

# WORKING PAPER

## PROPOSAL FOR CREATING A WATERKEEPER PROGRAM IN THE CANAL DEL DIQUE, COLOMBIA

### “CANAL DEL DIQUE WATERKEEPER”

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**Cartagena,  
June 13, 2019**



**Proposal for:** Canal del Dique Waterkeeper

**Presented by:** Gladys Esther Cervantes Vargas, Executive Director  
And Nemecio González Peña, Waterkeeper

**Sponsoring Organization:** Amigos de la Tierra Foundation

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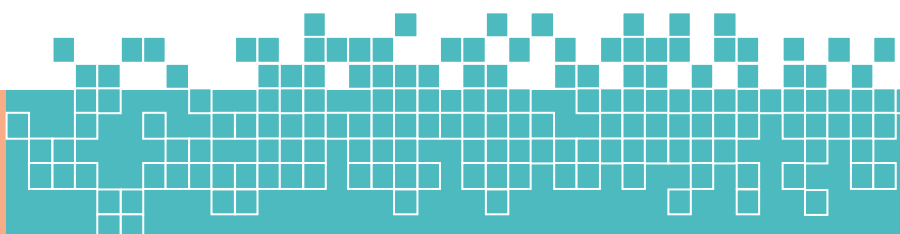
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**Canal del Dique, Colombia: (Photo source: [sitio.fondoadaptacion.gov.co/index.php/canal-del-dique/103-gestion-misional/macroyectos/canal-del-dique](http://sitio.fondoadaptacion.gov.co/index.php/canal-del-dique/103-gestion-misional/macroyectos/canal-del-dique))**



## I.- INTRODUCTION TO THE BASIN/WATERWAY:

Canal Del Dique is an artificial bifurcation of the Magdalena River in the Caribbean region of Colombia, built by the Spanish in the sixteenth century, to facilitate navigation between that river with the city of Cartagena de India's. Canal Del Dique flows for 115 km between the Magdalena River and the Bay of Cartagena, through 19 municipalities in three departments (Bolívar, Atlántico, and Sucre).

The canal is an artificial system built in the sixteenth century and developed up until the last century – resulting in a considerable transformation of the swampy environment of the area (which occupies 298,026 hectares and a volume of 12 million m<sup>3</sup> of water) and the natural conditions of its mouth at the Bay of Cartagena.

Two thousand men – indigenous people and slaves- were used to construct the canal. Construction lasted for six months and completed on June 24, 1650; the canal was inaugurated on August 2 of the same year.

Canal del Dique, one of the most important works of the Colombian Caribbean, is said to have been built by the Spaniards in the 16th century, but the waterway has a better work made in the twentieth century.

Pedro Zapata de Mendoza, governor of Cartagena at the time of the Colony, initiated the canal to serve as a waterway for barges and canoes. Two years after the dyke was built, the Magdalena River crested at Calamar, the municipality founded on the new 'corner' of the river, destroying one of the locks filling the with sand and sediment. Such events continue to happen today.

In 1844, once steamboats arrived in the time of the Republic, an engineer from Connecticut, George M. Totten, was contracted to deepen the canal by 2 meters, widen it by 15 meters, and extend it by 15 kilometers. Today Canal Del Dique carries 80 percent of the cargo that is transported on the Magdalena River; this rate may increase as the economy opens further and multimodal transportation is implemented.

The canal benefits more than twenty communities, culturally diverse with African ancestry, located on its shores and areas of influence. The 10 municipalities in the department of Bolívar where the proposed Waterkeeper will patrol, are: Arjona, Arroyo Hondo, Mahates, Calamar, San Cristóbal, Soplaviento, San Estanislao de Koska, María la Baja, Turbana, and Turbaco. The political authority is the Gobernación of Bolivar, and the environmental authority is the Corporacion Autónoma Regional del Canal del Dique.

