Human Rights in the Port and Tourism Sectors of Cartagena de Indias: Opportunities for Collective Agency

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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

The Regional Centre for Responsible Businesses and Entrepreneurship ("CREER" by its initials in Spanish) is a multi-stakeholder research organization that addresses topics related to business and human rights in Latin America. Its goal is to strengthen institutional, community, and private sector capabilities to promote and guarantee human rights respect, as well as to facilitate conflict resolution at the local level.

Especially, CREER's Human Rights and Oceans work line joins the efforts of the Institute of Human Rights and Business (IHRB) and the Rafto Foundation for Human Rights to understand the challenges and opportunities of the ocean industries in relation to human rights.

Industrial activities —commonly known as the *blue economy*— and tourism activities in the oceans around the world can achieve significant social and environmental benefits if planning and management are addressed with responsibility; otherwise, they can have adverse effects on the local communities, direct operation workers, value chains, as well as other stakeholders, including indigenous people, women, girls, human rights defenders, and the environment.

The Human Rights and Oceans work line seeks to identify what challenges, barriers, alternatives, and opportunities there are for planning and managing the oceans in a responsible way and based on people's human rights in the city of Cartagena de Indias —from now on Cartagena—, where, in 2021 and 2022, CREER in collaboration with the IHRB developed the project "*Cartagena de Indias–Colombia: Study Case and Recommendations of the City's Built Environment Planning, from a Human Rights Approach.*"

During 2022, thanks to the funds given by the Rafto Foundation for Human Rights, we gave continuity to this work line by addressing i) the challenges that the port and tourism sectors face in relation to human rights and ii) some guidelines for the effective development of the due diligence on human rights of Cartagena's construction sector.

This document is a summary of the first point mentioned above. The project's target was to figure out how the port and tourism sectors in Cartagena might affect people's human rights. To identify it, we contacted more than fifty local stakeholders and interviewed almost thirty of them[1]. We implemented a methodology with an inquiry approach through secondary sources, semi-structured interviews, and focus groups with community leaders and human rights defenders, informal tourism workers, and inhabitants of the port and tourism areas of influence, as well as local State officials and technical experts in Cartagena.

1 The interviews and focus groups were done with: nine community leaders, one of whom is part of a civil society organization, and the rest of whom are from the Boquilla, Torices, Manga, Ceballos, and Tierra Bomba sectors and from different beaches in Baru; nine stakeholders from different government sectors, such as the local Town Hall, the Capitania del Puerto, the Metropolitan Police, Government Educational Institutes, and national officials related to heritage and tourism; seven actors from the private sector of the tourism and port sectors; and four interviews with experts on issues of land, participation, heritage, and culture were conducted. Of the 29 interviews conducted, 36%

In the first place, this process led us to identify the general context of the city in which the tourism and port sectors operate and the perceptions that people have about how the government runs and manages Cartagena, the impacts of territorial organization and segregation, some important security issues, community decision-making and agency in relation to land situations and other environmental effects. We also identified some generalities to understand the human rights situation under the light of the tourism and port sectors in Cartagena, as well as some territory particularities that came out during the research. In the second place, we made an approach to some human rights situations associated with these sectors in the city —Chapters 3 and 4, respectively—. Finally, the last chapter summarizes some conclusions and suggests workable alternatives for collective action among human rights and the port and tourism sectors in Cartagena.

For the history of black and African, colonial, independent, and commercial resistance,

were with women.

Chapter 2.

The Context of Cartagena Regarding the Tourism and Port Sectors

Cartagena is a city of importance, but also for the most recent history of the country, where it became the stage of international encounter in times of high violence caused by the armed conflict, generating a significant window for tourism while it maintained its title as one of the most valuable ports of Colombia.

Even so, Cartagena is perceived as a city with big social differences that make it hard for people to exert their human rights. It has low levels of transparency by public institutions, and the instability of the local government and the little legitimacy of its rulers have led to the city having had 11 mayors in the last 10 years[2].

Why Do We Talk About Tourism and Ports in Cartagena?

Cartagena is a territory that draws much of its livelihood from water: fishing, port development, and tourism are all activities that depend on the mangroves and the sea. Despite the presence of different authorities such as the National Natural Parks, Cardique, the National Navy, and Capitania del Puerto, among others, the sustainability of these activities is not guaranteed. The same happens with other activities that are developed on the sea or the coasts.

Some examples of this situation are the damage to the environment caused by the sediments that arrive at the Magdalena River and threaten the use of the Port, as well as the pollution of swamps with mercury and the garbage pollution in the protected areas.

Communities may be affected by port and tourism economic activities... Due to a lack of planning, operational risks, distrust between stakeholders, a lack of cooperation, and omissions in the control and monitoring of the activities in the port and tourism sectors that can exacerbate situations where the human rights of the communities, social leaders, human rights defenders, and workers are affected.

2 CARTAGENA COMO VAMOS. (November 4th to 25th, 2021). "*2021 Virtual Survey Results #MiVozMiCiudad*". Taken from: https://www.cartagenacomovamos.org/nuevo/wp-content/uploads/2022/02/Encuesta-Mi-Voz-Mi-Ciudad-2021-Fase-2-Noviembre-Cartagena-C%c3%b3mo-Vamos.pdf

Added to these scenarios, in the last few years, a lot of Venezuelans have migrated to Cartagena, a situation that still faces greater challenges in terms of social attention and conflicts associated with coexistence. These problems have increased due to a lack of attention, leading to segregation, stigmatization, and other types of violence.

This context makes of Cartagena a city of contrasts: it is a luxury destination with great industrial and port activity but with high levels of poverty, informal jobs, social segregation, prostitution, and Children, Girls, and Adolescents' Sexual and Commercial Exploitation —CGASCE—. It also has low levels of social organization for participation in broad sectors, low perceptions of quality and legitimacy in representation, and distrust among various social stakeholders.

