



CEDE

DOCUMENTO CEDE 2005-7
ISSN 1657-7191 Edición Electrónica
ENERO DE 2005

**NATURAL RESOURCE CONSERVATION AND MANAGEMENT IN
THE SIERRA NEVADA OF SANTA MARTA:
CASE STUDY**

EDUARDO URIBE BOTERO¹

Abstract

The Sierra Nevada of Santa Marta of Colombia is a region of immense cultural, historical, ecological and biological value. However, external interventions have caused serious cultural, social and environmental damage. This case study illustrates how the development of a constitutional, legal and policy framework, which recognized the cultural and territorial rights of the indigenous communities of the Sierra Nevada, facilitated the building of coordination mechanisms for the design of conservation strategies. It also shows how there still are important challenges to secure the effectiveness and equity of these strategies. Following the analytical framework of the World Development Report (WDR) 2003², this case study analyzes how society and institutions became aware of the values and problems of the Sierra Nevada of Santa Marta, the mechanisms that have generated decisions to undertake action, the mechanisms which have been in place to balance legitimate and competing social interests, and the means by which the adopted solutions have been executed. Finally, this document presents some lessons and recommendations.

Key words: conservation, indigenous groups, Sierra Nevada, institutions, Colombia

JEL classification: N5, O13, Q20

¹ Universidad de los Andes - CEDE

² World Development Report 2003 - Sustainable Development in a Dynamic World: Transforming Institutions, Growth, and Quality of Life. 2003. The World Bank. Washington.

CONSERVACIÓN Y MANEJO DE LOS RECURSOS NATURALES EN LA SIERRA NEVADA DE SANTA MARTA: ESTUDIO DE CASO

Resumen

La Sierra Nevada de Santa Marta de Colombia es una región de enorme importancia cultural, histórica y biológica. Sin embargo, intervenciones externas han causado daños culturales, sociales y ambientales severos. Este estudio de caso ilustra como el desarrollo de un marco constitucional, legal y de política que reconoce los derechos culturales y territoriales de las de las comunidades indígenas de la Sierra Nevada ha facilitado la construcción de mecanismos de coordinación para el diseño de estrategias de conservación. Muestra también como aun existen importantes retos para asegurar la efectividad y equidad de esas estrategias. Con base en el marco analítico del Informe sobre el Desarrollo Mundial del Banco Mundial del año 2003³, este estudio de caso analiza como la sociedad y las instituciones adquirieron conciencia sobre los valores y problemas de la Sierra Nevada de Santa Marta, los mecanismos que han generado las decisiones para emprender acciones, los mecanismos existentes para balancear intereses legítimos en conflicto y los mecanismos mediante los cuales las soluciones adoptadas han sido implementadas. Finalmente, este documento presenta algunas lecciones y recomendaciones.

Palabras clave: conservación, indígenas, Sierra Nevada, Instituciones, Colombia

Clasificación JEL: N5, O13, Q20

³ World Development Report 2003 - Sustainable Development in a Dynamic World: Transforming Institutions, Growth, and Quality of Life. 2003. The World Bank. Washington.

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NATURAL RESOURCE CONSERVATION AND MANAGEMENT IN THE SIERRA NEVADA OF SANTA MARTA

The Sierra Nevada of Santa Marta is a mountainous region of immense cultural, historical, ecological and biological value. However, this region has had a long history of external interventions which caused serious cultural, social and environmental damage. The intervention of government agencies has been traditionally limited and uncoordinated. The efforts to protect the values of the region are recent.

This case study illustrates how the development of a constitutional, legal and policy framework, which recognized the cultural and territorial rights of the indigenous communities of the Sierra Nevada, facilitated the building of coordination mechanisms for the design of conservation strategies. This case study also shows how there still are important challenges to secure the effectiveness and equity of these strategies. The strengthening of coordinating mechanism is required to secure an effective the effective implementation of the agreed actions. In addition, the adequate inclusion of all relevant social actors, in particular the *campesino* communities of the region would be important for increasing regional equity.

This document is divided in three main sections. The first section includes a description of the biophysical nature of the Sierra Nevada of Santa Marta, its inhabitants, and the armed conflict which has affected local communities during the last 40 years. This section also includes a description of the evolution of institutional interventions in this region, and of the projects which are being executed. Following the framework of the World Development Report (WDR) 2003⁴, the second section of this document analyzes how society and institutions became aware of the values and problems of the Sierra Nevada of Santa Marta, the mechanisms that have generated decisions to undertake action, the mechanisms which have been in place to balance legitimate, competing social interests, and the means by which the adopted solutions have been executed. Finally, the third part of this document presents lessons and recommendations.

1. Description of the Case

1.1 Biophysical Nature of the Sierra Nevada

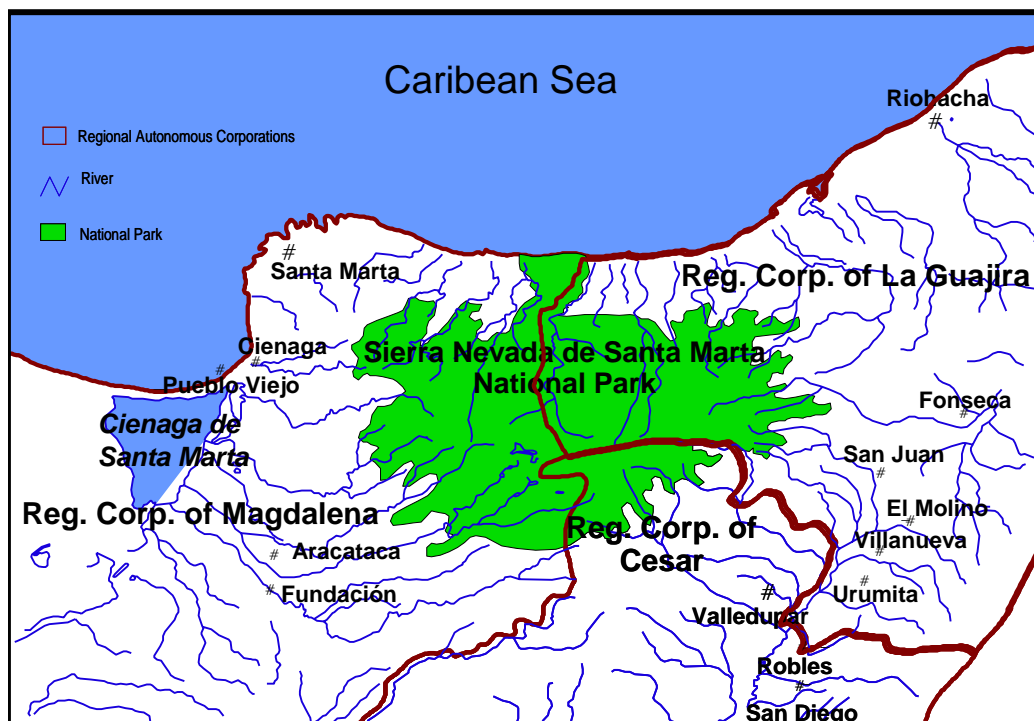
The Sierra Nevada of Santa Marta is a pyramidal mountain that rises isolated from the Andes chain over the Caribbean coastal plains of northern Colombia. The Sierra Nevada reaches an altitude of 5.775 meters and has a total area of

⁴ World Development Report 2003 - Sustainable Development in a Dynamic World: Transforming Institutions, Growth, and Quality of Life. 2003. The World Bank. Washington.

approximately 21.158 K².⁵ To the North, facing the Caribbean Sea, the Sierra Nevada is a humid region with precipitations that reach 4000 mm per year. The South East side of the Sierra Nevada is its driest region, with average precipitations of about 900 mm a year⁶.

Inside the vast territory Sierra Nevada of Santa Marta there are a wide variety of ecosystems⁷. They include tropical deserts, xerophytic formations, humid forests, Andean forests, cloud forests, *paramos*⁸ and snow covered ecosystems. The Sierra Nevada of Santa Marta is rich in biological diversity and in endemisms^{9,10}. In fact, it is one of Colombia's richest regions in endemisms.

Map 1. The Region of the Sierra Nevada of Santa Marta



⁵ Plan de Desarrollo Sostenible de la Sierra Nevada de Santa Marta. Estrategia de Conservación de la Sierra Nevada de Santa Marta. 1997. Fundación Pro-Sierra Nevada de Santa Marta. Bogotá.

⁶ Evaluación Ecológica Rápida. Definición de Áreas Críticas para la Conservación en la Sierra Nevada de Santa Marta. 1998. Fundación Pro-Sierra Nevada, Unidad de Parques Nacionales, The Nature Conservancy, USAID; Embajada del Japón. Bogotá.

⁷ Evaluación Ecológica Rápida. Definición de Áreas Críticas para la Conservación en la Sierra Nevada de Santa Marta. 1998. Fundación Pro-Sierra Nevada, Unidad de Parques Nacionales, The Nature Conservancy, USAID; Embajada del Japón. Bogotá.

⁸ This is a high mountain ecosystem bereft of trees and of large importance for the hydrological functioning of high lands.

⁹ Evaluación Ecológica Rápida. Definición de Áreas Críticas para la Conservación en la Sierra Nevada de Santa Marta. 1998. Fundación Pro-Sierra Nevada, Unidad de Parques Nacionales, The Nature Conservancy, USAID; Embajada del Japón. Bogotá.

¹⁰ Endemic species are those with narrow habitats and limited geographic distributions.

About 30 rivers descend from the highlands of the Sierra Nevada to the Caribbean coastal plains. All of these watersheds yield about ten million cubic meters of water per year¹¹. This is equivalent to about 320 cubic meters of water per second. The rivers that descend from the highlands of the Sierra Nevada provide water for a population of about 1.5 million, most of which are located in forty six medium and small cities and human settlements, including *Santa Marta*, *Ciénaga*, *Aracataca*, *Fundación*, *Valledupar*, *Pueblo Bello*, *San Juan del Cesar*, and *Riohacha*.

The Sierra's rivers also provide water for the mountain's surrounding fertile agricultural plains¹². About 92% of the water yield of the Sierra Nevada of Santa Marta that is economically consumed is allocated to agriculture¹³. The remaining 8% is used mainly for human consumption¹⁴.

The waters that descend from the Sierra Nevada of Santa Marta have an additional important economic and ecological function¹⁵. As they reach the lowlands and approach the coastline, they mix with marine waters. They then form estuaries which allow the development of mangrove ecosystems of large biological productivity. The largest and most productive of them is the *Ciénaga de Santa Marta*.

In the low agricultural flat lands that surround the Sierra Nevada there is a 26.000 hectare irrigation district¹⁶. It distributes 32.3 m³/sof water, and benefits 258.000 people¹⁷. The main irrigated crops are bananas (11.000 Hectares) and Palm Oil (13.500 Hectares)¹⁸ plantations of the lowlands. In the medium lands of the Sierra Nevada of Santa Marta there are mostly small and medium coffee farms and subsistence agriculture (cassava, plantain, cocoa, coconut , rice and fruits)¹⁹.

¹¹ Plan de Desarrollo Sostenible de la Sierra Nevada de Santa Marta. Estrategia de Conservación de la Sierra Nevada de Santa Marta. 1997. Fundación Pro-Sierra Nevada de Santa Marta. Bogotá.

¹² Evaluación Ecológica Rápida. Definición de Áreas Críticas para la Conservación en la Sierra Nevada de Santa Marta. 1998. Fundación Pro-Sierra Nevada, Unidad de Parques Nacionales, The Nature Conservancy, USAID; Embajada del Japón. Bogotá.

¹³ Estrategia de Sostenibilidad Financiera para el Ordenamiento Ambiental de la Sierra Nevada de Santa Marta. 2002. CEDE, Facultad de Economía. Universidad de los Andes. Informe de Consultoría. Bogotá.

¹⁴ Vilorio J. 1997. Economía Cafetera en la Sierra Nevada de Santa Marta. Bogotá.

¹⁵ Díaz G. A. 1997. Ecosistemas Marinos y Costeros. *In*. Informe Nacional sobre el Estado de la Biodiversidad en Colombia. Volume I. The Alexander von Humboldt Institute. Bogotá.

¹⁶ The "*Prado Sevilla*" Irrigation District.

¹⁷ Características Generales de los Distritos de Adecuación de Tierras de Mediana y Gran Escala. 2000. INAT. Bogotá.

