

***Unofficial translation.***

**NATIONAL ASSEMBLY  
OF THE REPUBLIC OF NICARAGUA**

**LAW No. 445**

**THE PRESIDENT OF THE REPUBLIC OF NICARAGUA**

It lets the Nicaraguan people know that:

**THE NATIONAL ASSEMBLY OF THE REPUBLIC OF NICARAGUA**

**CONSIDERING**

**I**

That it is an unavoidable commitment of the State of Nicaragua to respond to the demand for titling of the lands and territories of the indigenous peoples and ethnic communities of the former Mosquitia of Nicaragua, a right enshrined in the International Treaties concluded between England and Nicaragua, such as the Treaty of Managua of 1860 and the Harrison-Altamirano Treaty of 1905. This right to land is recognized in the Political Constitution of Nicaragua of 1987 and in the Statute of Autonomy of the Autonomous Regions of the Atlantic Coast.

**II**

That Article 5 of the Political Constitution of Nicaragua indicates the different forms of property, among which is communal property, expressly stating the recognition of the existence of indigenous peoples in everything that concerns the right to property over their lands.

**III**

That in Article 89 of the Political Constitution of Nicaragua, the State recognizes in a particular way the communal forms of ownership of the lands of the indigenous peoples and ethnic communities of the Atlantic Coast.

**IV**

That according to article 107 of the Political Constitution of Nicaragua, the land ownership regime of the indigenous peoples and ethnic communities of the Atlantic Coast is characterized by its *sui generis* nature, regulated by the laws on the matter.

**V**

That Article 180 of the Political Constitution of Nicaragua guarantees the indigenous peoples and ethnic communities of the Atlantic Coast of Nicaragua the effectiveness of their forms of communal property.

## VI

That the aforementioned international Treaties and the aforementioned constitutional provisions have not been able to be fully applied in the absence of a specific legal instrument that regulates the delimitation and titling of the lands of indigenous peoples and ethnic communities.

In use of their powers;

**Has dictated**

The next:

### **COMMUNITY PROPERTY REGIME LAW OF INDIGENOUS PEOPLES AND ETHNIC COMMUNITIES OF THE AUTONOMOUS REGIONS OF THE ATLANTIC COAST OF NICARAGUA AND OF THE BOCAY, COCO, INDIO AND MAIZ RIVERS**

#### **CHAPTER I GENERAL DISPOSITION**

**Art. 1.** The purpose of this Law is to regulate the communal property regime of the lands of the indigenous and ethnic communities of the Atlantic Coast and the basins of the Coco, Bocay, Indio and Maíz rivers.

**Art. 2.** The following are specific objectives of this Law:

1. Guarantee to the indigenous peoples and ethnic communities the full recognition of the rights of communal property, use, administration, management of traditional lands and their natural resources, through the demarcation and titling of the same.
2. Regulate the rights of communal property, use and administration of natural resources in the traditional communal lands of indigenous peoples and ethnic communities.
3. Determine the legal procedures necessary for such recognition, taking into account the full participation of indigenous peoples and ethnic communities, through their traditional authorities.
4. Establish the fundamental principles of the administrative regime of indigenous peoples and ethnic communities, in the management of their communal territories.
5. Establish the norms and procedures for the demarcation and titling process on the communal property right object of this Law.

6. Define the institutional order that will govern the process of titling the communal lands of each of the different indigenous peoples and ethnic communities that are the object of this Law.

**Art. 3.** For the purposes of this Law, the following definitions are established:

**Complementary Area:** These are the spaces traditionally occupied by the communities, under the concept of communal lands and that are currently not included in their property title.

**Community Assembly:** It is the meeting of community members, gathered to take decisions on matters that are of community interest, in accordance with their customs and traditions.

**Territorial Assembly:** It is the meeting of the traditional communal authorities that make up a territorial unit, gathered to take decisions on matters specific to the territory.

**Traditional Communal Authority:** It is the authority of the indigenous and ethnic community, elected in a Communal Assembly according to their customs and traditions to represent and govern them; such as Trustee, Wihta, Coordinator or others.

**Territorial Authority:** It is the inter-communal authority, elected in an assembly of traditional communal authorities, which represents a set of indigenous communities.

**Ethnic Community:** It is the group of families of Afro-Caribbean descent who share the same ethnic conscience, due to their culture, values and traditions linked to their cultural roots and forms of possession of land and natural resources.

