

# Defending our territory: the biocultural community protocol of Alto San Juan, Colombia

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by TATIANA LÓPEZ PIEDRAHITA and CARLOS HEILER MOSQUERA

## Introduction

The biocultural community protocol (BCP) of the collective territory of Alto San Juan was developed to strengthen the communities' collective rights and to formally recognise the cultural practices which contribute to maintaining biodiversity in the region. The territory is an historic and ancestral settlement of Afro-Colombian communities who practice traditional production practices for collective use. The protocol reflects the communities' holistic concept of territory and their relationship with natural resources. It documents the environmental issues that the community perceives to be of importance.

The collective territory covers an area of 54,517ha and 4,625m<sup>2</sup>, and is located in the municipalities of Tado and Rio Iró in the Choco bioregion of Colombia. It is home to 30 communities who have their own culture, a shared history and their own traditions and customs which demonstrate and maintain an identity that distinguishes them from other ethnic groups. The local communities elect a representative who is

part of the larger inter-community organisational structure of ASOCASAN, the Alto San Juan Community Council. Under Law 70 of 1993, this council is the highest autonomous internal administration body in the Upper Basin of the San Juan River, and it is one which upholds the permanence of the local culture.

Representatives from different localities participated in developing the BCP. They agreed that illegal mining and the extraction of natural resources in the community forests were major concerns. They also identified cultural practices that help reduce the loss of habitats, and proposed synergies with key State institutions as a basis for relating with them during the implementation of development projects and research in the territory.

A challenge for local processes is identifying cultural mechanisms to mitigate problems caused by external agencies, as well as expressing values that the community wishes to be considered for its development. This article shows the actions taken by the Alto San Juan commu-



**The impacts of mechanised illegal mining.**

nity to build a tool that articulates guidelines to ensure that any activity contributes to the community's own development model, and where the relationship between natural resources, culture, community and external actors constitutes the fundamental pillars of management. In the words of Wilson Murillo, Chairman of the Board of ACOSASAN:

*In the collective territory, the afro-descendant communities practice traditional methods of production which sustain this generation and those to come.*

### **Territorial threats**

The collective land has rich flora, fauna and mineral resources which the community depends on it for its livelihood – directly (hunting, small farming, fishing, mining) – and indirectly (use of non-timber forest products and sale of surplus).<sup>1</sup>

However, there are external pressures on and around the territory. Colombia's national development policy (2010-2014)

is based on the extraction of mineral and natural resources. By 2010, the State awarded 7,397 titles for open-cast mining in the Colombian Choco bio-geographic region, amounting to 844,000ha. Another 22,000ha were affected by illegal mining by armed groups operating outside the law, causing a loss of forest resources, drastic changes in land use and pollution of water sources. This also led to changes in the community's cultural values, through offers of financial payments to diggers for gold mining, and enticing young people to abandon their studies and values to work in the mines in inadequate conditions. It also brought new local markets for food that have led to a decline in traditional production practices.

Even though the State granted the right to collective ownership of the ASOCASAN territory, these rights are still being violated.<sup>2</sup> This is partly because the law for black communities is not fully regulated through proper implementing regulations, due to the growth in illegal extraction activ-

<sup>1</sup> Law 70 of 1993 recognises the traditional production practices and the right to collective ownership by black communities who have been occupying uncultivated land in rural areas adjoining the rivers of the Pacific Rim.

<sup>2</sup> INCORA Resolution 2727 of 27th December 2001.

Photo: Johanna von Braun



**Mechanised illegal mining causes a loss of forest resources, drastic changes in land use and pollution of water sources.**

ities and development projects that are unaware that the local internal management structure is a legal entity. The problems are exacerbated when the State does not facilitate the monitoring of illegal mining activities which lead to the progressive degradation of natural resources. In addition, the process of consultation is not properly conducted before development projects are implemented, and when consultations are done, they have no agreements and are not binding.

Also, the traditional practices that promote cultural and biological diversity are not sufficiently recognised by actors from outside the territory. This hampers the recognition of land rights; and the community lacks confidence in cultural safeguards when faced with major development projects or big businesses.