¹⁸ Estrategia de Sostenibilidad Financiera para el Ordenamiento Ambiental de la Sierra Nevada de Santa Marta. 2002. CEDE, Facultad de Economía. Universidad de los Andes. Informe de Consultoría. Bogotá.

¹⁹ Sánchez E., Bosoni M., 1999. Los Campesinos de la Sierra Nevada de Santa Marta Ocupantes de Resguardos Indígenas y Parques Naturales. Banco Mundial. Informe de Consultoría. Bogotá.

Human interventions during the last century caused severe and extensive transformations of the landscapes and natural ecosystems of the Sierra Nevada²⁰. Currently, only 10% of the area of the natural forests of the Sierra Nevada is well conserved and presents low degrees of intervention. The percentage of conserved forests is larger for the forests of the high lands (nearly 27%) than for the drier forests of the lowlands (less than 5%). About 64% of the total area of the Sierra Nevada presents high levels of human intervention. The lower drier ecosystems have been extensively transformed by agriculture and cattle raising. About 36 species of vertebrates of the Sierra Nevada have been registered by UICN as endangered species²¹. Most of the indigenous groups of the Sierra Nevada, and all the *campesino* communities associate the deforestation of the Sierra Nevada with the deterioration of its water resources²².

1.2 Population and Occupation

The rural population of the Sierra Nevada of Santa Marta includes indigenous and *campesino* communities. This region has a total of about 211.000 inhabitants²³.

Indigenous populations

Nearly 33.000 of the inhabitants of the area correspond to indigenous communities of the *Arhuaco*, *Kogui*, *Wiwa*, and *Kankwamos* groups. About 43.6% of them are *Arhuacos*, 29.8% are *Koguis*, 21.4% are *Kankwamos* and 5.3% are *Wiwas*. The Colombian Government has recognized collective property rights over part of the traditional territories of these communities. The *Resguardo* is the legal and social institution by which those collective rights are recognized²⁴. Table 1 presents the reservation areas – *resguardos* - in the Sierra Nevada of Santa Marta²⁵.

Table 1. Areas of Reservations – *Resguardos* - in the Sierra Nevada of Santa Marta

<i>Reservation - Resguardo</i>	Ethnic groups	Extension Km²	Date of creation	% of the total area of the Sierra Nevada*
Kogui- Wiwas	Kogui- Wiwas	3.640	1980,	17,20

²⁰ Evaluación Ecológica Rápida. Definición de Áreas Críticas para la Conservación en la Sierra Nevada de Santa Marta. 1998. Fundación Pro-Sierra Nevada, Unidad de Parques Nacionales, The Nature Conservancy; USAID; Embajada del Japón. Bogotá.

²¹ Categorías de Listas Rojas de la UICN Preparadas por la Comisión de Supervivencia de Especies. 1994. Unión Mundial para la Naturaleza. Suiza.

²² Plan de Desarrollo Sostenible de la Sierra Nevada de Santa Marta. Estrategia de Conservación de la Sierra Nevada de Santa Marta. 1997. Fundación Pro-Sierra Nevada de Santa Marta. Bogotá.

²³ Sánchez E., Bosoni M., 1999. Los Campesinos de la Sierra Nevada de Santa Marta Ocupantes de Resguardos Indígenas y Parques Naturales. Banco Mundial. Informe de Consultoría. Bogotá.

²⁴ Article 21, Decree 2164 of 1995.

²⁵ Situación del los DDHH y del Derecho Humanitario en la Sierra Nevada de Santa Marta. 2003. Secretariado Nacional de Pastoral Social Caritas Colombiana. Defensoría del Pueblo. Bogotá.

Reservation - Resguardo	Ethnic groups	Extension Km²	Date of creation	% of the total area of the Sierra Nevada*
Arhuaco	Arhuaco		extended in 1994	
Arhuaco	Arhuaco	1.959	1983	9.20
Kancuamo	Kankwamo	2.42	2003	0,01

* 21.158 Km².

These groups present significant differences with respect to their languages, clothing and architecture²⁶. "The *Koguis* are the more traditional of the indigenous groups of the Sierra Nevada"²⁷. They are "... jealous guardians of their traditions and respect their organizations and authorities." The *Arhuacos* "...have organized themselves to defend their territory and to have access to government resources." They form a heterogeneous group that includes traditional sectors with characteristics similar to those of the *Kogui*, with sectors which have closer relations with the *mestizo*²⁸ cultures". The *Wiwa* have also conserved important elements of their traditional culture²⁹. The *Kankwamos* are the group that has suffered the greatest acculturation³⁰. They have initiated a process of organization, cultural recuperation and territorial appropriation"³¹.

Traditional lack of awareness by the Colombian society at large with relation to the indigenous communities of the Sierra Nevada can be illustrated by a section of a classical textbook of Colombian Archeology, written by Mr. Reichel-Dolmatoff, a renowned anthropologist. As he described the *Kogui* culture in 1986, he wrote: "...unknown by most Colombians, relegated and persecuted, these Indians are the descendents of the most elevated aborigine culture of Colombia"³².

The *Arhuaco*, *Kogui* and the *Wiwa* have created political institutions to represent them. The *Koguis* are represented by the *Gonawindúa Tayrona Organization*. This organization also represents the *Arhuacos* and the *Wiwias*. The *Arhuacos* are politically represented by the *Confederación Indígena Tayrona*. The *Wiwias* are represented by the *Bunkwanarwa Tayrona* which also represents the *Koguis*. The

²⁶ Interview with Julio Mario Barragán and Eduardo Rico, advisors of the Gonawindua Tayrona Organization. Santa Marta. March 2004.

²⁷ Plan de Desarrollo Sostenible de la Sierra Nevada de Santa Marta. Estrategia de Conservación de la Sierra Nevada de Santa Marta. Pages 18 and 19. 1997. Fundación Pro-Sierra Nevada de Santa Marta. Bogotá.

²⁸ Cultures that have resulted from the mixtures of diverse cultures.

²⁹ Interview with Mr. Juan Mayer Director of the *Fundación Prosierra Nevada de Santa Marta* from 1986 to 1998 and Minister of the Environment from 1998 to 2002. Bogotá. July 2004.

³⁰ Plan de Desarrollo Sostenible de la Sierra Nevada de Santa Marta. Estrategia de Conservación de la Sierra Nevada de Santa Marta. 1997. Fundación Pro-Sierra Nevada de Santa Marta. Bogotá.

³¹ Sanchez E., and Bosoni M., 1999. Los Campesinos de la Sierra Nevada de Santa Marta Ocupantes de Resguardos Indígenas y Parques Naturales. Banco Mundial. Informe de Consultoría. Bogotá.

³² Reichel-Dolmatoff. G. 1986. Arqueología de Colombia: Un texto Introductorio. Fundación II Expedición Botánica. Bogotá.

Organización Indígena Kankuama represents the political interests of the *Kankwamos*.

Each of these organizations is headed by a “*Cabildo Gobernador*”. This person directs and coordinates processes related to the recuperation of their traditional territories and the management of the resources transferred by the national government for the implementation of their health and education programs. The “*Mama*”, a male figure, is their traditional authority. The “*Mamas*” hold the religious and political power and they maintain medical knowledge and traditions.

***Campesino* populations**

The *campesino* population of the Sierra Nevada totals about 169.000 people³³. Most of the peasant population immigrated or are the descendants of immigrants who arrived to the Sierra Nevada during the XX century³⁴ mostly from the Departments –*departamentos* - of *Santander*, *Boyacá*, *Tolima* and *Antioquia* in the mountainous Andean region of Colombia³⁵. Some of them also arrived from the neighboring lowlands of the Sierra Nevada.

Two main colonization waves took place during the XX century. The first was in the middle of the 20th century, as *campesinos* were displaced from their homes by “*La Violencia*”, a civil confrontation between the two traditional parties of the country³⁶. Between 1952 and 1966, the *campesino* population tripled in size³⁷. The second wave took place during the seventies. During that decade there was a boom in the production and commercialization of marihuana in the Sierra Nevada. This period is known as the “*Bonanza Marimbera*”. It is estimated that between 120.000 and 150.000 hectares of forest were transformed into marihuana plantations³⁸. During the Marihuana Boom “...more people arrived than between the twenties and the seventies.”³⁹ During the first and second waves of colonization traditional territories of the indigenous communities were occupied.

³³ Plan de Desarrollo Sostenible de la Sierra Nevada de Santa Marta. Estrategia de Conservación de la Sierra Nevada de Santa Marta. 1997. Fundación Pro-Sierra Nevada de Santa Marta. Bogotá.

³⁴ Molano A. and others.1987. Aproximación a una Historia Oral de la Colonización de la Sierra Nevada de Santa Marta. Fundación Pro-Sierra Nevada. Informe de Consultoría. Bogotá.

³⁵ Plan de Desarrollo Sostenible de la Sierra Nevada de Santa Marta. Estrategia de Conservación de la Sierra Nevada de Santa Marta. 1997. Fundación Pro-Sierra Nevada de Santa Marta. Bogotá.

³⁶ *Liberal and Conservador*.

³⁷ Sanchez E., and Bosoni M., 1999.Los Campesinos de la Sierra Nevada de Santa Marta Ocupantes de Resguardos Indígenas y Parques Naturales. Banco Mundial. Informe de Consultoría. Bogotá.

³⁸ Sanchez E., and Bosoni M., 1999.Los Campesinos de la Sierra Nevada de Santa Marta Ocupantes de Resguardos Indígenas y Parques Naturales. Banco Mundial. Informe de Consultoría. Bogotá.

³⁹ Molano A. and others.1987. Aproximación a una Historia Oral de la Colonización de la Sierra Nevada de Santa Marta. Fundación Pro-Sierra Nevada. Informe de Consultoría. Bogotá.

The *campesinos* brought with them their religious traditions, their valuation and recognition of private property, their market oriented cultures⁴⁰. They are "...reserved and attached to rigorous honor codes". There are several social organizations in the *campesino* communities. Among them are the *Juntas de Acción Comunal*, and women associations. However, "...the *campesino* communities of the Sierra Nevada still don't have a solid organizational structure to conduct their own process."⁴¹ . This can be attributed to the "low solidarity" among peasant communities due to the fears generated by the conflicts that exist in the Sierra Nevada, as well as to their diversity of origin and cultures.

Most *campesinos* do not hold legal land titles⁴². Some of them have their farms inside areas that have been declared by the National Government as *resguardos* of the indigenous communities; others have occupied those lands even before the *resguardos* were declared.

1.3 Illegal Crops and Armed Groups

The history of illegal armed groups in Colombia is closely related to that of illegal crop cultivations⁴³. This is also the case in the Sierra Nevada⁴⁴. Commercial plantations of marihuana existed in the Sierra Nevada between the mid sixties until the mid eighties. However, the Marihuana Boom ("*Bonanza Marimbera*") had its peak between 1973 and 1980⁴⁵. During that period, illegal private armed groups or "*Combos*" were created by the marihuana producers and traffickers to protect their interests⁴⁶.

The presence of government institutions in the Sierra Nevada was traditionally weak⁴⁷. By 1986 the absence of the local governments (*Gobernaciones*) and the

⁴⁰ Plan de Desarrollo Sostenible de la Sierra Nevada de Santa Marta. Estrategia de Conservación de la Sierra Nevada de Santa Marta. 1997. Fundación Pro-Sierra Nevada de Santa Marta. Bogotá.

⁴¹ Plan de Desarrollo Sostenible de la Sierra Nevada de Santa Marta. Estrategia de Conservación de la Sierra Nevada de Santa Marta. Page 20. 1997. Fundación Pro-Sierra Nevada de Santa Marta. Bogotá.

⁴² Sanchez E., and Bosoni M., 1999. Los Campesinos de la Sierra Nevada de Santa Marta Ocupantes de Resguardos Indígenas y Parques Naturales. Banco Mundial. Informe de Consultoría. Bogotá.

⁴³ Garfield E. and Arboleda J. 2002. Violence, Sustainable Peace, and Development. In Colombia: The Economic Foundation of Peace. Giugale M. O. Lafourcade., and C. Luff. (Eds.). The World Bank. Washington.

⁴⁴ Panorama Actual de la Sierra Nevada de Santa Marta. 2001. Observatorio del Programa Presidencial de Derechos Humanos y de Derecho Internacional Humanitario. Vicepresidencia de la República de Colombia. Bogotá.