The canal is the engine of regional development, vital for innumerable species of flora and fauna, and supporting Cartagena as the country's main port. Cartagena and another 21 towns, among them Calamar, Mahates, and San Estanislao, supply their aqueducts with the waters of the canal, fundamental for the development of fishing, agriculture, livestock, and transport.

## II. THREATS TO THE WATERSHED.

The health of the canal del Dique has been compromised by the cutting of forests to expand the agricultural and livestock borders, the degradation of soils by agriculture, and the desiccation of muddy complexes generated by the large amount of sediments that are concentrated in these ecosystems.

Inadequate management of waste is a problem; the people who live along the river throw 85% of solid waste directly into the Canal. Plus, many municipalities do not have sewerage systems, so wastewater is also discharged directly into the canal. Furthermore, the entire range of pollution from Colombia that flows through the Magdalena River is diverted by Canal del Dique into the Bay of Cartagena - a serious environmental problem of national order.

Moreover, there is uncontrolled and indiscriminate hunting of threatened species, like babillas, caiman, crocodiles and manatees. More problems occur when the Magdalena River crests; the locks are damaged and the canal fills with sand, as noted earlier.

**Sedimentation:** Every year, the sediments that Canal del Dique carries into the sea advance between 150 and 200 meters into the internal bay of Cartagena, which is in danger of splitting in two if the process does not stop in time. Over 20 years, in the town of Pasacaballos, the depth of the bay at the mouth of the canal went from 20 meters to one, which shows the seriousness of the situation. In addition, sedimentation is killing the corals of the Rosario Islands and drying the bog system that runs for about 115 kilometers between Calamar and Cartagena

According to the engineer and former mayor of Cartagena, José Enrique Rizo Pombo, the sediments that the canal carries are not generated in its course or in its basin but received from the Magdalena River. The sediment load of the Magdalena River is permanent and growing and comes from the erosion caused by the **uncontrolled deforestation** in the basin, especially that of the hillsides.

Today the sediment is affecting the lives of the people who live along the canal. It is necessary to build two locks so that the Magdalena River does not pollute the Cartagena Bay with its sediment, nor the bodies of water adjacent to the Dike, on whose banks and islands live many people and there are several villages, as well as a complex ecosystem, rich in fishing, the first one must be built in Calamar, this is the most urgent.

Canal del Dique and its coastal area of influence is presented fishing in most municipalities, and even, there are populations where a good part of its inhabitants is dedicated to this activity, taking advantage of the bogs and bodies of water surrounding them, for example, is the case of Soplaviento, Luruaco, Sabanalarga and San Cristóbal. A very notable example is the corregimiento of Machado, this corregimiento belongs to Arroyohondo and in it almost all its inhabitants live on fishing developed in Machado's swamp.

Fishing involves artisanal fishermen, collectors and traders, including the nuclear family in regions with very few job opportunities. In these municipalities the capture of fish is done, mainly in an artisanal way. The species that are caught in the sub region of the Canal del Dique and its coastal zone of influence, are: The herring (*Triportheusmagdalena*), the bearded one (*Pimelodusclarias*), the Bocachico (*Prochilodusmagdalenae*), The corvina (*Plagioscionmagdalenae*), the moncholo (*Hopliasmalabaricus*), the Cachama (*Colossoma*) *macropomum*) and tarpon (*Tarponatlanticus*). It should be noted that shrimp farming also constitutes another of the main aquaculture activities in the region.

**Flooding caused by poor infrastructure.** According to the authorities, floods have occurred because the shafts and barricades that were built to avoid overflows are insufficient. The situation is complicated because there are barriers that were installed here but they have not done their job; what happened is that in some areas the barricades were built inefficiently which has made them easily yield to water pressure, and some were installed below the desired height which has allowed the water to pass them easily. It's a shame because they are works that turned out to be very expensive and have not served. Raymundo González, a member of the Disaster Relief Committee of the Magdalena Risk Management office, has stated that this is the common denominator for most coastal municipalities.

