

YUKPA - A Semi-Nomad Colombian Community coexisting in a Mining and Energy Territory

Abstract

In 2020 the YUKPAs were recognized as the first prevailing semi-nomad indigenous community. Their ancestral territory (Perijá Sierra in north-eastern Colombia) overlaps with several municipalities where big scale coal mining has been developed for decades, and today other energy sector projects are being developed to satisfy users that have unreliable high-cost energy supply as well as new industrial development. The community's heritage is rich- (they keep their original language, hunting practices, and other cultural practices) despite being a target during decades of armed conflict in that region of the country. Today the territory is considered a priority for social investment. During the environmental licensing process and IA of a major transmission line that crosses YUKPA territory, their first Previous Consultation process was implemented. While the consultation and IA participation process was initially a demand in defense of their rights and a claim as victims of the armed conflict and other adverse socio-environmental conditions caused by big scale mining, the consultation exercise soon turned into a rich multi-cultural dialogue that enabled the community to show and express their unknown cultural practices, their adaptation capacity and their interest and willingness to be considered and being part of a territory and future. Today the YUKPAs continue advocating for their people by participating in other IA for major infrastructure projects. This paper presents the process and results of an unprecedented intercultural dialogue.

Background

With over 1.9 million indigenous peoples in Colombia⁽¹⁾ it is not uncommon for indigenous territories and infrastructure project initiatives to overlap. As public awareness increases and indigenous communities have the possibility to make their voices heard in numerous stages conflicts are more visible.

Colombia adopted by Law 21 (1991) Agreement 169 of the International Labour Organization (ILO) and since then has established diverse decrees, regulations and presidential directives that intend to guarantee indigenous peoples rights, among them the right for Free, Prior, Informed Consultation (FPIC) when projects or activities interfere with territories and livelihoods. Today the implementation of an FPIC process is mandatory when indigenous communities, territories or cultural practices are impacted by project activities. FPIC is required to be undertaken during the preparation of Environmental and Social Impact Assessment (ESIA), it is implemented and directed by the Ministry of Interior Affairs and its outcome is key in determining the feasibility of environmental licensing.

One of the characteristics and the social and cultural landscape of the north-eastern part of Colombia (Guajira and Cesar Departments) is the presence of numerous indigenous communities, most of which are established in their ancestral territories and have been recognized by the Colombian Government. However, in this same territory there are still

ancestral communities that have not been recognized as such, or at least until recently. Such is the case of the Yukpas, a semi-nomad community that resides in the Foothills of the Perija Sierra in eastern Cesar. Even though the Yukpas have claimed their ancestral presence in the territory for many years, their presence and existence as a community has not been recognized until recently.

The Perijá Sierra, its foothills and adjacent valleys have special social, cultural, economic and political characteristics. The Cesar Coal Mining District, neighboring Venezuela, extensive cattle pastures and a strategic corridor for illegal activities make for a unique and complex context where violence against the Yukpas by illegal armed forces cannot be unnoticed.

Power transmission lines, one originating from La Guajira Department in northern Colombia is to be constructed in order to connect renewable energy generating parks (eolic and solar) with the Colombia's main power grid and another for connection between regional power substations partly overlap with Yukpa territories.

Following Colombian legislation and environmental licensing requirements, an FPIC was implemented during the preparation of the ESIA for both power transmission lines. While expectations were high when initiating the process and stakeholders were extremely cautious, by the end of the process stakeholders had reached important agreements. The intercultural exchange and dialogue had proven successful and the first FPIC agreement with the Yukpa community was achieved.

Government, YUKPAS, Promoter and Consultants among others, participated in a coordinated and respectful effort that concluded with a battery of agreements, benefits and investments that enabled the Yukpa peoples to consolidate their presence in the territory and reinforce and enrich their cultural practices..

Methodology and Application

Presidential Directive 10 (2013) sets a general process for implementing FPIC in Colombia. Not only does it set the process but present necessary conditions and responsibilities of stakeholders involved in the process (Government, control agencies, community, promoter). Once the Ministry of Interior Affairs evaluates if the FPIC process should be implemented, it notifies the community and project promoter of the start of the FPIC process. Thereon, the process will need to comply with the following phases⁽²⁾: *Pre Consultation* (Ministry provides legal framework to participants, project is presented to community and specific FPIC methodology, conditions and terms are agreed between community and promoter), *Consultation* (impact and management plans agreed, agreements are reached and protocolized), *Agreement Implementation* (period in which agreements are implemented), *Closure* (stage in which implementation of agreements is reached and the entire FPIC process can be closed).

It should be noted that the responsible part of executing and directing the FPIC process is the Direction of Previous Consultation (Ministry of Interior Affairs) and it is responsible for guaranteeing an adequate and diligent process.

While a formal and rigorous process needs to be implemented, the FPIC process with the Yukpa peoples was characterized by its legitimacy, transparency and rich intercultural exchange. Both parties, community and promoter, engaged in in-depth dialogues, conversations and negotiations. Over a period of six months, several encounters were held, leadership from both parties attended and under the supervision and direction of the Ministry of Interior Affairs consensus and agreements were reached.

Both parties actively participated, community members (leaders, men, women and even children) attended and participated throughout the workshops. The project was presented, and the community expressed its concerns, its cosmology and how the project could affect their livelihood; each party proposed mitigation to manage impacts as well as compensation measures to alleviate impacts that could not be managed entirely.

Each workshop and meeting were methodologically prepared between community and promoter, enough space, time and resources were allocated in order to guarantee comfort and spaces where participation could be guaranteed.



Photo: FPIC Workshop. ESIA La Loma TL. 2021

After several workshops, some of which lasted more than one day, agreements were reached and closure was planned in a site selected by the community. The Yukpa peoples attended in the majority, represented by leaders of each of the six communities, they received Government, promoter and other participants of the FPIC process in festivity. Each community presented costumes and dances and shared other aspects of their culture.



Photo 2: Yukpa Community. Agreement Protocolization Meeting. ESIA La Loma TL. 2021

Conclusions

Implementation of the FPIC process in Colombia has become very common due to overlap of projects and activities with indigenous communities, territories or sires and areas where indigenous communities develop cultural practices. Not all processes are smooth and several don't reach agreements, generating further conflict and unrest among communities and promoters.

The FPIC with the Yukpa community was unique in many ways. Probably the most outstanding: it was the first FPIC for the community which represented an important milestone in the process of recognition of their culture and community at a regional and national level. Six communities united as one in a process that allowed the Yukpas to claim and make evident their unique culture which identifies them as Yukpas.

The FPIC proved to be a legitimate intercultural dialogue and enrichment process for all parties. Agreements were reached which included signing project infrastructure in Yukpa language, funding for community infrastructure and funding for other special community interest activities.

Certainly, the experience consolidated the Yukpas and provided them with tools and increased capacity to face new challenges that can present in their territory.

References

1. DANE. Censo Nacional 2018. 2018
2. Colombian Presidency. Presidencial Directive 10. 2013