⁴⁵ Molano A. and others. 1987. Aproximación a una Historia Oral de la Colonización de la Sierra Nevada de Santa Marta. Fundación Pro-Sierra Nevada. Informe de Consultoría. Bogotá.

⁴⁶ Sanchez E., and Bosoni M., 1999. Los Campesinos de la Sierra Nevada de Santa Marta Ocupantes de Resguardos Indígenas y Parques Naturales. Banco Mundial. Informe de Consultoría. Bogotá.

⁴⁷ Situación del los DDHH y del Derecho Humanitario en la Sierra Nevada de Santa Marta. 2003. Secretariado Nacional de Pastoral Social Caritas Colombiana. Defensoría del Pueblo. Bogotá.

Regional Corporations in the region was almost absolute⁴⁸. This situation changed when the National Rehabilitation Plan –PNR- (*Plan Nacional de Rehabilitación*) began its programs in the region in 1987⁴⁹.

The Armed Revolutionary Forces of Colombia –FARC- (*Fuerzas Armadas Revolucionarias de Colombia*) arrived in 1986, seeking to fulfill the voids created by the absence of the government, particularly in the areas of justice and conflict resolution⁵⁰. They engaged in crude confrontations with the “Combos”, which were then protecting the coca plantations which had begun to develop after the crisis of the Marihuana production in the early eighties. The “Combos” reorganized and evolved into paramilitary groups⁵¹. Since 2001, those groups have been articulated and coordinated by the *Autodefensas Unidas de Colombia-AUC*^{52,53}.

The National Liberation Army - *Ejército de Liberación Nacional*, ELN, is another illegal armed group that is present in the Sierra Nevada of Santa Marta. This group, like the FARC, also arrived in the middle of the eighties⁵⁴. These two organizations conducted 564 attacks between 1986 and 2000 in the municipalities with jurisdiction in the Sierra Nevada. Thirty nine percent of these were attacks against the public infrastructure, 53% were confrontations with the armed forces and 8% were attacks on economic interests⁵⁵. As a result of their pressure, by year 2.000, all of the police stations of the Sierra Nevada had been abandoned.

Today, illegal crops and their associated economic resources in the Sierra Nevada are not that important to these armed groups⁵⁶. However, the Sierra Nevada is still

⁴⁸ Interview with Mr. Juan Mayer Director of the *Fundación Prosierra Nevada de Santa Marta* from 1986 to 1998 and Minister of the Environment from 1998 to 2002. Bogotá. February 2004.

⁴⁹ *Memorias del Foro para el Desarrollo Sostenible de la Sierra Nevada de Santa Marta*; Santa Marta Marzo 19 y 20 de 1998. 1998. Ministerio del Medio Ambiente.

⁵⁰ *Panorama Actual de la Sierra Nevada de Santa Marta*. 2001. Observatorio del Programa Presidencial de Derechos Humanos y de Derecho Internacional Humanitario. Vicepresidencia de la República de Colombia. Bogotá.

⁵¹ Sanchez E., and Bosoni M., 1999. *Los Campesinos de la Sierra Nevada de Santa Marta Ocupantes de Resguardos Indígenas y Parques Naturales*. Banco Mundial. Informe de Consultoría. Bogotá.

⁵² *Panorama Actual de la Sierra Nevada de Santa Marta*. 2001. Observatorio del Programa Presidencial de Derechos Humanos y de Derecho Internacional Humanitario. Vicepresidencia de la República de Colombia. Bogotá.

⁵³ *Situación del los DDHH y del Derecho Humanitario en la Sierra Nevada de Santa Marta*. 2003. Secretariado Nacional de Pastoral Social Caritas Colombiana. Defensoría del Pueblo. Bogotá.

⁵⁴ *Panorama Actual de la Sierra Nevada de Santa Marta*. 2001. Observatorio del Programa Presidencial de Derechos Humanos y de Derecho Internacional Humanitario. Vicepresidencia de la República de Colombia. Bogotá.

⁵⁵ *Panorama Actual de la Sierra Nevada de Santa Marta*. 2001. Observatorio del Programa Presidencial de Derechos Humanos y de Derecho Internacional Humanitario. Vicepresidencia de la República de Colombia. Bogotá.

⁵⁶ Interview with Mr. Gabriel Tirado Director of the Sierra Nevada de Santa Marta National Park. February 2004.

considered to be a strategic area by illegal armed groups⁵⁷. The control of the area secures their access to the Caribbean, which in turn facilitates the illegal traffic of arms and drugs, and access to Venezuela⁵⁸. Additionally, the Sierra Nevada has become a place for hiding kidnapped persons. Although the territorial distribution of illegal armed groups is very dynamic, in general, the AUC control the lowlands of the Sierra Nevada while the FARC and ELN control the medium and high lands⁵⁹. Occasionally these two groups also control selected corridors that allow them access to the low lands and to the Caribbean Sea. Presently, the paramilitary groups of the AUC are aggressively advancing to the higher lands of the Sierra Nevada that had traditionally been controlled by FARC and ELN⁶⁰. Today they control the areas planted with coca.

The violation of human rights by the illegal armed groups that operate in the Sierra Nevada has increased significantly⁶¹. Between 1998 and 2002 there were 44 cases of forced disappearances, 166 executions, 92 cases of torture, and 52 kidnappings. These violent acts have included *campesinos*, members of the indigenous communities and their traditional leaders (“*Cabildos*” and “*Mamos*”). There were two massacres in 2002 where 12 persons of the Wiwa indigenous community were assassinated. These massacres caused the displacement of 1.300 persons of that community.

Illegal armed groups have displaced the indigenous and *campesino* communities from the rural areas of the Sierra Nevada to the towns and cities of the lowlands. The geographic mobility of those communities inside the territory of the Sierra Nevada has been severely limited by the presence of these groups⁶². This has been particularly problematic in the case of the indigenous communities who need to visit their sacred sites to conduct their traditional rituals. The economies of the Indigenous communities are also critically dependent on the management of the productive cycles of the natural resources along the altitudinal gradients of the Sierra Nevada. A Colombian printed magazine of wide distribution described the situation of the indigenous communities of the Sierra Nevada as follows: “Long ago the indigenous peoples stopped having a normal life. Normal activities for most Colombians such as walking, praying, eating a normal diet, visiting relatives, selling

⁵⁷ Panorama Actual de la Sierra Nevada de Santa Marta. 2001. Observatorio del Programa Presidencial de Derechos Humanos y de Derecho Internacional Humanitario. Vicepresidencia de la República de Colombia. Bogotá.

⁵⁸ Situación del los DDHH y del Derecho Humanitario en la Sierra Nevada de Santa Marta. 2003. Secretariado Nacional de Pastoral Social Caritas Colombiana. Defensoría del Pueblo. Bogotá.

⁵⁹ Panorama Actual de la Sierra Nevada de Santa Marta. 2001. Observatorio del Programa Presidencial de Derechos Humanos y de Derecho Internacional Humanitario. Vicepresidencia de la República de Colombia. Bogotá.

⁶⁰ Situación del los DDHH y del Derecho Humanitario en la Sierra Nevada de Santa Marta. 2003. Secretariado Nacional de Pastoral Social Caritas Colombiana. Defensoría del Pueblo. Bogotá.

⁶¹ Situación del los DDHH y del Derecho Humanitario en la Sierra Nevada de Santa Marta. 2003. Secretariado Nacional de Pastoral Social Caritas Colombiana. Defensoría del Pueblo. Bogotá.

⁶² Sánchez E., and Bosoni M., 1999. Los Campesinos de la Sierra Nevada de Santa Marta Ocupantes de Resguardos Indígenas y Parques Naturales. Banco Mundial. Informe de Consultoría. Bogotá.

their produces, or going to the doctor, are now remembrances of the past for the *Arhuacos*, *Koguis*, *Kankwamos* and the *Wiwas* of this lost paradise”⁶³ Traditional activities of the *campesino* communities have also been negatively affected by the presence of illegal armed groups⁶⁴. The harvesting and marketing of coffee and other produces of the *campesino* communities can not be developed under normal conditions, thus affecting their living conditions.

1.4 Institutional Developments

Law 02 of 1959 created the figure of “National Park”. This law indicated the Ministry of Agriculture to declare all of Colombia’s snow covered mountains and their surrounding areas as National Parks. The Ministry of Agriculture defined the limits of the area of the Sierra Nevada of Santa Marta National Park⁶⁵ in 1964⁶⁶. The technical bases for the creation of this National Park were provided by the Colombian Academy of Sciences (*Academia Colombiana de Ciencias Exactas*). Public consultations were not conducted. This Park was under the administration of the Ministry of Agriculture until 1968, when INDERENA was created. During this time, the Ministry of Agriculture did not develop conservations programs in the area⁶⁷.

The Sierra Nevada of Santa Marta National Park has an area of 3830 km². Ninety percent of the area of this park overlaps with indigenous reservations – *resguardos* - of the *Kogui*, *Arsario* and *Arhuaco* communities⁶⁸. INDERENA’s presence and interventions in the region were sporadic, from the time of the institution’s creation in 1968 until the mid eighties; conservation work with local communities was also very limited⁶⁹. In fact, as indicated in section 1.2, it was during the seventies, under INDERENA’s administration, that between 120.000 and 150.000 hectares of forest were transformed into marijuana plantations in the Sierra Nevada⁷⁰.

According to Mr. Juan Mayr⁷¹, former Minister of the Environment and expert in this region, “...until 1976 when the Lost City (*Ciudad Perdida*)⁷² was discovered, the

⁶³ Revista Semana. Number 1.072. November 22 of 2002.

⁶⁴ Situación del los DDHH y del Derecho Humanitario en la Sierra Nevada de Santa Marta. 2003. Secretariado Nacional de Pastoral Social Caritas Colombiana. Defensoría del Pueblo. Bogotá.

⁶⁵ This park was initially called the “*Parque Nacional de los Tayronas*”.

⁶⁶ *Resolución* 191 of 1964 by INCORA (the National Institute for the Agrarian Reform)

⁶⁷ Interview with Mr. Julio Carrisoza. INDERENA’s Director from 1973 to 1978. July 2004. Bogotá.

⁶⁸ Interview with Mr. Gabriel Tirado, Director of the Sierra Nevada of Santa Marta National Park. Santa Marta. March 2004.

⁶⁹ Interview with Mr. Juan Mayer Director of the *Fundación Prosierra Nevada de Santa Marta* form 1986 to 1998 and Minister of the Environment form 1998 to 2002. Bogotá. February 2004.

⁷⁰ Sanchez E., and Bosoni M., 1999. Los Campesinos de la Sierra Nevada de Santa Marta Ocupantes de Resguardos Indígenas y Parques Naturales. Banco Mundial. Informe de Consultoría. Bogotá.

⁷¹ Director of the *Fundación Prosierra Nevada de Santa Marta* form 1986 to 1998 and Minister of the Environment form 1998 to 2002. February 2004. Bogotá.

⁷² *Ciudad Perdida* is one of the most important pre-Hispanic monuments in Colombia. It is located the watershed of the *Buritaca* River at 1.200 meters above sea level. It includes a net of tiled roads,

Colombian society at large was quite unaware of the cultural values and richness of the Sierra Nevada de Santa Marta". *Ciudad Perdida* was discovered by the Colombian Institute of Anthropology and Archeology- ICAN. This was a spectacular discovery that drew the attention of government officials and of researchers and students mainly from the *Universidad de los Andes* in Bogotá⁷³. Initially, most of the research efforts were directed to the archeological sites. However, by 1979 the first studies of the flora of the region were conducted by students and professors of the *Universidad de los Andes*⁷⁴

The Sierra Nevada of Santa Marta National Park was declared a Biosphere Reserve by UNESCO in 1982. According to Mr. Juan Mayer⁷⁵ and to the current Director of this National Park⁷⁶ this declaration has not had any effect for the conservation and management of region.

