— Executive Summary—

Human Rights in the Port and Tourism Sectors of Cartagena de Indias

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CREER
Centro Regional de Empresas y Emprendimientos Responsables

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The Regional Center for Responsible Companies and Entrepreneurship (CREER, for its acronym in Spanish) investigates, evaluates and promotes respect for human rights and sustainable development within the framework of business activities. In line with the Institute for Human Rights and Business (IHRB), CREER has set out to promote a comprehensive agenda that connects governments, communities, businesses and civil society organizations through:

- Collective construction of knowledge
- Spaces for dialogue based on trust
- Strengthening of local capacities

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Chapter 1.

Introduction

Who are we?

Think tank

What do we do?

- Research
- Multi-Actor Perspective
- Business and Human Rights
- Institutional, community and private sector capacity building

On what topics do we work?

- Just Transition
- Transitional Justice
- Built Environment
- Security for Participation
- Conflict Transformation
- Due Diligence in Human Rights
- Oceans and Human Rights

Project's Objective

Make an approach to possible human rights impacts due to activities of the port and tourism sector in Cartagena de Indias.

Methodology

- Semi-structured interviews
- Focal groups
- Participatory observation
- Review of secondary sources

Chapter 2.

The Context of Cartagena de Indias Regarding the Tourism and Port Sectors

Why Do We Talk About Tourism and Ports in Cartagena de Indias?

Cartagena de Indias, which will be called "Cartagena" from now on, is an area whose economy is mostly based on fishing, tourism, and doing business in the port, which **directly depends on the mangroves and the sea.** Even though **none of these activities are guaranteed,** despite the presence of different authorities such as the *Capitanía del Puerto*, **t**he National Navy, the National Natural Parks, and *Cardique*, among others.

- Perceptions of Cartagena's Governmental Institutions
- Land Use and Segregation in Cartagena
- Territory and Relationships in Cartagena: Some Considerations
- Security
- Agency and Consultation: Lands and Environmental Impacts

Perceptions of Cartagena's Governmental Institutions

Perceptions

- Colombia's government in the local and regional level:
  - Unsteadiness
  - Lack of planning and efficiency in the execution of projects
  - Participation process of the Land Management Plan of Cartagena (POT): some leaders of urban areas say they have not known this process and have not been part of participatory activities or dialogue spaces
- Environmental authorities are seen as restrictive towards communities, but flexible towards the business sector
- In some insular and continental areas, **the organizations that represent the communities of Cartagena overlap,** such as the Community Action Boards (*Juntas de Acción Comunal)* and the Community Councils (*Consejos Comunitarios)*. This **generate social conflicts**, because **the participation processes tend to prioritize one of these figures over the other**, triggering **mistrust in the processes** that seek to promote dialogueand agreement.
- High levels of informal jobs in Cartagena that exceed Colombia's national average

Land Use and Segregation in Cartagena

Center and Peripheral Dynamics

Large movement of people from the periphery to the center for services (Historic Center): procedures at the mayor's office, for public service issues or with the State

- Expensive
- Discrimination against residents
- Permissive for tourists
- Without spaces and activities to be enjoyed by local citizens

Insular and Continental Dynamics

The insular communities have a constant relationship dynamic with Cartagena, mainly because of the family ties they have in the city, that force them to return.

Trade relations: fishers sell their products in the fish market in Bazurto, which offers them better prices than in the city of Tolú.

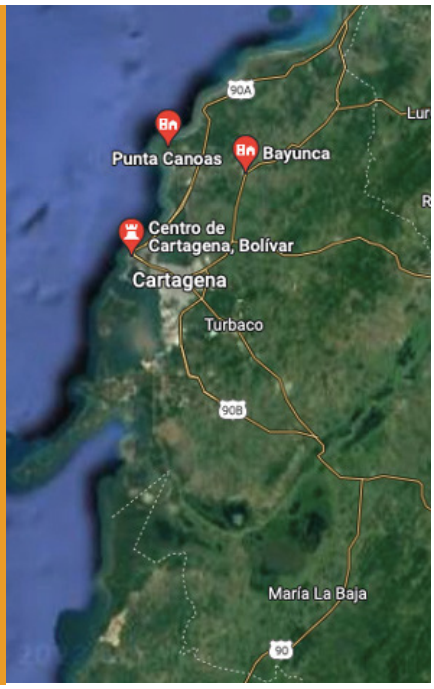
Urban and Rural Dynamics

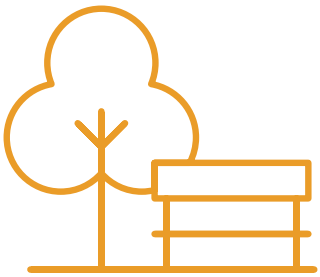
Rural communities have great awareness about the interrelation between humans and the ecosystems.