Within this context, what is the perception of the State institutions in the city?

Citizens and the private sector of Cartagena perceive the government as an unstable, with a lack of planning and efficiency in the projects' execution at the local and regional level. Especially, they feel distrust because the officials who lead the sectoral strategies of the administrations are constantly moved from their charges. Besides, insular areas perceive that there is a disconnection with the government institutions in terms of communication, and that there is not much interest in solving this problem.

Additionally, although people recognize the existing efforts to develop participatory scenarios for the renovation of the Master Plan, various leaders of urban areas point out that they do not know about this process or about dialogue and agency spaces. This situation continues to increase the citizens' distrust towards the local government institutions.

Communities perceive environmental authorities, such as Capitania del Puerto, Natural National Parks, and Cardique, as stakeholders that put strong restrictions and controls over them, but they are not strict enough with the business sector —especially with the industrial, port, and tourism sectors—. This means that the city has an imbalance in the way control and surveillance are being exercised.

At the same time, communities perceive that there is a greater organization in the private sector —which coincides with its self-perception—. However, people recognize there are barriers linked to communication and alignment with the State, as well as a distrust feeling and challenges in the relationship with the communities in the influence areas and their agency opportunities.

For their part, cooperatives are recognized as organizations that, in some cases, manage to convene various actors —from the State and private sector— to dialogue and generate alternatives about the authorities' decision-making on the issues that affect them. This was the case with the decision taken by the administration on the withdrawal of the kiosks and tables in the water that characterizes Cholon[3], where one of the cooperatives of trade and tourism on the beach called for all stakeholders for its review and reapproach.

In some insular and continental areas, the organizations that represent the communities

3 Cholon is a cove located in Baru. It has become one of the major attractions near to Cartagena for its celebrations on yachts, boats, and ships. It has a small beach area with a palm-roofed water slope where tourists can consume food and drinks (alcoholic and non-alcoholic).

of Cartagena overlap, such as the Community Action Boards and the Community Councils, causing social problems due to the participatory processes that tend to prioritize one of these figures over the other, thus generating distrust in the processes that seek to promote dialogue and concertation.

Talking about the economy, the stakeholders recognize the deep effects of informal jobs:

- By November 2022, the rate of Cartagena's informal occupation was 60.1%, which represented a decrease compared to the same period in 2021, where the rate was 62.8%.[4] Cartagena is one of the cities in the Caribbean region with the highest levels of informality, after Valledupar (69.5%), Riohacha (68.3%), and Santa Marta (66.5%).[5]
- For the citizens, families, and communities that live under informal job conditions, it is a survival alternative, but they do not have the right to get sick, have a day of rest, or enjoy holidays. Many of the people who sell things on the beach and in the Historic Center must do this and fish to make a living. Incomes are not enough to only develop one activity.
- For tourism entrepreneurs, when it comes to apps and new technologies like Airbnb, informal tourism services have serious effects on how cities and towns plan and order their land: fewer taxes for the city and fewer safety guarantees for people who live in places that are not meant to be tourist destinations. This situation deepens the negative effects that the tourist sector has on the city: including perceptions of insecurity, microtraffic, and the increase of prostitution and CGASCE, among others.
- In words of informal trade, the entrepreneurs of this sector assure that it brings problems in terms of the guarantee of the quality of the offer that the tourist consumes, so, there should be more attempts to formalize or generate standardization strategies.

4 CARTAGENA COMO VAMOS. (January 1st, 2023). "*Informal Jobs in Cartagena – Mobile Quarter September – November 2022*". Taken from: https://www.cartagenacomovamos.org/nuevo/wp-content/uploads/2023/01/Informalidad-laboral-en-Cartagena-Trimestre-Septiembre-Noviembre-2022-Cartagena-C%c3%b3mo-Vamos.pdf

5 Ibid.

Land Use Planning and Segregation in Cartagena

To highlight the way locals perceive their city today, the following are three quotes from the Community Action Board leaders who perceive Cartagena as a city that plans, builds, and promotes itself behind the backs of its traditional citizens.

"As local people, they have displaced us from the center. Is an area for tourists."

"Authorities close the center area when an important person arrives in the city."

"Buses do not ride into the walled city. Gradually, they took us away."

Urban, Rural and Center-peripheral Dynamics Inside the city of Cartagena

Environment and Food Safety

The dynamics that build relations with the environment between urban and rural areas are different: in the rural areas towards the north and the Bayunca area, communities have a great awareness of human-ecosystem interrelationships, generating a commitment to sustainability. People are concerned about water sources and creek impacts and the effects that tourism is leaving because of its unplanned and disorderly management.

Urban communities, closer to Cartagena's center, are not so aware of these interrelationships. They face complicated situations for their sourcing and food security, while communities in the rural areas can live from fishing or agriculture.

Center-peripheral and Insular-continental Dynamics

Cartagena's inhabitants go to the Historic Center to acquire services: procedures at the Town Hall for public services or State issues. They say the city's center is costly, discriminatory against them, and more permissive with tourists. It does not have spaces or activities to be enjoyed by local citizens.

For their part, 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. Also, fishers sell fish in the fish market in Bazurto, which offers them better prices than in the city of Tolú. An example of this is the community of El Islote, "When they need to save, they stay on the island. It is cheaper because there is a sense of community; they help each other not to go hungry."

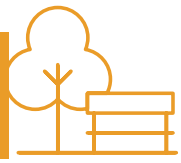
An important common factor between different territorialities —urban-rural, center-peripheral, and insular-continental— is the construction of large tourist developments or infrastructure that evidences a contrast with the life conditions of Cartagena's population, which, as it was mentioned previously, faces high social inequities.