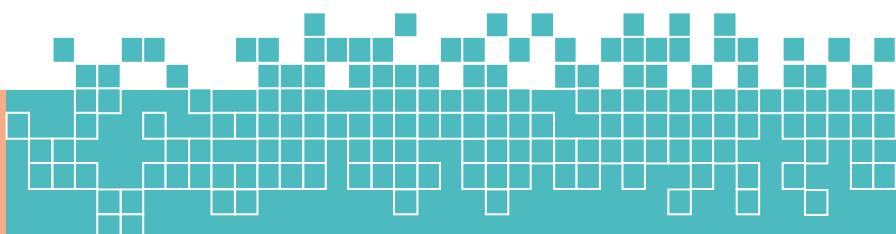
**Pollution:** For more than half a century, Canal del Dique has withstood large discharges of **wastewater**, **chemicals** and **hydrocarbons**, including from ships and industries building on the Cartagena's Bay, like Ecopetrol (Colombian's petroleum company), who have been the biggest beneficiaries of the waterway, but also been the biggest polluters.

Other companies, like Carman International, have pools full of oleaginous substances that have overflowed. Many of these pools are in the municipality of Turbana, 20 minutes from Cartagena. The spills travel to the bay, killing birds, fish, and domestic animals. The Corporacion Autonoma Regional del Canal del Dique has held Carmen International responsible for at least one pollution spill.

### III. WHY A WATERKEEPER/ ROLE OF THE WATERKEEPER

Canal del Dique Waterkeeper will work alongside Cartagena Baykeeper to improve the health of the canal and its people who depend on it. Cartagena Baykeeper, host of the April 2019 Latin America Summit, introduced the prospective Waterkeeper Organization to Waterkeeper Alliance's Recruiting Director at that time.

Our proposed organization "Canal del Dique Waterkeeper" will have one person acting like Executive Director (Gladys Esther Cervantes Vargas) and other one like Waterkeeper of the organization (Nemecio González Peña). A Board of Directors comprised of individuals that share the same ethical and moral principles, will support, and guide this person. These key supporters are greatly committed to society and motivated to work for the environment, especially within our area of jurisdiction. In this region there are no



other Non-Governmental Organizations (NGOs), in charge of this kind of struggle, consequently we will be filling the gaps left by the ineffective and inactive civil society.

Within this ideology, we all have a vocation to become a true Waterkeeper. – We can summarize our main social objectives, as follow:

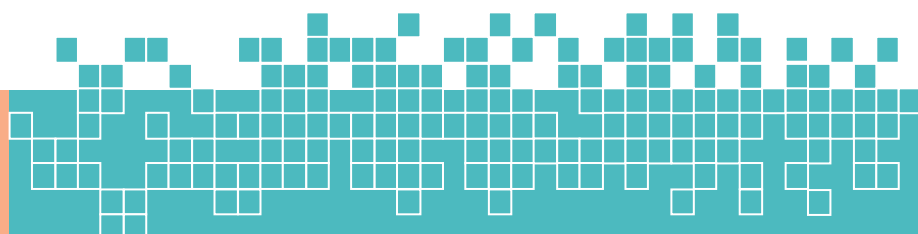
**Advocacy Processes:** Following the principles of the waterkeeper alliance, Canal del Dique Waterkeeper propose the execution of advocacy processes, litigation, and environmental research, with a structural organization that will allow us to obtain the resources to develop a focus on environmental protection of this watershed. We will succeed in preventing pollution legal incidents by ensuring everyone is following the set requirements and legislation. We will lead restoration initiatives when needed and apply the environmental management system that is based on the Colombia's legislation.

**Effectively influence to the community near the canal del Dique:** Our Waterkeeper program will effectively influence into the community who lives near to the canal del Dique, using all the issues associated to the threats on this watershed, primordially because we do not depend on or are part of the national government, local and/or regional, and because we have no relationship or ties with private companies that promote port activities or industry of any kind that directly or indirectly affect the watershed.