**Indigenous Community:** It is the set of families of Amerindian descent established in a territorial space, who share feelings of identification, linked to the aboriginal past of their indigenous people and who maintain an identity and values typical of a traditional culture, as well as forms of ownership and communal land use and own social organization.

**Consultation:** It is the expression and delivery of the technical information of the operation or the project followed by the process of discussion and decision on them; during which the communities must have translators who will translate everything said during this process into their languages and be assisted by technicians in the matter. Both the translator and the technicians must be chosen and appointed by the communities.

**Third parties:** Natural or legal persons, other than communities, who claim property rights within a communal land or an indigenous territory.

**Indigenous and Ethnic Territory:** It is the geographical space that covers the entire habitat of a group of indigenous or ethnic communities that make up a territorial unit where they develop, according to their customs and traditions.

**Communal Land:** It is the geographical area in possession of an indigenous or ethnic community, either under real title of ownership or without it. It includes the lands inhabited by the community and those that constitute the traditional scope of its social, economic, cultural activities, sacred places, wooded areas for reproduction and

multiplication of flora and fauna, construction of boats, as well as subsistence activities, including hunting, fishing and agriculture. Communal lands cannot be taxed, cannot be taken away by prescription, seized or transferred.

**Communal Property:** It is the collective property, constituted by the lands, water, forests and other natural resources contained in them, which have traditionally belonged to the community, traditional knowledge, intellectual and cultural property, biodiversity resources and other goods, rights and actions, that belong to one or more indigenous or ethnic communities.

**Indigenous People:** It is the human community that maintains a historical continuity with the pre-colonial societies whose social, cultural and economic conditions distinguish them from other sectors of the national society and that are totally or partially governed by their own customs and traditions.

**Common Use Area:** Are those territorial areas that are traditionally shared between two or more indigenous and / or ethnic communities that are the object of this Law.

## **CHAPTER II COMMUNITY AND TERRITORIAL AUTHORITIES WITH LEGAL REPRESENTATION**

**Art. 4.** The Communal Assembly constitutes the highest authority of the indigenous and ethnic communities. The communal authorities are responsible for the legal representation of the communities. Each community will define which communal authority legally represents it.

The Territorial Assembly is the highest authority in the territory and is convened according to the procedures established by the set of communities that make up the territorial unit.

**Art. 5.** The communal authorities are traditional administrative and government bodies that represent the communities that elect them according to their customs and traditions.

The territorial authorities are administrative bodies of the territorial unit which they legally represent.

**Art. 6.** The elections, re-elections, dismissals and terms of office of the communal and territorial authorities will be made in accordance with the traditional customs and procedures of the indigenous communities and ethnic communities.

**Art. 7.** The elections of the communal authorities will be carried out, with the presence of a member of the territorial authorities, where they exist, and a representative of the respective Regional Council, who will certify the election of the corresponding authority.

**Art. 8.** The elections of the territorial authorities will be carried out at least with the presence of a representative of the corresponding Autonomous Regional Council, as a witness commissioned for this purpose, by the Board of Directors of said body. The Secretary of the Board of Directors of the Regional Council will issue the due certification within a period of no more than eight days after the election.

In the absence of the designated authority, the territorial assembly will send the election record to the Regional Council for registration and certification.

In the event that the Secretary does not extend the Certification within the indicated period; It must be extended by mere right, the President of the corresponding Regional Council.

**Art. 9.** Each Autonomous Regional Council must keep an updated register of the elected communal and territorial authorities. For this purpose, an official responsible for the registry will be trained, who must master at least two languages of the regions.

In the case of regional authorities, outside the autonomous regions, a representative of the Regional Council will appear in the elections.

The corresponding municipality must keep a Register Book of Regional Authorities and will be responsible for issuing the certification, within a period of eight days, after the election has been made. The regional authorities may also register the election records in the Register of the corresponding Autonomous Regional Council.

**Art. 10.** The traditional communal authorities may grant authorizations for the use of communal lands and natural resources in favor of third parties, as long as they are expressly ordered to do so by the Communal Assembly. To carry out subsistence activities, such authorization will not be required.

When it comes to the use of natural resources of common use of the member communities of the territory, authorizations will be granted for this purpose, by the express mandate of the Territorial Assembly.

The corresponding Autonomous Regional Council will provide technical support to the communities in the process of approval and rational use of their regional resources.