Public Services

According to the latest Perception Survey, *Cartagena Como Vamos*, Cartagena has a high public service coverage rate —energy 100%, aqueduct 99%, and gas 98%—, but citizens have a different perception about their satisfaction levels. Only 29% of the users consider energy a satisfactory service, while 49% and 72% of the beneficiaries feel satisfied with the water and gas services, respectively.[6]

- Water and light capacity are not enough for Cartagena's inhabitants: there are water restrictions for short periods of time. Some actors with a resource accumulation capacity have greater adaptability: hotels have water reserves.
- Especially for Cartagena's insular area, access to drinking water is a matter of greater concern: the ferry transports water to Tierra Bomba, and the ships of the Navy transport it to the islands that make up the Far Insular —Mucura Island and El Islote de Santa Cruz—. Drinking water is not enough for the entire population.
- Electricity rate hikes are unsustainable: they have a high impact on income and families' quality of life and make the private sector less competitive.
    - "A year ago, the receipt came for $80,000COP and now it comes for $500,000COP."

Space, Infrastructure, and Public Transportation



Cartagena does not have an adequate public space for its inhabitants. People perceive there is a lack of parks, public places, and spaces for sharing, so those located in the city are found in the Historic Center, "where prices and everything are fixed for the tourists."

Cartagena is a segmented city, especially because it does not have roads and connectivity; economic activities take place in the Port, Historic Center, and hotel area. Locals, in general, and workers, in these sectors, feel affected because the transport is expensive and they take long trips to arrive at their destinations.

It is perceived that the infrastructure and services are intended for tourists. For example, inhabitants of the center area do not have access to drinking water, and the city does not have a pier, while in Tierra Bomba tourists can enjoy day trips and hotel services at the pier.

- "Tierra Bomba is a region of mountains. Imagine how it would be without a pier. People would have to descend gallons of water from the boats and then climb with them over 200 steps or jump from boat to boat to get to land."

All these have generated participatory dynamics, associated with the right to protest on the main roads of the city. For example, stakeholders recognize that Bocagrande's path is crucial for visibilizing certain social problematics, so protesters have used it to block the passage —is a strategic road that connects the Historic Center with the hotel area of the city— and to pressure for the development of negotiations, dialogue, and agreements.

Despite the variety of water transport options that the city has, diverse stakeholders point out social conflicts in the planning and development stages of these services, due to the pressures of the current transportation sector.

6 CARTAGENA COMO VAMOS. (November 4th to 25th, 2021). "*2021 Virtual Survey Results #MiVozMiCiudad*". Taken from: https://www.cartagenacomovamos.org/nuevo/wp-content/uploads/2022/02/Encuesta-Mi-Voz-Mi-Ciudad-2021-Fase-2-Noviembre-Cartagena-C%c3%b3mo-Vamos.pdf

Security

CREER considers security as a broad concept that refers to the existence of the necessary conditions for the guarantee and full enjoyment of rights for all people that belong to an environment. It is a public good that requires accountability, a holistic, contextualized, and preventive view, with an approach for guaranteeing the holders' rights.

In the framework of the research, stakeholders pointed out some generalities that highlight the security context in the city:

- In the first place, the actors perceive that the Public Force, especially the Police, has a different relationship dynamic with tourists and Cartagena's inhabitants: towards the tourists, they say there is a lack of authority and control, while towards the locals, there are restrictions and, in some cases, segregation and persecution.
- In the second place, in relation to the above, some stakeholders say that part of this problem inside the police is the lack of bilingualism, so members of the Public Force are prevented from communicating with the vast majority of tourists.
- In the third place, in certain coastal and touristic areas, such as Playa Blanca, traders and residents point out the need to have a constant and sufficient police presence. There are not enough police units for the quantity of people who live there and visit these places, so frequently security and coexistence problems happen that are not solved with the help of the safety authorities.
- In the fourth place, due to the absence of the Police, organizations like cooperatives acquire a role to step in and regulate affairs that other institutions should handle, such as the sale and use of drugs, robberies, the lack of transparency over the prices, and the rules associated for living together —allowed schedules and markets—.

In the middle of this context, there is a lack of access to information about the reasons why the Playa Blanca's police unit was withdrawn; some inhabitants think it was due to the pressures of the Gulf Clan —*Clan del Golfo*— during the Armed Strike. There is no evidence of the plans the Public Force has over these territories —National Police's efforts to formalize and adequately provide the infrastructure that this institution requires—. All these create a perception of abandonment by the authorities.

On the other side, the Public Force and the social leaders of the city point out that the security conditions generate large barriers to participation due to threats and intimidations. This situation occurs especially on the environmental and community leaderships that have agendas for decreasing the effects that burns, industrial fishing, and land can face, among others.

An example of the foregoing was the violent expulsion, through intimidation with firearms, to a social leader who wanted to access to a *Prior Post-Consultation* in a hotel with a large infrastructure in the northern area of Cartagena. Another example was the threats that a social leader received through pamphlets because she was denouncing the private security abuses that were happening in one of the ports.

In relation to the above, it is recognized the need to join efforts in policies to prevent violence against leaders and human rights defenders, although there are already current strategies that require strengthening, such as the Observatory and the attention routes built by Cartagena's Police, which can be insufficient due to the lack of trust that communities have towards the Public Force[7].

Stakeholders agree that the situation for tourists has deteriorated: holdups, robberies, and violence in the Historic Center, as well as a lack of maintenance to the infrastructure that is in this place —lighting, roads, and sidewalks—. Despite that the Historic Center is the focal point of attraction for tourists in the city, it is evidenced that there is a carelessness and an abandonment to its infrastructure that can cause accidents for tourists; the lack of a system of sewerage and drainage suitable for the city has led to the fact that in rainy times the Historic Center is flooded, as well as there are affectations to the hotels and restaurants' entries and exits, in addition to the bad odors and plagues that this can generate.