Following these ideas, we propose Canal del Dique Waterkeeper like an organization that will generate trust amongst the population. At the same time, we will work with other institutions like Cartagena Baykeeper as social stakeholders or representatives of the communities within the watershed. One way or another reason maybe we will have to interact with environmental authorities to develop citizen's rights for participation. In other words, we cannot be bought; we will not be sold, since our strength is based on our strong ethical and moral values.

**The role of the Waterkeeper is vital.** Like a really Waterkeeper, to get the participation of the community is crucial for canal del Dique Waterkeeper for to reestablish the quality of life for the people who live behind the Canal del Dique watershed used to enjoy. We will rebuild a social network, through the processes of increasing sensitivity, awareness, capability, and support regarding their issues. Effective and sustained community participation in the watershed should allow for the citizens to share their knowledge and concerns, plus mobilize, and advocate for their rights and take on their duties and responsibilities toward their watershed and their constituents.

Canal del Dique Waterkeeper will aim to restore and protect the water quality of the canal so that its beauty can be enjoyed by future generations. The Canal del Dique Waterkeeper Organization will address the threats to the canal through research, fieldwork, education, advocacy, and enforcement of the law how the Waterkeeper Alliance does it.



#### **IV.- ACTION PLAN.**

Having identified the threats, which are described above, the Canal del Dique Waterkeeper will be in full capacity to address the following cases:

##### **Solid Waste.**

1. Build strategic alliances with (Aseo, Acueducto y Alcantarillado)- Aqueducts and Sewage of the communities near the watershed and all relevant educational institutions to work together regarding this issue.
2. Organize educational campaigns for the general community.
3. Oversee and present lawsuits when environmental regulations are not met.

##### **Sewage Water/Wastewater.**

1. Pursue strategic alliances with (Aseo, Acueducto y Alcantarillado) -Aqueducts and Sewage of the communities near the watershed and all educational institutions to work together regarding this issue.
2. Organize educational campaigns for the general community.
3. Oversee public denounces when environmental regulations are not met.
4. Request support from Universities and Technical schools with environmental engineering programs to determine pollution levels. These studies allow us to request support from national and foreign institutions to finance mitigation projects.

##### **Lack of governance:**

1. Participate in public forums that are convened by environmental authorities.
2. Oversee closely the actions of environmental authorities.
3. Formulate lawsuits against polluters or corrupt officials.

##### **Patrol and Monitoring.**

Canal del Dique Waterkeeper propose a weekly patrol by boat or car to monitor water quality and levels of this artificial arm of the Magdalena River, born at the height of the municipality of Calamar (Bolívar) It crosses swamps, feeds pipes and empties into the bays of Barbacoa's in Cartagena de India's and impacts a complex ecosystem that is part of the river delta.

Collect accurate information on the pollution risk factors and take actions that ensure the conservation of the watershed. The transport of sediments by the seams and pipes that make up the channel of the dam has increased, and the effects of this process can be seen in the bay of Cartagena and Barbacoa's, located in front of the Rosario Islands in the city of Cartagena. Canal del Dique Waterkeeper in partnership with Cartagena

Baykeeper hope to prevent this from becoming an environmental tragedy, since the problem may be aggravated by the erosion of the Magdalena River basin.

### **Education and Outreach.**

Establish environmental schools with children and adolescents, to instill from a young age the culture of caring for the environment and water conservation, and form with them a volunteer FRIENDS OF CANAL DEL DIQUE to work together for the conservation, care, and sense of belonging of the waterway.

We hope to organize cleaning, awareness, and conservation campaigns for the care of the environment and the importance of water quality in Caribbean region in Colombia.

