in 2002 a pilot mapping project was carried out in 15 communities.

In the Moskitia region, although no legislative decree exists guaranteeing historical possession of the land, each community, family, and individual has had free access to land use and tenure. In that sense, traditionally communal, family, and individual ownership has prevailed, a situation legitimized by Convention No. 169 of the International Labour Organization (ILO).

This right to ownership of land is acquired through a traditional pattern of family inheritance (*piarkiki*, *damiki tasbaya*, *tasbayi*, *wamilki*), which begins with the clearing of a plot of land by a family, a fact that cannot be replaced without first establishing a set of land laws guaranteeing ownership in which the notion of functional and social habitat is fundamental.

Establishing this set of land laws is a historic debt that the Honduran State owes to the indigenous peoples. It will make it possible to generate appropriate conditions for our material and spiritual development, without prejudice to our identity and aspirations to promote a type of development consistent with our own reality and based on the natural resources of the region. These rights are conceived as customary and tied to the land.

Accordingly, we, the social base of the Unity of the Miskito People, MASTA, through its federations, agree to work together with the Government to define the type of titling we desire. To that end, we are making the first moves and rightly claiming our rights.

We extend a vote of confidence to the Honduran Land Administration Program (PATH), through its Community Participation and Ethnic Affairs Department, as it conducts the land regularization process in eight Miskito communities, a process that has been widely welcomed since it got under way with ample participation by other nongovernmental organizations, local authorities, churches and others and, above all, because it respects our ancestral values, so that together we can achieve development with identity.

#### *What is PATH?*

It is one of the Government's projects aimed at reducing poverty by implementing a property rights regime that boosts land tenure security and encourages private investment.

#### THE BENEFITS IT PROVIDES

##### Legal security:

- Delivery of title deeds guaranteeing your right to the land;
- Less social tension; and
- Settlement of disputes.

##### Economic development:

- Facilitates access to loans for investing in your land;
- Supports the development and execution of productive projects; and
- Helps improve income distribution.

Social development:

Community empowerment;  
Internal and external social capital; and  
Institution building.

#### COMMUNITY PARTICIPATION AND ETHNIC AFFAIRS DEPARTMENT

This PATH unit is in charge of coordinating all regularization and land titling activities in indigenous communities and Honduran communities of persons of African descent in the departments of Gracias a Dios, Atlántida, and Colón.

#### **Our philosophy**

We believe in community participation as a mechanism for solving problems.

We believe that nobody can tell a people how to resolve its problems better than that people itself.

We believe that an empowered community is the best form of attack and best way to make headway in poverty reduction.

We believe in respect for the culture of the stakeholders in our participatory endeavors.

We believe in incorporating the needs of minorities in our efforts to boost economic development and social justice.

We believe in equal opportunities for men and women as a basis for full gender equality.

We believe that in order to succeed, it is necessary to combat and destroy the four fatal D's in development:

- Disinformation;
- Disregard;
- Distrust; and
- Disinterest.

#### *Geographical Coverage*

Gracias a Diós

Atlántida and Colón

Initially, the PATH service area will comprise the departments of Choluteca, Francisco Morazán, Comayagua, Cortés, Atlántida, Colón, and Gracias a Dios. The last three of these departments are inhabited by Garifunas and Miskitos, and include the communities targeted by the Community Participation and Ethnic Affairs Department.

With extensive participation

**Miskito communities selected**

In an extensive participatory process, the Miskito people, represented by the nine federations that make up the social base of Unity of the Miskito People, “MASTA,” selected the first eight communities to be surveyed for the land registry, regularization, and titling process.

The municipality of Puerto Lempira, in Gracias a Dios, hosted the workshop on Methodological Strengthening of the Miskito Communities Regularization Process, which was also attended by the departmental governor, Delmer Brown, municipal authorities, and the President of MASTA, Aurelio Ramos Allen.

Also attending were: the Councils of Elders of MASTA, nongovernmental organizations, women’s organizations, churches, the media, technical staff of the Land Administration Program (PATH), and other representatives of the community leaders who gave the process its legal standing.

The purpose of this three-day workshop was to foster and increase the participation of the Miskito community and its leaders in the decision-making needed to resolve the longstanding issue of land tenure for indigenous communities and Hondurans of African descent.

Through its Community Participation and Ethnic Affairs Department, PATH is attempting to apply to these peoples the new legal ownership rights guaranteeing stability, legal security, and poverty reduction, while respecting their cultural identity and biodiversity.

Accordingly, Mr. Ramos, on behalf of MASTA thanked the State of Honduras for its willingness to address the land issue, which had in some way been neglected in discussions of their rights.

Ramos promised to discuss the issue with the departmental authorities and PATH representatives, in order to contribute from the Miskito point of view to a definition of alternative paths toward the achievement of their right to own land.

For his part, the departmental governor, Delmer Brown, who inaugurated the workshop on behalf of the Secretary of the Interior and Justice, Jorge Ramón Hernández Alcerro, underscored the government’s readiness to guarantee stability and the necessary legal security, to promote welfare for all, and to fight poverty, while respecting the autochthonous identity of each region.

“It should be mentioned,” he said, “that land tenure problems abound in this region, sowing the seeds of conflict and poverty.”

## THE LAND SITUATION

For his part, Donaldo Allen, President of the Rayaka Federation in Belén, acknowledged that Disinformation, Disregard, Disinterest, and Distrust were a core part of the land tenure problem.

“This is a conflict brought both by the communities to the departmental authorities, our government and by the government to our communities.”

He pointed out that it would therefore be difficult to address the land issue wisely without first tackling the four Ds. “I think we should focus on those core aspects because, otherwise, if there is disregard (ignorance), we will be unable to discuss current aspects of the problem, and if

our authorities have no interest in enforcing laws or we mistrust them, nothing positive will be achieved.

## COMMITMENTS AND AGREEMENTS

After listening to Mr. Rodolfo Álvarez' presentation of the PATH proposal and ample discussion of the process of investigating the use and tenure of land and territory and their rights based on sustainable development, participants signed a document recording their Commitments and Agreements in support of the land and territory register, regularization, and titling proposal.

The Commitments included a vote of confidence in the PATH team's efforts to conduct the process with community participation so as to achieve the desired success and to strengthen the participation of elders in the regularization process in each community.

It was also agreed to optimize skilled local human resources, in order for them to take part in the regularization process; form local and regional conciliation and conflict resolution committees; and, finally, to foster the participation of MASTA's Land Secretariats in the whole process in order to ensure replication and wide dissemination of successful experiences.

## SELECTION OF COMMUNITIES

At the end of the workshop, with the blessing of the general assembly, a committee was installed, made up of representatives of the FINZMOS, WAMAKLISCINASTA, LATINASTA, AND WATIASTA federations, to select by mutual accord the eight communities to undergo regularization and titling.

The communities selected are: Auka, Corinto, Lisangnipura, Tiquirraya, Ahuasbila, Rusrus, Llaya, and Raya. In each of these communities, there will be a training program in line with a plan drawn up by its representatives.

## FEDERATIONS MAKING UP THE SOCIAL BASE OF THE Moskitia Asia Takanka ORGANIZATION, MASTA

1. The federation of indigenous and native peoples of the Mocoron and Segovia zone – FINZMOS comprises 14 communities and has its headquarters in Mocoron.
2. *Rayaka Tasbayara iwi main kaiki pawaia* Miskitu indianka Asla Takanka – Rayaka comprises 23 communities and has its headquarters in Belén.
3. *Auka Laka indianka Asla Takanka ALINASTA, Laka Tipi indianka Asla Takanka: LATINASTA* comprises 34 communities and has its headquarters in Tikiuraya.
4. *Butuk Awala Mitilra iwi Miskitu indianka Asla Takanka: BAMIASTA* comprises 7 communities and has its headquarters in Ahuas.
5. *Butuk Awala Klaura iwi an Miskitu indianka Asla Takanka: BAKINASTA* comprises 14 communities and has its headquarters in Wampusirpi.
6. *Karataska Lagunka ta walra iwi Miskitu indianka Asla Takanka: KATAINASTA* comprises 34 communities and has its headquarters in Yauhrabila.

7. *Waupasa Tanira iwi Miskitu indianka Asla Takanka*: WATIASTA comprises 17 communities and has its headquarters in Raya.

8. *Wailan mulika nani, Auka, Kayu, Liwakuria, Srumlaya, Kurintu ra iwi Miskuta nani Asla Takanka*: WAMAKLISCINASTA comprises 7 communities and has its headquarters in Auka.

#### **DAWANKA KAIA LAKABA**

#### **Chapter III of the Ownership Law (in Miskito)**

#### **Structure of the Committee (Mesa)**

- Governor of the Department of Gracias a Dios
- President of MASTA
- Presidents of each of the Miskito federations
- Representative of each of the eight communities selected
- One representative of each TASBA Committee of the six municipalities in the Department
- One representative of Pastoral Católica Miskita
- One representative of the Evangelical Church
- The six municipal mayors in the Department
- Three representatives of the Department's Council of Elders
- 1 representative of women's organizations
- 1 representative of divers' organizations (*buzos*)
- 1 representative of CONADEH
- 1 representative of CODEH

Each representative will act as an owner and, given the seriousness of the issues to be discussed, an alternate representative will be appointed to replace him or her in the event of his or her absence.

#### **MISKITU TASBAYA LALKA NANI**

In connection with the "Step by Step with Regularization and the Miskito Peoples" workshop, organized by the Honduran Land Administration Program (PATH), Miskito community leaders, the presidents of the MASTA federations, municipal and departmental authorities, nongovernmental and community organizations, and others, formed the Regional Regularization and Conflict Resolution Committee, "Miskitu Tasbaya Lalka Nani."

The initial purpose of the Regional Committee is to coordinate the process of regularization and conflict resolution in the eight selected communities. In addition, it will be responsible for handling the protected areas issue in conjunction with the issue of communities close to those areas in order to avoid negative repercussions for the Miskito people.

In authorizing the establishment of the Regional Committee, the General Assembly established a series of objectives, mandates, and targets that the Committee must take into account and strive to observe and enforce.

### **First Round of Conversations between the Regional Committee and the World Bank**

Representatives of the World Bank, headquartered in Washington, held the first round of talks “Pas Aisi Kakanka” in the municipality of Puerto Lempira, in Gracias a Dios, with members of the Regional Regularization and Conflict Resolution Committee, for the purpose of verifying in situ progress made in the eight selected Miskito communities.

For this first round of conversations, the Assembly democratically elected 12 of its members to sit on the Dialogue Committee representing it in the talks with the World Bank mission. Mr. Rodolfo Álvarez, coordinator of PATH’s Community Participation and Ethnic Affairs Department, summarized progress to date and the President of MASTA, Mr. Aurelio Ramos, inaugurated the conversations, with help from the Departmental Governor, Delmar Brown.

Finally, the World Bank representatives, Alejandra Bouquet and Fernando Galeanas, expressed their satisfaction with progress made and said, furthermore, that this was the most advanced project, with ample community participation, of all the land regularization and titling processes under way in other indigenous communities in Central America.

### **Waisaku III**

#### *Garifuna communities extend vote of confidence to PATH*

Conscious of the need to support the development of their communities, Garifuna leaders in the departments of Atlántida and Colón agreed to extend a vote of confidence to the Honduran Land Administration Program (PATH), as it begins the regularization and titling process in the eight communities and 12 protected areas selected in connection with the community socialization and selection workshop.

Following a process of socialization, rapprochement, and consensus-building with community leaders, Afro-Honduran organizations, and local and departmental government institutions, a committee was appointed to organize the first workshop for the socialization and selection of eight Garínagu communities and 12 protected areas to be regularized.

The event was attended by presidents of trusts, members of land commissions, councils of elders, nongovernmental organizations, and local authorities of 26 Garifuna communities that presented proposals, through working groups, for the selection of communities and protected areas.

“PATH provides a brilliant opportunity for our peoples even if, for our part, it is difficult to hide our worries and a certain amount of mistrust... Nevertheless, it is a valid instrument, which affords us ample room to construct a solid basis with the expansion or titling of our lands!” said the alderman from Trujillo and Garifuna leader, Alberto Lalin Chimilio.

### **REGIONAL COMMITTEE**

The leaders taking part had ample time to analyze in depth – both with the PATH team and in private – the advantages and disadvantages of the regularization process, as well as the whole set of problems they have historically had to live through. IN the end, they took a conscious decision to initiate the process in eight communities and 12 protected areas, which they selected unanimously.

