



DECLARATION ON THE CAUCA RIVER AND ITS BIOLOGICAL AND CULTURAL DIVERSITY IN THE COP 16 CONTEXT

October 25th 2024 Cali, Colombia

Within the framework of the **Governance of Water and Biodiversity Territories** Symposium, held from October 21 to 23, 2024 in the green zone of COP 16 and within the agenda “Water weaves us”, there was a broad and diverse participation of social and institutional actors committed to the reparation of the Cauca River and its biological and cultural diversity, products of the development model of the region and the Colombian internal armed conflict. This event was led by the **Cauca River Collective** and was attended by numerous communities, users and institutions from the entire basin from its source in Laguna del Buey (Cauca) until it empties its waters into the Magdalena River (Bolívar), who exchanged knowledge, wisdom and experiences on water governance, rivers as subjects of rights, where the Cauca River is the only one that has two recognitions: with rights as a legal person (Ruling T-038 of 2019, Superior Court of Medellín) and as a victim of the armed conflict according to Auto 2026 of 2023, issued by the Special Jurisdiction for Peace JEP of Colombia. All this deliberation and plural discussion ended with a symbolic act of reparation of the Cauca River, in the Ecoparque de las Garzas located in the south of Cali and on the basin of the Pance River, a tributary of the Cauca River. This symbolic act was a sample of the biocultural richness of this territory, as it consisted of an amalgam of artistic, symbolic and spiritual expressions from the different communities and cultures that inhabit the basin, and that ultimately demonstrate the vital role of the river for the expression of life and its existence, which happens thanks to an intertwined network of vital relationships between human beings and nature vis a vis water.

On the other hand, from the work of various governmental institutions, academia and NGOs, we know that the Cauca River is a strategic aquatic ecosystem, but with a growing deterioration and a gradual loss of its ecosystemic integrity. This implies an affectation of its supporting environmental functions and services, which in turn has impacted the lifestyles and cultural practices of diverse human communities that once derived their livelihood from activities such as artisanal fishing, sand mining, traditional peasant farms, and traditional Afro farms, the latter associated with the care of the river's wetlands and its tributaries. The environmental stressors causing this degradation and its impacts can be summarized in the increase and intensification of extractive activities (i.e., mining, agribusiness and its agribusinesses, where sugar cane is a central axis), urban growth towards the river's natural hydrological regulation zones (its floodplain) where the city of Cali is a significant factor, the increase in illicit crops, and conflicts over water appropriation. Likewise, the other dark side of this problem is the gradual increase in aquatic pollution with various eco-toxicological substances (i.e., micro pollutants, heavy metals and micro plastics) that generate potential and real risks for the health of the ecosystem and human health. For all of the above, the almost 200 participants in this symposium, who also represented diverse sectors of civil society, organized communities, institutions and collectives of the Cauca river basin, concluded that “...the Cauca river and its entire basin, and its entire watershed, are a source of environmental contamination...”. **Cauca river and its entire basin are us...**. Based on this:

WE DECLARE THAT:

- It is assumed as a principle for coordinated action the argument of judgment T-626/2016, which considers that “Nature is not only conceived as the environment and surroundings of human beings, but also as a subject with its own rights, which, as such, must be protected and guaranteed”. It is imperative then that the Colombian State and its society guarantee the comprehensive protection and materialization of these rights, because as stated by the honorable Constitutional Court, “...Only from an attitude of deep respect and humility with nature, its members and its culture is it possible to enter into a relationship with them in fair and equitable terms, leaving aside any concept that is limited to the merely utilitarian, economic or efficient...”
- The fundamental foundation for the biophysical and biocultural remediation of the Cauca River is based on the conception, respect and achievement of biocultural rights conception, respect and achievement of biocultural rights seen as a relationship of profound unity and harmony between nature and the human species; and it is further established that “...public policies on the conservation of biodiversity must be adequate and focused on the preservation of life, of its diverse manifestations, but mainly on the preservation of the conditions for that biodiversity to continue to unfold its evolutionary potential in a stable and indefinite manner...”
- From the same sentence T-038/2019, issued by the Superior Court of Medellín, derives the need to preserve the future value of water, not only in its economic dimension, but in all its strategic value. Likewise, it recognizes future generations as subjects of rights to dignity, water, food security and a healthy environment, which it considers to be of very special protection. From this it derives and concludes the strict need for their guardianship protection, conservation, maintenance and restoration. Another element, no less important, is that the ruling in question extended the inter communis effect, that is, the enjoyment of the benefits to third parties that, not having been part of the process, are in common circumstances with the petitioners of the guardianship; from there it follows that the entire basin, together with its communities, not only human but of all living beings, must also benefit from the effects of the ruling.
- Another integral and related principle for coordinated action is generated by Auto 226/2023, issued by the SJP, in Case 05 (Grave violations of human rights and international humanitarian law in the north of the Cauca and in the south of Valle del Cauca), which declared the Cauca River a victim of the internal armed conflict in Colombia. The third phase of the process carried out by the JEP corresponds to reparation, once the respective rulings are issued. Reparation must be integral, that is, of the Cauca river and its basin, which includes its tributaries and its communities. Therefore, ecological concepts such as restoration and recovery are implicit in integral reparation, which also considers the socio-cultural dimension.

- Make the restoration of the Cauca river basin a national and global priority, supporting processes that materialize priority initiatives and articulating strategic actors across the basin and related eco-regions.
- Define state policies and related instruments (strategies, plans, programmes and projects) on structural issues aimed at repairing the Cauca River as a socio-ecological system, but with the viability and financial commitment of the Nation, the CARs, and the territorial entities.
- Enhance scientific and technical collaboration, both nationally and globally, for the development of research aimed at understanding, valuing and promoting the sustainable use of water as a biocultural asset and heritage, the recovery of degraded water sources and related terrestrial ecosystems, the management of urban and rural drainage, the sustainable use and enjoyment of nature, risk mitigation, and equitable access to decent water, sanitation, and aquatic decontamination services.
- Support the management of economic resources to guarantee the continuity of the work being carried out by various collectives in the basin (i.e., Cauca River Collective in the upper basin; Pata de Agua Foundation in the Mojana, lower basin), in coordination with communities and other organizations in the basin, in order to strengthen an integrated and inclusive governance model.
- Prioritize the continuity of the optimisation of Cali's wastewater treatment systems and the return of the water roundabout along the Cauca River.
- Facilitate the early formation of the Territorial Basin Council, based on the existing processes of democratic and plural participation in the basin.

Finally, as a plural group of citizens authentically concerned and committed to the reparation of the Cauca River in its social and ecological dimensions, we respectfully demand that the global deliberations of COP16 organically consider the complex needs and problems faced by this vital aquatic ecosystem of the country and its related terrestrial ecosystems, in order to propose solutions that guarantee the sustainability of both its biological and cultural diversity. We ask and hope that in an act of coherence with the COP 16 slogan: **Peace with Nature**, and with the government's principle of **Water-Centred Planning**, the necessary policy, regulatory and financial instruments will be generated in a democratic and participatory manner to initiate the socio-ecological transitions that will allow us to repair this vital natural asset for western Colombia, its eco-regions and the country in general.