In addition, security and coexistence problems are perceived because of the lack of actions to integrate socially and economically Venezuelan migrants, which has led to xenophobia and discrimination problems against this population.

7 .During 2020 and 2021, CREER worked on the identification of the consequences that violence against human rights defenders has on the communities and agendas they represent; as well as on the responsibilities that both the Government and non-government stakeholders have for respecting and protecting this population and the topics that are relevant for all actors to initiate a multi-stakeholder dialogue around the prevention of the forms of violence against people who defend human rights. As a final product of this process, a methodological proposal was developed for the collective action of local, regional, and national stakeholders (Government and non-governmental) who want to work on the prevention of violence against human rights defenders, a proposal that seeks to bring actors closer to dialogue and transform conflicts from a perspective by collective actions. For more information, check out: https:// www.creer-ihrb.org/modelodecolaboracionmultiactor and the page https:// www.Creer-prevencionviolenciaddh.com/.

Participation and Consultation: Lands and Environmental Impacts

Cartagena has been a territory with different examples of the reactive application of the norm —the cases of the Prior Post-Consultation of La Boquilla and Punta Canoa or the conflicts that arose during the granting of the licenses for Acuarela's building—.

One of the reasons that stakeholders point out for this to happen is the lack of consultation and recognition of the collective territories, which means that the environmental, social, and cultural impacts that the projects leave to the communities are unknown. Therefore, people in the area stop fishing and start selling goods and giving unofficial services to tourists. Also, in some cases, there are complaints of violent pressures on social leaders and people who defend human rights with respect to their right to freely participate in processes that are meant to involve and consult with the community.

In some territories and specific scenarios, for the authorities, there is misinformation, a lack of interest in leaders with representative roles, and a lack of preparation in made-up scenarios for coming to agreements and making participatory decisions. This assertion by the authorities has two problems; in the first place, it is assumed that the social leaders, people who defend human rights, or the community do not face challenges in getting information, which should allow them to exercise their right to participate under the same conditions as other stakeholders of the territory —the business sector and local and departmental government entities—. And, in second place, this assertion delegates full responsibility for acquiring new knowledge to communities, social leaders, and human rights defenders in contexts where information is not available in a timely manner and under appropriate conditions for its good understanding and appropriation by these social actors.

In parallel to these participatory processes for city planning, Cartagena's population keeps growing and settling into strategic ecosystems like swamps and mangroves. This environmental impact is added to the erosion that is caused by the port activities and the transit of boats and jet skis, among others. All

this generates a sense of urgency and the need to pay attention and start prompt actions over Cartagena's water bodies, which involve everything from port activities to inclusive and sustainable planning and construction of the city in terms of residential habitability for the locals and tourist hotel infrastructure.

On the other hand, the State had also initiated processes for valley recovery, extinction of domain, land restitution, and clarification of property. As it happened with the case of Las Islas del Rosario, these situations have resulted in agreements with the current occupants through symbolic rents —less than $1.000.000 COP per several acres and with luxury infrastructure— that end up being exploited through touristic activities that have large effects on the Afro Colombian communities —especially on the Orica community— and over the environment because there is no control and surveillance over the load capacity of these areas.

Another example of these processes is the case of Tierra Bomba: a territory with greater conflicts over the clarification of the ownership of the properties and where the interests of stakeholders —public, private, and community— match. This case is exacerbated by the lack of information and clarity about it. In addition to these two situations, it is also possible to identify the cases of Arroyo de Piedra and Punta Canoa, among others.

According to what the experts we talked to said, the land problem in Colombia and Cartagena is not because of a lack of rules or policies, it is because there are not enough actions to put them into place. Depending on the interests of political parties or publicly elected officials, legal solutions to these conflicts can advance or stall.

There are also conflicts associated with land use. For example, due to the emerging tourist changes, plenty of the houses in the Historic Center that previously were used for residential purposes are now hotels, nightclubs, and bars. Residents of this area —and those who live near to the Port— call attention to the effects of noise pollution on the environment as well as the damage to the infrastructure which is caused by exceeding its load capacity.

Chapter 3.

Approach to Human Rights and the Port Sector in Cartagena

Cartagena has developed as a port city since the beginning of the colonial era. Since about 500 years ago, its bay has been a key point for international trade, playing a fundamental role in the construction of the city as well as in the relationship that Cartagena has with the cities located at the center of Colombia, Caribbean coastal national cities, and with other Caribbean countries.

Because of its strategic geographical position, Cartagena's port is nowadays 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. The Port's sector has over 250 businesses, including companies in the industrial, fishery, hydrocarbons, transportation, and tourism sectors. Some of them are: Ecopetrol, Bavaria, Argos, Gas, Multiproposito (SPC), Entecar —only containers—, shipyards, and tuna.

However, port activities and the related economic sectors that take advantage of this sector have had impacts on the environment, the integration of the Port with the city, and interest group relationships, among other aspects. Some of these situations will be described below, and the way how they may affect effective rights fulfillment. Local stakeholders —from the community, academic, institutional, and business sectors— are those who identified these situations.

Socio-environmental Impacts and Management

Climate change and its adaptation agreements, the prevention of its exacerbation, and its mitigation generate challenges for all economic sectors, including the port sector. This sector has particularities associated mainly with coastal erosion and the risks of marine pollution, as well as the losses of biodiversity. This has a major impact on the protected areas and coastal communities' economic activities.