They also agreed to form the Regional Regularization and Conflict Resolution Committee of Atlántida and Colón to coordinate the regularization and dispute settlement process in the selected communities.

This Committee will also be responsible for monitoring and outreach to government bodies and international organizations to look for and attract financial and human resources in connection with land tenure issues that could help them solve compensation problems and develop productive, health, educational, and environmental projects, and strengthen the municipality. Another important objective of this Committee is to demarcate areas and proceed with community regularization, while respecting the title as a communal private whole, which does not split the heritage of Garifuna lands into pieces of land.

[Tr. Box lists 7 selected Garifuna communities and the 12 protected areas in Atlántida and Colón.]

*Representatives of the World Bank  
meet with the Garifuna Regional Committee*

The resident representative of the World Bank in Honduras, Joseph Owens, met with members of the Regional Regularization and Conflict Resolution Committee of Atlántida and Colón to hear about progress so far.

The representatives of the Committee presented their observations and aspirations with respect to the process and the way PATH operates in their communities and emphasized their readiness to continue working on the methodology to be followed in keeping with their view of the world (*cosmovisión*) and community interests.

For his part, Mr. Owens expressed satisfaction with the participatory work that had been undertaken and encouraged all the leaders present to take the process to heart and to strive for the development of their communities.

Agreements and Commitments  
[illeg.]

After being sworn in  
Garifuna Regional Committee is installed

Garifuna leaders from several communities took part in the second meeting of the Regional Regularization and Conflict Resolution Committee of Atlántida and Colón, held in Sangrelaya, Iruya, Colón. The purpose of the meeting was to define a methodology for installing local committees in each of the eight selected communities.

The municipal mayor of Sangrelaya, Mr. Miguel Simeon, expressed satisfaction at the presence of the Committee in his community and the hope that all the leaders on the committee would do their utmost to solve the land problem to the benefit of his community in particular.

Together with the leaders a methodology was worked out for organizing local committees. A Training and Socialization Committee was also formed, charged with leading the institution-building and promotion process in each of the communities.



Finally, the Garifuna Regional Committee resolved to reaffirm its vote of confidence in PATH. Given the demands by one group of Garifunas to get rid of PATH, in a formal compromise it was decided to continue strengthening the regularization process and to urge all Garifuna communities to join together in efforts to strengthen integral development.

Accordingly, the General Coordinator of Organización Fraternal Negra (OFRNEH), Amilcar Colón Quevedo, said that, despite the concerns the leaders might harbor, it was still possible to negotiate with the Regional Committee as the leading authority on conflict resolution.

#### **SWEARING-IN OF THE REGIONAL COMMITTEE**

At the same meeting, the Regional Committee was sworn in by the Governor of the Department of Colón, in his capacity as the highest government official in the region, and the Committee members undertook to work on behalf of their communities in trying to solve the land issue.

#### *Cultural Page*

#### **CULTURAL NOTION OF LAND TENURE AND OWNERSHIP AMONG MISKITO INDIGENOUS COMMUNITIES**

In the cosmology of our ancestral culture, bursts of rain, thunder, dreams of the dead, and silence bring messages and encounters with our forefathers. These are things we can never forget.

The culture of Miskito sustainability is based on a cosmology that has been handed down for centuries. We are taught that the plants, water, and animals are possessed by spirits that own them; hence our obedience toward rational use of our resources.

Thus our traditional care for conservation is closely tied in with our cultural values and societies differ according to those cultural notions. We are different because of our culture, not for other reasons.

Our elders used to be the wise ones who transmitted these values through stories and legends from one generation to another. They were the authorities who wielded social power. However, acculturation is making us disobedient and leading to the monetization of our values, so that we begin to see the land as a marketable object, we are witnessing the disappearance of the roots of our identity.

Extract from conversations with elders in the region of LATINASTA, WATIASTA, WAMAKLISCINASTA, during the workshop on Socialization of the Ownership Law, held in the community of Tikiuraya.

#### **Tambaco night**

#### **Tambaco, Tambaco.. when you dance you look good, you look good, you look good**

The Tambaco is a typical Miskito dance extolling the people who dance it. It is a healthy dance usually seen at Christmas time around a bonfire, with the dancers wearing a Culantra tunic with a cord around the waist and a headscarf.

The dance marked the first cultural night for “socialization” of the land regularization and titling process in the Department of Gracias a Dios, when hundreds of Miskitos crowded the main square in the municipality of Puerto Lempira to enjoy dances and songs recalling their ancestors to the sound of the “dulzaina” (a clarinet-like instrument), drums, and guitars.

PATH considers that strengthening local culture is a key factor in carrying out the regularization process in these communities. At the same time, it ensures development with identity.

### *THE BLACK ETHNIC GROUP IN HONDURAS*

The blacks in our country are divided into two groups: the English-speaking group and the Garifunas. The former originated in Africa, while the Garifunas are the product of the union of Caribbean Indians with black Africans, who came to our country in April 1797 from the island of St. Vincent, which is currently part of the British West Indies.

The history of the Garifuna people is punctuated by great struggles to obtain its freedom and preserve its customs. On the island of St. Vincent, the Garifunas took on French, Dutch, and British colonial powers and were expelled by the British to the island of Balliceaux or deported to Bequia (both islands form part of Grenada), and later to Roatán in Honduras.

Some historians estimate that they numbered approximately 5,000. It is worth pointing out also that for lack of raw material with which to build homes, the Garifunas who had recently arrived in Roatán (Punta Caribe, to be precise, now known as Punta Gorda) decided to set off on their own in search of solid ground.

Today, the Garifunas inhabit the Atlantic coastal region. More specifically, they are to be found in 4 communities in the Department of Cortés, 13 communities in the Department of Atlántida, 18 in the Department of Colón, 4 in the Department of Gracias a Dios, and in communities in Islas de la Bahía. The total Garifuna population is about 250,000. In the aforementioned areas and in this population figure, we are including the English-speaking black population.

#### **Their general culture**

The Garifunas are one of Honduras’ ethnic groups with an extensive and rich culture, manifested in a variety of ways, including the food they eat. Their diet includes a number of typical dishes and drinks, including Areba (also known as “cazabe”), a dish made of grated and drained cassava cooked in the oven and shaped like a large omelet. From the Areba leftovers, the Garifunas make a kind of beer, called Hiu. Other dishes include Hudutu (also known as “machuca”), which is made of crushed bananas; Tapau, made with coconut milk, green bananas, and “maduraos”, with fish cooked over low heat; Baili, a kind of flour tortilla in a coconut crab soup; and “duridia falumuti” of flour, prepared with coconut milk; to mention only a few.

Song, dance, and rituals are equally varied. Particularly worth mentioning is the Diguí, a ritual for the dead. Songs and dances include the “úianu,” the “abaimahani, sung by women, and the “arruman”, which is sung by men, the last two being part of prayers to the dead. “La Punta” is a dance dedicated to the reproduction of the people. Others are called “Sanvey” and “Vanarogua.” (Taken from *Pueblos Étnicos de Honduras*, published by CAHDEA).

**ANNEX 2.18**  
**in the Chronology of Events**

August 1, 2005

Ofraneh submits a letter to the World Bank against the Project.  
*For the text of this letter, please refer to Annex II of the Request)*



**ANNEX 2.19**

**Minutes of the Meeting Between the *Mesa Regional* and World Bank Staff**

**September 22, 2005**

**UNOFFICIAL ENGLISH TRANSLATION**



**SECOND CONVERSATION**  
**Mesa Regional of Land Regularization in Garífuna Communities – World Bank**

Date: September 22, 2005

Place: Meeting Room of the College of Lawyers, La Ceiba, Atlántida

**PROPOSED AGENDA**

1. Self-Introduction
3. Welcome to World Bank Mission  
Messrs. Jorge Muñoz and Fernando Galeana
5. Presentation of the process of selecting the eight Afro-Honduran communities
6. Agreements

**Participants:** Representatives of *Mesa Regional* for Regularization and Resolution of Conflicts in Atlántida and Colón, PATH, and World Bank staff members

- |                                |                                                          |
|--------------------------------|----------------------------------------------------------|
| 1. Juan Gómez                  | Political Governor of Colón                              |
| 2. Erasmo Padilla              | PATH Technical Coordinator                               |
| 3. Rodolfo Álvarez             | PATH/Coordinator P.C.A.E. Area                           |
| 4. Jorge Muñoz                 | World Bank PATH Manager                                  |
| 5. Fernando Galeana            | World Bank Operations Assistant                          |
| 6. Alberto Castillo Ordóñez    | Regional Bureau                                          |
| 7. Alberto Lalin Chimilio      | Regional Bureau/ Municipal<br>Councilman Trujillo        |
| 8. José Galdamez               | Forest Project – UCP                                     |
| 9. Jorge Cacho                 | Afro-Honduran Liaison                                    |
| 10. Carlos Barbareno Barcelona | Vice President Guadalupe <i>Patronato</i>                |
| 11. Alejandro Fernández        | President San Antonio <i>Patronato</i>                   |
| 12. Maribel Mejía              | Member Río Tinto <i>Patronato</i>                        |
| 13. Julian Bernardes           | Río Tinto Community Leader                               |
| 14. Olegario López Rochez      | Member of the National Congress<br>for the Liberal Party |
| 15. Ángel Amilcar Quevedo      | President OFRANEH                                        |
| 16. Nancy Figueroa             | Secretary <i>Mesa Regional</i>                           |
| 17. Nelson Lenin González      | Monitoring Commission                                    |
| 18. Adela González             | PATH/Community Liaison                                   |
| 19. Nidia Arguijo              | PATH/Dissemination Manager                               |

The discussion began with a general report on the process used to organize the *Mesa Regional* and to select eight Garífuna communities and 12 protected areas.

In this regard, the *Mesa* informed that PATH technical staff went to the city of Trujillo and visited the different Garífuna communities of Atlántida, Colón, and Gracias a Dios to invite them to a community meeting that would address at least two objectives: one was to select eight Garífuna communities to be regularized and the other to establish a *Mesa Regional* for the Regularization and Resolution of Conflicts, composed of the various, most representative grassroots organizations.

Next, after major efforts were made, a meeting was held in Trujillo with about 112 persons, at which the communities of Sangrelaya, Punta Piedra, Limón, Cristales and Río Negro, Santa Fe, San Antonio, Guadalupe and Río Tinto were selected. These communities were selected following a consultation process and prior meetings in the communities.

The *Mesa* emphasized that this meeting was quite strong and many discussions were presented on the land problem faced by the Garífuna communities, the same problem that, to date, after 207 years of Garífuna presence in Honduras has not been resolved or has only been partially resolved. Therefore the PATH was seen as a possibility for solving this problem.

Later, the *Mesa Regional* was created, at that time composed of eight institutions: CID, ODECO, OFRANEH, MAMUGAH, Solidaridad Internacional (SI), the Municipal Government of Trujillo, the community of Cristales and Río Negro, among others. To strengthen this *Mesa*, the meeting suggested that the presidents of *patronatos* and land commissions in each of the eight selected communities also join.

Next, the World Bank mission presented a series of questions to the *Mesa Regional*, on the basis of which the following points were explained:

1. The communities were selected through working groups who, using a methodology, expressed the different problems of each community and then based on prioritization and negotiation agreed on which communities to select and for what type of work. In this regard, the *Mesa Regional* explained that some communities have more problems and are more difficult than others, and that for this process to continue an effort was made to start with the less conflictive ones or those whose leaders were able to negotiate. In summary, the work was carried out by four groups, each of which selected two communities, thus adding up to eight.
2. Once each group selected its communities, they were presented at a plenary meeting and were validated as part of the meeting's agreement.
3. There was no resentment by any community that was not selected, because it is a process and the aim is to begin with eight communities and then expand to others. What was explained at the meeting is that a process would be carried out with these first eight communities to gain experience and then continue with others.
4. Later, the *Mesa Regional* for Regularization and Resolution of Conflicts was formed, composed of the abovementioned organizations, presidents of *patronatos* and land committees with their respective alternates to represent them in their absence.

After the first stage, other meetings were held to form the monitoring committee that will be in charge of carrying out various concrete actions aimed at strengthening the *Mesa* and monitoring the regularization process. This committee is composed of seven people who prepared an initial work that has been submitted for approval.

