



## Indigenous people in the Colombian Amazon

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Many of the most biological diverse ecosystems in Colombia are located within indigenous territories. The indigenous population of Colombia represents only 2% of the total population of the nation. However, the indigenous territories sum up to 30 million hectares, in more than 510 indigenous territories, almost one third of the total nation's extension. Although inhabiting in vast territories, most of the indigenous peoples did not hold legal right to their territories during most of the past centuries.

However, since the mid 80's, the recognition of indigenous land rights made a radical and positive change. Between 1980 and 1990 the government recognized to the indigenous peoples the ownership of an additional 15 million of hectares. Since 1991, a new constitution established the multicultural character of the nation and valued the cultural diversity as one of the nation's most precious assets.

About 10% (400,000 hectares) of the Colombian Amazon, mainly in the foothills of the Andes, has already been deforested. The remaining 90% is largely under the collective ownership and use of some 55,000 indigenous peoples and there is relatively little colonization.

A total of 52% (21,240,403 hectares) of the Amazon region has now been legally handed back to the indigenous peoples, in the form of 121 legally recognized *resguardos*. Indigenous *resguardos* encompass the areas of highest biodiversity in the Colombian Amazon. In some areas there is an overlap with National Natural Parks and Natural Reserves, which cover a total of 4,538,500 hectares. The remaining 14,220,000 hectares of the Colombian Amazon form the Amazon Forest Reserve.

Conservation of the Amazon tropical forest signifies maintaining an important diversity of cultures. The region has been inhabited for at least 10,000 years, and local indigenous cultures have developed ways of living in the rainforest that are based on centuries of experimenting with the balance between the needs of human communities and the needs of local ecosystems<sup>1</sup>. Their environmental management has preserved the vast ecological diversity, and until now the tropical forest in this region remains relatively intact.

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<sup>1</sup> The tropical forests of the Colombian Amazon present a complex landscape; the product of relationships, practices, techniques, fears and preferences of the societies that inhabit them (Reichel-Dolmatoff , 1973; Correa, 1990; Descola, 1987; Van der Hammen, 1992; Politis, 1996). In other words, the Amazon "reserve of biodiversity" is in part, the cultural result of the daily, economic and material practices of the groups that have traditionally inhabited the region.

The history of the Colombian Amazon provides a graphic example of how destruction of the forests has been justified in the name of “development” and “progress” (Ariza y Ramírez, 1998; Pineda, 2000; Cipolletti, 1988; Cubides, 1992). Since the 1950's, the tropical forest and indigenous peoples of the Colombian Amazon have suffered from various waves of colonization and exploitation in the *piedemonte* (foothills) region: peasant refugees during the 'Era of Violence'; colonists following in the wake of petroleum exploration; economic booms associated with rubber extraction, gold mining and the illicit processing of coca; government and aid-agency sponsored resettlement programs. The ecological impact has been most severe in the transition zones between the Andean foothills and the Amazon ecosystem and around the headwaters of the main rivers of the northwest Colombian Amazon. In the departments of Amazonas, Vaupés, Guania and Vichada the forest and its biodiversity have been well preserved.

Environmental devastation is related to the rapid deculturation of indigenous forest dwellers, affecting traditional indigenous lifestyles and practices and their particular way of relating to *their natural surroundings*. In some regions, indigenous peoples have been forced to turn away from their traditional values, particularly from the symbolic and spiritual aspects, which are central to their cosmovision and approach to natural resource management. Again, these impacts of deculturation, due largely to the extractivist and market economy, are most strongly experienced in communities living in close proximity to urban areas. In communities that have claimed their territorial rights and are working to build capacity for self-government, within the new political context, there is a strong push towards the recuperation of traditional knowledge.

Life-plan is the term used for indigenous models for sustainable development; tools that indigenous people use to plan and zone their territories for the sustainable use and conservation of natural resources, as well as for their own education, health and productive projects. Through the articulation and implementation of their own objectives and life-plans, indigenous peoples are enabled to strengthen their cultural identity and the environmental integrity of their forest surroundings.