In December of 1984, Mr. Juan Mayr, who was the photographer of the expedition that discovered *Ciudad Perdida*, published a book under the title "Sierra Nevada de Santa Marta"⁷⁷. The book, with colorful pictures and texts, was presented by President Belisario Betancourt (1982- 1986). It was translated from Spanish to English, French and German. Following this publication, President Betancourt proposed the creation of an NGO that would develop diverse social, cultural and protection activities in the Sierra Nevada⁷⁸. INDERENA⁷⁹ presented legal arguments against that initiative indicating that those government's responsibilities could not be delegated to private organizations. To face that limitation, President Betancourt presented a proposal to create a public institution that would have a similar objective to Congress: the Regional Corporation of the Sierra Nevada of Santa Marta. After a series of legal consultations and political events,⁸⁰ the Corporation could not be created and the legal obstacles for the creation of the NGO that was originally proposed by the President were removed⁸¹. The

small circular plazas and terraces. Other archaeological sites have been found within the surroundings of Lost City: Julepia, El Pañuelo, El Zancudo, La Cova, Oriente and La Estrella.

⁷³ Mr. Alvaro Soto Director of ICAN at the time of the discovery was also Professor at the *Universidad de los Andes*.

⁷⁴ Interview with Mr. Juan Mayer Director of the *Fundación Prosierra Nevada de Santa Marta* form 1986 to 1998 and Minister of the Environment form 1998 to 2002. Bogotá. February 2004.

⁷⁵ Interviewed on July of 2004.

⁷⁶ Mr. Gabriel Tirado. Interviewed on July of 2004.

⁷⁷ Mayer. J.. 1984. *Sierra Nevada de Santa*. Bogotá.

⁷⁸ Interview with Mr. Juan Mayer Director of the *Fundación Prosierra Nevada de Santa Marta* form 1986 to 1998 and Minister of the Environment form 1998 to 2002. Bogotá. February 2004.

⁷⁹ The National Institute of Natural Resources (INDERENA), then under the Direction of Mrs. Margarita Marino, was responsible for the administration of the System of National Parks. INDERENA was closed by Law 99 of 1993.

⁸⁰ After a consultation by President Betancourt, the *Consejo de Estado* (the highest court that relates with matters of public administration) indicated that there were not legal impediments to create the NGO that the President had proposed. The Liberal Party withdrew from Government in 1985 and did not support in Congress the initiative of the President to create the Regional Corporation.

⁸¹ Interview with Mr. Juan Mayer Director of the *Fundación Prosierra Nevada de Santa Marta* form 1986 to 1998 and Minister of the Environment form 1998 to 2002. Bogotá. February 2004.

Fundación Prosierra Nevada de Santa Marta (FPSN) was created on the 24th of July on 1986; that is two weeks before President Betancourt's mandate ended. This NGO was inaugurated by the President in the city of Santa Marta at the foot of the Sierra Nevada.

In the mid eighties INDERENA began to play a more active role in the development of conservation strategies, in coordination with local communities. Most of this work aimed at the delimitation of additional areas to be included in the *resguardos*⁸². The expansion of the areas of the *resguardos* was seen by INDERENA not only as a desirable social policy, but as a strategy that could deter colonization and contribute to conservation⁸³.

In 1987, FPSN conducted a study to diagnose the cultural, social economic and ecological situation of the Sierra Nevada^{84,85}. This study described the environmental deterioration of the region caused by colonization and deforestation, as well as the conflicts that begun to develop during the seventies between private armed groups associated with the cultivation and traffic of illegal crops. This study concluded that ecological and social deterioration of the region had its roots causes in: (i.) the almost complete absence of endogenous and sustainable forms of development and, (ii.) the presence of external factors (narco-traffic, illegal armed groups, colonization) unrelated to the local inhabitants and interests, that were contradictory to the regional common good.

Based on the results of this study, the Office of the President decided to implement the *Plan Nacional de Rehabilitación* (PNR) in the Sierra Nevada of Santa Marta⁸⁶. This Plan, promoted by President Virgilio Barco during his mandate (1986 – 1990), sought to provide social services and to promote economic development in the most economically and socially depressed regions of the country. The FPSN participated in the implementation of some of PNR's projects, mainly in the health area⁸⁷.

The Political Constitution was approved in June of 1991. The Constitution defined Colombia as a democratic, participatory, pluralistic and decentralized country⁸⁸, where all its citizens had the right to participate in decisions relative to environmental management⁸⁹. The Constitution of 1991 recognized the right of

⁸² Interview with Mr. Gabriel Tirado. Director off the Sierra Nevada of Santa National Park.

⁸³ Interview with Mr. Gabriel Tirado Director of the Sierra Nevada de Santa Marta National Park. July 2004.

⁸⁴ Diagnóstico Integral de la Sierra Nevada de Santa Marta. 1989. Fundación Pro-Sierra Nevada de Santa Marta (not Published).

⁸⁵ It was financed by the Foundation of the *Financiera Eléctrica Nacional*, the Regional Corporations of Guajira and Cesar and the *Departamento* of Magdalena.

⁸⁶ Memorias del Foro para el Desarrollo Sostenible de la Sierra Nevada de Santa Marta; Santa Marta Marzo 19 y 20 de 1998. 1998. Ministerio del Medio Ambiente. Bogotá.

⁸⁷ Interview with Mr. Juan Mayer Director of the *Fundación Prosierra Nevada de Santa Marta* form 1986 to 1998 and Minister of the Environment form 1998 to 2002. Bogotá. February 2004.

⁸⁸ Article 1 of the Political Constitution.

⁸⁹ Article 79 of the Political Constitution.

indigenous communities to organize autonomous institutions for the administration of their traditional territories and public affairs⁹⁰. In 1993, the Colombian Government approved Convention 169 of the 76th meeting of the International Labor Organization of 1989⁹¹. This Convention protects the ethnic rights of indigenous communities, including their territorial rights and their traditional cultures. During the same year, the government regulated the creation of Associations of Indigenous Authorities⁹² (*Asociaciones de Cabildos Indígenas*). These are autonomous forms of government recognized by the national government which can undertake social programs with resources transferred by the national government. As such, for most legal purposes, the indigenous authorities have the same authority as the Unit of National Parks in territories which overlap with Protected Areas.⁹³

The Constitution of 1991 also triggered institutional reforms in the area of public environmental management and administration. After a national process of consultations conducted during 1992 and 1993, a new framework for environmental management was created in Colombia. Law 99 of 1993 reorganized the environmental administration at the national and local levels.

Law 99 of 1993 created among other institutions, the Ministry of the Environment and the Special Unit for the Administration of National Parks – the Unit of National Parks⁹⁴. However, this institution has not increased the resources dedicated to the management of the Sierra Nevada⁹⁵. Presently, the Unit of National Parks has only five employees dedicated to the administration of area. The annual budget assigned by the Unit of National Parks for the administration of this park is only US \$ 10.000 for 2004. This is barely sufficient to pay for the transportation costs of the employees of the Unit of National Parks in the area⁹⁶. Most of the conservation projects and activities in the areas are financed by international cooperation⁹⁷ (see section 1.5). The Unit of National Parks generally participates actively in their orientation.⁹⁸

There are three regional governments or *Departamentos*⁹⁹, and thirteen municipalities¹⁰⁰ in the area of the National Park. In addition, there are three

⁹⁰ Article 329 and Transitory Article 56 of the Political Constitution of 1991.

⁹¹ Law 21 of 1991

⁹² Decree 1088 of 1993

⁹³ Interview with the Legal Group of the Unit National Parks.

⁹⁴ Before 1993 the national parks were administered by INDERENA, an agency of the Ministry of Agriculture.

⁹⁵ Estrategia de Sostenibilidad de Financiera para el Ordenamiento Ambiental de la Sierra Nevada de Santa Marta. 2002. CEDE Universidad de los Andes. Bogotá.

⁹⁶ Interview with Mr. Gabriel Tirado. Director of the Sierra Nevada de Santa Marta National Park. July 2004.

⁹⁷ Estrategia de Sostenibilidad de Financiera para el Ordenamiento Ambiental de la Sierra Nevada de Santa Marta. 2002. CEDE Universidad de los Andes. Bogotá.

⁹⁸ With the exception of a LIL project. In this case the Department of National Planning is more involved.

⁹⁹ *Magdalena, Cesar and Guajira.*

¹⁰⁰ *Santa Marta, Ciénaga, Aracataca, Fundación, El Copey, Valledupar, San Juan del Cesar, Fonseca, Barrancas, Riohacha, Hatonuevo, Dibulla and Distracción.*

Regional Autonomous Corporations¹⁰¹ with responsibilities in environmental management and control in those *Departamentos* and municipalities. However, they do not have environmental jurisdiction over areas of the National Park and they do not invest in conservation of the area¹⁰².

During the last few years, the Unit of National Parks, the *Departamentos* and the municipalities have coordinated actions in the region for the protection of the Park. As indicated below, the main coordinating mechanism is the Environmental Regional Council of the Sierra Nevada created in 1996. One of those areas where coordination has been most relevant has been that related to the development of land use plans and regulations. Their approval is the responsibility of the municipal authorities. However, these land use plans and regulations require the previous consent of the Regional Corporations¹⁰³. Those Corporations have the responsibility of ensuring that the municipal land use plans and regulations recognize environmental conditions, including the existence of a National Park in the region.

To ensure that the land use regulations of the different municipalities effectively recognize the environmental and cultural realities of the Sierra Nevada, the members of the Environmental Regional Council of the Sierra Nevada reached an agreement¹⁰⁴. The essential objective of this agreement is to develop a land use plan for the entire region that recognizes the cultural realities and expectations of its inhabitants. The main factors limiting the development of this regional land use plan have been the institutional capacity of the Regional Corporations and of the municipalities, as well as the lack of economic resources to acquire land in the areas of the *resguardos*¹⁰⁵.

Other agencies of the national government that are socially relevant in the Sierra Nevada are the Colombian Institute for Agrarian Reform -INCORA¹⁰⁶ and the Ministry of the Interior. The first is responsible to direct the land titling processes to indigenous and *campesino* communities, and the second is responsible for the coordination and direction of indigenous matters. The Committee of Coffee Growers has traditionally been the most visible private organization of the region¹⁰⁷. It associates the coffee farmers of the Sierra Nevada.

¹⁰¹ *Corpamag, Corpocesar, and Corpoguajira.*

¹⁰² Estrategia de Sostenibilidad de Financiera para el Ordenamiento Ambiental de la Sierra Nevada de Santa Marta. 2002. CEDE Universidad de los Andes. Bogotá.

¹⁰³ Law 388 of 1997.

¹⁰⁴ Acuerdos logrados en el Taller del Comité Directivo (ampliado) del Plan de Desarrollo Sostenible de la Sierra Nevada de Santa Marta. March 2002.

¹⁰⁵ Interview with Mr. Gabriel Tirado Director of the Sierra Nevada of Santa Marta National Park. July 2004.

¹⁰⁶ It was closed in 2003 and its functions were transferred to INCODER by Decree 1300 of 2003.

¹⁰⁷ There are about 16.000 hectares of coffee in the region. They produce 2% of the national coffee output with a total value of about US 50 millions a year (1998).

Based on the experiences of PNR in the region and on the information provided by the Integral Diagnosis of the Sierra Nevada - *Diagnóstico Integral de la Sierra Nevada*¹⁰⁸ - the *Fundación Pro-Sierra Nevada* promoted the development of the Strategy for the Conservation of the Sierra Nevada among government agencies and local actors¹⁰⁹. This promotion was led by Mr. Juan Mayr, Director of the *Fundación Pro-Sierra*, who also was by 1992, a Vice-President of the International Union for the Conservation of Nature - IUCN. The formulation of the strategy was financed by the German Cooperation Agency –GTZ. It facilitated the democratic and participatory design of the Sustainable Development Plan of the Sierra Nevada¹¹⁰. Hundreds of meetings, forums, local workshops and consultations were conducted between 1993 and 1997, with *colonos*, *campesinos*, indigenous communities, NGO's, scientists, private organizations and government officials at the national and local levels¹¹¹. As a result of this consultation process five basic problems were diagnosed and a draft of the Sustainable Development Plan of the Sierra Nevada was elaborated and published in 1997¹¹². This Plan included the following five main lines of action: “(i.) ecosystem's conservation; (ii.) strengthening of the indigenous cultural identity; (iii) stabilization of the *campesino* communities; (iv) strengthening of fundamental rights; and (v.) institutional capacity building.”. Each of those lines of actions included a series of programs and projects. After the publication of the Plan, further consultations were undertaken with different stakeholders.