5. The composition of the stakeholders who participated in the first Trujillo meeting included leaders of the different grassroots community organizations, NGOS, presidents of *Patronatos*, land commissions, etc. Each community sent two to four people, from a total of 26 communities invited, as well as the institutions that work in Garífuna communities and the Departmental Governor.



6. The community of Cocalito in Sangreleya was not selected in the first list but was included when the first community meeting was held in Sangreleya, at the request of members of the *Mesa*.
7. To date, and as first step in dissemination to the communities, communication has been through the leaders who represented each community, acting as informants. This process is one of the *Mesa's* principal priorities and concerns.

The *Mesa* members emphasized that they are in this process because they believe in it and although they have doubts about the program they will not go to the extreme of saying they do not want the program. They reiterated that the communities need the program, but there are certain aspects that need to be analyzed with the relevant technicians and then transmit reliable information to the communities. If the analysis by experts is counterproductive to their expectations, then they will take their own stand on the matter.

With regard to doubts about the operation of the process, the *Mesa* expressed that perhaps there are not so many doubts but that the major problem is logistics to reach the grassroots organizations and explain to them how the project is going. In this time they have been imbued with various responsibilities but lack the logistics to bring the information to the communities.

Another doubt is the concerns and fears in the communities regarding the implementation of Chapter Three, Article 100 of the Property Law and amendments to this law, from which is extracted the Forced Expropriation Law.

These elements, in association with Bahía de Tela project, among others, have increased uncertainty to such a degree that some communities believe that their lands can be expropriated to favor third parties who have illegally invaded the lands that historically belong to the Garífuna peoples.

However, it was acknowledged that these situations can be overcome through dissemination and by defining the methodology to be used in the process, which should be subject to analysis by this group of lawyers. This activity is part of the action plan that the monitoring commission presented to PATH and to date no official response has been given because many concrete actions depend on it. Otherwise, it will be difficult to begin this dissemination process and clear up all their doubts.

It was pointed out that for some Garífuna organizations land is an asset and paradoxically they currently constitute the enemies not only of the PATH but also of the *Mesa's* members. It is regrettable that for this reason they are risking their necks as leaders and it is not fair that, by defending this process, they must gain more enemies.

Thus, I appeal to the intelligence and good will of the PATH and the World Bank so that the plan they presented can immediately be made operational.

The World Bank representatives explained that under the PATH project, established under the Credit Agreement of August 18, 2004 between the Government of Honduras and the World Bank, there are provisions to protect the rights of indigenous and Garífuna populations. Specifically, Section 3.11 of the Agreement states that in the project's areas of influence no lands adjacent to indigenous lands shall be physically demarcated or titled unless procedures are followed to ensure the rights of indigenous peoples who are duly consulted together with the parties affected, in a manner satisfactory to the World Bank and incorporated in the project's Operational Manual.

In addition, they explained that the documents dealing with procedures to regularize lands and resolve conflicts, circulated by the UCP, are drafts subject to discussion, and therefore cannot yet be considered official and have not been incorporated in the project's Operational Manual.

In this regard, it is important that the methodology be decided as soon as possible so that no field activities are carried out until these mechanisms are detailed and approved by the government and with the Bank's consent.

At the same time, the mission informed that the Government of Honduras has made a request through the World Bank to the Government of Japan for a US\$1.9 million grant to support the efforts of consultation, participation, legal counseling, and training of its organizations. Unfortunately, due to bureaucracy within the Government of Japan, this request has not been approved. In three to six months it will be possible to hire lawyers to advise not only the *Mesa Regional* but also the communities on a case-by-case basis, once field work begins.

#### **AMILCAR COLON**

Further to what Olegario mentioned about these documents having created the crisis of this process, he recalled that meetings were originally held with OFRANEH and the administration before he was appointed. Unfortunately, these authorities did not transmit the information to the grassroots level because they did not reach concrete agreements during the preliminary negotiations. Now that the program has begun, they have been obliged to gather all the documents and a commission was formed, for which responsibilities must be assigned and experts must be appointed to analyze these documents.

#### **ALBERTO CASTILLO**

He expressed that one of the proposals is that the people were worried about the title clearing (*saneamiento*) of Garífuna communities. There is a loud cry about this and it would be good if the Bank can consider it under this program because the biggest problem the communities have is that they are being occupied by other people.

In addition, he indicated that the *Mesa* is a little annoyed... The *Mesa* is annoyed with the program ...we are extremely annoyed and we want to emphasize this... We are annoyed because three months ago we submitted a proposal that it asked us for, and as of today, September 22, we have had no official reply. A proposal to make the *Mesa* operational, to disseminate the program, to be able to act.

In summary, he suggested two things: that the Bank consider the title clearing (*saneamiento*) of the communities and that the people have greater participation not only in validating but also in preparing the instruments.

#### **RODOLFO ALVAREZ**

He acknowledged that there is a structural reality and an operational reality. In this regard, he reminded [those present] that the first one to tell them and admit to them that there was an operational problem was he, and that the transparency and acknowledgment of these errors has been part of the trust that has existed.

With regard to their suggestions, he reminded them that point three of the Trujillo meeting minutes states as one of PATH's commitments its support in seeking title clearing (*saneamiento*) projects when these exist in the country, as well as education, infrastructure, and health projects, as well as the hiring of Garífuna staff.

**JORGE MUÑOZ**

He indicated that it is very important for the *Mesa* to keep in mind that the PATH is not an entity but rather a financial instrument of the Government of Honduras to resolve land problems, and like this instrument there are others such as the one Alberto mentioned. Therefore, it is very important not to confuse them. He reminded them of the commitment assumed by the Government of Honduras with the World Bank, which is applied to the PATH. As an example, the other leaders of OFRANEH have formally complained to the Bank that something like this was happening. However, it was investigated and it turned out not to be this project.

**OLEGARIO LOPEZ**

He proposed that the minutes of this meeting be signed by the World Bank representatives as witnesses of what has been proposed, and the matter of the ratification of non-expropriation [*of lands*] and other commitments that the Bank has assumed with the Government and people of Honduras is also implicit.

Therefore, he proposed that several commitments be reached at the end of the meeting:

1. Because there is no official response to the plan submitted to the PATH, see what things can and cannot be done under the framework of the PATH's limitations.
2. Carry out dissemination, prepare radio spots, and visit the fifteen Garífuna communities to make them aware of the project.
3. Analyze the documents as to why actions were not implemented, unless there is something that arises from the world view of the black peoples of Honduras.
4. Do not wait for the Japanese funds to arrive for hiring the experts who will support the analysis of the documents because this was one of the agreements reached in Trujillo.

**JORGE MUÑOZ**

He expressed that it would be better to discuss with the PATH the issue of how many resources exist, because he does not handle the details on this. However, there is the possibility of hiring a lawyer, and the important thing is to continue moving forward in defining the methodology which should be in accordance with the laws and other procedures established under the legal framework of the Government of Honduras. What is important is to comply with the requirements of and commitments to the Bank.

In this regard, Mr. Muñoz asked what were the three most important things that need to be done right now.

**AMILCAR COLON**

- 1- A lawyer should be hired to interpret the official documents
- 2- The resolution of this commission should be submitted to the full *Mesa Regional*
- 3- Once approved by the *Mesa*, go to the grassroots and begin disseminating the information.

**JORGE MUÑOZ**

He proposed that the architect, Mr. Padilla, together with PATH staff, make a detailed assessment of the resources available for six months, and based on this prioritize the costs of experts, the type of analysis that can be performed, and how long it will take. Also, analyze whether the

dissemination can begin in at least one community and then in others, while reaching early 2006 when more resources will be available.

**ERASMO PADILLA**

He expressed his satisfaction with the meeting and said that the team did not feel offended by any just complaint that has been made, because the *Mesa*'s principal objective is to present concerns and in the end come up with a proposal. The representatives are here to support the *Mesa* in this land problem which is becoming increasingly complex.

In this regard, he expressed his willingness to validate the *Mesa* and urged them not to disregard the efforts it is making. Instead, work should be done to consolidate it and to better organize so it can carry out periodic and systematic meetings and that these should be transparent.

With regard to the four proposed requests, he asked that the *Mesa* be the one to propose which of its trusted experts it wants to be hired and not to seek someone from outside, and he suggested revising the proposal for dissemination and to begin with small contributions.

For his part, he offered the technical support of the PATH to bring together criteria, strengthening with tools such as the Property Law and its articles, revising and implementing them together with the *Mesa*.

**JORGE MUÑOZ**

To finalize, he emphasized the Bank's willingness to support the regularization process in the Garífuna communities. It is aware of their struggle and therefore the Bank is supporting the Government of Honduras in meeting its expectations. One recommendation that he made both to the PATH staff and the *Mesa* is not to raise false expectations in the people and before beginning dissemination to be sure what the project can and cannot do in the short term because there will be budget restrictions.

**ANNEX 2.20**

**Minutes of the Meeting Between the *Mesa Regional* and World Bank Staff**

**November 4, 2005**

**UNOFFICIAL ENGLISH TRANSLATION**



**Aide -Memoire – Meeting with the World Bank, Monitoring Commission of the Garífuna Mesa Regional and PATH**

The meeting began at 9:00 a.m. in the meeting room of the Hotel Italia in the city of La Ceiba on November 4, 2005 with the following participants:

**Monitoring Commission of the Garífuna Mesa Regional:** Ángel Amilcar Colon, Lauro Agapito López, Olegario López, Alberto Lalin Chimilo, Nancy Figueroa.

**Commission of the Garífuna Mesa Regional:** Edy McNab, Aurelio Ramos.

**World Bank Representatives:** Jorge Muñoz, Fernando Galeana.

**PATH Staff Members:** Erasmo Padilla, Rodolfo Álvarez, Jorge Cacho, Nidia Arguijo, Miguel Ordoñez, Mauro Pino, Adela González, Deniásery Juárez.

The discussion took place as follows:

**Mr. Lauro Agapito Álvarez**, member of The *Mesa*, gave the opening prayer and welcomed the participants.

**Jorge Muñoz**, World Bank representative: Thank you for your kind wishes. I represent the World Bank. The objective of our visit is to hold discussions with you, as a formal mechanism of representatives of Garífuna communities, on the key subject of this visit. We are the financiers of this project and we wish to see what progress has been made since the meeting in La Ceiba this past September 22, especially on the hiring of a lawyer and other matters, on OFRANEH's complaint to the World Bank. I will tell you that we have specific procedures to address these complaints. There is a [World Bank] Board which establishes these procedures, in particular with regard to the supervision and evaluation of our projects. The procedures require participatory mechanisms and this *Mesa* is a mechanism that the World Bank recognizes. One of the [Bank's] policies is participation and consultation. In the case of OFRANEH's complaint, we are obliged to hear them and this in no way signifies that we have entered into an agreement with them. I regret and it hurts me very much that you think so. The World Bank will not take any decision until exhausting all possible options. I'd like to know if you have any question on this.

**Amilcar Colon**, *Mesa* member: There is a space to settle and discuss land problems and the *Mesa* is the mechanism to do this. It hurts me that they use land problems for their *modus vivendi*. We are aware of the Bank's policies and safeguards to ensure the rights of black peoples. We cannot permit the seesawing by some Garífuna organizations which utilize the land issue for personal gain.

**Alberto Lalin**, *Mesa* member: The *Mesa* is open to all those brothers and sisters who want to be part of it. Our desire is to have them among us so they can support us with their experiences.

**Lauro Álvarez**, *Mesa* member: I reiterate my greetings. We have been transparent and I believe a timeline should be prepared, listing the times that we have tried to meet with the brothers and sisters of OFRANEH, and it has not been possible. It is necessary to set a precedent with dates and everything so there is evidence of what is happening. I was one of those who expressed opposition at the first meeting held in Trujillo when the PATH was disseminated, but now I am here because I believe in the program and I am a tireless fighter and I have been fighting for forty years helping to establish many organizations.

**Jorge Muñoz**, World Bank representative: The issue of complicity does not exist and this saddens me a lot because they are attacking the World Bank. Another letter should be prepared to

document that this is the space for those in the program to express all their concerns. I am satisfied. We need each other, the country needs the World Bank, the government needs the people.

It is important that we show the importance of the *Mesa*. Let's make this commitment, all three parties, so we can support one another. I will send a letter just like I've been asked, expressing the World Bank's full support to the *Mesa Regional*.