Commitment to sustainability: concern for water sources, water creeks, and impacts caused by extractive tourism.

Urban communities are not so aware of interrelationships.

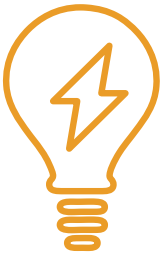
Urban communities can face a lack of food access and sustainability insecurity since they do not develop rural activities like fishing or agriculture.





Land Use and Segregation in Cartagena

- Lack of sufficient and adequate public space for its inhabitants
  - Lack of parks, public places and spaces for sharing
- Public transportation and poor roads



Public Services

- Coverage of public services in the city: 100% energy, 99% aqueduct, and 98% gas
- Only 29% of citizens consider energy service a satisfactory service

Security

Generalities that Trace the Security Context in Cartagena

1 The actors perceive that the public force (particularly the **police**) **has a different relationship dynamic with tourists and local people:**

- Lack of authority and control towards tourists.
- Restrictions and, in some cases, segregation and persecution towards the local people.

2 One problem inside the police is that many officers feel they cannot talk to most tourists because they do not speak more than one language.

3 Traders and residents point out the need to have a constant and sufficient police presence in certain coastal and touristic areas; for example, in Playa Blanca. There are not enough police units for being responsible of the security in these places.

→ Frequently, security and coexistence problems happen without the help of the police authorities to solve them.

4 Because of this absence, organizations such as the cooperatives assume regulatory roles regarding issues that are the responsibility of other institutions

- The sale and use of drugs
- The robberies
- The lack of transparency in the prices
- Standards associated with cohabitation, like permitted markets and hours

- Lack of access to information: there is a perception of abandonment by authorities
- There are large barriers to participation because of intimidation and threats
- There is a need to join efforts for developing policies to prevent violence against leaders and human rights defenders
- Lack of confidence in the police by the local communities
- The actors agree that the situation for tourists in Cartagena has deteriorated: raids, robberies, and violence in the Historic Center, as well as lack of maintenance to the infrastructure that is in this place —lighting, roads, and sidewalks—.
- Security and coexistence problems related to the lack of social and economic integration actions towards Venezuelan migrants, which has brought problems of xenophobia and discrimination towards this population.

Agency and Consultation: Lands and Environmental Impacts

1 *Post Previous Consultation*: cases of La Boquilla, Punta Canoa, and Acuarela's building.

2 Lack of consultation and recognition of collective territories.

3 Communities stop fishing and start selling different products, or working for tourists in an informal way.

4 Social leaders and people who fight for human rights have denounced violent restrictions for freely participate in processes that seek to involve and consult with the community.

5 The population is growing, and there is pressure on different territories for the expansion of ports and areas for tourism. Families are settled near strategic ecosystems such as swamps and mangroves.

6 The State has also initiated a process to recover barrens, as well as a process of extinction domain, lands restitution, and clarification of property.

7 Conflicts related to the land use

8 **In some particular territories and scenarios, the authorities identify:**

- Lack of interest in leaders with representative roles
- Disinformation
- Lack of preparation in scenarios created for generating agreements and participatory decision-making

These perceptions have two problems

- Authorities think that there are no challenges to getting information or that information is ignored by social leaders, people who fight for human rights, and/or the community. If these actors do not have access to information, they would not be able to participate on the same level as the other actors in the territory, which is their right.
- Communities, social leaders, and human rights defenders receive all the responsibility for acknowledging new issues. This happens in contexts where information is not available in a timely manner and under inappropriate conditions for its good understanding.

Chapter 3.

Approach to Human Rights and the Port sector in Cartagena

- Because of its strategic geographical position, Cartagena's port is one of the most important ports in America, especially for the Caribbean region.
- The port area influences the neighborhoods of Manga, Mamonal, Pasacaballos, Ceballos, and Ararca, among others.
- Cartagena's port has over 250 businesses, including companies in the industrial, fishery, hydrocarbons, transportation, and tourism sectors. Some of them are: *Ecopetrol, Bavaria, Argos, Gas, Multipropósito* (SPC), *Entecar* (only containers), shipyards, and tuna.