With the objective of promoting the coordinated implementation of the Sustainable Development Plan of the Sierra Nevada, the National Congress created¹¹³ the Environmental Regional Council and the Fund for the Sustainable Development of the Sierra Nevada in 1996. The Law¹¹⁴ assigned this Council the responsibility of coordinating the implementation of the Sustainable Development Plan for the Sierra Nevada of Santa Marta. The Law defined that this Council is headed by the Minister of the Environment and is integrated by:

- A delegate of the President.
- The Minister or the Vice Minister of Agriculture.
- The Director of the Unit of National Parks.
- The *Gobernadores* of the *Departamentos* of Magdalena, Cesar and Guajira.
- The Directors of the Regional Corporations of Magdalena, Cesar and Guajira.

¹⁰⁸ Diagnóstico Integral de la Sierra Nevada de Santa Marta. 1989. Fundación Pro-Sierra Nevada de Santa Marta (not Published).

¹⁰⁹ Interview with Mr. Juan Mayer Director of the *Fundación Prosierra Nevada de Santa Marta* from 1986 to 1998 and Minister of the Environment from 1998 to 2002. Bogotá. February 2004.

¹¹⁰ Interview with Mr. Juan Mayer Director of the *Fundación Prosierra Nevada de Santa Marta* from 1986 to 1998 and Minister of the Environment from 1998 to 2002. Bogotá. February 2004.

¹¹¹ Memorias del Foro para el Desarrollo Sostenible de la Sierra Nevada de Santa Marta; Santa Marta Marzo 19 y 20 de 1998. 1998. Ministerio del Medio Ambiente. Bogotá.

¹¹² Plan de Desarrollo Sostenible de la Sierra Nevada de Santa Marta. Estrategia de Conservación de la Sierra Nevada de Santa Marta. 1997. Fundación Pro-Sierra Nevada de Santa Marta. Bogotá.

¹¹³ Law 344 of 1996.

¹¹⁴ Decree 1593 of 1997.

- The leaders (“*Cabildo Gobernador*”) of the organizations of the, *Arwuaco, Kogui, Wayuu, Wiwa* and *Kankuamo* indigenous communities.
- Three representatives of the *campesino* communities (one from each *Departamento*).
- The Director of INCORA.
- The Director of INAT¹¹⁵.
- Three representatives from the local environmental NGOs of the region (one from each *Departamento*).
- One representative from regional environmental NGOs¹¹⁶.
- Three representatives of the economic sectors (one from each *Departamento*).
- Three representatives of the local mayors (one from each *Departamento*).
- The Director of Indigenous Affairs of the Ministry of the Interior

A national forum was held in Santa Marta in March of 1998 to discuss and evaluate the Plan and to coordinate actions between the private, public and social organizations regarding its future implementation and financing¹¹⁷. Nearly 600 participants assisted this forum. Different institutional and social actors expressed their views of the Sustainable Development Plan of the Sierra Nevada.

The representatives of the organizations of indigenous communities¹¹⁸ indicated: “It is necessary to continue the process of internal consultations within each of the indigenous organizations. The proponents of the Plan should not continue with its implementation until indigenous communities conclude their internal consulting processes and until we have agreed on a unified position” The representative of the Unit of National Parks said that “... indigenous communities have a vision with respect to conservation and the Unit of National Parks had its own vision, based on legal precepts and on national policies...”. On the other hand, the *campesinos* of the region indicated that “... there is respect for the indigenous cultures as long as the *campesino* cultures are also respected. It is important to respect the cultural identity of the indigenous communities without harming the interests of the *campesinos*”. They also added “the formulation of this Plan lasted five years. The indigenous communities participated as principal actors of the process..... After all this work, discussions and agreements the indigenous communities now are saying “wait a bit”; meanwhile the Sierra Nevada continues to deteriorate. ¿Why is it that the Sierra Nevada is deteriorating and the indigenous communities still don’t come to an agreement?”.

During the Forum the representatives of several international agencies participated in a working session to discuss the future financing the Sustainable Development

¹¹⁵ *Instituto Nacional de Adecuación de Tierras* (National Institute for Land Preparation).

¹¹⁶ These organizations are represented by the Pro-Sierra Nevada of Santa Marta Foundation.

¹¹⁷ *Memorias del Foro para el Desarrollo Sostenible de la Sierra Nevada de Santa Marta*; Santa Marta Marzo 19 y 20 de 1998. 1998. Ministerio del Medio Ambiente. Bogotá.

¹¹⁸ *Gonawindua – Tayrona* Organization; the *Tayrona* Indigenous Confederation; the *Yugumaiun Bunkwanarrua Tayrona* Organización and the *Kankauma* Organization.

Plan of the Sierra Nevada¹¹⁹. On that occasion, the representatives of several of those institutions offered their support for the implementation of the Plan. The delegate of the World Bank¹²⁰ indicated that "...the Bank is willing to offer support for the implementation of the Sustainable Development Plan of the Sierra Nevada by means of an innovative mechanism. That is, by a Learning and Innovation Loan worth US \$5 million. The activities of the project will be defined with the government and the FPSN in the near future."

The position adopted by the indigenous communities in relation to the Sustainable Development Plan of the Sierra Nevada of Santa Marta affected the development of the Learning and Innovation Loan project that began in year 2000.

After a wide process of consultation with government officials, NGOs, indigenous communities, members of Congress, and multilateral agencies, the national government adopted its Policy for the Social Participation in Conservation in August of 1999¹²¹. This is a policy for the conservation of the protected areas of the National Parks' System and its buffer zones. The participation of indigenous communities in the consultation processes that lead to the approval of that policy was active¹²². The Policy for the Social Participation in Conservation seeks to protect the areas of the System of National Parks by designing and implementing conservation strategies with the ample participation of local communities and social organizations.

The four organizations of the Indigenous communities¹²³ created the *Consejo Territorial de Cabildos* –CTC- in 1999. This Council integrates the four organizations of those communities. According to a policy document of the CTC¹²⁴, this institution is their "...main mechanism for intercommunication with the Government and society in relation to the management of the traditional territories of the indigenous peoples of the Sierra Nevada".

¹¹⁹ The Nature Conservancy, The *Corporación Andina de Fomento*, the World Bank, The Embassy of France, The World Wild Life Fund for Nature, The *Federación de Cafeteros de Colombia*, *Aguas de Barcelona*, AVINA, the United Nations, the European Union, the Ministry of the Environment, the Office of the President, The Colombian Agency for Intentional Cooperation, the *CORPES Costa Atlántica* and the *Fundación Pro-Sierra Nevada de Santa Marta*.

¹²⁰ Elsie Garfield.

¹²¹ Política de Participación Social en la Conservación. 2001. Unidad de Parques Nacionales de Colombia

¹²² Correa H.D. 2002. La Construcción de la Política de Participación Social en la Conservación con los Pueblos Indígenas. *En*. Parques con la Gente II. Unidad de Parques Nacionales; Ministerio del Medio Ambiente. Bogotá

¹²³ *Gonawindua* – *Tayrona* Organization; the *Tayrona* Indigenous Confederation; the *Yugumaiun bunkwanarrwa Tayrona* Organización and the *Kankauma* Organization.

¹²⁴ Políticas de los Pueblos Indígenas de la Sierra Nevada de Santa Marta. 2002. Consejo Territorial de Cabildos. Organización *Gonawindua* – *Tayrona*; Confederación Indígena *Tayrona*; Organización *Yugumaiun Bunkwanarrwa Tayrona* and the Organización *Kankauma*. Santa Marta. (working draft).

The implementation of the Learning and Innovation Loan -LIL- began in September of 2000. The project did not have the support of the indigenous communities who, during the forum held in Santa Marta in March of 1998¹²⁵, had asked for some time to evaluate its convenience for their traditional communities. The development of this and other current significant projects is described in section 1.5.

In March of 2002 an agreement was reached between the *Consejo Territorial de Cabildos* and the three Regional Autonomous Corporations of the region¹²⁶, the Department of National Planning, the Ministries of Interior and Environment, through its Unit of National Parks¹²⁷. Those agreements are related to the definition of guidelines for land planning, institutional coordination, and social participation. They were later formalized by a decision (*resolución*) of the Ministry of the Environment¹²⁸. In December of 2003 the National Government and the *Consejo Territorial de Cabildos* reached a new agreement¹²⁹. This agreement provides the general framework of reference for future coordinated actions in the Sierra Nevada. They agreed to: (i). "...coordinate public and private interventions in the Sierra Nevada under the framework of traditional indigenous land use and zoning..."; (ii.) "...create mechanisms for institutional coordination between national regional and local public agencies to support the consolidation of the traditional territories..."; (iii.) "...coordinate the intervention of public agencies in the processes of environmental decision making ..."; (iv.) "Strengthen and guarantee the survival of the culture of the indigenous groups of the Sierra Nevada."; and (v.) "Generate, produce and establish formal strategies as mechanisms that would allow for the re-direction, coordination and implementation of projects (for example the LIL and the GEF) in the framework of the ancestral land zoning of the Sierra Nevada of Santa Marta."

1.5 Current Projects

A cooperation project between the European Union and the Unit of National Parks that initiated in year 2.000 developed collective actions for the planning, management and conservation of the *Aracataca* watershed. This project, coordinated by the Unit of National Parks, included the active participation of the Municipality of *Aracataca*, the organizations of the banana and oil palm producers¹³⁰, CORPAMAG, the *campesino* and the indigenous communities and watershed organizations¹³¹.

¹²⁵ Interview with Mr. Arregocés Conchacalá indigenous leader ("*Cabildo Gobernador*") of the *Gonawindua Tayrona*. Santa Marta. March 2004.

¹²⁶ Corpoguajira, Corpamag and Corpocesar.

¹²⁷ Acuerdos logrados en el Taller del Comité Directivo (ampliado) del Plan de Desarrollo Sostenible de la Sierra Nevada de Santa Marta. March 2002.

¹²⁸ *Resolución* No 0621 of 2002.

¹²⁹ Acuerdo CTC- Gobierno Nacional. December 10 2003. Santa Marta.

¹³⁰ *Asbama* and *Fundepalma*.

¹³¹ Interview with Mr. Gabriel Tirado Director of the Sierra Nevada of Santa Marta National Park.

The objectives and methodologies of this project in the *Aracataca* watershed were harmonized with those of the *Consejo Territorial de Cabildos –CTC*¹³². The project aimed at coordinating environmental zoning and conservation of the *Aracataca* watershed, recognizing the ancestral values of the indigenous communities of the Sierra Nevada¹³³. It has been seen by the indigenous communities and by the Unit of National Parks as a part of a learning process that could eventually lead to joint policy and methodology building for the coordinated protection and management of the area, between the Unit of National Parks and the indigenous communities. Meetings between the participating organizations and communities were routinely held to evaluate the development of the project and to introduce necessary adjustments. The financing from the European Union for this project finished during the second semester of 2003. However, another cooperation project financed by the Government of the Netherlands, which aims at the institutional strengthening of the National Parks' System, continued financing its activities¹³⁴.

The Learning Innovation Loan for the Sustainable Development of the Sierra Nevada of Santa Marta is financed with a US\$ 5 million loan from the World Bank to the Colombian Government. It is currently being implemented by the Pro-Sierra Foundation, under the supervision of the Department of National Planning¹³⁵.

The project includes three components¹³⁶:

1. "... to design and put in operation a program for generating and disseminating knowledge about best practices." This includes the following activities: "...design... methodologies and operational mechanisms.."; "..... design and implement a communication strategy to enhance awareness and generate support for conservation of biodiversity and sustainable development in the Sierra Nevada.."; "...study tours and visits, farmer exchanges, and workshops to promote exchange of knowledge and experience between those in the eco-region, with others elsewhere in Colombia.."; and "... key studies and action- research to develop new information and methodologies/tools in innovative areas";
2. "... to put into place and operate effectively a program for strengthening local and regional organizations supporting sustainable development in the Sierra Nevada de Santa Marta". This includes three types of activities: "(i)

¹³² Interview with Mr. Cayetano Torres member of the *Gonawindua – Tayrona* Organization. Advisor of that organization and delegate to the coordination meetings of the *Aractataca* Project and of the *Consejo Ambiental de la Sierra Nevada*.

¹³³ Interview with Mr. Gabriel Tirado Director of the Sierra Nevada of Santa Marta National Park.

¹³⁴ Interview with Mrs. Diana Gaviria, Coordinator of the Project for the Institutional Strengthening of the System of National Parks.

¹³⁵ Appraisal Report Document on a Proposed Learning Innovation Loan to the Republic of Colombia for the Sierra Nevada Sustainable Development Project. April 2000. Report No. 20388 CO. The World Bank. Washington.