**Issue: Damage caused by tropical storm Beta**

**Olegario López**, *Mesa* member: There is an emergency committee. Don Juan Gómez (Departmental Governor of Colón) understands the communities' conditions but we are going to have to run the risk ourselves for our brothers and sisters. The first thing is to bring food and medicines and then rehabilitate the damaged infrastructure. We want to know if there is any hope.

**Jorge Muñoz**, World Bank representative: First, I want to express my sadness about this situation. I am going to do everything possible. Some [actions] will be through the government. I will speak with Arq. Merriam. I want you to understand that this is not part of our mandate, addressing emergencies. I am saying this in order not to raise false expectations.

**Issue: OFRANEH participation in the meeting**

**Ángel Amilcar Colón**, *Mesa* member: A bulletin should be prepared to let the others know about OFRANEH's withdrawal, and I feel that it was due to my presence (he refers to invitees to the meeting, members of OFRANEH, who did not want to be present). We could have met but unfortunately they withdrew.

**Olegario López**, *Mesa* member: As long as there is communication, the opening will be there. We shouldn't become enemies of our OFRANEH brothers and sisters. It is necessary to make use of the ancestral methods of understanding that we know. Let's move forward with the process.

**Edy McNab**, Indigenous liaison: What I say to the World Bank is that we in La Mosquitia are very happy that you allow this space. The method works and it is possible when everyone is involved. One should never disregard the importance of new community leaders.

The meeting ended with the following agreements and resolutions:

1. Preparation of a letter expressing the opening of the *Mesa Regional* and the reason for the present meeting.
2. The World Bank will not meet with any organization if the *Garífuna Mesa Regional* is not present.
3. The World Bank will send a letter expressing its support to the *Mesa Regional*.
4. Mr. Jorge Muñoz, World Bank representatives, agrees to seek aid for the communities affected by tropical storm Beta through the government and other institutions.
5. The World Bank will send a report on a workshop it is sponsoring in CA [Central America] on land issues.



**ANNEX 2.21**

**Special Minute Issued by the *Mesa Regional***

**November 4, 2005**

**UNOFFICIAL ENGLISH TRANSLATION**



## MESA REGIONAL DE REGULARIZACIÓN Y RESOLUCIÓN DE CONFLICTOS DE ATLÁNTIDA Y COLÓN WADABULA

### SPECIAL MINUTES

Convened in the conference room of the Hotel Italia in the city of Ceiba Atlántida at eleven a.m. on Friday, November fourth, two thousand five, the *Mesa Regional para la Regularización y Resolución de Conflictos de Atlántida y Colón*, with the attendance of the delegates from the commissions of Dissemination and Monitoring: Alberto Lalin Ch. (Board of Coordinators of the *Mesa Regional*), Olegario López Rochez, Ángel A. Colon Quevedo, Lauro A. Álvarez Dolmo, Nancy V. Figueroa; with representatives of the Honduras Land Administration Program (PATH): Erasmo Padilla, Rodolfo Álvarez, Jorge Cacho, Nidia Arguijo, Deneasery Juárez, Miguel Ordóñez and representatives of the World Bank: Jorge Muñoz and Fernando Galeana, in addition to representatives of the Miskitu People: Aurelio Ramos Allen (president of MASTA), and Edy McNab; concerning the progress of the activities aimed at the regularization of the Garífuna communities in Honduras.

After discussing and analyzing the agenda for this meeting and the recent happening, we consider the following:

1. That this was a meeting called between the Government and the World Bank regarding an alleged lawsuit under the O.D. 4.20 convened by a group or faction of the OFRANEH against the program, threatening to bring this problem up with the PANEL of the World Bank that in said assertions, reports the violation of the collective rights.
2. That in the letter issued by Mr. Benjamin McDonald, Manager of Social Development for Latin America and the Caribbean at the World Bank, dated October 29, 2005, with regard to paragraph 3 of the specific suggestions that the representatives of OFRANEH made on the implementation of the project.
  - *That the Government of Honduras is requested for a tri-partite meeting (Government, representatives from OFRANEH and other representatives entities of the Garífuna communities, and WB's staff) to revise the project's implementation modalities, e.g., the participation mechanisms in the Mesa Regional or the selection of communities.*
3. That to this end the representatives of this organization (Miriam Miranda, Selvin López, Luis Fernández and Domingo Álvarez) were present at the meeting and claimed to be unaware of the moral authority of the *Mesa Regional*.  
To this end, the representatives of this faction convened for this date refused to meet with officials from the government and the World Bank in presence of the *Mesa Regional*, after various attempts to hold the meeting, evidencing once more their lack of respect toward the participatory processes that emerge from the willingness of the majority that the people have placed on the *Mesa Regional*.

**MESA REGIONAL DE REGULARIZACIÓN Y RESOLUCIÓN DE CONFLICTOS DE  
ATLÁNTIDA Y COLÓN WADABULA**

Therefore, the *Mesa Regional* agrees:

- a. That the World Bank should not hold any meeting with this faction, unless the government and the *Mesa Regional de Regularización y Resolución de Conflictos* are present.
- b. We reiterate that the *Mesa Regional* is a space of real participation by mandate of the Garífuna communities of Honduras, open to all organizations that have the willingness to contribute to the resolution of the issue.
- c. Again, we invite our brothers and sisters to become a part of this effort and comply with the Agreement to appoint their permanent representative and replacement, per the document signed at the meeting of June 9, of this year in the Santa Bárbara fort in Trujillo, Colon.

As witness whereof, we sign

**ALBERTO LALIN CH.**  
Board of Coordinators  
*Mesa Regional*  
[signature]

**OLEGARIO LÓPEZ R.**  
*Mesa Regional*  
[signature]

**ÁNGEL A. COLON QUEVEDO**  
*Mesa Regional*  
[signature]

**LAURO A. ÁLVAREZ DOLMO**  
*Mesa Regional*  
[signature]

**NANCY V. FIGUEROA**  
*Mesa Regional*  
[signature]

**AURELIO RAMOS ALLEN**  
President of MASTA  
[signature]

**ERASMO PADILLA**  
PATH

**RODOLFO ÁLVAREZ**  
PATH

**REGIONAL COMMITTEE FOR THE REGULARIZATION AND RESOLUTION OF  
CONFLICTS OF COLON AND ATLÁNTIDA WADABULA**

**JORGE CACHO**  
PATH  
[signature]

**NIDIA ARGUIJO**  
PATH  
[signature]

**DENEASERY JUÁREZ**  
PATH  
[signature]

**MIGUEL ORDÓÑEZ**  
PATH

**ANNEX 2.22**

**Letter from the World Bank to the *Mesa Regional* as a Follow-up to the November 4 Meeting**

**November 11, 2005**

**UNOFFICIAL ENGLISH TRANSLATION**

**The World Bank**

INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT  
INTERNATIONAL DEVELOPMENT ASSOCIATION

1818 H Street N.W.  
Washington, D.C. 20433  
U.S.A.

(202) 473-1000  
Cable Address: INTBAFRAD  
Cable Address: INDEVAS

**November 11, 2005**

**Monitoring Commission of the  
*Mesa Regional de Regularización y Resolución de Conflictos  
de Colón y Atlántida Wadabula*  
La Ceiba, Honduras**

**Dear members of the Monitoring Commission of the *Mesa*:**

***Honduras Land Administration Project (Credit 3858-HO)***

Through this letter, on behalf of the World Bank, I want to convey our gratitude for the opportunity to meet with you this past November 4 in La Ceiba. Also, I want to do a follow-up to the productive conversation that we had at that meeting.

First, I hope that this letter finds all of you and your families well, and that your communities are recovering from the emergency caused by the tropical storm Beta. I have transmitted your request for help both to authorities of the Government of Honduras in charge of the project and the representative of the World Bank in Tegucigalpa.

Second, I want to reiterate in writing, as you requested, that the World Bank recognizes and supports the *Mesa Regional* as the mechanism created between the Government of Honduras and representatives from civil society for consultations and resolution of conflicts concerning the Honduras Land Administration Project (PATH). This mechanism is a concrete response to what is established in the Project's Indigenous Peoples Development Plan, in compliance with the World Bank's safeguard policy on Indigenous Peoples. As I mentioned during the meeting, we are pleased with your commitment to fulfill the objectives of the project and your willingness to maintain the *Mesa Regional* open to other individuals and organizations that wish to participate in this process.

Third, we want to reiterate the importance of implementing Section 3.11 of the Project's Credit Agreement (3858-HO) to safeguard the rights of the Garífuna Peoples in the processes of land demarcation and titling. The *Mesa Regional* plays a fundamental role in these processes.

Fourth, we are pleased to find out that you have made progress in the selection process of a lawyer who is of your trust, to be financed by the project, to provide assistance in the analysis of the Property Law and the corresponding mechanisms for land regularization. It is my understanding that shortly I will be receiving through the project's office the terms of reference for said consultancy.

Finally, I reiterate again the World Bank's willingness, in coordination with the efforts by the Government of Honduras, to continue supporting the *Mesa Regional*, for the successful achievement of the objectives of the Honduras Land Administration Project, and in particular the land regularization of eight Garífuna communities in Atlántida and Colón

*Honduras*

Sincerely,

Jorge A. Muñoz  
Task Manager  
Environmentally and Socially Sustainable Development  
Latin American and the Caribbean Regional Office

Cc: Arq. Henry Merriam, National Coordinator, PATH Project, UCP  
Arq. Erasmo Padilla, Technical Coordinator, PATH Project, UCP  
Lic. Rodolfo Álvarez, Responsible for the Community Participation and Ethnic Affairs  
Area, PATH Project, UCP



**ANNEX 3.1**

**Notification from Ofraneh Interdicting Mr. Angel Amilcar Colón from Acting as the  
Organization's General Coordinator**

**March 4, 2005**

**UNOFFICIAL ENGLISH TRANSLATION**



OFRANEH

Honduran Black Fraternity Organization  
Barrio La Merced, Contiguo a Clínicas la Fe, Casa No. 1747, La Ceiba,  
Departamento de Atlántida, Apartado Postal 341

Telefax: 00(504)443.35.80, Tel: 443.24.92  
E-mail: ofraneh@laceiba.com  
Honduras, Central America

NOTIFICATION

To all Government and Non-Government Institutions, may this serve to advise the following:

That the director members and advisors of the organization OFRANEH, the Honduran Black Fraternal Organization, elected at assembly in Sambo Creek, Municipality of La Ceiba, Department of Atlántida, held from 18 to 21 December 2003,

Having convened to discuss and analyze as the sole point the arbitrary attitude assumed by Mr. Ángel Amilcar Colón,

Agree the following in representation of our organization, and as authorised by the assembly of director members and the advisory team:

As of this date to divest Mr. Ángel Amilcar Colón of his authority to represent or carry out whatever management task in the name of our organization, until a further assembly is held, from which emerge new authorizations.

Signed and sealed in the City of La Ceiba, this fourth day of March in the year two thousand and five.

(Signed)

Alfredo López  
Elsie Córdova  
Miriam Miranda  
Roxana Álvarez  
Gregoria Flores



**ANNEX 3.2**

**Press release from OFRANEH signed by Mr. Ángel Amilcar Colón declaring null the call  
for an assembly to elect a new Board**

**March 23, 2005**

**UNOFFICIAL ENGLISH TRANSLATION**



HONDURAN BLACK FRATERNAL ORGANIZATION  
OFRANEH

La Merced District, next to La Fe Clinics, No. 1747, La Ceiba, Province of Atlántida, PO Box  
342 Telefax: (504)443-3580

[ofraneh@laceiba.com](mailto:ofraneh@laceiba.com)

**Press release**

The Honduran Black Fraternal Organization (OFRANEH) hereby proclaims to the whole population of Honduras in general, and to the Afro-Honduran communities in particular, that:

1. A special assembly of the organization, designated as Erasmo Zúniga Sambula, will be held on April 7, 8, and 9 in the Garífuna community of Cristales, Trujillo, Department of Colón.
2. The assembly convened by the advisers in the community of Punta Piedra, municipality of Iriona, is null and void, since it violates the statutes, which clearly establish that only the general coordinator, or where appropriate the general counsel, may convene the assembly.
3. The Garífuna communities of Honduras must remain alert and vigilant concerning their organization and, with a view to ensuring the transparency that should guide the actions of OFRANEH, we are proposing, in the framework of the assembly in Cristales, Trujillo, that the organization should be subjected to a structural and administrative evaluation; these actions are essential in order to deal with the situation in the country, in which the black community should be an important actor.
4. With regard to the demonstration convened by Miriam Merced Miranda and Gregoria Flores and their followers, if the participants take irresponsible decisions, the general coordinator of OFRANEH will be forced to bring Gregoria Flores before the courts of justice, since she is attempting to avoid being subjected to the people's evaluation.
5. We call on all the leaders of Afro-Honduran associations in the country to draw closer and heed this new step being taken by OFRANEH, which should extol and legitimately represent the interests of all the blacks of Honduras and in this way avoid becoming a haven for opportunists.