Communities and social leaders that are in the neighborhoods around the Port say that the Colombian government has been giving away state-owned lands to contribute to the expansion of Cartagena's port. This has had an important effect on strategic ecosystems such as the mangrove —especially the red mangrove—. Some people have considered this fact an environmental ecocide that has effects on exercising rights.

The environmental impact has not only been caused by the loss and pollution of mangroves —which make up a large part of the ecosystem— but also over Cartagena's Bay —Sentence 080 of 2015 of the Constitutional Court—, as well as fuel spills on the Caribbean Sea.

These environmental impacts have consequences for the communities, including foul smells in the bay, heat concentration due to the construction of large wind-

blocking infrastructures, the decreasing of fish populations, and a greater erosion on the coasts of adjacent neighborhoods. Also, there has been an increase of the risks fishers can face, since they are affected by the water currents that result from the Port dredging.

Nevertheless, the ports located in Cartagena have developed different articulation strategies with the National Environmental System with the goal of joining forces to get more information about the environment, mainly for the disaster risk management.

Also, it is a sector that is preparing to make the energy transition that has been proposed worldwide: 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.

This transition has been increasing because of the international targets that the Colombian government has signed and because the sector has been pressuring for it to happen. Years ago, the shipping companies demonstrated their interest in the energy transition plans, as well as in the port's sustainability.

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

The relationship of the Port with its stakeholders has challenges around the treatment and sources of information, cooperation, and trust between them.

Treatment and Information Sources

The leaders of the communities near to the Port —Ceballos, Pasacaballos, Policarpa— point out the need to have information that is timely, clear, and understandable in order to solve current problems and prevent future ones.

They say that the information is unclear when it has been shared in the environmental public audiences, in the spaces of socialization of the management measures of the Environmental Impact Studies, as well as in other spaces of dialogue, socialization, and concertation, because, in many cases, it is out of date or has gaps that the community considers important. For example, the traditional activities of the locals.

In these scenarios, they perceive that authorities and some companies do not have a genuine interest in listening, consolidating, or including their concerns and observations. On the contrary, these meetings are viewed 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

Cooperation between different interest groups has barriers associated with distrust among actors. On one hand, the companies in the port sector perceive they should approach to the communities with great caution so as not to generate false expectations, since many of the neighborhoods near to the Port have a lack of infrastructure, services, and public goods. Communities, and even some of the public institutions, can come up with claims and requests that are not part of the company's mission, role, or responsibility, as they are demands that the State and its government entities must address.

In the same way, businesses point out barriers with how communities are represented. Since there are not many strong social organizations, it is hard to know who to talk to and reach agreements with. Regarding these situations, the private sector feels that the State does not have much accompaniment for maritime economic activities or the relationship with local community actors.

Although some companies have Corporate Social Responsibility (CSR) strategies that point to solutions to certain local problems, like strengthening education or supporting programs and projects for children or people over the age of 50, they do not share their processes and results with the local communities. Besides, on some occasions, these projects do not meet the needs of each community or lessen the effects of the operation in the sector.

Communities, for their part, 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 of the lands. The companies are the ones who bring these foundations to Cartagena, which generates the perception that the company enters with a business social responsibility agenda, but the reality is that it has a port expansion agenda.

They consider that the development actions do not meet the real needs of the neighborhoods in the influence area. Due to the lack of wide and fluent communication between the stakeholders, the port companies bring projects or services that do not necessarily seek to solve the situations that the communities have identified as a priority.

Communities recognize when they receive useful products, but after their delivery there is no tracking or evaluation, and, in some cases, they receive them under inappropriate conditions. An example of this was the computer delivery to one of the port's neighboring communities, where they received a computer room with internet, but they did not receive the keys to open the room: the company decides who can access and in what moment. Depending on the reasons that the community gives, access to the computer room is allowed.

An important conflict point is the lack of clarity in the information about environmental compensations, which generates the perception that investment does not satisfy the real needs. There is no clarity about with which organizations the agreements were reached, and those who are not organized feel they were excluded.

Likewise, the clashes between locals and certain companies' private security members that keep them away from getting to the beaches and keep fishers from getting through the canals that lead to the bay result in conflicts in some of the territories that are part of the area of influence of the ports.

These situations, where distrust between stakeholders predominates, make it difficult to generate actions that open the way for processes of trust and, thus, cooperation.

- "They say that the number of homeless —junkyard holders— and of the sale of liquor and drugs is part of a port policy to bore us and force us to displace. They, or someone, fill the port area with trash. Suddenly, in the morning, there are mountains of garbage on the streets. It seems like they are sending recyclers with the intention of disrupting the zone. They want the neighborhood to disappear."

Integration of the Port Sector into the City

The port sector has been part of Cartagena's history since its foundation: the bay has a very good and competitive landscape, which has helped the city and port sectors get stronger over decades. Despite this, several of the consulted stakeholders assure that the port sector is abstracted from the own dynamics by the city and vice versa during the city's daily life.

The lack of strategies to increase the productive chains have prevented many local people to begin a new employment, while the industrial development of the city leverages.

There is a widespread belief that there are low levels of hiring and services in the communities that are part of the influence area. Although some sustainability reports of the companies say that the hiring local percentage is high, it is unclear if the contracted workforce comes from the neighboring neighborhoods or if they come from other sectors of Cartagena.

Companies recognize that hiring skilled workforce is not easy to find in the city, which is why they search for profiles that come from other regions of Colombia. There is a lack of investment in education and training processes; therefore, some companies have opted to train their own workers, investing large budgets —technology, professionals, and methodologies—. Somehow, these situations respond to the need that communities in the near- or port-area must strengthen their knowledge and acquire the titles of qualified workforce to get access to the job opportunities that the companies offer.

- "All locals dream of working in the Port, but the companies only select the best ones."
- "Working in the Port means this person will have a successful future."

Chapter 4.