### **Community practices**

The traditional production practices of the Alto San Juan community constitute an integrated management and production

system, which enhances the well-being of ecosystems. The rate of extraction of natural resources favours natural dynamics, taking into consideration different soils and species, and the timing and patterns of extraction. Traditional mining of alluvial gold is a comprehensive cultural production system that encourages family and collective work, the recovery of soil structure and the regeneration of vegetation cover. It also promotes food crops by avoiding metal contaminants.

To maintain these traditional techniques, ensure sustainable production and prevent habitat degradation, traditional mining families developed a community cooperative – *Ore Verde* (Green Gold). This promotes diverse production activities, responsibility for environmental issues, sustainable use of natural resources, market access at fair prices, the strengthening of endogenous development models and capacity building.<sup>3</sup> It sets out ten criteria for the cultural values associated with mining, including the distribution of

<sup>3</sup> Local development refers to the concept of **endogenous development**, a model that helps to strengthen the internal capacity of the local community to strengthen their culture and economy and maintain them over time.



Photo: Tatiana López

Working day in artisanal mining. 'Los socios del cerro' mine, Luis Américo Mosquera.

benefits.<sup>4</sup> This community process was certified by the Alliance for Responsible Mining (ARM) as fairtrade and fairmined gold, due to its environmentally friendly process.

Traditional mining is an example of sustainable local development and is linked with traditional use and knowledge related to all aspects of biodiversity (flora, fauna, soil, lunar calendar, among others). Mining is a big priority as far as the government of Colombia is concerned, but other productive systems and cultural mechanisms which are important for endogenous development processes must be recognised and considered when actions are planned and implemented in the territory. As Carlos H. Mosquera, co-author of this article, resident of the Playa de Oro area and representative of ASOCASAN says:

*We will continue to talk about local development so that outsiders understand our*

*reality and help strengthen our traditions and processes.*

### The biocultural community protocol

The Alto San Juan BCP is a management tool put together by the community. It encapsulates the ancestral nature of its occupation by the Afro-Pacific communities, who have achieved a harmonious coexistence with other indigenous groups in the region, coming to an agreement on the territorial limits of each ethnic group and on access to resources for hunting and forest extraction.

The protocol expresses the community's values and its relationship with natural resources. It proposes guidelines for dialogue with external actors to develop appropriate processes, setting out its commitments to the environment and to future generations.

To outsiders, the protocol communi-

<sup>4</sup> See: [www.greengold-oroverde.org/loved\\_gold/](http://www.greengold-oroverde.org/loved_gold/)

Photos: Tatiana López



Recovery of degraded areas by artisanal mining.

cates the fact that community territorial planning, ancestral practices and the rights granted by law in relation to natural resource management should be recognised in development proposals, municipal planning processes and national policies, and in the State administrative office, so that the community can participate in decisions that affect its way of life.

The Alto San Juan BCP is also part of a regional process by black communities which promotes the recognition of the collective rights of ethnic communities in the territories; and counters any large-scale intervention processes which do not take the natural and cultural characteristics of the region into consideration. As defined by Wilson Murillo:

*The territory is a life strategy for the defence of life, autonomy and cultural identity.*





Photo: Carlos Ariel

**Methodological process to identify problems associated with resource use.**

The BCP contributes to this process and requires community management to achieve its positioning as a management tool for ASOCASAN.

### Methodology

The development of the methodology began in August 2010. The document was disseminated in December 2010 and its revision finalised in April 2011. Participatory research was the methodological framework as it is a social process that contributes to processes of self-development that are continuous and dynamic. It entails a series of stages: research, analysis/diagnosis, programming, implementation and evaluation. These can be divided for ease of reporting but in practice often occur simultaneously. The Pacific Institute of Environmental Research (IIAP) has carried out community strengthening initiatives in the region to ensure continuous processes by communities. The BCP process identified the need to make links with government



Photo: Tatiana López

**Prioritising issues associated with the use of resources.**

entities and open spaces for participation in government territorial planning processes.