Socio-environmental Impacts and Management

1. Colombia's government has been ceding state-owned land for the expansion of Cartagena's port, causing significant impacts, particularly on the red mangrove and other strategic ecosystems.
2. Cartagena's environmental impact includes not only the loss and pollution of the mangroves but also the bay.
3. Nowadays, Cartagena is facing a heat concentration due to the construction of large wind-blocking infrastructure, greater erosion on the coasts of adjacent neighborhoods, foul smells in the bay, and decreasing fish populations. Besides, fishers are at risk as they are being affected by the water currents, which are a product of the port dredging.
4. Integration strategies between the port sector and the National Environmental System are very important. The goal is to work together to get more information about the environment, mainly for disaster risk management
5. The port sector in Cartagena is preparing to make the energy transition: there are strategies in progress to make changes from fossil fuels to electric energy, as well as for the transition from motorcycles to electric cars, the use of solar panels — which currently supply 10% of the energy — and the electrification of tow trucks that work with Diesel technology.

Getting Related with the Stakeholders (Communities, Business and Local, Regional, National, and Environmental Authorities)

Treatment and Information Sources

- The leaders of the communities near to the Port point out how important it is to have information that is clear, up-to-date, and easy to understand in order to solve current problems and prevent future ones.
- The information presented to environmental public audiences, as well as other spaces of dialogue, socialization, and concertation, is ambiguous because it is frequently out of date. Also, the community considers that there are significant empty spaces that haven't been solved.
- In these scenarios, communities perceive that authorities and some companies don't have a genuine interest in listening, consolidating, or including their concerns and observations. In fact, communities see these meetings as an administrative requirement, where the governmental or business actors use these spaces to take pictures and get the community's signatures as part of their "legalization" tasks.

Confidence and Cooperation

1. Cooperation between different stakeholders has barriers associated with distrust among actors:
2. Companies highlight the fact that there are no clear social leaders in Cartagena, as there are no strong social organizations that represent the communities. For the companies, it is difficult to know with whom they should establish dialogue and reach agreements.

The companies in the port sector approach the communities with great caution, so as not to generate false expectations, since many of the neighborhoods near the port have a lack of infrastructure, services, and public benefits.

Communities, and even some of the public institutions, can come up with claims and requests that are not part of the mission, role, or responsibility of the company, as they are demands that the State and its government entities must address.

Regarding these situations, the private sector feels that the State does not have much accompaniment to maritime economic activities, nor to the relationship with local community actors.

Confidence and Cooperation

3. Although some companies have Corporate Social Responsibility (CSR) strategies, they do not share their processes and results with the local communities.

4. Communities do not trust the social foundations that put together databases about the state of the plots in the influence area, by asking the local people who own, have possession of, or have public deeds to the lands.

5. Locals believe that the actions being developed do not meet the actual needs of the neighborhoods in the influence area.

6. Communities recognize when companies give them useful products, but they do not track or evaluate them after their delivery. In some cases, the companies delivered the products under inappropriate conditions.

7. One point that catalyzes the conflict is the lack of clarity in the information on environmental compensation.

8. Son fruto de conflictos los enfrentamientos con los miembros de seguridad privada de ciertas empresas que impiden el acceso a las playas e impiden el tránsito de pescadores por los caños que desembocan en la bahía.

In some cases, these projects don't meet the needs of each community or lessen the effects of the operation in the sector.

This generates the perception that the company enters with a business social responsibility agenda but has a port expansion agenda.

Despite the fact that communities have priority needs, they won't be solved because there's a lack of wide and fluent communication between the locals and the port companies, which bring projects that do not necessarily seek to solve these urgent situations.