Approach to Human Rights and Tourism Sector in Cartagena

According to the World Tourism Organization, tourism is a social, cultural, and economic phenomenon that happens when people move to other countries or places far away from their current environment for personal, professional, or business reasons. (UNWTO, s.f.).

This is a sector with a very important worldwide growth trend: international tourist arrivals worldwide have increased from 25 million in 1950 to 278 million in 1980, 527 million in 1995 to 1.133 million in 2014, and 1.460 million in 2019. (UNWTO, 2015 and 2020).

The COVID-19 pandemic had an important impact on the tourism sector, causing millions of jobs to be lost around the world because of the drastic decrease in international tourist travelers. Around 381 million people worldwide lost their jobs as it happened in 1950. (OMT, s.f.). However, in 2022, there is a new opportunity for international tourism because international touristic arrivals reached 57% of the arrival levels prior to the pandemic (UNWTO, 2022).

The economic sector that sets tourism in motion has particularities since it depends on a wide range of service providers to offer touristic products such as transportation, tourist guides, lodging, food, and renovation. Due to its heterogeneity, it varies the level and capacity to assess the total impact of their activities over the human rights (Roundtable, 2016).

Therefore, from the point of view of tourism as an economic sector, it is important to know that the product is made up of a package of goods and services. In this way, the tourism production is developed by a set of actors that include the tourist (Galvis & Aguilera, 1999).

By the nature of the activity, the tourist product does not have clearly defined boundaries, as tourists do not consume a single product or service when they visit a destination. They consume one or several of them, which ends in a set of experiences. Tourism is an activity that needs a context to develop (UNDP, 2021).

Broadly speaking, there are three types of stakeholders that shape the relationship that allows the development of the tourist offer: the product and service offerors, the intermediaries, and the consumers.

For this sector in particular, intermediaries are key, since the tourists do not know the territory they are going to visit. This group includes travel and tourism agencies, digital platforms that offer accommodation and tourist services, and more informal actors in the territory, like people

who network in the territory to offer different accommodation options and services. Likewise, the dynamics of tourism can make one provider of a specific service end up being an intermediary for another through contact with the tourist.

Due to the disagreements in social, environmental, economic, and political contexts, it is important to point out that the tourist services and products offered have different legal requirements, environmental protection standards, and different local rules —culture— (Roundtable, 2016).

The diversity of actors, contexts, and cultures imposes a very important need for articulation, not only for the private sector in terms of the provision of tourist services but also with the State and its institutions, which must guide the type of tourism that will be performed, in addition to their obligations to guarantee human rights. The communities inhabiting the territory should also be included.

Otherwise, the trend to increase tourism— as evidenced by the figures of international tourists over the years— can have serious consequences for the inhabitants of these territories, having deep effects on their exercise of human rights.

The above is important for the context of Cartagena because, years ago, different local actors showed how dependent the city is on the tourism sector and how it affects the enjoyment of its inhabitants' human rights.

Policies and Strategies for the Sector

Even though the sector is complicated, Cartagena's stakeholders perceive a misalignment and a lack of comprehensive policies and strategies that give everyone clear rules and incentives that help all who are involved to get a benefit from it and drive sustainable development within the framework of human rights.

Planning and Strategy Development for the Tourism Sector

For decades, tourism has been seen as an alternative income and development source for the country, that has not been used to its full potential. However, if Cartagena is a city with a long history in this economic sector, it will be concerned about promoting big ads, but the reality is that it lacks plans, strategies, and resources to develop them.

- "Tourism is very sensitive as a sector, but they come out and make statements where they say that tourism will be the replacement for coal. How can they make these comments if they do not have a plan for tourism? Without prepared people in ministries, governments, and town halls? Without preparing the citizenship? Tourism is for service, and service is something that is learned: it requires education and training.

The consulted actors point out that national, regional, and local public policy instruments are not aligned, the institutional capacity of the last two levels of the State is very low —few economic and personal resources—, while national guidelines are very general, and a strong leadership is not developed, in which the tourism sector as a whole can be leveraged.

Some private sector actors, members of tourism corporations, and some institutions at the national level think there are problems with transparency and information, as well as resource assignment and the ability to bring in more incomes that help strengthen the promotion of tourism activities.

Nevertheless, this economic activity continues to grow in Cartagena, and it is consolidated as one of the most important sectors for its economy: close to 80% of the employees[8] are related to tourism, and this sector represents the 20% of the departmental Gross Domestic Product (GDP)[9], while the products and services associated with tourism increase in demand —although most of this work is informal—. To this situation, migrants, mainly Venezuelans, are added, who arrive in search of better opportunities and higher levels of income as they enter to the *survival* economy in Cartagena.

- "The tourism industry is the sector that provides the most jobs in the city, both direct and indirect. Survival tourism is the biggest one."

8 LA REPUBLICA. (December 22, 2022). "*Este año se crearon 9.000 empresas en Cartagena, la cifra más alta por ahora*". Taken from: https://www.larepublica.co/economia/este-ano-se-crearon-9-000-empresas-en-cartagena-la-cifra-mas-alta-en-su-historia-3514567

9 MINISTRY OF TRADE, INDUSTRY AND TOURISM. (February 2023). "*Economic Profiles by Departments*". Office of Economic Studies. Taken from: https://www.mincit.gov.co/CMSPages/GetFile.aspx?guid=695d114c-b233-479a-8e74-ca608f79012a

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

Even though public policy has flaws, some companies that offer goods and services to tourists have tried to join efforts to organize and articulate actions that will provide them benefits, as it happens with the hotel guild. In general, the stakeholders —public, private, and community— recognize that this has been an organized actor that has managed its expansion in Cartagena thanks to its cohesion, among other reasons.