To identify issues and content of the BCP, two methodological components were used with different representatives of the communities to ensure representation of the largest number of community interests. One focused on Natural Justice's

**Table 1: Summary of perceived problems**

Resource	Traditional system	Significance	Problem
Gold, platinum	Artisanal mining	Cultural and economic	<ul style="list-style-type: none"> <li>• Artisanal mining is not properly recognised nor regulated in the national regulatory framework.</li> <li>• The national mining regulations violate local dynamics as control mechanisms for the implementation and operation of mining companies are not applied rigorously.</li> <li>• Exploitative techniques of large-scale commercial mining companies infringe the ecosystem and social arrangements of the community, generating loss and changes in natural and cultural values of the population without generating compensating actions or sanctions.</li> </ul>
Medicine, use of renewable resources	Traditional knowledge	Social, cultural, spiritual	<ul style="list-style-type: none"> <li>• Traditional knowledge is not valued and is only noticed when the knowledge is lost, when holders of knowledge die and do not leave a legacy.</li> <li>• We need more research on traditional knowledge associated with our festivals, development of tools and instruments and crafts, these investigations must be made known to promote the well-being of the community.</li> <li>• In the past, researchers come to work and take the knowledge and information without ever returning to show the community the results of their work.</li> <li>• The investigations do not respond to our needs, ideas are brought from outside, the research benefits people outside the community territory of Upper San Juan.</li> </ul>
Timber, sustainable and non-sustainable	Forest management	Cultural, economic	<ul style="list-style-type: none"> <li>• There is a need for internal regulation of commercial use and logging. Interests of the timber trade and the arrival of outsiders violates community dynamics, generates loss of our forests and does not consider management to restore our territory.</li> <li>• Insufficient alternatives for forest income-generation that promote forest conservation, and make visible the cultural values associated with it.</li> </ul>

experience in protocol development in different countries.<sup>5</sup> This guided the identification of problems relating to certain resources, and cultural mechanisms, traditional norms and values which promote conservation. National and international rights were also linked to the community claims. The other component focused on the stages of intervention processes for endogenous community development. In this particular case, this referred to understanding the community's perceptions of their reality, the problems that require early intervention and particular scenarios

which are most affected, and subsequently identifying possible solutions and actions.

Three workshops were organised, and field interviews were carried out with artisanal miners in their working location. The workshops were attended by representatives of the communities of Carmelo, Playa de Oro, Angostura, Manungará, el Tabor, and the ASOCASAN community council. Participants included young people, women and men, among which were traditional miners, farmers, traditional doctors and teachers. This allowed a better representation of all community interests and

<sup>5</sup> See Natural Justice (2010).

different perceptions of the issues. The interviews were carried out by IIAP, but all activities were accompanied by an ASOCASAN representative.

IIAP disseminated and agreed the proposal with the ASOCASAN major council (the individual community councils are 'minor' councils). Once validated, the methodological activities were developed in three general stages, in which the same group of people were continuously involved:

- Dissemination of the idea: initial exchange with the community to understand their perceptions of environmental problems and their expectations for the development of the BCP.
- Defining, using questions, issues relating to the community and its relationship with natural resources, problems and challenges. In this way, the most important resources are identified.
- Identifying the main problems perceived (pre-diagnosis). Facilitated by IIAP and Natural Justice, the community defined the most important resources, associated traditional systems and problems (Table 1).

With this information and with the community and the support of ASOCASAN, the content and structure of the BCP were jointly defined.

### **Drafting, development and dissemination of the final document**

Activities in this phase involved integrating various legal frameworks with the aspirations that the community expressed in the workshops. This process was refined through consultations with community leaders. The final result was shared with community representatives.

The structure of the BCP and the associated national policy frameworks (Table 2) were arranged into two parts. The first expressed issues relating to the community and land in a language that reflected the local culture of the community. The second presented specific frameworks and case laws which support the rights and claims of the community in a more technical

language – to provide a reference during dialogue with external actors. The text was adjusted by representatives of the major council to ensure that the language was easily understood by the community.