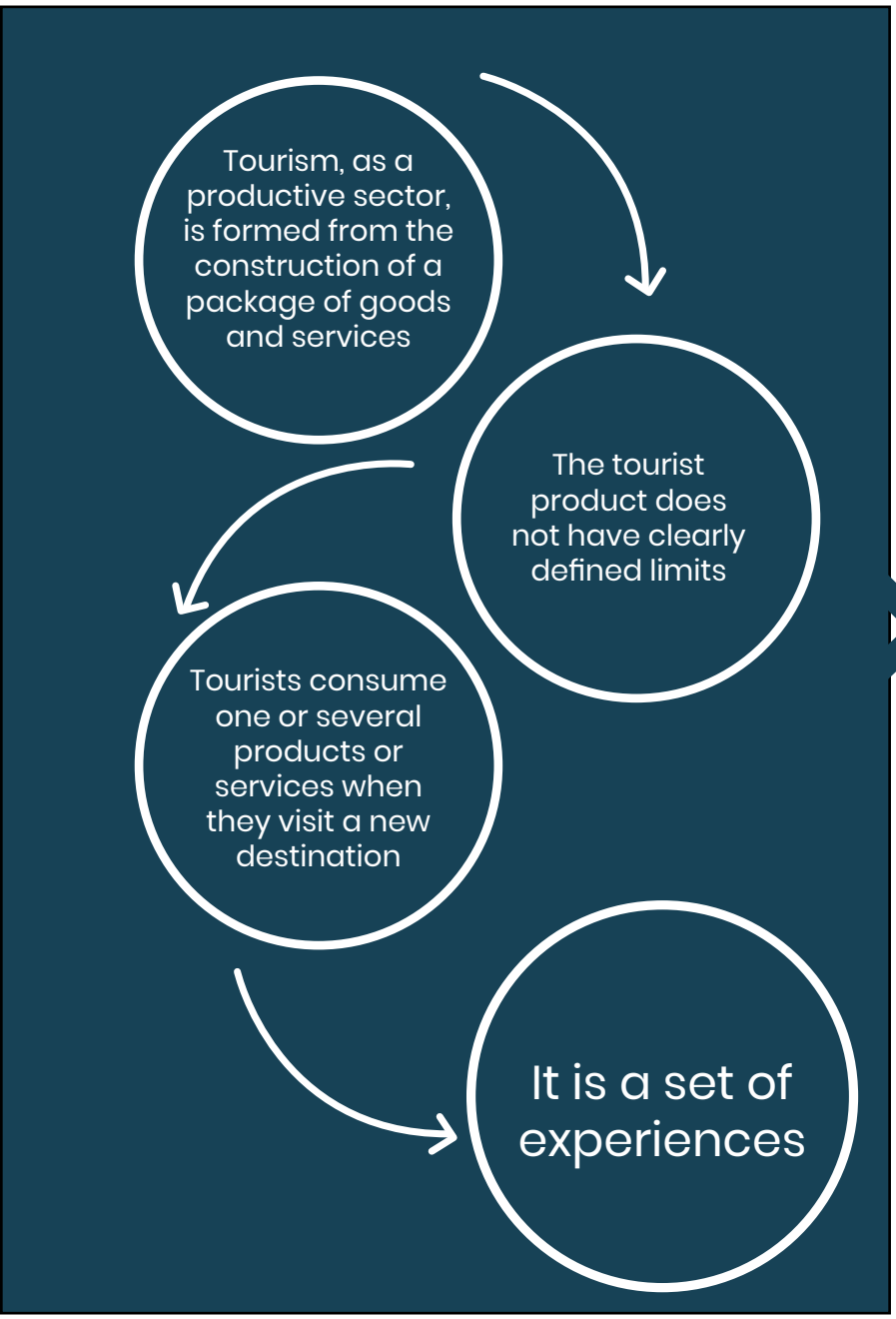
It generates the perception that investment doesn't comply with needs. There is no clarity about with which organizations the agreements were reached, and those who didn't participate or aren't organized feel they were excluded

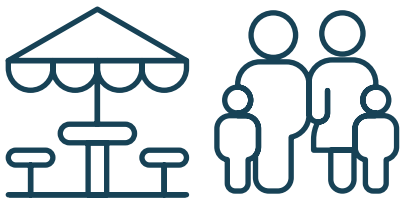
Integration of the Port Sector into the City

- The port sector does not belong to the dynamics of the city nor the port sector itself.
- The lack of strategies to increase productive chains has generated barriers for a greater portion of the population of Cartagena to obtain a job, while leveraging the industrial development of the city.
- There is a widespread belief that the influence area communities are not hired by labor or services.
- Investment in training and training is needed.

Chapter 4.

Approach to Human Rights and Tourism in Cartagena





Therefore...

Tourism is not an activity that can be done without context

The trend toward increased tourism, without strategies that involve stakeholders and inclusive and participatory planning, can have serious consequences for the inhabitants of these territories, with profound effects on their human rights.