¹³⁶ Project Appraisal Report on a Proposed Learning and Innovation Loan in the Amount of US \$5.0 million to the Republic of Colombia for the Sierra Nevada Sustainable Development Project. April 2002. The World Bank.

those with a broad outreach and scope; (ii) those focused in the pilot regions where collaborative management is being promoted under component 3; and (iii) those related to the strengthening of the Foundation and project management.”.

3. This component includes three interrelated sub-components: “(i) development and implementation of collaborative management plans...; (ii) promotion of a stewardship approach to management of protected areas... and; (iii) establishment an initial of a non governmental fund (NGF) managed by the foundation which would provide competitive grants to communities and partner agencies for projects related to conservation and sustainable use of the natural resources of the eco-region.”.

These components are developed through the application of participatory methodologies in three selected pilot regions of the Sierra Nevada¹³⁷. It is expected that the experiences will be replicable in different areas of the Sierra Nevada of Santa Marta. The project began implementation in September of 2000 and it is expected to finish during the second semester of 2004¹³⁸.

According to a recent external midterm evaluation of the project¹³⁹, “...in general it is observed that the levels of implementation of the different components are low and there is a gap between the planned and implemented actions”. The evaluators indicate that most of the activities of the project have been concentrated in the areas of the *campesinos* in the lowlands where participatory methodologies have been successfully implemented. They also indicate that the project has had low presence or has been absent from urban areas and indigenous territories.

According to the external midterm evaluation a main obstacle for the implementation of the Learning Innovation Loan is associated with the lack of participation by the indigenous communities. As indicated in section 1.4, in the Forum held in Santa Marta in March of 1998¹⁴⁰, the indigenous communities had requested that “...the proponents of the Plan should not continue with its implementation until indigenous communities conclude their internal consulting processes and until (we) have agreed on a unified position”. According to several actors¹⁴¹, the incitation of the LIL project without the consent of the indigenous communities of the area is at the origin of their reluctance to participate, and of the

¹³⁷ One in each of the three *Departamentos* of the Sierra Nevada: *Magdalena*, *Cesar* and *Guajira*.

¹³⁸ Interview with Mr. Gonzalo Uribe; Director of the Pro-Sierra Nevada Foundation.

¹³⁹ Evaluación Externa del “Proyecto de Aprendizaje e Innovación para el Desarrollo Sostenible de la Sierra Nevada de Santa Marta”. 2003. Pontificia Universidad Javeriana. November Bogotá.

¹⁴⁰ Memorias del Foro para el Desarrollo Sostenible de la Sierra Nevada de Santa Marta; Santa Marta Marzo 19 y 20 de 1998. 1998. Ministerio del Medio Ambiente. Bogotá.

¹⁴¹ Mr. Arregocés Conchacalá indigenous leader (“*Cabildo Gobernador*”) of the *Gonawindua Tayrona*; Gabriel Tirado Director of the Sierra Nevada de Santa Marta National Park; Mr. Cayetano Torres member of the *Gonawindua – Tayrona* Organization and delegate to the meetings of the *Consejo Ambiental de la Sierra Nevada*; Mr. Julio Barragán and Mr. Eduardo Rico advisors of the *Gonawindua Tayrona* Organization; and Mr. Henry Salazar, Coordinator of the LIL project from Oct. of 2000 to February of 2002.

project's "scarce" results. They also indicated that the institutions related to the financing, monitoring and implementation of the project have not had the flexibility to adapt it to the cultural realities and needs of the indigenous peoples of the Sierra Nevada. Indigenous communities have also expressed their discontent in their lack of participation in the definition of the pilot areas where the project is implemented¹⁴².

On the other hand Mr. Gonzalo Uribe¹⁴³, the Director of the *Fundación Pro-Sierra Nevada*, indicates that the LIL project should be seen as a part of a long term process; and that, as such, it has contributed to building institutional and social capacities in the region. He also indicates that the project should not only be evaluated in terms of quantitative indicators, and that the fact that it is a "learning project" should be taken into account in the evaluation of its results, and that, as such, it has made contributions that can not always be measurable.

The external evaluation of LIL does not highlight the difficulties that result from the activities, crimes, and pressures exercised by the several illegal armed groups that operate in the region. However, Mr. Gonzalo Uribe and Mr. Gabriel Tirado, Directors of the Pro-Sierra Nevada Foundation and of the Sierra Nevada National Park, respectively, consider that the presence of these illegal groups generate major risks for the implementation of projects in this region.

The Environmental Action Fund (EAF)¹⁴⁴ approved two projects to be implemented by the *Gonawindua Tayrona* and *Kankuamo* indigenous Organizations, during the first semester of 2004¹⁴⁵. Each project has a cost of US \$82.000. Their objective is the formulation of land use plans for the watersheds that those communities have traditionally inhabited. Two similar and additional projects to be developed in different watersheds of the Sierra Nevada by other indigenous organizations are currently under preparation. They will also apply for resources from the Environmental Action Fund¹⁴⁶. According to the leader of the *Gonawindua Tayrona* organization¹⁴⁷, these projects are "...experiments to generate a model that could be used in the future for the implementation of projects that truly respect the cultural knowledge of the indigenous communities of the Sierra Nevada."

¹⁴² Interview with Mr. Henry Salazar, Coordinator of the LIL project from Oct. of 2000 to February of 2002.

¹⁴³ Interviewed in March of 2004. Santa Marta.

¹⁴⁴ This fund administers the resources from a debt-for-nature swap negotiated in 1991 between the Colombian and of the United States Governments. The total amount of the swap was US 50 million.

¹⁴⁵ The projects are: "Modelo participativo de Ordenamiento Tradicional de la Cuenca del Río Santa Clara. Vertiente Norte de la Sierra Nevada de Santa Marta. Departamento de la Guajira, zona de Parque y amortiguación del PNN Sierra Nevada de Santa Marta". and "Modelo Participativo de Ordenamiento del Territorio Indígena *Kankuamo*. Vertiente Sur-Oriental de la Sierra Nevada de Santa Marta. Municipio de Valledupar. Departamento del Cesar, zona de amortiguación del PNN Sierra Nevada de Santa Marta."

¹⁴⁶ Interview with Gabriel Tirado Director of the Sierra Nevada of Santa Marta National Park.

¹⁴⁷ *Cabildo Gobernador* Mr. Arregocés Conchacalá. Santa Marta. March 2004.

It is expected that similar initiatives in the Sierra Nevada will have support from resources from the Tropical Forest Conservation Act (TFCA), which is expected to be signed on the last week of March of 2004¹⁴⁸. The TFCA Agreement includes the Sierra Nevada National Park, its buffer zones and the Caribbean corridor among its priorities. Similarly, the Colombian Government is in the process of negotiating GEF resources for a Protected Areas' Management Trust Fund. The Ecosystems of the Sierra Nevada have been also included as a priority.¹⁴⁹

Finally, a GEF project for the Sierra Nevada of Santa Marta was approved by the World Bank in June of 2001.¹⁵⁰ The objective of the project is the joint and collaborative implementation of actions to conserve the biological and cultural diversity of the Sierra Nevada of Santa Marta and to use its natural resources in a sustainable manner. The project would be implemented by the *Fundación Pro-Sierra*. However, the Territorial Council of Indigenous Authorities (*Consejo Territorial de Cabildos*) indicated that the indigenous authorities of the region had not been involved in the definition of aspects of the project that were of their concern¹⁵¹. In light of this, the Territorial Council of Indigenous Authorities requested that the project be detained. To this date the project has not initiated.

2. Analysis of the Case

In this section, the implementation of coordinated strategies for the conservation and sustainable use of natural resources in the Sierra Nevada of Santa Marta are discussed and analyzed following the framework of the WDR 2003. The following aspects are addressed:

1. How, and to what extent, society at large became aware of the problems, social realities and richness of the Sierra Nevada.
2. The mechanisms that generated the decisions to undertake action.
3. The mechanisms that were in place to balance legitimate, compelling social interest, in this case.
4. The means by which the adopted solutions are executed and the sustainable (long term) nature of the commitment.

¹⁴⁸ Draft of the Forest Conservation Agreement between the U.S Government, the Colombian Government, the World Wild Life Fund, the Nature Conservancy and Conservation International. March 2004. This agreement is expected to be signed in March or April of 2004.

¹⁴⁹ Colombian Government Proposal to the GEF for Block B Preparation of a Protected Areas' Management Trust Fund. It is expected that this proposal will be submitted to the GEF Council in its April 9, 2004 session. Unit of National Parks.

¹⁵⁰ Report No PID8220. Colombia-Sierra Nevada de Santa Marta. Conservation and Sustainable Use of Biodiversity. Project ID COPE7093. The World Bank. Washington.

¹⁵¹ Interview with Mr. Juan Pablo Ruiz of the World Bank Office in Bogotá. December 2003.

2.1 How Society Became Aware of the Problems and of the Richness of the Sierra Nevada.

During most of the 20th century, the Colombian society at large, the government and the international community were quite unaware of the natural and cultural richness and diversity of the Sierra Nevada of Santa Marta^{152,153}. They were also quite unaware of the environmental and cultural consequences of the colonization processes. The interventions of the local and national governments were limited.

The Sierra Nevada of Santa Marta National Park was created in 1964¹⁵⁴ by an agency of the Ministry of Agriculture dedicated to the protection of forests and water resources¹⁵⁵. It was not created by an environmental agency. Considerations relative to the biodiversity of the region or to its cultural wealth were not taken into account¹⁵⁶.

The discovery of a site in the Sierra Nevada (*Ciudad Perdida*) in 1976 triggered a chain of events that augmented the national and international visibility of the Sierra Nevada of Santa Marta. The creation of the *Prosierra* Foundation in 1986 played a central role in gathering and disseminating information and images related to the problems and to the cultural and ecological wealth of the Sierra Nevada.

During the mid eighties, INDERENA began to actively develop conservation work in the area. That work was closely coordinated with the indigenous communities, and was oriented primarily to the consolidation of their *resguardos*. INDERENA considered that the consolidation of those *resguardos* would be an effective strategy for the conservation of the area¹⁵⁷.

The Strategy for the Sustainable Development of the Sierra Nevada, which was published in 1987 as a result of an ample process of public consultation, recognized the environmental problems of the region (mainly deforestation). It gave a high priority to the development of conservation programs and projects¹⁵⁸. In fact, the first of the five main objectives of this strategy is “Ecosystems Conservation”. This indicates the high level of priority that all the different participating actors gave to conservation.

¹⁵² Situación del los DDHH y del Derecho Humanitario en la Sierra Nevada de Santa Marta. 2003. Secretariado Nacional de Pastoral Social Caritas Colombiana. Defensoría del Pueblo. Bogotá.

¹⁵³ Interview with Mr. Juan Mayer. Director of the *Fundación Prosierra Nevada de Santa Marta* from 1986 to 1998 and Minister of the Environment from 1998 to 2002. February 2004. Bogotá.

¹⁵⁴ *Resolución* 191 of 1964 by INCORA (the National Institute for the Agrarian Reform)

¹⁵⁵ Law 02 of 1959

¹⁵⁶ Interview with Mrs. Eugenia Ponce legal expert in national park's legislation.

¹⁵⁷ Interview with Gabriel Tirado Director of the Sierra Nevada of Santa Marta National Park.

¹⁵⁸ Plan de Desarrollo Sostenible de la Sierra Nevada de Santa Marta. Estrategia de Conservación de la Sierra Nevada de Santa Marta. 1997. Fundación Pro-Sierra Nevada de Santa Marta. Bogotá.

In 1998 Mr. Juan Mayr (Director of the *Prosierra* Foundation) became the Minister of the Environment (1998-2002). After that the intervention of the national government and of the international community in the area, through the implementation of several projects, increased substantially.

In sum, the national government did not create the Sierra Nevada of Santa Marta National Park to protect its biological and cultural resources. The Park's creation resulted from a decision taken by the Ministry of Agriculture to protect waters and forested lands. Nevertheless, several factors coincided in triggering the awareness of the national and international community regarding the problems and the cultural and ecological wealth of the Sierra Nevada. They were mainly: the "discovery" of *Ciudad Perdida* in 1976, and the dissemination and promotion activities undertaken by the *Pro-Sierra* Foundation. In addition the presence of a charismatic promoter of the Sierra in the Direction of the Pro Sierra Foundation from 1986 to 1998, and his subsequent political role in national and international scenarios can not be underestimated.