### **CHAPTER III OF THE MUNICIPAL AUTHORITIES**

**Art. 11.** The municipal authorities, in observance of what is established in the Political Constitution, must respect the communal property rights that indigenous peoples and ethnic communities located within their jurisdiction have, over their lands and over the natural resources found therein.

**Art. 12.** In cases of granting concessions and contracts for the rational exploitation of subsoil natural resources on indigenous lands, the municipality will issue its opinion, after consulting the indigenous community on whose lands the natural resources are located. This consultation does not exhaust the requirement for the Regional Council, or any entity, to directly consult the communities on the exploitation of natural resources.

All types of granting of concessions and contracts for the rational exploitation of natural resources will be done in coordination with the Central Government.

**Art. 13.** In cases of forest use on communal lands, the municipal authority may extend the corresponding guarantee only when the community requests it or transfers its rights to third parties, in accordance with the provisions of current forest legislation.

In the case of harvesting wood for domestic use in the communities, the endorsement of the municipality will not be required. The judge (Wihta) of the community will ensure that said use is not abused. In case of abuse, the community will impose the corresponding sanction, without detriment to the other administrative sanctions established by law.

**Art. 14.** Municipalities may not declare municipal ecological parks on communal lands located within their jurisdiction.

#### **CHAPTER IV REGIONAL AUTONOMOUS AUTHORITIES**

**Art. 15.** The Autonomous Regional Councils and Autonomous Regional Governments must respect the property rights that indigenous and ethnic communities located within their jurisdiction have over their communal lands and over the natural resources found there.

The Regional Autonomous Councils, according to their powers, will have the responsibility of promoting the procedures for demarcation and titling of communal lands, for which they must coordinate with the Central Government.

**Art. 16.** In the cases of granting of concessions and contracts for the rational exploitation of subsoil resources by the State on the lands of indigenous and ethnic communities, the corresponding Regional Council will issue the resolution after consulting the communities on whose lands, natural resources, are located.

The communities, as a result of the consultation, must respond positively or negatively to the request of the Autonomous Regional Council.

**Art. 17.** In the cases in which the community opposes the realization of the project, the granting of the concession or the exploitation contract, the Regional Council must initiate a process of negotiation with the community.

In the negotiation process, the communities will be represented by their traditional authorities, who will be assisted by technical advisers chosen by them.

In any case, the negotiation of the Regional Council must provide compensation for eventual damages to the community, without prejudice to their participation in the project; and in no case will the displacement or transfer of the community be contemplated.

In each of these procedures and in order to offer greater protection to natural resources, the Central Government will have direct participation to favor the communities in their negotiations.

**Art. 18.** Once the consultation process has concluded, for the realization of the project or the granting of the concession or contract, the community, the respective Autonomous Regional

Council and the interested entity or company must sign an agreement specifying the technical terms and the participation in the benefits economic community.

This negotiation process must include the following aspects: environmental conservation and the right to compensation regardless of the participation in the benefits reported by the profits.

**Art. 19.** It is the responsibility of the Autonomous Regional Council, through the Demarcation Commission, to resolve border conflicts between communities that cannot be resolved directly between them and if the intervention of the territorial authorities has been exhausted.

**Art. 20.** The representatives of the communities will present their arguments to the members of the Demarcation Commission, who, if necessary, will verify the information at the scene of the events. The Commission will draw up a record of everything that has been done in the resolution process.

**Art. 21.** The Demarcation Commission of the Regional Council will issue a resolution in this regard, signed by the President and the Secretary of the same to be ratified by the plenary session of the Regional Council. In the event that one of the parties does not agree with the resolution, it may challenge it before the Board of Directors of the Regional Council to pass the request to the plenary, which must resolve in the next session by means of a definitive resolution.

**Art. 22.** If the President of the Regional Council does not respond within the period indicated or does not give rise to the challenge, the interested party may request in writing to the Secretary of the Council, that the case be discussed in the plenary session of the Regional Council. The resolution of the Council exhausts the administrative route.

In the case of the indigenous communities of the Coco, Bocay, Indio and Maíz river basins that are outside the jurisdiction of the Autonomous Regions, the border conflicts between communities will be resolved by the National Demarcation and Titling Commission (CONADETI).