### **Legal advocacy.**

Advocate using all the legal tools that the Colombian law must defend the bodies of water for which we are responsible. For example, one of this important law is the Political Constitution of Colombia of 1991, called the green constitution, raised to a constitutional norm the consideration, management and conservation of natural resources and the environment, through the following fundamental principles are:

- ***Right to a healthy environment:*** In Article 79, the National Constitution (CN) enshrines that: All people have the right to enjoy a healthy environment. The Law will guarantee the participation of the community in decisions that may affect it. It is the duty of the State to protect the diversity and integrity of the environment, conserve areas of special ecological importance and promote education for the achievement of these purposes. This constitutional norm can be interpreted in solidarity with the fundamental principle of the right to life, since this could only be guaranteed under conditions in which life can be enjoyed with quality.
- ***The environment as a common heritage:*** The CN incorporates this principle by imposing on the State and individuals the obligation to protect cultural and natural wealth (Article 8), as well as the duty of individuals and citizens to protect natural resources and to ensure the conservation of the environment (Art. 95). In developing this principle, Art. 58 consecrate that: property is a social function that implies obligations and, as such, an ecological function is inherent to it. Plus, Art. 63 states that: The public property, the natural parks, the communal lands of ethnic groups, the lands of defense, the archaeological heritage of the Nation and the other assets determined by the Law, are inalienable, imprescriptible, and indefeasible.
- ***Sustainable development:*** Defined as the development that leads to economic growth, to the elevation of the quality of life and social welfare, without exhausting the base of the renewable natural resources on which it is sustained, nor deteriorating the environment or the right of future generations to use it for the satisfaction of their own needs, the CN in development of this principle, enshrined in Article 80 that: The State



will plan the management and use of natural resources to ensure their sustainable development, conservation or replacement. In addition, it must prevent and control the environmental deterioration factors, impose the legal sanctions and demand the repair of the damages caused. Likewise, it will cooperate with other nations in the protection of ecosystems located in border areas. This implies ensuring that the satisfaction of current needs is carried out in a way that does not compromise the ability and the right of future generations to satisfy their own needs.

**Thematic normativity:** The Waterkeeper will apply the norms and environmental principles contained in the Political Constitution presented in the table below, in others one of Colombia.

**TABLE 1: NORMS AND ENVIRONMENTAL PRINCIPLES CONTAINED IN THE POLITICAL CONSTITUTION OF COLOMBIA**

<b>ART.</b>	<b>TOPIC</b>	<b>CONTENT</b>
<b>7</b>	Ethnic and cultural diversity of the Nation	It expressly recognizes the ethnic and cultural plurality of the Nation and the duty of the State to protect it.
<b>8</b>	Cultural and natural wealth of the Nation	It establishes the obligation of the State and of the people to preserve the natural and cultural wealth of the Nation.
<b>49</b>	Health care and environmental sanitation	It consecrates health care and environmental sanitation as a public service and orders the State to organize, direct and regulate them.
<b>58</b>	Ecological function of private property	It establishes that property is a social function that implies obligations and that, as such, an ecological function is inherent to it.
<b>63</b>	Benefit of public use	Determines that public property, natural parks, communal lands of ethnic groups and other property determined by law, are inalienable, imprescriptible, and indefeasible.
<b>79</b>	Healthy environment	It establishes the right of all people in the country to enjoy a healthy environment
<b>80</b>	Management planning and use of natural resources	Establishes as a duty of the State the planning of the management and use of natural resources.
<b>88</b>	Popular actions	It consecrates popular actions for the protection of collective rights and

		interests on the environment, among others, under the regulation of the law
95	Protection of the country's cultural and natural resources	Establishes as a duty of the people, the protection of the cultural and natural resources of the country, to ensure the conservation of a healthy environment.
330	Administration of indigenous territories	It establishes the autonomous administration of indigenous territories, with areas of application in land use and the preservation of natural resources, among others.

Other laws that protect the environment and the communities that live near the dike channel are attached in the annexes.

## V. QUALITY STANDARDS.

The proposed Waterkeeper will abide by the quality standards of the Waterkeeper Alliance, under the following terms:

**1. Employ a full-time, paid, non-governmental public advocate for the identified water body, who identifies him or herself with the Waterkeeper mark and who serves as the primary spokesperson for the water body.**

The proposed Waterkeeper organization will be able to rely on Ms. Gladys Esther Cervantes Vargas as the Executive Director, and Mr. Nemeccio González Peña as the Canal del Dique Waterkeeper, he publicly will defend the canal del Dique basin since he is a certified lawyer. As the organization develops and strengthens, another's people like environmental engineer and attorneys who could be hired to serve as defender for other environmental cases and can therefore, assist the cases that the Waterkeeper is involved with. The workload of the assigned Waterkeeper and others will be full time, paid and we will be wearing uniform and logos while patrolling, to be clearly identified as the Canal del Dique Waterkeeper.