This level of organization is opposite to what other actors can offer, such as the communities of Tierra Bomba, La Boquilla, Punta Canoa, and Arroyo de Piedra, who think that the growth of the hotel guild and their capacity of agency affect them. People in these communities think that this sector only wants to build up its infrastructure and does not care about the needs of the people who live near their projects or come up with plans for productive chains for those communities.

The levels of organization and cohesion of the various actors in the tourism sector —carriers, vendors —formal and informa—, hotels, travel agencies, tour operators, guides, etc.— vary. From the perception of the consulted stakeholders, the truth is that there is no articulation between them or integral budget strategies that attempt to achieve this goal. Even so, they do not perceive an interest on the part of the local government in generating strategies for the articulation and cohesion of the various stakeholders that make up the value chain of the sector. Therefore, communities and social leaders of the city consider that each actor only cares about its particular benefit without thinking about what the city may need to have sustainable tourism, not only from the economic sector but also from the social and environmental sectors.

The above is evidenced in the type of promotion that the city has and the type of tourists who arrive in Cartagena. This causes that the promotion of tourism, in a city that has deep social inequalities, falls into the hands of a market where people are willing to pay prices in dollars for acquiring tourism products and services. This makes of tourism a more expensive sector in the city, which also excludes local people —both in the city and in other cities in the country—.

- "If Cartagena continues to sell itself as it has been doing it, we do not have to be surprised with the tourists who visit us. As long as the city does not know where it is going, it will be quite difficult."
- "Cartagena is far from being competitive in the tourism industry. Among other criteria, we have assets, heritage, and people, but there is no a coherent policy that allow us to cooperate and strengthen."

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

The context developed in the previous chapter, adding to the security conditions —disclosed in Chapter 2—, where people perceive that the Public Force —especially the Police— has a lower degree of application of the laws over tourists, and to the weakening of the policies for the prevention of sexual violence against children, girls, and adolescents, especially for preventing the exploitation and sexual marketing of minors, which today is a latent and *normalized* phenomenon in the city, consolidates a social context that attacks the rights of special protection persons.

- "Tourism in Cartagena is associated with the image that the city is sold with certain characteristics: how is Cartagena being promoted abroad so it is recognized as a sexual tourism destination?"
- "There are plenty of backgrounds for preventive campaigns against prostitution in children, girls, and adolescents... but there are soft laws, and the regulation is not applied to the tourist."
- "Against sexual tourism nothing has been done, every day it is getting worse. Erotic videos at the Botero's statues as in various places at the Walled City and at San Felipe's Castle are news".
-

How is Tourism Promoted in Cartagena?

The price of the dollar and the marketing of Cartagena as a party and luxury city have changed the profile of the tourists who used to visit the city. Previously, most of the visitors were Colombian families and backpackers from Europe and the United States. Now Cartagena receives large groups of people —between 15 and 40— who were used to traveling to other places —such as the Bahamas or Cancun— looking for a type of party that can contain prostitution and drug use, among other activities.

- "Since tourism generates more underemployment than employment, there is more temptation to sell drugs: those who sell potato chips, sodas, or beers have the temptation to sell drugs because they can have higher earnings."

This type of marketing for the city's tourism, added to a lack of planning, informality, disordered trade, a lack of infrastructure, and a lack of controls over tourism products and services, produces impacts on the people's rights from various social sectors —as the already mentioned children, girls, and adolescents due to sexual and commercial exploitation—. Some of them are: those who associate in quarrels over high levels of alcohol consumption; and because of the changes in land use, people in situations of prostitution and with high levels of alcoholism, as well as those who sell narcotic drugs in neighborhoods that were previously residential. Also, people's rights are affected because of the decrease in the quality of the provision of public services; the increase in noise; and the *loneliness* in some residential sectors in terms of security —properties that have been bought to invest through platforms such as Airbnb— which criminals rob during certain times of the year.

Technological Platforms and Tourism

With respect to technological platforms such as Airbnb, there are opposite points of view: some believe that it was a form to democratize the tourism industry where the hotels were the only ones who can have good incomes in the past; others consider it an unfair competition with an actor who pays taxes and that can also generate security problems, since there is no control over situations that could be prevented, such as sexual and commercial exploitation of children, girls, and adolescents. They all agree there is a need to discuss the use of this platform in a public dialogue so it can be regulated.

In the same way, many people involved in the tourism sector are worried about the high prices of goods and services and the price speculation. This situation occurs both in formal and informal establishments, on the beaches, in the Historic Center, in the Hotel Area and, in general, with the provision of transportation services. However, stakeholders say there are no agency or dialogue spaces that allow them to advance on joint strategies that can solve this situation.

What Happens with the Communities?

The lack of policies, strategies, and accompaniment has also made it easier for conflicts within the communities to get worse. For example, in Santa Cruz del Islote, there has been violence because the guides are not respecting the turns between colleagues.

Another source of conflict is related to the people in the communities who work as tourist service operators and for travel agencies. Those who work for travel agencies receive very low payments and are forced to combine their work with fishing since these companies do not pay their social security or their labor risk duties —despite all groups of tourists are insured—.

These communities point out that the interaction with large hotels does not include them within the value chain and does not go beyond a specific aid. Therefore, they feel they are excluded from the formal economy.

For this reason, some communities are committed to community tourism:

> "Community tourism began when the people in the community realized that they would disappear if they did not protect their land. We could not rely on selling cocada, renting tents or chairs, or selling cocktails. We bet on a tourism where anyone who visits us can go, do, and live as the community lives."

Port Tourism: Cruises

Cruises are a type of tourism that works by hours. Visitors arrive in a city and stay for three to six hours, depending on the cruise's schedule. Those who benefit from this activity are: the ports, the trade sector —including informal—, San Felipe's Castle, and some travel agencies.