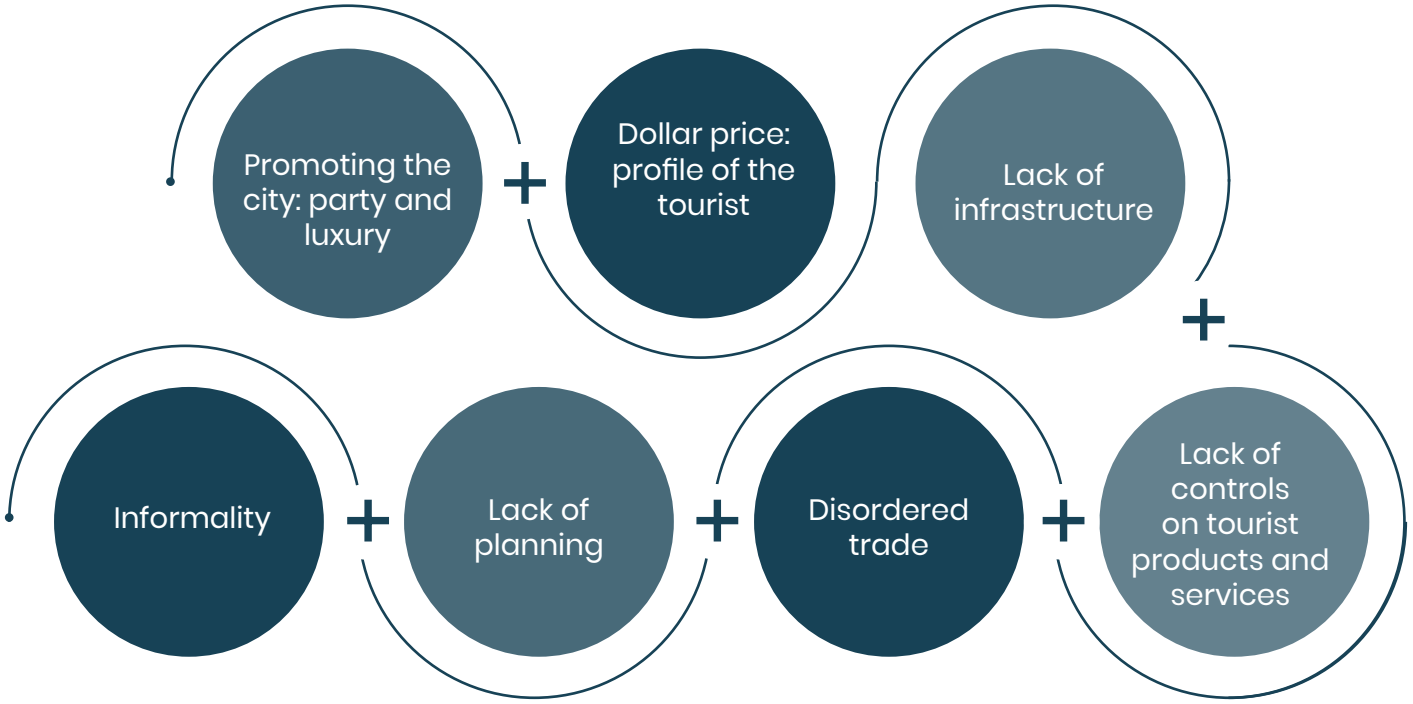
Policies and Strategies for the Sector

- National, regional and local public policy instruments are not aligned.
- The institutional capacity at the local and regional level is very low: few economic and personnel resources.
- The national guidelines are very vague, and there is no strong leadership development that can be used to help leverage the tourism industry.
- In the Framework of the National Development Plan 2022-2026, there are no clear strategies that address the different types of tourism that exist in Colombia or how to develop actions that strengthen the port sector in the territories.

Organization, Articulation and Cohesion of the Main Stakeholders in Cartagena's Tourism Sector

- **Among other reasons, and thanks to its cohesion, the hotels represent an organized stakeholder with expansion results in Cartagena**
  - The communities of Tierra Bomba, La Boquilla, Punta Canoa, and Arroyo de Piedra say that they are affected by the expansion and agency capacity of the hotels
  - Local people perceive that hotels only have interest in developing its infrastructure without considering the needs of the local population, that are near to their projects, or generating strategies for productive chains that involve the neighboring communities
- **Locals perceive that local government does not have interest in generating strategies for the articulation and cohesion of stakeholders that make up the value chain of the sector**
  - The community and social leaders of the city consider that each stakeholder only cares about their particular benefit, without thinking about the city's needs for reaching sustainable tourism; which includes the economic, social, and environmental sectors

Promotion of Tourism in Cartagena



Quarrels due to high alcohol consumption	Noise increasement
Drug sales in neighborhoods that were previously residential	Decrease in the quality of public services
Because of changes in land use, people in prostitution situations and with high levels of alcoholism work in or pass-through residential neighborhoods	Robberies are a problem in some residential areas that are far away from other people. This is especially true for properties that were bought as an investment strategy for renting out on Airbnb

Children, Girls, Boys and Teenagers' Sexual and Commercial Exploitation, and Sexual Tourism in Cartagena

- **Policies to prevent sexual violence against children, girls, and teenagers are weak,** mainly those related to preventing sexual exploitation and the market for minors.