Done in the city of Ceiba on March 23, 2005.

*(Signed)* Angel Amílcar Colón Quevedo  
General Coordinator  
OFRANEH





**ANNEX 4.1**

**Letter from the World Bank to OFRANEH**

**September 14, 2005**

**UNOFFICIAL ENGLISH TRANSLATION**



**The World Bank**  
INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT  
INTERNATIONAL DEVELOPMENT ASSOCIATION

1818 H Street N.W.  
Washington, D.C. 20433  
U.S.A.

(202) 473-1000  
Cable Address: INTBAFRAD  
Cable Address: INDEVAS

September 14, 2005

Gregoria Flores  
Coordinator  
Honduran Black People's Fraternal Organization La Ceiba, Honduras

Dear Ms. Flores:

*Honduras Land Administration Program (Credit 3858-HO)*

We appreciate your correspondence from August 15, 2005, which we received on August 26 of this year, with relation to the application of the Operational Directive 4.20 and Bank Procedure 4.10 in the context of the Honduras Land Administration Project (PATH). We are undertaking a detailed review of your letter and we will reply in more detail at the earliest possible time. In the meantime, we invite you to meet with officials from the World Bank during their next project supervision mission, so that we are able to understand in more detail the concerns stated in your letter. The mission, lead by Mr. Jorge Munoz, will be in Tegucigalpa from September 19 - 23. Therefore, we'd appreciate if you would communicate with our office in Tegucigalpa at 239-4551, and indicate possible dates and times that would be convenient for you, so that we can agree on a meeting with the Bank mission.

Sincerely,

McDonald Benjamin  
Sector Manager  
Social Development  
Latin America and the Caribbean

Cc: Mr. Adrian Fozzard, World Bank Representative in Honduras



**ANNEX 4.2**

**Minutes of Meeting in Tegucigalpa between World Bank Staff and Representatives from  
OFRANEH**

**September 21, 2005**

**UNOFFICIAL ENGLISH TRANSLATION**



**Minutes from Meeting between  
Representatives from OFRANEH and Functionaries from the World Bank  
Tegucigalpa, September 21, 2005**

Objective of the meeting:

In response to the invitation by the World Bank, representatives from OFRANEH met with officials from the World Bank to clarify the content in the letter received by the World Bank on August 26, 2005 with respect to safeguard policies in the context of the Honduras Land Administration Project (PATH).

The meeting was attended by:

By OFRANEH: Miriam Miranda (Project Coordinator, Santa Fe), Santos Benito Bernardez (Tourism Coordinator, Punta Piedra), Lilian Carol Rivas (Communications Coordinator, Limon), and Luis Fernandez (Land, Territory, and Environment Coordinator, Sambo Creek).

By the World Bank: Adrian Fozzard (Country Manager, Honduras), Jorge Munoz (Task Team Leader for the PATH Project), Fernando Galeana (Operations Assistant), and Josefina Stubbs (Social Development Specialist, via audio from Washington).

In the meeting, OFRANEH's representatives clarified that their denunciations referred only to D.O. 4.20.

The representatives from OFRANEH confirmed that their main concern is the implementation of the Property Law in the Garifuna communities. They are in disagreement with the various provisions in the Property Law, in particular, the legalization of third party lands in the interior of the communities (Art. 97) and other provisions that are considered contradictory, such as the lack of separation between urban and rural spheres. In this sense, on July 11, 2005 OFRANEH submitted to the National Congress proposals of modifications to the law (Chapter III of the Land Regularization). However, the National Congress is currently out of session.

The representatives from OFRANEH also explained their participation in the Property Law's socialization process organized by the [Bank-financed] PAAR project, including a workshop that was held in San Juan Tela on October 2003. The results of the San Juan Tela consultation workshop were submitted to Congress. Also, OFRANEH organized through the Secretary of Governance and Justice and the PAPIN program a consultation workshop for the Indigenous Development Plan on December 2003.

The representatives of OFRANEH explained that they do not know if the document "Methodology to Determine and Measure the Lands to be Titled to the Ethnic Communities" elaborated by the UCP are the official regulations of the Project or not; said document is mentioned in the letter sent to the Bank on August 26, 2005. The representatives from OFRANEH manifested that they are disagreement with the conflict resolution methods expressed in such document. The Bank's officials clarified that the referred document is a working draft and has not been approved either by the Government of Honduras nor the Bank.

The representatives from OFRANEH expressed their disagreement with PATH's implementation method, such as the process to create (*conformación*) the *mesas de regularización*, the members (*composición*) of these *mesas de regularización* and the selection of the communities to be regularized.

The representatives from the World Bank clarified that the Honduras Land Administration Program is a project from the Government of Honduras, implemented through the Secretary of Governance and Justice with financing from the World Bank, as described in the Development Credit Agreement, between the Government of Honduras and the World Bank, the Project Appraisal Document, and the Project's Operational Manual. Furthermore, it was clarified that there are specific provisions for the compliance of the World Bank's safeguard policy on Indigenous Peoples, such as section 3.11 of the Development Credit Agreement that specifies that in the project area there will be no physical demarcation or titling of lands adjacent to ethnic lands unless procedures that adequately protect the rights of indigenous peoples, duly consulted with affected parties in a manner satisfactory to the World Bank, and set forth in the Operational Manual.

The officials from the World Bank asked the representatives from OFRANEH for specific suggestions on how to improve the implementation of the project in the Garifuna communities.

The representatives from OFRANEH suggested that to improve the implementation of the project, the respect and transparency of the socialization process must be deepened. Likewise, the communities should be the ones that decided whether to participate or not in PATH, through internal decisionmaking procedures.

As a follow up to the meeting, representatives from OFRANEH asked the World Bank to request Government of Honduras a three-party meeting (Government, representatives from OFRANEH and other entities of the Garifuna communities, and officials from the World Bank) to revise the project's implementation modalities (for example, the participation mechanisms in the *Mesa Regional* or the selection of communities).

By OFRANEH:  
Miriam Miranda  
Santos Benito Bernandez  
Lilian Carol Rivas  
Luis Fernandez

By The World Bank:  
Jorge Munoz  
Adrian Fozzard  
Fernando Galeana

Tegucigalpa, September 21, 2005



**ANNEX 4.3**

**Minutes from the Meeting between the *Mesa Regional* and World Bank staff in La Ceiba,  
Atlántida**

**September 22, 2005**

**UNOFFICIAL ENGLISH TRANSLATION**



**SECOND CONVERSATION**  
**Mesa Regional of Land Regularization in Garífuna Communities – World Bank**

Date: September 22, 2005

Place: Meeting Room of the College of Lawyers, La Ceiba, Atlántida

**PROPOSED AGENDA**

1. Self-Introduction
3. Welcome to World Bank Mission  
Messrs. Jorge Muñoz and Fernando Galeana
5. Presentation of the process of selecting the eight Afro-Honduran communities
6. Agreements

**Participants:** Representatives of *Mesa Regional* for Regularization and Resolution of Conflicts in Atlántida and Colón, PATH, and World Bank staff members

- |                                |                                                       |
|--------------------------------|-------------------------------------------------------|
| 1. Juan Gómez                  | Political Governor of Colón                           |
| 2. Erasmo Padilla              | PATH Technical Coordinator                            |
| 3. Rodolfo Álvarez             | PATH/Coordinator P.C.A.E. Area                        |
| 4. Jorge Muñoz                 | World Bank PATH Manager                               |
| 5. Fernando Galeana            | World Bank Operations Assistant                       |
| 6. Alberto Castillo Ordóñez    | Regional Bureau                                       |
| 7. Alberto Lalin Chimilio      | Regional Bureau/ Municipal Councilman Trujillo        |
| 8. José Galdamez               | Forest Project – UCP                                  |
| 9. Jorge Cacho                 | Afro-Honduran Liaison                                 |
| 10. Carlos Barbareno Barcelona | Vice President Guadalupe <i>Patronato</i>             |
| 11. Alejandro Fernández        | President San Antonio <i>Patronato</i>                |
| 12. Maribel Mejía              | Member Río Tinto <i>Patronato</i>                     |
| 13. Julian Bernardes           | Río Tinto Community Leader                            |
| 14. Olegario López Rochez      | Member of the National Congress for the Liberal Party |
| 15. Ángel Amilcar Quevedo      | President OFRANEH                                     |
| 16. Nancy Figueroa             | Secretary <i>Mesa Regional</i>                        |
| 17. Nelson Lenin González      | Monitoring Commission                                 |
| 18. Adela González             | PATH/Community Liaison                                |
| 19. Nidia Arguijo              | PATH/Dissemination Manager                            |

The discussion began with a general report on the process used to organize the *Mesa Regional* and to select eight Garífuna communities and 12 protected areas.

In this regard, the *Mesa* informed that PATH technical staff went to the city of Trujillo and visited the different Garífuna communities of Atlántida, Colón, and Gracias a Dios to invite them to a community meeting that would address at least two objectives: one was to select eight Garífuna communities to be regularized and the other to establish a *Mesa Regional* for the Regularization and Resolution of Conflicts, composed of the various, most representative grassroots organizations.

Next, after major efforts were made, a meeting was held in Trujillo with about 112 persons, at which the communities of Sangrelaya, Punta Piedra, Limón, Cristales and Río Negro, Santa Fe, San Antonio, Guadalupe and Río Tinto were selected. These communities were selected following a consultation process and prior meetings in the communities.

The *Mesa* emphasized that this meeting was quite strong and many discussions were presented on the land problem faced by the Garífuna communities, the same problem that, to date, after 207 years of Garífuna presence in Honduras has not been resolved or has only been partially resolved. Therefore the PATH was seen as a possibility for solving this problem.

Later, the *Mesa Regional* was created, at that time composed of eight institutions: CID, ODECO, OFRANEH, MAMUGAH, Solidaridad Internacional (SI), the Municipal Government of Trujillo, the community of Cristales and Río Negro, among others. To strengthen this *Mesa*, the meeting suggested that the presidents of *patronatos* and land commissions in each of the eight selected communities also join.

Next, the World Bank mission presented a series of questions to the *Mesa Regional*, on the basis of which the following points were explained:

1. The communities were selected through working groups who, using a methodology, expressed the different problems of each community and then based on prioritization and negotiation agreed on which communities to select and for what type of work. In this regard, the *Mesa Regional* explained that some communities have more problems and are more difficult than others, and that for this process to continue an effort was made to start with the less conflictive ones or those whose leaders were able to negotiate. In summary, the work was carried out by four groups, each of which selected two communities, thus adding up to eight.
2. Once each group selected its communities, they were presented at a plenary meeting and were validated as part of the meeting's agreement.
3. There was no resentment by any community that was not selected, because it is a process and the aim is to begin with eight communities and then expand to others. What was explained at the meeting is that a process would be carried out with these first eight communities to gain experience and then continue with others.
4. Later, the *Mesa Regional* for Regularization and Resolution of Conflicts was formed, composed of the abovementioned organizations, presidents of *patronatos* and land committees with their respective alternates to represent them in their absence.

After the first stage, other meetings were held to form the monitoring committee that will be in charge of carrying out various concrete actions aimed at strengthening the *Mesa* and monitoring the regularization process. This committee is composed of seven people who prepared an initial work that has been submitted for approval.

5. The composition of the stakeholders who participated in the first Trujillo meeting included leaders of the different grassroots community organizations, NGOS, presidents of *Patronatos*, land commissions, etc. Each community sent two to four people, from a total of 26 communities invited, as well as the institutions that work in Garífuna communities and the Departmental Governor.

6. The community of Cocalito in Sangreleya was not selected in the first list but was included when the first community meeting was held in Sangreleya, at the request of members of the *Mesa*.
7. To date, and as first step in dissemination to the communities, communication has been through the leaders who represented each community, acting as informants. This process is one of the *Mesa's* principal priorities and concerns.