## **CHAPTER V OF THE CENTRAL GOVERNMENT AUTHORITIES**

**Art. 23.** In accordance with article 5 of the Political Constitution, the State recognizes the legal personality of indigenous and ethnic communities without further formality, it also recognizes their constitutional right to establish their own forms of internal government.

**Art. 24.** The State recognizes the right that indigenous and ethnic communities have over the lands that they traditionally occupy. In the same way, it recognizes and guarantees the inalienability, non-seizure and imprescriptible of the same.

**Art. 25.** In contracts for the use of natural resources in indigenous and ethnic communal properties, the State will recognize the property right of the community or territory where they are located.

**Art. 26.** To declare protected areas on communal properties, the State must agree with the legal representatives of the indigenous community to issue the corresponding legislative decree to issue such a declaration. In the event that the communities oppose the procedure, it must be carried out in accordance with the provisions of articles 15, 16 and 17 of this Law.

**Art. 27.** The administration of protected areas on communal lands will be under the joint management system with the indigenous communities and the State. For this, the indigenous communities may use the environmental non-governmental organizations of their choice, without prejudice to the technical support that MARENA must provide them.

**Art. 28.** The Management Plan for protected areas on indigenous and ethnic communal lands will be made in conjunction with the indigenous communities involved and MARENA, for which the traditional forms of use of natural resources used by the communities will be taken into account.

## **CHAPTER VI OF THE PROPERTY REGIME**

**Art. 29.** Property rights to communal lands belong collectively to indigenous or ethnic communities. The members of the communities or group of communities have the right of occupation and usufruct according to the traditional forms of ownership of communal property.

**Art. 30.** In accordance with the Statute of Autonomy, the rights of communal property and those of the areas of common use that are incorporated into an indigenous territory, will be administered by the corresponding territorial authority and the communal authorities.

**Art. 31.** The Government of the Republic, the Autonomous Regions and the municipalities must respect the real rights over the communal lands that they have traditionally occupied, as well as over the natural resources that indigenous peoples and ethnic communities have traditionally used.

**Art. 32.** Communities that have acquired property titles over certain areas, as well as those granted by the Mosquitia Titling Commission emanating from the Harrison-Altamirano Treaty of 1905, or others, also have the right to complementary areas of traditionally occupied spaces.

**Art. 33.** The indigenous and ethnic communities of the Atlantic coast, islands and keys have the exclusive right to take advantage of maritime resources for community and artisanal fishing, within three miles adjacent to the coastline and twenty-five miles around the adjacent keys and islands. .

**Art. 34.** The taxes collected by the Treasury for the rights to use natural resources in the Autonomous Regions must directly benefit the indigenous communities in whose areas the natural resources are found. The distribution of these resources will be as follows:

- 1) 25% for the indigenous community or communities where the resource to be exploited is located;
- 2) 25% for the municipality where the indigenous community is located;



3) 25% for the corresponding Council and Regional Government; Y

4) 25% for the Central Government.

These funds must be delivered by the Ministry of Finance and Public Credit to the legal representative of each of the indicated instances.

The use of these reserves will be supervised by the Central Government together with the regional authorities.

## **CHAPTER VII THIRD PARTIES ON COMMUNAL LANDS**

**Art. 35.** The property rights and historical occupation of the indigenous and ethnic communities will prevail over titles issued in favor of third parties who have never owned them and who, as of 1987, intend to occupy them.

**Art. 36.** The third party who owns agrarian title to indigenous lands and who has occupied and owned the land protected by this title, has the full right to continue owning it. In the event that he intends to dispose of the property, he must sell the improvements to the community.

**Art. 37.** The third party who has received agrarian title with some formal or substantive defect in indigenous lands, will be compensated to return the lands to the affected indigenous communities.

**Art. 38.** Third parties on indigenous lands without any title shall abandon the indigenous lands without compensation; but in case they intend to stay in them, they will pay a rental fee to the community.

## **CHAPTER VIII PROCEDURE FOR LEGALIZATION OF LAND**

**Art. 39.** The indigenous and ethnic communities of the Atlantic Autonomous Regions of Nicaragua and of the territories of the Coco, Bocay, Indio and Maíz rivers, have the right to have the State grant them communal property titles over the lands and territories that they have been occupying and possessing from ages ago.

The titles must recognize full ownership in community form over such areas, which must also include the natural resources contained in said spaces and must be registered in the Public Property Registry.