**2. Maintain a vessel clearly identified as the “Canal del Dique Waterkeeper” vessel that is readily available and actively used for patrols of User’s watershed (unless the Waterkeeper Alliance Board grants permission for use of an alternative means for patrol and public awareness).**

One of our main objectives will be to raise funds to acquire a boat that will allow us to patrol our area of jurisdiction soon. While this is achieved, other means will be used to patrol, for instance, patrolling rounds will be done by driving around the area of

influence, which will be scheduled as part of our regular workload. In addition, we have contacts within the police and national army to have access to a vessel at any time of day or night throughout the week. We can use these boats to patrol the area or to attend a particular pollution incident. We would not be driving the boat but would be able to determine the location that the boat goes before hand. When we have our own boat, it will be clearly labeled as “CANAL DEL DIQUE WATERKEEPER”.

### **3. Be a 501(c)(3) or 501(c)(4) organization or international equivalent or be sponsored by a 501(c)(3) or 501(c)(4) organization or international equivalent.**

Canal del Dique Waterkeeper will be sponsored by AMIGOS DE LA TIERRA Foundation, a non-profit organization registered in the chamber of Commerce in Cartagena - Colombia (registration number NIT 806016473-4). The proposed Waterkeeper, will gain its judicial status as an ESAL (ENTIDAD SIN ANIMO DE LUCRO) (Non-Profit Entity), and will abide by the Colombian legislation (Colombian Political Constitution, Civil Code and tributary norms regarding this type of entities, as stated in the Tributary Statute of Colombia).

### **4. Develop a constituency or membership at a grassroots level.**

Our proposed Waterkeeper will design and implement a membership system, being based on the experience of other Waterkeeper organizations, which will allow the public to support us and follow up in our activities. We expect to recruit around 10% of the 1,000 inhabitants within the cities near the Canal del Dique and our area of exclusive jurisdiction. These people are mostly of a low socio-economic status and income. Most of these people are artisanal fishermen and housewives that do not have a formal education past primary school.

### **5. Use best efforts to maintain representational standing.**

Canal del Dique Waterkeeper like organizations outside of the U.S., we will use our country's law requires for to have the legal capacity to bring a lawsuit in court to enforce environmental standards, and we explain what steps we will take to ensure that our organization will be able to bring environmental enforcement litigation in court.

We will offer complete and solid juridical advice to the community within the affected area, to determine threats, detect the offending parties, and the violated regulations, etc. We will then present what is known as “Acciones Populares” (*class action suits*). These are based on the protection of common interests, relating to a healthy environment, ethical administration, and public health. – These constitutional actions were developed through the Law/Article 472 of 1998. However, we would like to clarify that legal actions will be determined according to the severity and conditions of each situation, since our legislation allows for numerous tools and procedures.

## **6. Establish an easily located, identifiable telephone number to which citizens can report pollution incidents or concerns.**

Canal del Dique Waterkeeper will establish easy to find phone numbers for the community to communicate with the Waterkeeper and place their requests or complaints regarding the damage caused to the waterway we care for. The numbers are + 57 315 6544555 and + 57 312 4922360.

## **7. Identify and respond to citizen complaints.**

How Waterkeeper organization we will work with the various communities behind Canal del Dique by subdividing the human settlements into sectors throughout the 115 kilometers (almost 72 miles) of our jurisdiction. We will group these sectors according to their socio-economic and cultural characterization and cater our outreach to spread awareness and gain recognition and position the canal del Dique Waterkeeper organization and to learn and follow up with the main issues in these communities. We will design support strategies and promote citizen monitoring while we will develop the legal tools offered by our legislation regarding citizen participation. This will allow us to directly interact and service the population, their community leaders and to receive their complaints. Or stakeholders will learn about the objectives and scope of our organization, and they will receive newsletters with our address and contact information, for those who would like to come directly into our office.