The *Mesa* members emphasized that they are in this process because they believe in it and although they have doubts about the program they will not go to the extreme of saying they do not want the program. They reiterated that the communities need the program, but there are certain aspects that need to be analyzed with the relevant technicians and then transmit reliable information to the communities. If the analysis by experts is counterproductive to their expectations, then they will take their own stand on the matter.

With regard to doubts about the operation of the process, the *Mesa* expressed that perhaps there are not so many doubts but that the major problem is logistics to reach the grassroots organizations and explain to them how the project is going. In this time they have been imbued with various responsibilities but lack the logistics to bring the information to the communities.

Another doubt is the concerns and fears in the communities regarding the implementation of Chapter Three, Article 100 of the Property Law and amendments to this law, from which is extracted the Forced Expropriation Law.

These elements, in association with Bahía de Tela project, among others, have increased uncertainty to such a degree that some communities believe that their lands can be expropriated to favor third parties who have illegally invaded the lands that historically belong to the Garífuna peoples.

However, it was acknowledged that these situations can be overcome through dissemination and by defining the methodology to be used in the process, which should be subject to analysis by this group of lawyers. This activity is part of the action plan that the monitoring commission presented to PATH and to date no official response has been given because many concrete actions depend on it. Otherwise, it will be difficult to begin this dissemination process and clear up all their doubts.

It was pointed out that for some Garífuna organizations land is an asset and paradoxically they currently constitute the enemies not only of the PATH but also of the *Mesa's* members. It is regrettable that for this reason they are risking their necks as leaders and it is not fair that, by defending this process, they must gain more enemies.

Thus, I appeal to the intelligence and good will of the PATH and the World Bank so that the plan they presented can immediately be made operational.

The World Bank representatives explained that under the PATH project, established under the Credit Agreement of August 18, 2004 between the Government of Honduras and the World Bank, there are provisions to protect the rights of indigenous and Garífuna populations. Specifically, Section 3.11 of the Agreement states that in the project's areas of influence no lands adjacent to indigenous lands shall be physically demarcated or titled unless procedures are followed to ensure the rights of indigenous peoples who are duly consulted together with the parties affected, in a manner satisfactory to the World Bank and incorporated in the project's Operational Manual.

In addition, they explained that the documents dealing with procedures to regularize lands and resolve conflicts, circulated by the UCP, are drafts subject to discussion, and therefore cannot yet be considered official and have not been incorporated in the project's Operational Manual.

In this regard, it is important that the methodology be decided as soon as possible so that no field activities are carried out until these mechanisms are detailed and approved by the government and with the Bank's consent.

At the same time, the mission informed that the Government of Honduras has made a request through the World Bank to the Government of Japan for a US\$1.9 million grant to support the efforts of consultation, participation, legal counseling, and training of its organizations. Unfortunately, due to bureaucracy within the Government of Japan, this request has not been approved. In three to six months it will be possible to hire lawyers to advise not only the *Mesa Regional* but also the communities on a case-by-case basis, once field work begins.

#### **AMILCAR COLON**

Further to what Olegario mentioned about these documents having created the crisis of this process, he recalled that meetings were originally held with OFRANEH and the administration before he was appointed. Unfortunately, these authorities did not transmit the information to the grassroots level because they did not reach concrete agreements during the preliminary negotiations. Now that the program has begun, they have been obliged to gather all the documents and a commission was formed, for which responsibilities must be assigned and experts must be appointed to analyze these documents.

#### **ALBERTO CASTILLO**

He expressed that one of the proposals is that the people were worried about the title clearing (*saneamiento*) of Garífuna communities. There is a loud cry about this and it would be good if the Bank can consider it under this program because the biggest problem the communities have is that they are being occupied by other people.

In addition, he indicated that the *Mesa* is a little annoyed... The *Mesa* is annoyed with the program ...we are extremely annoyed and we want to emphasize this... We are annoyed because three months ago we submitted a proposal that it asked us for, and as of today, September 22, we have had no official reply. A proposal to make the *Mesa* operational, to disseminate the program, to be able to act.

In summary, he suggested two things: that the Bank consider the title clearing (*saneamiento*) of the communities and that the people have greater participation not only in validating but also in preparing the instruments.

#### **RODOLFO ALVAREZ**

He acknowledged that there is a structural reality and an operational reality. In this regard, he reminded [those present] that the first one to tell them and admit to them that there was an operational problem was he, and that the transparency and acknowledgment of these errors has been part of the trust that has existed.

With regard to their suggestions, he reminded them that point three of the Trujillo meeting minutes states as one of PATH's commitments its support in seeking title clearing (*saneamiento*) projects when these exist in the country, as well as education, infrastructure, and health projects, as well as the hiring of Garífuna staff.

**JORGE MUÑOZ**

He indicated that it is very important for the *Mesa* to keep in mind that the PATH is not an entity but rather a financial instrument of the Government of Honduras to resolve land problems, and like this instrument there are others such as the one Alberto mentioned. Therefore, it is very important not to confuse them. He reminded them of the commitment assumed by the Government of Honduras with the World Bank, which is applied to the PATH. As an example, the other leaders of OFRANEH have formally complained to the Bank that something like this was happening. However, it was investigated and it turned out not to be this project.

**OLEGARIO LOPEZ**

He proposed that the minutes of this meeting be signed by the World Bank representatives as witnesses of what has been proposed, and the matter of the ratification of non-expropriation [*of lands*] and other commitments that the Bank has assumed with the Government and people of Honduras is also implicit.

Therefore, he proposed that several commitments be reached at the end of the meeting:

1. Because there is no official response to the plan submitted to the PATH, see what things can and cannot be done under the framework of the PATH's limitations.
2. Carry out dissemination, prepare radio spots, and visit the fifteen Garífuna communities to make them aware of the project.
3. Analyze the documents as to why actions were not implemented, unless there is something that arises from the world view of the black peoples of Honduras.
4. Do not wait for the Japanese funds to arrive for hiring the experts who will support the analysis of the documents because this was one of the agreements reached in Trujillo.

**JORGE MUÑOZ**

He expressed that it would be better to discuss with the PATH the issue of how many resources exist, because he does not handle the details on this. However, there is the possibility of hiring a lawyer, and the important thing is to continue moving forward in defining the methodology which should be in accordance with the laws and other procedures established under the legal framework of the Government of Honduras. What is important is to comply with the requirements of and commitments to the Bank.

In this regard, Mr. Muñoz asked what were the three most important things that need to be done right now.

**AMILCAR COLON**

- 1- A lawyer should be hired to interpret the official documents
- 2- The resolution of this commission should be submitted to the full *Mesa Regional*
- 3- Once approved by the *Mesa*, go to the grassroots and begin disseminating the information.

**JORGE MUÑOZ**

He proposed that the architect, Mr. Padilla, together with PATH staff, make a detailed assessment of the resources available for six months, and based on this prioritize the costs of experts, the type of analysis that can be performed, and how long it will take. Also, analyze whether the

dissemination can begin in at least one community and then in others, while reaching early 2006 when more resources will be available.

**ERASMO PADILLA**

He expressed his satisfaction with the meeting and said that the team did not feel offended by any just complaint that has been made, because the *Mesa*'s principal objective is to present concerns and in the end come up with a proposal. The representatives are here to support the *Mesa* in this land problem which is becoming increasingly complex.

In this regard, he expressed his willingness to validate the *Mesa* and urged them not to disregard the efforts it is making. Instead, work should be done to consolidate it and to better organize so it can carry out periodic and systematic meetings and that these should be transparent.

With regard to the four proposed requests, he asked that the *Mesa* be the one to propose which of its trusted experts it wants to be hired and not to seek someone from outside, and he suggested revising the proposal for dissemination and to begin with small contributions.

For his part, he offered the technical support of the PATH to bring together criteria, strengthening with tools such as the Property Law and its articles, revising and implementing them together with the *Mesa*.

**JORGE MUÑOZ**

To finalize, he emphasized the Bank's willingness to support the regularization process in the Garífuna communities. It is aware of their struggle and therefore the Bank is supporting the Government of Honduras in meeting its expectations. One recommendation that he made both to the PATH staff and the *Mesa* is not to raise false expectations in the people and before beginning dissemination to be sure what the project can and cannot do in the short term because there will be budget restrictions.



**ANNEX 4.4**

**Letter from the World Bank to OFRANEH**

**September 20, 2005**

**UNOFFICIAL ENGLISH TRANSLATION**



**The World Bank**  
INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT  
INTERNATIONAL DEVELOPMENT ASSOCIATION

1818 H Street N.W.  
Washington, D.C. 20433  
U.S.A.

(202) 473-1000  
Cable Address: INTBAFRAD  
Cable Address: INDEVAS

October 20, 2005

Gregoria Flores  
Miriam Miranda  
Honduran Black People's Fraternal Organization, OFRANEH  
La Ceiba, Honduras

Dear Ms. Flores and Miranda:

*Honduras Land Administration Program (Credit 3858-HO)*

As follow-up to my letter on September 12, I am writing to inform you about the actions taken in relation to the Honduras Land Administration Project (PATH). We are pleased that the meeting on September 21 in Tegucigalpa between representatives from OFRANEH and World Bank was positive. This allowed us to better understand your concerns with respect to the Property Law and the project, and gave us the opportunity to explain in detail the existing provisions in the project to comply with the World Bank's safeguards policies.

In the meeting, I understand that the representatives from OFRANEH clarified that their main concern is with certain provision of the Property Law, in particular, Art. 97. We understand that your organization has taken concrete actions in relation to this subject by means of the presentation on proposals to modify the Law given for the consideration of the National Congress on July 2005.

With relation to the PATH project itself, in the meeting the representatives from the World Bank clarified that provisions exist in the PATH project to guarantee compliance with the safeguard policy related to Indigenous Peoples. Specifically, it was mentioned that Section 3.11 of the Development Credit Agreement establishes that in the project area, there will be no physical demarcation or titling in lands adjacent to ethnic lands unless procedures that adequately protect the rights of indigenous peoples, duly consulted with affected parties in a manner satisfactory to the World Bank, and set forth in the Project's Operational Manual.

Furthermore, the representatives from OFRANEH made three specific suggestions on the implementation of the project:

- (i) that the respect and transparency of the socialization process is increased;
- (ii) that the communities themselves will decide if whether they want to participate or not in PATH, through their procedures for internal decision making;
- (iii) that the Government of Honduras is requested for a tri-partite meeting (Government, representatives from OFRANEH and other representatives entities of the Garifuna communities, and World Bank's staff) to revise the project's implementation modalities (e.g., the participation mechanisms in the *Mesa Regional* or the selection of communities).

In relation to your concerns, I am pleased to inform you that we have discussed these concerns with officials from the Government of Honduras and they have taken the following concrete measures. First, they have confirmed their willingness to dialogue with you with respect to the mechanism of participation in the *Mesa Regional*. For this matter, a tri-partite meeting in La Ceiba for October 11 or 12 was proposed.

However, we received your news that you were not able to meet during those dates. You proposed October 25 as an alternative, but unfortunately the World Bank Task Team Leader for the project has other commitments on this date. Therefore, we'd like to propose a meeting for Friday November 9, at 11:00 a.m., when I will be in La Ceiba, Honduras. Please confirm if such date and hour are feasible for you.

Second, the Government of Honduras, like ourselves, fully agree that the communities should be appropriately consulted to protect their interests before carrying out any activity under the project that could harm them. This is consistent with Section 3.11 in the Development Credit Agreement.

Third, the *Mesa Regional* meeting held on September 22, attended by two World Bank staff, proposed that in order for the Government of Honduras to better understand the scope of the Property Law and the operative mechanism for the implementation of the project, the project shall finance the hiring of a lawyer (to be suggested by the *mesa regional* itself and selected according to the procurement procedures agreed upon in the Development Credit Agreement 3858 for the PATH project) to directly support and advice the *Mesa Regional*. The World Bank fully supports this request, which has already been received positively by the Government. It is expected that this hiring will take place shortly.

Fourth, with respect to the concern manifested by OFRANEH on September 21 about the actions of some officials on August 2005 in the community of Punta Piedra in the Department of Colon, demanding to make land measures (without having previously communicated with the community), we'd like to inform you that we have been informed that these officials were not from the PATH project, but that they worked for a project not financed by the World Bank.