**Art. 40.** The work of demarcation and legal recognition of the territorial property of the indigenous and ethnic communities, whose initiation, promotion and execution will be carried out in the terms, by the entities and persons indicated in subsequent norms of this same Law, will be fulfilled throughout its development with full respect and subject to the following general principles and criteria:

a) The full direct participation of indigenous peoples and ethnic communities with voice and vote, through their traditional authorities;

b) The disposition and permanent will of concentration and of harmony between the different institutions and people involved in the development of the procedures of the process;

c) The determination of the surface and limit of the territorial spaces to be recognized, taking into account the historical and cultural possession exercised by the requesting community or communities;

d) The will to contribute in a peaceful and reasonable manner to the search for a solution to possible conflicts that may arise between communities or groups of neighboring or neighboring communities in their settlements.

**Art. 41.** The National Commission for Demarcation and Qualification (CONADETI) is created, which will be made up of:

The two Presidents of the Autonomous Regional Councils who alternately preside over it;

The Director of the Rural Titling Office (OTR);

Two representatives from the Bocay Basin;

A delegate from the Ministry of Agriculture and Forestry (MAG-FOR);

The Director of the Nicaraguan Institute for Territorial Studies (INETER);

A representative of each one of the ethnic groups of the Autonomous Regions;

A representative of the Commission for Ethnic and Community Affairs of the Atlantic Coast of the National Assembly who is from the autonomous regions of the Atlantic Coast of Nicaragua.

The mayors of the municipalities included in the demarcation and titling area.

**Art. 42.** In the Autonomous Regions and in the territories of the Coco and Bocay River Basin, three Inter-sectorial Demarcation and Titling Commissions (CIDT) will be created as operational instances in the demarcation and titling process that is the object of this Law.

For these purposes, each CIDT will be made up of:

The President of the corresponding Regional Council;

The Delegate of the Rural Titling Office (OTR);

The Delegate of the Nicaraguan Institute for Territorial Studies (INETER);

A representative of each of the ethnic groups of the region or territory, designated by their traditional authorities;

A representative of the communities of the Coco and Bocay river basin, if applicable; Y

The mayor of the municipality corresponding to the demarcation and titling area.

The Indio and Maíz communities will attend the Inter-sectorial Demarcation and Titling Commission (CIDT) of the South Atlantic Autonomous Region (RAAS).

**Art. 43.** The National Commission for Demarcation and Qualification (CONADETI), will have the following functions:

Decide and resolve on the applications for demarcation and titling;

Direct the demarcation process;

Create technical, regional and territorial commissions;

Obtain its Internal Regulations;

Manage your budget;

Coordinate with the Rural Titling Office (OTR), the issuance of titles on the lands and territories of indigenous peoples and ethnic communities.

**Art. 44.** The functions of the CIDT will be the following:

a) Receive requests for communal land titling from communities; as well as giving them their acceptance if they are adjusted to the law or formulating the appropriate observations on them if they do not meet the requirements of the law, so that they are corrected.

b) To process the requests for demarcation and titling of indigenous communal lands, for which purpose it must:

1. Establish the necessary coordination with the interested entities;

2. Facilitate the participation of the communities and their authorities throughout the process;

3. Propose the creation of technical teams with the necessary professional support staff and monitor the activities entrusted to them;

4. Issue resolutions of procedures that tend to give impetus to the process and resolve the situations that arise within it;

5. Carry out the technical and legal evaluation of the actions and reports that are produced, during the process, to ensure that the necessary actions are not omitted.

c) Create an effective mechanism for the delimitation, demarcation and titling of the properties of indigenous communities, in accordance with Customary Law, their values, uses and customs.

**Art. 45.** The demarcation and titling process will have the following stages:

1. Application Submission Stage;
2. Stage of Conflict Resolution;
3. Measurement and Amount Stage;
4. Degree Stage; And
5. Sanitation Stage.

**Art. 46.** The procedure for the delimitation and legal recognition of communal lands will begin with the presentation of the written request, which must contain:

1. The name of the requesting community or communities and their authorities that will represent them during the process;
2. Designate a place to hear notifications in the locality where the request is submitted.
3. A diagnosis of the community or communities which must contain:
  - a) The historical background of the applicant community or communities;
  - b) The demographic, social, economic and cultural characteristics of the applicant community or communities;
  - c) The traditional forms of management, uses and tenure of the requested area;
  - d) The name of the indigenous or ethnic communities and of other entities or persons that occupy lands adjacent to the requested areas;
  - e) Any conflicts that the applicant community or communities may have with neighboring communities or with third parties.