The extent to which society at large are today aware about the environmental problems and of the cultural and ecological wealth of the Sierra Nevada is uncertain. Although the level of general awareness about the existence of this region and of its native population might have increased through time, the cultural and environmental values of the region are still probably largely unknown to most Colombians. However, the increased presence of national and international organizations in the region indicates that their level of awareness has significantly increased.

2.2 Mechanisms that Generated Social Demand

The creation of the *Fundación Prosierra Nevada de Santa Marta* as a mechanism to build social awareness about this region is a decision of strategic importance. This NGO reached national and international audiences and facilitated the implementation of initiatives directed to the solution of the problems of the Sierra Nevada. Through its work, the *Fundación Pro-Sierra Nevada* earned wide prestige and gained national and international recognition as a promoter of the cultural and natural wealth of the region.

The work of the *Fundación Pro-Sierra Nevada* increased the availability of information related to the cultural and ecological wealth of the Sierra Nevada and of its problems. This contributed to the generation of social demand to develop projects for the conservation of the natural and cultural values of the Sierra Nevada.

As indicated in section 1.4, the declaration of the Sierra Nevada of Santa Marta National Park as Biosphere Reserve by UNESCO in 1982 has had no effect in the

development of conservation and management strategies and projects in the region^{159, 160}.

Constitutional and legal reforms created an institutional framework that increased the social demand for the solution of the social and environmental problems of the Sierra Nevada. The Constitution of 1991 triggered a series of legal developments that contributed to strengthening indigenous community organizations¹⁶¹. In 1993, the Colombian Government approved legislation that protects the rights of these communities, including their territorial rights and their rights to autonomous forms of government¹⁶², and regulated the creation of Indigenous Authority Organizations¹⁶³ (*Asociaciones de Cabildos Indígenas*).

Presently, the capacity of local communities to participate in decisions relative the solution of the environmental problems of the region is greater. In fact, as discussed in section 1.5, the successful implementation of conservation projects in the region requires their active involvement from the early stages of project design.

The new legal and institutional framework created after the Constitution of 1991 was favourable for the adoption of new policies for the conservation of protected areas inhabited by traditional cultures. Within the new constitutional and legal context, the government approved its Policy for the Social Participation in Conservation in 1999¹⁶⁴. Several of the agreements reached by the members of the Environmental Regional Council of the Sierra Nevada, which includes the representatives of the indigenous and *campesino* communities of the region, indicate the effectiveness of this policy. Among those agreements are those that coordinate the development of land use plans¹⁶⁵ as well as the intervention of public agencies in the environmental decision making process¹⁶⁶.

The *Consejo Territorial de Cabildos* and its integrating organizations are well aware of their increased political clout. Taking that into account and based on their experiences with the Sustainable Development Plan of the Sierra Nevada and its related projects, they have sought out new resources for the implementation of their own projects. In their own words, they want projects that "... attend the cultural realities, expectations and needs of the indigenous peoples of the Sierra

¹⁵⁹ Interview with Mr. Juan Mayer Director of the *Fundación Prosierra Nevada de Santa Marta* from 1986 to 1998 and Minister of the Environment from 1998 to 2002. Bogotá. July 2004.

¹⁶⁰ Interview with Mr. Gabriel Tirado; Director of the Sierra Nevada National Park. July of 2004.

¹⁶¹ Article 329 and Transitory Article 56 of the Political Constitution of 1991.

¹⁶² Law 21 of 1991 approved Convention 169 of the 76th meeting of the International Labor Organization of 1989.

¹⁶³ Decree 1088 of 1993

¹⁶⁴ Política de Participación Social en la Conservación. 2001. Unidad de Parques Nacionales de Colombia

¹⁶⁵ Acuerdos logrados en el Taller del Comité Directivo (ampliado) del Plan de Desarrollo Sostenible de la Sierra Nevada de Santa Marta. March 2002.

¹⁶⁶ Acuerdo CTC- Gobierno Nacional. December 10 2003. Santa Marta.

Nevada.”¹⁶⁷.

2.3 Mechanisms to Balance Legitimate, Competing Interests

The first coordinated actions between local indigenous communities and environmental authorities took place during the mid eighties. During those years, the local staff of INDERENA and the indigenous communities began to plan the expansion of the *resguardos* as a strategy to protect the area against colonization.

The Constitution of 1991 created a more favourable framework for the protection of cultural and environmental rights. Consequently, new mechanisms were created to facilitate the access of vulnerable groups to decisions related to the design and implementation of environmental policies. The Environmental Regional Council of the Sierra Nevada (*Consejo Ambiental de la Sierra Nevada*) was created in 1996¹⁶⁸. It includes a wide range of relevant local, regional and national actors¹⁶⁹. Its main objective is to coordinate the implementation of sustainable development actions in the Sierra Nevada of Santa Marta. In addition, the Policy for Social Participation in Conservation¹⁷⁰ was approved in 1999, with the participation of indigenous communities, including those of the Sierra Nevada of Santa Marta¹⁷¹. During this year, the indigenous organizations created the Territorial Council of Indigenous Authorities (*Consejo Territorial de Cabildos –CTC-*) as their “...main mechanism to intercommunicate with the Government and society in relation to the management of the traditional territories of the indigenous peoples of the Sierra Nevada”¹⁷².

¹⁶⁷ Interview with Mr. Arregocés Conchacalá indigenous leader (“*Cabildo Gobernador*”) of the *Gonawindua Tayrona*. Santa Marta. March 2004.

¹⁶⁸ Law 344 of 1996.

¹⁶⁹ The Ministry of the Environment who presides it; a delegate of the President; the Minister or the Vice Minister of Agriculture; the Director of the Unit of National Parks; the *Gobernadores* of the *Departamentos* of Magdalena, Cesar and Guajira; the Directors of the Regional Corporations of Magdalena, Cesar and Guajira; the leaders (“*Cabildo Gobernador*”) of the organizations of the, *Arwuaco*, *Kogui*, *Wayuu*, *Wiwa* and *Kankuamo* indigenous communities; three representatives of the *campesino* communities (one from each *Departamento*); the Director of INCORA (today INCODER); the Director of INAT (*Instituto Nacional de Adecuación de Tierras*; National Institute for Land Preparation); three representatives from the local environmental NGOs of the region (one from each *Departamento*); one representative from regional environmental NGOs (these organizations are represented by the Pro-Sierra Nevada of Santa Marta Foundation); three representatives of the economic sectors (one from each *Departamento*); three representatives of the local mayors (one from each *Departamento*); the Director of Indigenous Affairs of the Ministry of the Interior.

¹⁷⁰ Política de Participación Social en la Conservación. 2001. Unidad de Parques Nacionales de Colombia

¹⁷¹ Correa H.D. 2002. La Construcción de la Política de Participación Social en la Conservación con los Pueblos Indígenas. *En*. Parques con la Gente II. Unidad de Parques Nacionales; Ministerio del Medio Ambiente. Bogotá

¹⁷² Políticas de los Pueblos Indígenas de la Sierra Nevada de Santa Marta. 2002. Consejo Territorial de Cabildos. Organización *Gonawindua – Tayrona*; Confederación Indígena *Tayrona*; Organización *Yugumaiun Bunkwanarrwa Tayrona* and the Organización *Kankauma*. Santa Marta. (working draft).

According to the Territorial Council of Indigenous Authorities (*Consejo Territorial de Cabildos –CTC-*)¹⁷³, the main objectives of those communities include “...the restitution of the control over the traditional territories...”; “...the strengthening of traditional forms of government...”; “...the consolidation of the traditional territories...”; “...the consolidations of ethnic, individual and rights...”; “...the stability of the traditional economic, political, cultural, administrative and judiciary systems...”; and “...the development of legal and constitutional frameworks that favor respectful coordination, consultation and participation processes with the indigenous communities...”.

The Environmental Regional Council of the Sierra Nevada is the main institutional mechanism by which indigenous communities seek their objectives. They consider the Council to be a valuable and effective mechanism to voice their concerns with relation to the management of the Sierra Nevada¹⁷⁴. They consider this Council to have facilitated communication and agreement building between local communities and the government. In fact, through this Council they have reached several important agreements with the national government, the Unit of National Parks and the Regional Autonomous Corporations.^{175,176} Additionally, the Territorial Council of Indigenous Authorities and the Unit of National Parks agreed on a series of basic intercultural principles for the environmental management of the Sierra Nevada, in the framework of this Council¹⁷⁷.

The *campesino* communities are also members of the Environmental Regional Council of the Sierra Nevada. However, they have not agreed on a unified set of strategic objectives, with relation to the management of the region¹⁷⁸. This can be attributed to the relative weakness and low coherence of their social

¹⁷³ Políticas de los Pueblos Indígenas de la Sierra Nevada de Santa Marta. 2002. Consejo Territorial de Cabildos. Organización *Gonawindua – Tayrona*; Confederación Indígena *Tayrona*; Organización *Yugumaiun Bunkwanarrwa Tayrona* and the Organización *Kankauma*. Santa Marta. (working draft).

¹⁷⁴ Interviews with Mr. Arregocés Conchacalá indigenous leader (“*Cabildo Gobernador*”) of the *Gonawindua Tayrona* Organization, Mr. Julio Barragán and Mr. Eduardo Rico advisors of that Organization, Mr. Cayetano Torres member of the Organization, Mr. Gabriel Tirado Director of the Sierra Nevada de Santa Marta National Park and Mr. Gonzalo Uribe Director of the Pro-Sierra Nevada Foundation (Santa Marta. March 2004). Interview with Mr. Juan Mayer Director of the *Fundación Prosierra Nevada de Santa Marta* from 1986 to 1998 and Minister of the Environment from 1998 to 2002 (Bogotá. February 2004). Interview with Mr. Henry Salazar, Coordinator of the LIL project from Oct. of 2000 to February of 2002 (Bogotá. February 2004). Interview with Mr. Juan Pablo Ruiz of the World Bank Office in Bogotá (December 2003). Interview with Mr. Juan Carlos Riascos Director of the Unit of National Parks (Bogotá. December 2003).

¹⁷⁵ Acuerdos logrados en el Taller del Comité Directivo (ampliado) del Plan de Desarrollo Sostenible de la Sierra Nevada de Santa Marta. March 2002.

¹⁷⁶ Acuerdo CTC- Gobierno Nacional. December 10 2003. Santa Marta.

¹⁷⁷ Correa H.D. 2001. 2001. Avances de la Política de Participación Social Indígena en la Conservación de la Sierra Nevada de Santa Marta. *En*. Parques con la Gente. Unidad Administrativa Especial del Sistema de Parques Nacionales. Ministerio del Medio Ambiente. Bogotá.

¹⁷⁸ Interview with Mr. Gabriel Tirado Director of the Sierra Nevada de Santa Marta National Park. February 2004.

organizations¹⁷⁹, which derives from their diverse geographic and cultural origin¹⁸⁰. In addition, the presence of illegal armed forces has limited the construction of strong and independent social organizations by the campesino communities, as their leaders often become the targets to these illegal groups¹⁸¹.

The lower participation of the *campesino* communities in the Environmental Regional Council of the Sierra Nevada with respect to that of the indigenous communities may pose equity issues. The *Campesino* communities, some of which have inhabited the area for nearly a century¹⁸², perceive the legitimate territorial interests of the indigenous communities as a menace to what is also their legitimate interest to remain in the region. During the last 25 years, they have observed how several *resguardos* have been created over the areas that they occupied, and how government and international resources have been used to acquire their land.

Illegal armed groups have increased the violation of the human rights of indigenous and *campesino* communities and have displaced them from the rural areas of the Sierra Nevada¹⁸³. Their economies and their geographic mobility have been severely limited¹⁸⁴. Under those violent circumstances, the development of conservation strategies with social participation has become severely affected. The level of priority assigned to conservation efforts is lowered by the urgency of protecting human life¹⁸⁵.

The representatives of the large banana and oil plantations of the low lands are also members of the Environmental Regional Council of the Sierra Nevada¹⁸⁶. They are interested in the conservation of the low lands of the area in order to guarantee the provision of a regular and sufficient flow of water for their plantations. As a part of a cooperation project between the European Union and the Unit of National Parks, they participated in planning activities for the conservation of the *Aracataca* watershed, in coordination with the Regional Corporation of Magdalena (CORPAMAG), the *campesino* and the indigenous

¹⁷⁹ Interview with Mr. Juan Mayer Director of the *Fundación Prosierra Nevada de Santa Marta* from 1986 to 1998 and Minister of the Environment from 1998 to 2002. Bogotá. July 2004.