Finally, with respect to the official documentation about the implementation of the project, we have made the recommendation to Government to ensure that documents that are circulated and discussed with the project's participants. The official documents are the Development Credit Agreement and the Operational Manual approved on November 2004. It bears noting – and to avoid misunderstandings in the future – the document “Methodology to Determine and Measure the Lands to be Titled to the Ethnic Communities”, which was a draft elaborated by the UCP, that had yet to be been discussed with the *Mesa Regional*, neither approved by the Government of Honduras nor the Bank is not an official document of the project.

We will be waiting your confirmation to attend the proposed meeting on November 4 in La Ceiba.

Without further due, my regards,

McDonald Benjamin  
Sector Manager  
Social Development  
Latin America and the Caribbean

Arq. Henry Merriam, National Coordinator, Honduras Land Administration Project, Project Coordination Unit

Mr. Adrian Fozzard, World Bank Representative in Honduras

**ANNEX 4.5**

**Letter from OFRANEH to the World Bank**

**September 25, 2005**

**UNOFFICIAL ENGLISH TRANSLATION**



**Honduran Black People's Fraternal Organization (OFRANEH)**

October 25, 2005

Mr. McDonald Benjamin  
Sector Manager, Social Development  
Latin American and the Caribbean  
Washington, DC  
USA.

Dear Sir:

We are writing in response to your letter from October 20 with respect to the denunciation that we presented in your office in August, related to the violation of our collective rights and the World Bank's D.O. 4.20, for Indigenous Peoples, and the meeting held as a response to this letter, on September 21.

As you should know, the social development of the indigenous peoples should be committed to the respect for ancestral forms of land tenure, and not to the commitments acquired with nation states and their interests in dissolving communal property. The PATH project has been causing resentment and financing the division among our people, which is no guaranteeing of maintaining the necessary equilibrium for the preservation of the world view of the Garifuna people.

To this situation, we would like to express our displeasure with the tone of your recent correspondence as it insinuates that our inconformity is only against Article 97 of the Property Law situation, which is not real, because while it is true that we do not agree with various articles from Chapter III of the above-mentioned law, it is also true that the PATH project in fact violates O.D. 4.20, and as such we have taken the decision to raise our concerns to the World Bank's Inspection Panel.

By the Executive Committee:

Luis Fernandez  
Miriam Miranda

Selvin Lopez  
Lilian Rivas

Arq. Henry Merriam, National Coordinator, Honduras Land Administration Project, Project  
Coordination Unit  
Mr. Adrian Fozzard, World Bank Representative in Honduras





**ANNEX 4.6**

**Letter from the World Bank to OFRANEH**

**October 27, 2005**

**UNOFFICIAL ENGLISH TRANSLATION**



**The World Bank**  
INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT  
INTERNATIONAL DEVELOPMENT ASSOCIATION

1818 H Street N.W.  
Washington, D.C. 20433  
U.S.A.

(202) 473-1000  
Cable Address: INTBAFRAD  
Cable Address: INDEVAS

October 27, 2005

Executive Committee  
Honduran Black People's Fraternal Organization  
La Ceiba, Honduras

Dear members of the Executive Committee:

*Honduras Land Administration Program (Credit 3858-HO)*

I would like to thank you for correspondence of October 25, 2005 with respect to the Honduras Land Administration Project (PATH). As McDonald Benjamin is away on mission, I am taking the liberty to reply to you as World Bank Task Team Leader.

First, I wish to clarify that it was not the intent of the World Bank in the letter from October 20 to suggest that our discussion have been only with respect to Art. 97 of the Property Law. In this regard, in response to your specific concern about the implementation of the project – summarized in the minutes of our meeting on September 21 – we have informed the Government of Honduras about all of your concerns (not only those regarding the Law). The Government has confirmed its predisposition to meet with you and the Bank with regards to the participation mechanisms in the *Mesa Regional*. Furthermore, we fully agree with your suggestion to properly consult Garifuna communities before carrying any field activities under the project in order to protect their interests.

The World Bank is open to understand in more detail your concerns. The field activities for demarcation and titling financed by the project have not yet begun in the Garifuna areas. The main intention of the consultations that are currently taking place through the *Mesa Regional* is precisely to gather suggestions about how to safeguard the interests of Garifuna communities. If you have other concerns, we would like to know these and what specific suggestions you have to improve project implementation. Our invitation to meet together with representatives of the Government, Mr. McDonald Benjamin and myself in La Ceiba, on Friday November 4, at 11:00 AM, remains open. Please confirm your assistance to the meeting.

Sincerely,

Jorge A. Munoz  
Task Team Leader, Honduras Land Administration Project (PATH)  
Latin America and the Caribbean Region

Mr. McDonald Benjamin,      Manager, Social Development, Latin America and the Caribbean  
Mr. Adrian Fozzard,          World Bank Representative in Honduras



**ANNEX 4.7**

**E-mail from OFRANEH to the World Bank**

**November 3, 2005**

**UNOFFICIAL ENGLISH TRANSLATION**



**Honduran Black People's Fraternal Organization (OFRANEH)**

La Ceiba, October 31, 2005

Mr. McDonald Benjamin  
Social Sector Manager  
Latin American and the Caribbean  
Washington, DC  
USA.

OBJECT: Honduras Land Administration Project

Dear Mr. McDonald:

In response to the note from October 27, 2005, sent by Mr. Jorge A. Munoz on your behalf, we wish to inform you that we accept the offer to meet with you, as representatives of the World Bank management, and with the delegation of the Government of Honduras, to present our position about the project in object.

We await information relative to the venue of the meeting setting firmly the hour, date, and place established by you.

Sincerely,

For the Executive Committee

Selvin Lopez

Lilian Rivas





**Honduran Black People's Fraternal Organization (OFRANEH)**

La Ceiba, November 3, 2005

Mr. McDonald Benjamin  
Sector Manager, Social Development  
Latin American and the Caribbean  
Washington, DC  
USA.

OBJECT: November 4<sup>th</sup> Meeting Regarding the Honduras Land Administration Project

Dear Mr. McDonald:

With the present letter, I am sending to you a copy of the note sent by fax on October 31, 2005 in which we indicated our availability for the meeting, awaiting your confirmation.

In case you have not received the above-mentioned letter, we invite you to set a date for another meeting in the near future if you are still interested in the development of the procedure.

Sincerely,

Miriam Miranda  
OFRANEH  
Executive Council



**ANNEX 4.8**

**Letter from OFRANEH to the World Bank**

**November 6, 2005**

**UNOFFICIAL ENGLISH TRANSLATION**



**Honduran Black People's Fraternal Organization (OFRANEH)**

November 4, 2005

Dear Mr. McDonald Benjamin  
Sector Manager, Social Development  
Latin American and the Caribbean  
Washington, DC  
USA.

OBJECT: November 4<sup>th</sup> Meeting on Honduras Land Administration Project

Dear Sir:

Please receive a cordial and respectful greeting from our organization, at the same time wishing you the best in the undertaking of your activities.

With the present letter, we wish to highlight that the meeting arranged for today should have taken place in the context of a constructive dialogue between the involved parties with the objective of giving response to the denunciation presented by OFRANEH, to the World Bank. As such, we do not understand the presence of persons or institutions outside to these two institutions.

As we had agreed, the meeting involved officials from the Government, the World Bank, and representatives from OFRANEH.

For this reason, it was a great surprise to find us in the presence of persons members of the *Mesa Regional* (that cannot be considered as delegates from Government nor the World Bank), breaking the agreement that we reached in our meeting held with representatives of the World Bank in Tegucigalpa on September 21.

In spite of what occurred, we are interested in holding a meeting with representatives from the World Bank, Government, and OFRANEH, reiterating that the presence of outsiders would be understood as an attempt to derail the process between these bodies and consequently we would alert the control mechanism of the World Bank, sending a request for inspection to the Panel.

Sincerely,

By the Directive Council

Jessica Garcia

Selvin Lopez



**ANNEX 4.9**

**Letter from the World Bank to OFRANEH**

**November 18, 2005**

**UNOFFICIAL ENGLISH TRANSLATION**





**The World Bank**  
INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT  
INTERNATIONAL DEVELOPMENT ASSOCIATION

1818 H Street N.W.  
Washington, D.C. 20433  
U.S.A.

(202) 473-1000  
Cable Address: INTBAFRAD  
Cable Address: INDEVAS

November 18, 2005

Members of the  
Honduran Black People's Fraternal Organization, OFRANEH  
La Ceiba, Honduras

Dear OFRANEH colleagues:

*Honduras Land Administration Program (Credit 3858-HO)*

Through this letter, I wish to send you a cordial greeting while apologizing for not having been able to join you personally in La Ceiba this past Friday, November 4, due to a postponement of the mission to Honduras due to Hurricane Beta, as well as due to the fact that I did not receive your letter on time to confirm such meeting. I would like to take this opportunity to indicate our support with the Garifuna communities affected by the recent hurricane and our best wishes for a quick recovery.

Likewise, I would like to thank you for your correspondence of November 8, 2005, in connection with an upcoming meeting regarding the Honduras Land Administration Project (PATH). Again, we are confirming our willingness to meet with you to understand in greater detail your concern with regards to the project. We believe that, in order for the dialogue regarding the project to be as productive as possible, this should be open to all interested parties. The Government of Honduras, as the executing entity for project implementation, has established a mechanism for consultation and participation (the *Mesa Regional*) to discuss and resolve differences in opinion about the project. We consider important that said mechanism be strengthened taking into account the opinion of all interested parties, and for this reason we are prepared to request a meeting between representatives from the Government of Honduras, OFRANEH, other Garifuna representatives, and the World Bank, in the consultation framework established for the project, the *Mesa Regional*.

We'd like to reiterate that is the World Bank's policy to maintain open all communication channels with civil society, via our office in Tegucigalpa as well as our office in Washington, to attend to your concerns regarding the consultation mechanisms established for the project or other considerations. Please speak with the Task Team Leader of the PATH project in the World Bank, Mr. Jorge A. Munoz, regarding any concerns or suggestions that you have, which will be fully considered by the Bank.

Sincerely,

McDonald Benjamin  
Sector Manager  
Social Development  
Latin America and the Caribbean

*Honduras*

Arq. Henry Merriam, National Coordinator, Honduras Land Administration Project, Project  
Coordination Unit  
Mr. Adrian Fozzard, World Bank Representative in Honduras

**ANNEX 5**

**Minutes of Internal Bank Management Meeting**

**November 8, 2005**



**Minutes of Briefing Meeting to Pamela Cox, Regional Vice-President, LAC  
On the Possible Request to the Inspection Panel  
Honduras Land Administration Project  
(P055991, Credit 3858-HO)  
November 8, 2005**

**Attended by**

Pamela Cox, Vice-President, LAC

Jane Armitage, Country Director, LCC2C      Ulrich Zachau, Director, LCRVP  
John Redwood, Director, LCSES      Mark Cackler, Sector Manager LCSE  
McDonald Benjamin, Manager LCSEO      John Kellenberg, Sector Leader, LCC2C  
Alberto Ninio, Lead Counsel, LEGEN      Pilar Gonzalez, Sr. Counsel, LEGLA  
Reidar Kvam, Safeguard Advisor, LCSEO      Jorge A. Muñoz, Task Team Leader, LCSE

**Project Details**

*Board Approval:* February 26, 2004      *Effectiveness:* December 2, 2004  
*Closing Date:* April 30, 2008  
*Project size:* \$39 M (IDA \$25 M, Nordic Fund \$8 M, GOH \$6 M)  
*Disbursements:* \$14.5 M (\$9.8 M undisbursed)

The Vice-President was briefed on the background and scope of the project, the main issues being addressed by the project, the complaints made by some members of an organization of Garifuna peoples in Honduras (OFRANEH), the chronology and documentation of meetings and correspondence between Bank staff and representatives of OFRANEH. The meeting endorsed the approach being taken by the project team, focusing on listening, maintaining an open dialogue, clarifying critical features of the project, and engaging Government (as implementer) and other civil society groups (as beneficiaries).

Participants discussed how to respond to the latest correspondence (November 8) from the members of OFRANEH which requests a meeting with Bank staff and Government representatives only, without the presence of other parties. The team explained that the membership of OFRANEH is split and its leadership under dispute. One faction supports the project and the other is against the project. It was agreed that it is essential to keep the dialogue open and examined two options: (i) a follow up meeting in the context of the established project consultation framework, which includes other Garifuna representatives and the faction of OFRANEH supporting the project, or (ii) a meeting with only government representatives and the OFRANEH faction opposed to the project. The following considerations were taken into account:

- An open discussion with members of OFRANEH under option (i) is the preferred option by Government and project beneficiaries. During the last supervision mission, the project team has reported that the project's working group (*Mesa Regional*) has expressed strong support for the project, but also a serious concern about parallel meetings between Bank staff and the OFRANEH faction opposing the project, which has been invited on several occasions to participate in the *Mesa*. The *Mesa* would find meetings where they are excluded as inconsistent with the agreed consultation framework.