**Art. 47.** The corresponding Inter-sectorial Demarcation and Titling Commission (CIDT), once the diagnostic study and cartographic survey of the requested lands have been reviewed, will proceed to prepare a draft reasoned resolution by virtue of which it will recognize, in favor of the community or communities, the area within 30 days.

Said resolution must prove, in accordance with the constitutional norms and the Autonomy Law, the recognition by the State in favor of the communities, as well as:

- a) The historical and legal grounds on which the resolution is based;
- b) The clear identification of the community or communities that own the communal land;
- c) Full collective dominion over the lands and territories that are the object of the resolution;
- d) The clear indication of the geographical location, limits, boundaries and extension;
- e) The use and administration of the natural resources of such lands; Y
- f) Its own characteristics and the other rights and attributions that communal ownership of the land entails.

**Art. 48.** Once the diagnostic study has been presented to the corresponding Inter-sectorial Demarcation and Titling Commission (CIDT), it must pronounce itself within a period of no more than thirty (30) days.

**Art. 49.** The corresponding Inter-sectorial Demarcation and Titling Commission (CIDT), through an interdisciplinary technical team, will carry out the studies that provide the information and the necessary foundations for decision-making on the delimitation and legalization of the land.

**Art. 50.** The communities, with their own resources, will have the option of carrying out the studies indicated in the previous article, subject to the technical and legal specifications emanating from this Law. Such studies must be approved by the Inter-sectorial Demarcation and Titling Commission (CIDT) correspondent.

**Art. 51.** Simultaneously with the diagnosis, the Inter-sectorial Demarcation and Titling Commission (CIDT) will ask the Nicaraguan Institute for Territorial Studies (INETER) to carry out the technical tasks of topographic survey and demarcation of the requested territories.

## **CHAPTER IX CONFLICT RESOLUTION STAGE**

**Art. 52.** The communities that intend to achieve the delimitation and legalization of their territories, will make all the efforts of dialogue and agreement necessary to achieve an understanding and agreement between the parties involved, to resolve any conflicts that may arise.

When despite the efforts made by the communities involved and their authorities, the conflicts cannot be resolved, the corresponding Inter-sectorial Demarcation and Titling Commission (CIDT), once the diagnostic work has been received and within the aforementioned term of thirty (30) days, it will send the information collection to the respective Regional Council, so that it can proceed in the search for a definitive agreement, following the procedure defined in articles 19 to 22 of this Law.

**Art. 53.** When the diagnosis reflects an unresolved boundary conflict, the CIDT will verify with the designated communal authority if the conciliation procedures have been exhausted, forwarding the information on the conflict to the respective Regional Council for it to resolve as established in Article 22 of this Law. The conflict must be resolved by the Regional Council within a maximum period of three (3) months.

## **CHAPTER X MEASUREMENT AND MOUNTING**

**Art. 54.** The corresponding Inter-sectorial Demarcation and Titling Commission (CIDT), once the conflict resolution stages are concluded, will have technical and material resources to proceed with the demarcation and demarcation, for which it will have a maximum term of twelve (12) months.

**Art. 55.** The resources allocated to the demarcation and marking process will be the responsibility of the State without prejudice to the communities that can develop it with their own resources and / or external support or cooperation.

The National Demarcation and Titling Commission (CONADETI) will present to the President of the Republic a General Measurement, Land Marking and Titling Plan with its respective budget, which must be included with priority in the General Budget of the Republic and financed according to the annual breakdown.

In the event of non-compliance with the term without completing the measurement and marking started, the term may be extended for a maximum of six months.

## **CHAPTER XI QUALIFICATION STAGE**

**Art. 56.** Once the measurement and marking procedure has been concluded, the proceedings will be sent to CONADETI, who will issue the corresponding title within 45 days.

The property title granted in favor of the community or group of communities will contain:

- a) Name of the community or group of benefited communities;
- b) The extension of lands or territory;
- c) Geographical location of the property;
- d) The boundaries of the property;
- e) Traditional forms of management and use of resources;
- f) Its character of inalienable, imprescriptible, non-seizure, social and collective domain right.