In Colombia there is currently a legislative project in progress to incorporate life-plans within article 339 of the Political Constitution, providing a legal framework for indigenous peoples to adopt and implement their own plans for sustainable development –with respect for territorial use, customs and cultural values – within the National Plan for Development.

The government has taken many steps towards indigenous rights and biodiversity conservation in Colombia. This has benefited in particular the indigenous people of the Amazon and is providing a strong legal basis to protect the cultural heritage of these people and the value of their lands.

The Colombian judicial framework grants many rights to the indigenous peoples, which are aimed at guaranteeing the protection of their social and cultural integrity. In 1989 the Colombian Government ratified Convention No.169 of the International Labor Organization (ILO) concerning the rights of indigenous and tribal peoples (Law 165, 1994). The Political Constitution of 1991 defines the Colombian nation as multi-ethnic and pluri-cultural, and advanced the right of indigenous peoples to manage the political and administrative affairs of their territories. In addition, indigenous peoples are defining their own plans for land-use and environmental management, which provide the framework for the sustainable use of natural resources in their territories, based on their traditional knowledge

The 1991 Political Constitution also opened the space for the creation of a new territorial division within Colombia, the Indigenous Territorial Entity (ETI). In the meantime, indigenous authorities in the *resguardos* are legally responsible for land-use and social programs in these indigenous territories, and they receive state funding for their own health, education and social programs, through payments known as *transferencias*<sup>2</sup>.

In 2001 the Colombian Government presented a reform to two articles in the Political Constitution, to guarantee the stability of State funds (*transferencias*) for social investment in territorial entities including indigenous *resguardos*. Law 715 of 2001 was subsequently enacted, to regulate the distribution of these funds, and their use. The same law establishes that indigenous *resguardos* will receive a specified percentage of the available funding each year, to be used for education, health, housing, drinking water and productive projects.

A brief description of these elements follows:

- **Resguardos:** ancestral territories, which are considered to have always belonged to indigenous peoples. According to the Political Constitution, *resguardos* are held in perpetuity by the indigenous peoples and cannot be sold. Legal recognition brings with it the acknowledgement of collective indigenous rights to the soil and forest resources contained within these territories (ref. Article 330, Political Constitution). These indigenous territories have an equal status to municipalities (ref. Article 357, Political Constitution), and as such are entitled to receive state payments (*transferencias*) for health, education and social programs, and to meet their local governance responsibilities through the *Sistema General de Participaciones*.
- **Indigenous Territorial Entities (ETIs):** The 1991 Political Constitution defined the political-administrative and financial decentralization of Colombia, including the division of the nation into departments, municipalities, indigenous territorial entities (ETIs), provinces and regions. The

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<sup>2</sup> *Transferencias* constitute annual payments equivalent to approx. US\$ 40 per capita. The state requires that these payments are used for social, educational or health projects, as decided upon by the *resguardos*.

establishment of ETIs is to be regulated by a legal process (*Ley Orgánica*), which has yet to be passed through Congress. Meanwhile the law permits the conformation and legal recognition of indigenous organizations, known as Associations of Traditional Indigenous Authorities –AATIs (see below).

- ***Territorial Planning:*** According to Law 388, all municipalities must define a plan for land-use and environmental planning (POT-*Plan de Ordenamiento Territorial*) for the next ten years. Indigenous peoples are required to define their own plans, which are reviewed by the Ministry of the Environment and then approved by the relevant authority of each indigenous organization. These plans provide the framework for land-use and environmental planning and the sustainable use of natural resources in the *resguardos*, or ETIs, based on their traditional knowledge.
- ***Associations of Traditional Indigenous Authorities (AATIs):*** Decree 1088 of 1993 recognizes AATIs as public entities of special character, and responsible for the political administrative management of the respective territories. The local communities select those who will be members of the AATIs, and they are generally comprised of elders. It is their responsibility to define and implement, in collaboration with the communities, the local plans for sustainable development and environmental management. The AATIs coordinate their programs through inter-administrative agreements with the regional and national government, and with state funding from *transferencias*. They are recognized as public entities of special character, with the right to maintain and develop their own governance systems. In some areas of the Colombian Amazon, the AATIs have acquired considerable experience over the last decade; while in other areas they have yet to be conformed.

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