Tourism Education and Training

Although Sena and some universities in Cartagena have advanced in technical training and professional training in hotel and tourism programs, the actors in the private sector pointed out that the inability to see tourism as a large sector that requires guides, bus drivers, chefs, bartenders, and musicians, among many other activities and professions, limits the possibilities for accessing quality jobs that offer quality services.

Social Fabric and Tourism

Because of the context of the city dynamics, there are a lot of tourism-related associations and cooperatives, but most of them have weak leaderships. There are no projects or common interests within the partnerships that allow them to launch themselves for reaching a long-term impact.

On the other hand, there are unresolved conflicts within communities that impose challenges to representation within associations, community action boards, and community councils.

At the same time, given the absence of surveillance and control by the State, some of these cooperatives begin to assume roles of security and coexistence that do not correspond to them, which generates conflicts within the communities about the legitimacy of the actions and the decision-making.

Conclusions and Alternatives for Collective Action

Cartagena is a city with a lot of different economic sectors. Port, tourism, and construction sectors play a leading role. However, its development has not been based on a vision of human dignity for its inhabitants, workers, or tourists, and it has not been integrated with the territory's actions to resolve its needs and reach its expectations. The above is reflected in the deepening of social inequalities, where there is a perception of low levels of transparency by public institutions, instability in local government, and difficulties in generating effective leadership by public leaders and rulers.

Territorial planning, the clarification of collective and private property titles, as well as the environmental impacts of large infrastructures built for the port and tourism sectors, cause problems in Cartagena. One of the most mentioned axes of conflict in relation to land is the Prior Post-Consultation, as it happens with the settlement processes of the population over strategic ecosystems such as swamps and mangroves, due to the displacement caused by the construction of large —hotel and port— infrastructures.

People also believe that the city's infrastructure and services are designed solely for tourists, making mobility for locals in Cartagena more difficult. However, questions also persist about *what type of tourist profile Cartagena wants to receive? What type of tourism would inhabitants like to offer? What are the benefits for the city and its inhabitants?*

These conflicts are aggravated by the overlap of some organizations that represent the communities of Cartagena, such as the Community Action Boards and the Community Councils. Agency processes tend to prioritize one of these figures over the other, deepening the rupture of the social fabric and the possibility of collective actions between communities, which ensure a shared vision of the city and the territory.

Among these situations, the Public Force is viewed as an inequitable actor since people perceive they apply high levels of rigor to the communities with respect to the regulation, but they are quite flexible with the companies —for example, in environmental terms— and with tourists —with respect to the security and coexistence situations that mainly happen in the Historic Center.

At the same time, all stakeholders recognize the need to increase the strength of the National Police and to strengthen different specific capabilities for the city's context, such as the acknowledgement of a second language by the Police members because they have continuous relationships with tourists that do not speak Spanish. Their ability to resolve conflicts and mediate also should be strengthened.

For its part, the Police has strategies for preventing violence against leaders and an observatory that allows an approach to the analysis of the phenomenon in the city. However, communication with certain communities is not fluid and has barriers, so some of these conflicts are sharpened by the lack of clear and transparent information.

In relation to other State institutions, such as environmental authorities, there is no deep understanding of what competences each entity of the city should have on environmental protection and environmental compensations,

which should be addressed by the economic sectors. Additionally, there are flaws in the access to information, a situation that has also generated that human rights defenders do not have the necessary elements to defend the territory. It should not be left aside that there is also a context of violence against this population, where they have been threatened and intimidated because they are exercising their roles. According to the Police, community and environmental leaderships are the most affected in the city.

The different stakeholders recognize the need to join efforts for this type of violence prevention policy without recognizing that, to up to date, there have been actions aimed for addressing this problem. This situation not only affects the deepening of distrust towards State entities and the Public Force, but also to agency processes.

At the same time, stakeholders recognize that there are great barriers to achieve an effective agency and communication between the different actors —tourism, port, construction—.

Especially the port sector, the communities, and the State face challenges associated with the integration of this sector into the dynamics of the city, the treatment of and sources of information, and the building of trust for cooperation.

The tourism sector has challenges that are also associated with a broad dialogue, which enables to include the visions of all the stakeholders that are in the territory and that configure the *tourism experience*, for the establishment of plans and strategies that allow the strengthening of the quality of the tourism offered in the city, within the framework of guaranteeing and respecting human rights and with the aim of benefiting all those who are involved.

With this, it is possible to establish guidelines for promoting tourism in the city that take into account the residents' wishes and the territory's capacity. At the same time, the impacts associated with the sexual marketing of children, girls, and adolescents and other phenomena like quarrels caused by drinking liquor and narcotic drugs could be prevented.

For the port and tourism-related situations, the social organizations settled in the city need to strengthen so that the leaderships have greater legitimacy and awareness of their agency capacity, while they reflect on the responsibilities and roles they should have for guaranteeing and respecting the human rights of all the stakeholders —not only those from the private sector—. All this is meant to create equal conditions for dialogue.

The port and tourism sectors in Cartagena represent a wide part of the territory's life source: they generate dynamics of mobility and establish important guidelines in the territorial plan and for the construction of the city, and over them citizens have lots of expectations. Thus, the conflicts mentioned above need to be transformed and prevented through dialogue, participatory processes, and joint actions that allow for the development of collective impacts.

In this way, community, governmental, port, and tourism stakeholders will be able to answer themselves with more clarity questions related to the port sector, such as, "*How can the Port be a source of benefit for the neighborhoods that surround it? How is it possible to jointly work between the stakeholders of a territory to generate positive collective impacts on the environment? And, with the tourism sector, what type of tourism would the citizens like to promote in the city? How can I contribute to this type of tourism?*"

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