The document was approved at a general assembly held by the community as an internal document for the major council, to be adjusted according to the communities' own laws and in light of changes in national law. This ended the formulation stage. As a first management step, it was proposed that the BCP be promoted to regional planning bodies and to the government environmental agency to generate synergies with key players in the territory as part of a new process.

### **Lessons learnt**

The main lesson from the formulation process was that the existence of an organisational structure like ASOCASAN, which links all communities in the area, facilitates the stages of dialogue, diagnosis, the formulation of alternatives and follow-up actions. ASOCASAN not only links socio-economic welfare with food security, working to improve living conditions in harmony with nature – it also strengthens the communities' identity and autonomy.

The official participation of State representatives from the land planning and environmental departments is essential for the impact of the BCP, since this generates initial processes of dialogue that can then become instances of community participation in planning processes. Such participation is important to link community exercises of land use planning and natural resource management to municipal budget planning, so that municipal budgeting supports community initiatives and strengthens local processes.

The methodology for these types of BCP processes is varied and can be adapted to the specific context of each community. There is no single formula, only guidelines for developing these community processes. In planning BCP processes it is crucial to



**Table 2: Content of the ASOCASAN biocultural community protocol**

Topics	National legal framework
History of the community (where we come from, historical processes of occupation)	Law 70 of 1993
Definition of the community (who we are), how the community defines itself	
Governance structure (ASOCASAN)	Decree 1745 of 1995
Our relationship with the land and natural resources	Political constitution of Colombia Law 70 of 1993 Law 99 of 1993 Decree 1745 of 1995 Resolution of ASOCASAN
Our relationship with the mining resource	Law 70 of 1993 National code of mining
How we use forest resources	Decree 2811 of 1974
Traditional medicine (traditional knowledge)	Decree 309 of 2000
Challenges (final provisions)	
Commitments	
Our expectations for the future	

consider flexible timeframes since some stages may require more time than expected. The drafting process can be as time-consuming as the diagnosis stage. It is important to use simple language, but not to use too many local phrases that make it difficult for outsiders to understand.

A BCP should not be the ultimate goal, but rather should be part of a community management process which links community efforts to a specific purpose. BCPs should be linked to other management tools to help local processes. ASOCASAN currently has internal regulations for the use and exploitation of natural resources or regulations regulating community activities which, along with the BCP, contribute to the internal management of the territory.

The methodological activities (e.g. interviews) were mainly carried out by the organisations supporting the process (IIAP and Natural Justice) and although communication was constant, time did not permit

the sufficient generation of capacity in the community so that the community could take on these tasks themselves. This was due to the set timeframe for the project in the donor contract (nine months). However, the continual participation of representatives of ASOCASAN generated ownership of the content and usefulness of the BCP, an aspect that is crucial for negotiation processes for activities affecting the territory.

Regarding impact, being a new management tool, the BCP does not have any political positioning, due to a lack of awareness of its potential. This means that more must be done to give it greater recognition and to raise awareness among the environmental and municipal authorities of the importance of this type of community process.

As a community instrument, community protocols face barriers such as economic interests of unions (miners,

loggers) and political constraints (limited State capacity to ensure rights are respected, and regulatory frameworks which are inadequate or ambiguous), which hinder their subsequent implementation. It is therefore recommended to consider a phase of follow-up to the development of a BCP, until the issue is well positioned in government, or perhaps to start a region-wide process to support these initiatives to enhance their influence.

#### CONTACT DETAILS



Tatiana López Piedrahita  
Consultant  
Instituto de Investigaciones Ambientales del  
Pacífico (IIAP)/Pacific Institute of Environmental  
Research  
Cra 83 cl 34 conjunto M Casa #36  
Ciudadela Comfandi  
Colombia  
Email: taticologa@gmail.com  
Website: www.iiap.org.co



Carlos Heiler Mosquera  
Representative from the Board of Directors  
Community Council of Alto San Juan  
(ASOCASAN)  
Cra 9ª N° 4-46  
Barrio Reinaldo Perea-Casa de la Justicia  
Colombia  
Email: mcarlosheiler@yahoo.com.

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