- It is a latent and normalized phenomenon in the city.
- A social context that attacks the rights of special protection persons is consolidated.

Technological Platforms and Tourism

- It is a way to democratize tourism; hotels were the ones who earned money in the past.
- It creates an unfair competition with the actors — hotels, pensions, motels, hostels— who pays taxes.
- It develops security problems.
- There is no control over situations that could be prevented, such as the sexual and commercial exploitation of children, girls, and teenagers.
- It is mandatory to have a public dialogue over the subject for its regulation.

The communities

- The lack of policies, strategies, and accompaniment in the communities has enabled the **aggravation of conflicts within them**
    - Despite the fact that all groups of tourists are insured when they travel to Cartagena, **some of the people who work with the travel agencies say they do not pay their social security and labor risks insurance, nor do they pay a just fee** for their services. As a consequence, they must combine these labors with fishing.

Conclusions

Catalysts of Social Conflicts in Cartagena

Port, Tourism and Construction Sectors

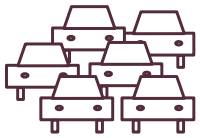
- Planning the territory.
- Clarifying collective titles and private property.
- Environmental impacts of large infrastructures built for the port and tourism sectors.
- Context of violence against social leaders: threats and intimidation due to their exercise.
- Community and environmental leaders are the most affected in the city.

Axis of conflict

- *Post Previous Consultation*
- Displacement caused by large infrastructure construction
- Population settlement on strategic ecosystem

Infrastructure and Services are Designed for Tourists

Cartagena's inhabitants face mobility limitations



Which is the tourist profile that Cartagena would like to receive?	What type of tourism would Cartagena like to offer?	What are the benefits for the city and its inhabitants?

Conflicts are sharpened by the overlap of some organizations representing the communities of Cartagena

Community Action Boards and Community Councils

Prioritizing these figures breaks the social fabric and thus the possibility of collective actions between communities, which ensure a shared vision of the city and the territory

Some Perceptions about the Public Force

- The police are very strict in applying rules to the locals but are quite flexible with companies (regarding environmental issues) and with tourists (related to coexistence and security situations, mainly in the Historic Center of Cartagena)
- There is a need to increase the strength of the National Police
- It is necessary to make the police more effective in Cartagena by, for example, teaching them a second language so they can talk to tourists who don't speak Spanish, as well as improving their ability to solve problems and act as intermediaries

National Police Strategies

Prevention of violence against leaders and observatory of the phenomenon in the city

Communication with certain communities is not fluent and has barriers, so some of these conflicts are sharpened by the lack of clear and transparent information

Environmental Authorities

- There is no deep understanding of the roles and competencies that each entity present in the city has for environmental protection and environmental compensation.
- There are failures in accessing information, so people who defend human rights don't have the tools they need to protect the territory

The Port Sector

The private sector, the State and Communities are having challenges for integrating this sector into Cartagena's dynamics. They are also having trouble with treatment, access to information, and building trust for strengthening cooperation

The Tourism Sector

There are challenges associated with a broad dialogue:

- That must include the visions of all stakeholders that are in the territory and that have an impact on the tourist experience.
- For the establishment of plans and strategies that allow strengthening the quality of tourism offered in the city.

In the framework of the guarantee and respect of human rights with the aim of benefiting all stakeholders.

For Situations Related with Ports and Tourism...

Based social organizations need to be strengthened. This would allow that leaders have more legitimacy and are more aware of what their organizations can do. They should also think about the responsibilities and roles of stakeholders from the private and public sectors in guaranteeing and respecting human rights.

To establish equal conditions for dialogue.

How can the port be a beneficial source for the neighborhoods that surround it? How is it possible to work together with stakeholders to generate positive collective impacts on the environment?

What kind of tourism would be likely to be promoted in Cartagena? How can I contribute to this type of tourism

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