**Art. 57.** The title issued by the National Commission for Demarcation and Titling recognizing the right of ownership of communal lands in favor of the community or group of requesting communities, will be registered at no cost in favor of its beneficiaries in the Public Registry office of the respective Property.

**Art. 58.** The acts of the administration that come to be produced in the course of the process of demarcation and legalization of communal lands, whatever their nature, (of simple procedure or resolving substantive matters), must be notified personally to the community or group of applicant communities that, in all cases, may file against them the resources established by law.

## **CHAPTER XII SANITATION STAGE**

**Art. 59.** Each of the communities, once their title has been obtained, will be able to initiate with the technical and material support of the Rural Titling Office (OTR), the stage of cleaning up their lands, in relation to third parties that are within them. .

## **CHAPTER XIII OF THE RESOURCES**

**Art. 60.** The administrative remedies established in articles 39 to 45 of Law No. 290, Law of Organization, Competence and Procedures of the Executive Power, may be invoked by the communal and territorial authorities and any other citizen who considers that their rights have been violated within the demarcation and titling process.

**Art. 61.** Once the administrative route has been exhausted, in accordance with the procedures established by Law No. 290, citizens may appeal for constitutional challenge, in accordance with the current applicable Law, since the rights to land for the peoples indigenous peoples are constitutional rights.

## **CHAPTER XIV FINANCING FORM**

**Art. 62.** The State, while the demarcation and legalization process lasts, will ensure the inclusion in the General Budget of the Republic of each year, of the items that are necessary to finance the investments that the works and procedures of all kinds, necessary for ensure the purpose indicated by this Law.

**Art. 63.** For the execution of this Law, the "National Fund for Demarcation and Legalization of Communal Lands" is created, which will be administered by the National Commission for Demarcation and Titling (CONADETI), under the supervision of the Ministry of Finance and Public Credit, through the Rural Titling Office (OTR).

**Art. 64.** The Fund created by the previous article will be made up of the following contributions:

- a) The annual allocations specifically established in the General Budget of the Republic;
- b) The external financing that for these purposes is managed and received;

c) Donations, inheritance or legacies made by entities of the national or international order;

d) Other resources that are expressly intended for this purpose.

**Art. 65.** The National Commission for Demarcation and Titling (CONADETI), will render accounts of the administration of the resources of the National Fund referred to in the previous articles and of the application of its annual budgets of expenses, to the Ministry of Finance and Public Credit.

## **CHAPTER XV FINAL AND TRANSITIONAL PROVISIONS**

**Art. 66.** This Law by its nature is defined of a special nature.

**Art. 67.** This Law will be translated and widely disseminated by the Regional Councils in the languages of the indigenous peoples and ethnic communities of the Autonomous Regions of the Atlantic Coast of Nicaragua, within a period of three months from its publication.

**Art. 68.** The National Demarcation and Titling Commission (CONADETI), with the support and active participation of the corresponding Inter-sectorial Demarcation and Titling Commission (CIDT), will be responsible for conducting the process of demarcation and titling of the communities' lands, object of this Law, for which they must be integrated within a period of no more than thirty (30) days after the entry into force of this Law.

**Art. 69.** Indigenous communities that, as of the effective date of this Law, have carried out the pertinent studies for the demarcation and legalization of their communal lands, shall submit their documentation to the Inter-sectorial Demarcation and Titling Commission (CIDT), corresponding to the process degree before the National Commission for Demarcation and Qualification (CONADETI).

**Art. 70.** This Law repeals Decrees 16-96 and 23-97, on the Creation and Modification of the National Commission for the Demarcation of the Lands of Indigenous Communities on the Atlantic Coast and any other Law that opposes it.

**Art. 71.** As of the effective date of this Law, the issuance of supplementary titles and agrarian reform titles on lands claimed by the communities subject to this Law is suspended.

**Art. 72.** This Law shall enter into force from the date of its publication by any means of social and written communication, without prejudice to its subsequent publication in La Gaceta, Official Gazette.

Given in the city of Managua, in the Session Room of the National Assembly, on the thirteenth day of December of the year two thousand and two. JAIME CUADRA SOMARRIBA, President of the National Assembly, MIGUEL LOPEZ BALDIZON, Secretary of the National Assembly.

Therefore: Take it as the Law of the Republic and Execute. Managua, January 22, two thousand and three. ENRIQUE BOLAÑOS GEYER, President of the Republic of Nicaragua.