¹⁸⁰ Sánchez E., Bosoni M., 1999. *Los Campesinos de la Sierra Nevada de Santa Marta Ocupantes de Resguardos Indígenas y Parques Naturales*. Banco Mundial. Informe de Consultoría. Bogotá.

¹⁸¹ Interview with Mr. Juan Mayer Director of the *Fundación Prosierra Nevada de Santa Marta* from 1986 to 1998 and Minister of the Environment from 1998 to 2002. Bogotá. July 2004.

¹⁸² Sánchez E., and Bosoni M., 1999. *Los Campesinos de la Sierra Nevada de Santa Marta Ocupantes de Resguardos Indígenas y Parques Naturales*. Banco Mundial. Informe de Consultoría. Bogotá.

¹⁸³ *Situación del los DDHH y del Derecho Humanitario en la Sierra Nevada de Santa Marta*. 2003. Secretariado Nacional de Pastoral Social Caritas Colombiana. Defensoría del Pueblo. Bogotá.

¹⁸⁴ Sánchez E., and Bosoni M., 1999. *Los Campesinos de la Sierra Nevada de Santa Marta Ocupantes de Resguardos Indígenas y Parques Naturales*. Banco Mundial. Informe de Consultoría. Bogotá.

¹⁸⁵ Interview with Mr. Gabriel Tirado Director of the Sierra Nevada of Santa Marta National Park. March 2004. Santa Marta.

¹⁸⁶ *Asbama and Fundepalma*.

communities of the watershed¹⁸⁷. As part of this effort, they have manifested their interest in contributing with economic resources for the conservation of the upper part of the watershed.

There has been significant progress in the Sierra Nevada in the construction of an institutional framework that increases the access of indigenous groups and *campesinos* to relevant decision processes. However, that framework is new. Its effects are not yet fully evident, as there has been a transition process in progress. In the next section, which discusses the mechanisms by which adopted solutions are executed, the nature and the consequences of that transition process shall be made clearer.

2.4 The Means by Which Adopted Solutions are Executed

The institutional mechanisms to generate decisions and to balance legitimate, competing social interests in the Sierra Nevada are new. Not all of the solutions that are presently under implementation were generated under the current institutional arrangement. Consequently, at this moment there is transition process between the previous and the new institutional framework.

When the Sustainable Development Plan of the Sierra Nevada was formulated between 1992 and 1996, the Environmental Regional Council of the Sierra Nevada (*Consejo Ambiental de la Sierra Nevada*) had not been created¹⁸⁸. This was also the case of the Territorial Council of Indigenous Authorities (CTC) which was not created until 1999, and of the Policy for Social Participation in Conservation which was approved in 2001.

Some of the members of the Environmental Regional Council of the Sierra Nevada felt that they had not adequately participated in the design of the Sustainable Development Plan for the region. In consequence, they did not all have the same level of commitment with the Plan. In fact, the indigenous communities, major stakeholders of the region, were reluctant to participate in its implementation¹⁸⁹ and in the implementation of the LIL project that developed some of its components.

After 1999, the official voice of all of the indigenous communities of the region was concentrated in the Territorial Council of Indigenous Authorities (CTC). Although, as in any organization that represents diverse groups there may be differences of interests and internal tensions, to this date the Council has been able to define unified positions and to negotiate agreements with the government. Today, the

¹⁸⁷ Interview with Mr. Gabriel Tirado Director of the Sierra Nevada of Santa Marta National Park. March 2004. Santa Marta.

¹⁸⁸ It was created by Law 344 of 1996.

¹⁸⁹ Memorias del Foro para el Desarrollo Sostenible de la Sierra Nevada de Santa Marta; Santa Marta Marzo 19 y 20 de 1998. 1998. Ministerio del Medio Ambiente.

successful implementation of projects in the region critically depends on the approval and active participation of the Territorial Council¹⁹⁰.

During this transition process it has been possible to adapt some of the initiatives and projects that began implementation before the new institutional framework was established. That is the case of the project of the European Union in the *Aracataca* watershed¹⁹¹. In this case, the project was able to be adapted to the new institutional framework and its content was modified to better attend the cultural realities and expectations of the indigenous communities. Decisions were implemented with the coordinated contribution of all relevant institutions and social agents.

Projects and interventions that are currently in their early stages or that are under preparation recognize the new institutional framework of the Sierra Nevada. As indicated in section 1.4 the Environmental Action Fund (EAF) approved a project of the indigenous Organization *Gonawindua Tayrona* in February of 2004, and similar initiatives of other communities are under preparation. These projects are seen by the *Gonawindua Tayrona* Organization as models for the future implementation of projects with the participation of indigenous communities¹⁹².

The new institutional framework of the Sierra Nevada is favorable for greater involvement and participation of local communities and their organizations in the design and implementation of projects and solutions. The Council for the Sustainable Development of the Sierra Nevada represents an important opportunity for the coordination of actions between local communities and the ministries of environment and interior, the Unit of National Parks, the three regional corporations, INCODER¹⁹³, the *Departamentos*, municipalities etc. However, as indicated in section 2.3, the limited participation of the *campesino* communities in this Council should be a point of concern. The equity of the decisions of this Council depends on the adequate participation of all the different stakeholders of the region.

The Council for the Sustainable Development of the Sierra Nevada and the Territorial Council of Indigenous Authorities (CTC) have been effective mechanisms for agreement building between indigenous communities and government agencies. However, these institutions presently lack the necessary capacity to follow up, monitor and evaluate the development of those agreements. Under those circumstances, their capacity to effectively coordinate the implementation of agreed actions and to propose adjustments is limited.

¹⁹⁰ Evaluación Externa del “Proyecto de Aprendizaje e Innovación para el Desarrollo Sostenible de la Sierra Nevada de Santa Marta”. 2003. Pontificia Universidad Javeriana. November Bogotá.

¹⁹¹ Interview with Mr. Cayetano Torres member of the *Gonawindua – Tayrona* Organization. Advisor of that organization and delegate to the coordination meetings of the *Aracataca* Project and of the *Consejo Ambiental de la Sierra Nevada*.

¹⁹² *Cabildo Gobernador* Mr. Arregocés Conchacalá. Santa Marta. March 2004.

¹⁹³ This new institution took the responsibilities of INCORA and INAT which were closed in 2003.

The unification of the objectives of environmental conservation and of cultural protection should contribute to increase social control of the projects by local communities. Accountability should also be improved as the projects are implemented by local organizations, or as they become more involved in their implementation. Under conditions favorable to increased social control and accountability, the long term commitment of local, national and international stakeholders might also be increased.

The legitimacy of the coordination mechanisms created by the Colombian Government and the indigenous communities, and the trust that gradually has grown between different actors, should contribute to the sustainability of agreed commitments. Among the incentives of all parties to respect those commitments are the potentially high costs of losing trust. In the absence of trust, the coordination efforts that are indispensable for the protection and conservation of the cultural and natural values of the Sierra Nevada would not be possible. The interest of the different actors of the region to develop agreed intercultural agendas for the conservation and sustainable use of natural resources should become an incentive for international agencies and donors to participate, as this should diminish the risks of implementing projects in this complex region.

Finally, the role of the different illegal armed groups that fight for territorial control of the Sierra Nevada should also be taken into account. Their violent attacks on the legitimate social and institutional organizations of the region and the violations of the human rights of the communities and their leaders pose significant risks for the implementation of sustainable solutions in the Sierra Nevada. The activities and initiatives of different financing agencies and of public institutions could be deterred by their attacks. Also the displacement of indigenous and *campesino* communities to urban centers could limit the scope and the benefits of the future interventions in the region.

3. Lessons and Recommendations

The following are the main lessons and recommendations from this case study:

- The complex biophysical, social and institutional conditions of the Sierra Nevada of Santa Marta must be fully taken into account during the design and implementation of projects for the sustainable development of the area. The complete consideration of those conditions would contribute to guarantee the participation of all relevant local actors in their implementation, and would contribute to ensure the attainment of the proposed objectives.
- The promulgation of the Political Constitution of 1991 and the legal reforms that followed^{194,195,196} were favourable to the development of an institutional

¹⁹⁴ Law 99 of 1993

framework which facilitated the participation of local actors, particularly indigenous groups, in the design and implementation of participatory actions for the sustainable development of their traditional territories. In the case of the Sierra Nevada, this new framework primarily includes the Environmental Regional Council of the Sierra Nevada and the Territorial Council of Indigenous Authorities. The first of these two councils is the principal mechanism by which local communities have access to governmental decisions related to the sustainable development of the region. Similarly, the Territorial Council of Indigenous Authorities (*Consejo Territorial de Cabildos* –CTC-) is a unified vehicle of communication and coordination with government agencies about issues such as the development of land use and conservation strategies. Future public and private interventions in the region should fully take into consideration the authority and social legitimacy of these institutions.

- The Environmental Regional Council of the Sierra Nevada has been an effective mechanism for agreement building regarding the sustainable development of the region. However, the important coordination challenges of this Council justify strengthening its institutional capacity. Administrative support should be provided to ensure its capacity to manage information and to follow up, monitor and evaluate the impact of the different interventions in the region.
- Strengthening the indigenous organizations, including the Territorial Council of Indigenous Authorities (*Consejo Territorial de Cabildos* –CTC), would contribute to ensure that future interventions in the Sierra Nevada by national and international agencies effectively contribute to the objectives¹⁹⁷ defined by those communities. Strengthening those organizations would also prevent project interventions from acting contrary to those objectives.
- The development of the social organizations of the *campesino* communities has been comparatively lower than that of the indigenous groups. This situation has limited their capacity to define a unified set of objectives in relation to their social development inside the territory of the Sierra Nevada. Consequently, the effectiveness of their participation in the Environmental Regional Council of the Sierra Nevada has been limited. Strengthening these social organizations should be considered a priority to secure regional equity.
- Important events such as the formulation of the Sustainable Development Plan of the Sierra Nevada took place during the transition period between

¹⁹⁵ Law 21 of 1991

¹⁹⁶ Decree 1088 of 1993

¹⁹⁷ Políticas de los Pueblos Indígenas de la Sierra Nevada de Santa Marta. 2002. Consejo Territorial de Cabildos. Organización *Gonawindua – Tayrona*; Confederación Indígena *Tayrona*; Organización *Yugumaiun Bunkwanarrwa Tayrona* and the Organización *Kankauma*. Santa Marta. (working draft).

the previous and the new institutional framework. This affected their long term viability, as they could not always adapt to the new conditions. As present and future initiatives evolve within the new institutional framework, their risks should be lower. In that sense, most of the potential benefits of the new institutional framework are yet to be obtained.

- The indigenous communities of the Sierra Nevada considered that they were not sufficiently consulted during the formulation of the Sustainable Development Plan of the region¹⁹⁸. Consequently, they decided not to participate in the execution of the LIL project which partially developed that Plan. Their absence from the project limited the potential social benefits of the investments which were made by the project, as they did not reach the traditional ethnic groups of the region. The future design and implementation of projects for the sustainable development of the region should include the adequate participation of all relevant stakeholders from their early design phases. This would ensure their active participation during implementation.
- The active participation of the Environmental Regional Council of the Sierra Nevada (*Consejo Ambiental de la Sierra Nevada*) and the Territorial Council of Indigenous Authorities (CTC), during the design and implementation phases of projects, would increase the social accountability of projects aimed at the sustainable development of the Sierra Nevada. Increased social control might also enhance the commitment of local, national and international stakeholders.
- The experience of the *Fundación Prosierra* and its knowledge of the cultural, social, economic and ecological conditions of the Sierra Nevada of Santa Marta should be considered a valuable asset for the development of future actions and projects in the region.
- The attacks of the different illegal armed groups pose significant risks for the implementation of projects aimed at the protection and sustainable development of the cultural and natural values of the in the Sierra Nevada. The displacement of indigenous and *campesino* communities could limit the scope and the benefits of the future interventions in the region.

¹⁹⁸ Memorias del Foro para el Desarrollo Sostenible de la Sierra Nevada de Santa Marta; Santa Marta Marzo 19 y 20 de 1998. 1998. Ministerio del Medio Ambiente. Bogotá.