- Having a meeting outside the established consultation framework would be inconsistent with the spirit of OD 4.20 which calls for consultations with all interested parties, could potentially jeopardize the work being done by the *Mesa Regional*, and could be perceived as a signal of lack of commitment to the regularization of indigenous land rights in Honduras.
- Government would also be uncomfortable with the continuation of parallel discussions outside the established consultation framework. Since Government is the responsible party for project implementation, close consultation with Government is essential.
- The first meeting between Bank staff and the OFRANEH representatives was one-on-one (on September 21, 2005) to allow them to express their concerns openly and confidentially. At that meeting they did not express any particular concern that would necessitate further confidential meetings. The minutes of that meeting, as well as the Bank letter of October 20, clearly state that a subsequent meeting could include the presence of other Garifuna representatives.
- Participants also considered whether the personal safety of the OFRANEH representatives opposing the project may be at issue in their new request for a separate meeting. However, to date the OFRANEH representatives have not manifested a concern for their safety in the context of the project, and therefore participants agreed that a separate meeting did not seem justified.

The Regional Vice-President requested that the team continue with its efforts to bring about meaningful consultations, broad participation, and open dialogue. Similarly, the participants emphasized the importance of keeping Government (as implementer of the project) fully engaged in these discussions. It was agreed that the project team would proceed with a reply to the members of OFRANEH that the Bank remains committed to listening to their concerns and keeping an open dialogue which allows all interested parties to express their views, and therefore would be happy to sponsor a meeting with Government officials in the context of the established consultation framework, namely, the *Mesa Regional*.

After the meeting, some Bank staff recommended that the reply to the members of OFRANEH be more open to the possibility of a three-party only (OFRANEH, Government and Bank) meeting. Consequently, it was decided that the reply would include a statement ratifying the Bank's broader policy of keeping various communications channels open to civil society groups in case they felt the need to use them to discuss the project-specific consultation framework or other issues.

**ANNEX 6.1**

**Management Letter for the Project Supervision Missions Visiting Honduras from  
September 19-23 and October 11-15, 2005**

**October 21, 2005**

**UNOFFICIAL ENGLISH TRANSLATION**

**The World Bank**

INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT  
INTERNATIONAL DEVELOPMENT ASSOCIATION

1818 H Street N.W.  
Washington, D.C. 20433  
U.S.A.

(202) 473-1000  
Cable Address: INTBAFRAD  
Cable Address: INDEVAS

**October 21, 2005**

**Dr. Roberto Pacheco Reyes**  
**Minister of Governance and Justice**  
**Ministry of Governance and Justice**  
**Tegucigalpa, Honduras**

**Dear Dr. Pacheco Reyes:**

***Honduras Land Administration Project (Credit 3858-HO)***

We are pleased to write to you to ratify the findings and agreements of the World Bank's missions that visited Honduras between September 9 and 23 and October 11 and 14, 2005, to supervise the Land Administration Project (Credit 3858-HO), which is being successfully implemented by your Ministry through the Project Coordination Unit (UCP in Spanish). The attached Aide Memoire reflects the findings of both missions. On behalf of the World Bank, I thank you for the collaboration and courtesy rendered by the Government team to the mission teams.

The project's status is fully satisfactory both in the progress toward achieving the final objective of the Project as in the operational results. The project's main objective of establishing an integrated and decentralized land administration system (SINAP) has been almost achieved. We have been informed that there are three public institutions and twenty-one municipalities with access to SINAP, which greatly surpass the goals anticipated for this year. The time and cost of registering land transactions has already been dramatically reduced, and gradually a larger number of transactions are being incorporated in *folio real*. In only one and half years of implementation, the Credit has already disbursed US\$ 14.5 million (60%), which represents more progress than originally anticipated. At this rate, we are confident that the objectives of the project and all of its results can be achieved successfully before the closing date of April 2008.

Through this letter, I want to convey our sincere congratulations to the team in the UCP for their high effectiveness and professionalism in the implementation of the project. Our only recommendations refer to the need to continue the efforts to deepen the understanding of the project among the beneficiaries and formalize the co-execution agreements with the institutions involved in the project.



We will be waiting for the Government's proposal with respect to the second phase of this successful land administration program.

Sincerely,

Jocelyn Albert  
Interim Sector Leader  
Environmentally and Socially Sustainable Development  
Central America Department  
Latin American and the Caribbean Regional Office

Cc: Sr. William Chong,  
Minister of Finance

Sr. Ralph Oberholzer,  
Under Secretary of Credit and Public Investment, Ministry of Finance

Arq. Henry Merriam,  
National Coordinator, Land Administration Project, Project Coordination Unit

Sr. Adrian Fozzard,  
World Bank Representative in Honduras



**ANNEX 6.2**

**Management Letter for the Project Supervision Mission Visiting Honduras from November  
2-4, 2005**

**December 1, 2005**

**UNOFFICIAL ENGLISH TRANSLATION**

**The World Bank**  
INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT  
INTERNATIONAL DEVELOPMENT ASSOCIATION

1818 H Street N.W.  
Washington, D.C. 20433  
U.S.A.

(202) 473-1000  
Cable Address: INTBAFRAD  
Cable Address: INDEVAS

**December 1, 2005**

**Dr. Roberto Pacheco Reyes**  
**Minister of Governance and Justice**  
**Ministry of Governance and Justice**  
**Tegucigalpa, Honduras**

**Dear Dr. Pacheco Reyes:**

*Honduras Land Administration Project (Credit 3858-HO)*

We are pleased to write to you to ratify the findings and agreements of the World Bank's mission that visited Honduras between November 2 and 4, 2005, to supervise the Land Administration Project, PATH (Credit 3858-HO), implemented by your Ministry, through the Project Coordination Unit (UCP in Spanish). The attached Aide Memoire reflects the findings of the mission. On behalf of the World Bank, I thank you for the collaboration and courtesy rendered by the Government team to the mission.

The project's status is satisfactory, both in the progress toward achieving the project's final objective, the intermediate indicators, and operational matters.

The mission noticed the significant progress achieved in initiating the regularization process of urban properties for public necessity in the Central District and San Pedro Sula. This is a very innovative process that promises to grant legal security to one of the most vulnerable sectors in Honduran society. Nevertheless, given that this process was recently made possible by the Property Law, its details were not discussed during project preparation. For this reason, we ask you to send us for our consideration as soon as possible a proposal for modifying the Project's Operational Manual with respect to this issue.

On the other hand, we ask that the draft of the agreements with the municipalities of the Central District and San Pedro Sula, and the Property Institute are revised as soon as possible incorporating the comments that we are submitting in a separate letter. These co-execution agreements of the PATH project require the World Bank's previous no-objection, according to sections 3.01(b) and (c) of the Credit Agreement.

Finally, the mission was able to confirm the high degree of commitment of the *Mesa Regional de Regularización de Atlántida y Colón*. We reiterated our recognition and support to this body created by the Government of Honduras and we expect that these dissemination efforts be intensified in the future.

Sincerely,

(on behalf of,) John Kellenberg  
Sector Leader  
Environmentally and Socially Sustainable Development  
Central America Department  
Latin American and the Caribbean Regional Office

Cc: Sr. William Chong,  
Minister of Finance

Sr. Ralph Oberholzer,  
Under Secretary of Credit and Public Investment, Ministry of Finance

Arq. Henry Merriam,  
Nacional Coordinator, Land Administration Project, Project Coordination Unit

Sr. Adrian Fozzard,  
World Bank Representative in Honduras



**ANNEX 7**

**Unofficial English Translation of Title V, Chapter III, and Arts. 110 and 111 of Honduras  
Property Law (No. 82-2004**





Unofficial Translation

PROPERTY LAW

LA GACETA, DIARIO OFFICIAL OF HONDURAS, 29 JUNE 2004 [Official Gazette]

CHAPTER III

PROCESS TO REGULARIZE REAL PROPERTY  
FOR INDIGENOUS AND AFRO-HONDURAN PEOPLES

ARTICLE 93. Given the special importance that cultures and spiritual values place on their relationship to the lands, the State recognizes the right the indigenous and Afro-Honduran peoples have over the lands which they have traditionally owned and which the law does not prohibit.

The process established by this Chapter shall be applied by the Property Institute (IP) to guarantee to such peoples the full recognition of the rights of communal property, use, administration, land management and sustainable use of natural resources by demarcating such lands and providing fee-simple ownership titles (*titulación en dominio pleno*).

ARTICLE 94. The property rights over the lands of such peoples shall be titled to them collectively. The members of the communities or group of communities shall have a right of tenancy (*derecho de tenencia*) and usufruct in accordance with the traditional forms of tenancy for communal property.

ARTICLE 95. In the event the State intends the exploitation of natural resources within the territories of such peoples, it shall inform them and consult with them concerning the benefits and damages that may result, before authorizing any prospecting or exploitation.

In the event any type of exploitation is authorized, such peoples shall be paid an equitable indemnification for any damage that may be suffered as a result of such activities.

ARTICLE 96. The rights of ownership and tenancy of such peoples shall prevail over titles issued to third parties who have never possessed such lands.

ARTICLE 97. A third party who has a title of ownership to the lands of such peoples, and who has had and possessed the land referred to in such title, has the right to continue possessing and exploiting such land.

ARTICLE 98. A third party who has received a title of ownership on the communal property of such peoples, which may be nullified as a result of the characteristics thereof, shall be indemnified for the improvements prior to the return of the lands to the affected communities.

ARTICLE 99. Third parties, without title, on the lands of said peoples may negotiate with the community to remain on such lands, paying the rent rate agreed upon.

ARTICLE 100. It is declared and recognized that the communal tenure system governing the lands traditionally owned by such peoples entails the inalienability, unattachability and imprescriptibility thereof.

Notwithstanding, the communities themselves may terminate such communal tenure system, authorizing the rental of lands to third parties or authorizing other contracts that allow the community to participate in investments that contribute to their development.

ARTICLE 101. The management of protected areas within the lands of such peoples shall be conducted jointly with the State, respecting the territorial ordinance rules governing types of use and title for general interest purposes.

ARTICLE 102. No authority may issue or register title to communal lands in favor of third parties.

Municipalities that do not respect the rights to communal property located within their jurisdiction shall be subject to administrative, civil or criminal responsibility, without limitation to the voidness of their actions.

All conflicts between such peoples and third parties with respect to communal property shall be submitted to the special procedure established by this Law.

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Title VI  
Procedure for the Resolution of Conflicts

Only Chapter  
On the Special Procedure

ARTICLE 110. Civil Courts (*Juzgado de Letras en lo Civil*) will have competence over matters related to the present Law when the Law provides that such matters are under the jurisdiction of judicial bodies and will be subject to the following procedure:

- 1) Once the complaint has been submitted in writing, its admission shall be resolved within two (2) days or its revision and re-submission shall be ordered within three (3) business days;
- 2) Once the complaint has been admitted, the Court will summon the defendant to respond within three (3) business days;
- 3) Once the complaint has been answered, a hearing shall be scheduled, which shall take place within five (5) business days following the response;
- 4) In such hearing, the parties may file incidental motions, defenses or motions to dismiss that they deem relevant, after which the evidence shall be presented and considered;
- 5) In case all of the evidence presented by the parties cannot be considered within the same hearing, the hearing shall be suspended as many times as it is necessary until all of the evidence presented by the parties is considered; provided, however, that such hearings must be completed within thirty (30) business days;
- 6) Once the hearing is completed, the Judge shall, within five (5) business days, call for a judgment hearing (*Audiencia de Juzgamiento*) in which he/she will decide on the main subject matter (*question principal*) and incidental matters (*incidentes and excepciones propuestas*).

The proceedings subsequent to the response to the complaint shall be notified to the parties by posting the notice in the Courthouse. The Court shall ensure that the proceedings continue on its own initiative.

ARTICLE 111. The Court decision referred to above, can only be appealed through *Cassation per saltum* (Annulment) to the Supreme Court.