## **8. Advocate and enforce compliance with environmental laws, including the use of litigation and administrative challenges against polluters in appropriate circumstances.**

In order to achieve this goal, it is necessary to strengthen and promote citizen participation regarding environmental issues. We will play a critical role in educating the population about their civil and environmental rights, showing them how to enforce them, and about the use of natural resources in a sustainable way. This way, they do not participate in environmental destruction due to their lack of knowledge or alternatives. The Colombian legislation provides numerous mechanisms, which will be further discussed in more detail in the appendices. However, it is important to mention that as a Non-Governmental Organization, we are interested in participating as a social actor and stakeholder in all public audits that are convened by national, regional, and local environmental authorities. We wish to be heard as the representatives of our communities and our watershed.

As we saw, the environmental legislation of Colombia is abundant and provides numerous judicial tools that allow implementing all the strategic areas needed to fight and overcome environmental threats. The environment has been protected by our National Constitution, even a Code for Natural Resources, numerous decrees and laws that aim at protecting biodiversity, water legislation, citizen participation, etc. Within this legislative scheme and the commitment made by the executive branch in its

National Development Plan – PND, 2006-2010. This plan has been incorporated in the action statement of the Integrated Management for Water Resources) GIRH. The national development plan also establishes that it is necessary to treat water management as a strategy with national character from an environmental and integrated perspective by acknowledging the regional diversity and the potential participation of social and institutional stakeholders/parties.

We have the legal tools that recognize the importance of citizen participation as a bridge between the affected community within our area of influence and the national government, both regional and local. All concrete actions that are initiated for each one of our previously identified sectors will have the same components of law and legal tools.

Managing our aquatic resources will generate at the same time, the tools to promote citizen participation, according to the guidelines emitted by the Ministry of the Environment in 1999 and the National Development Plan. One of the principal tools used is the Decree 1729 of 2002, regarding citizen participation and the formulation and implementation of regulation and management plans in watersheds.

## **9. Participate actively in the Waterkeeper Alliance, including, but not limited to:**

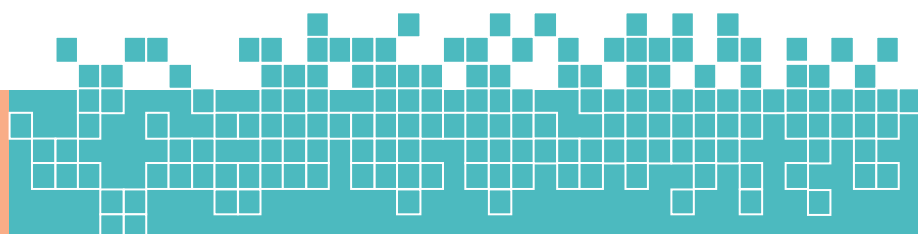
**a.- Inclusion of Waterkeeper Alliance (180 Maiden Ln. Suite #603 New York, NY 10038) on mailing lists of Waterkeeper’s publications, newsletters, and mailings.** Once the Canal del Dique Waterkeeper has been approved, we will abide by this standard of the Waterkeeper Alliance.

**b.- Notification to the Waterkeeper Alliance of filing of lawsuits.** We will periodically inform the Waterkeeper Alliance about the development of all of our activities, including the legal actions being pursued.

**c.- Regular attendance at Waterkeeper Alliance conferences.** Once we are tested as a Waterkeeper program we hope to participate in the meetings of the Waterkeeper Alliance at large and regional level in Latin America. We were able to interact with numerous other international programs and Waterkeeper staff.

**d.- Subscription to Waterkeeper Alliance listserv.** We will establish a website for the organization in the medium term. Initially, we will create an email account for the program and subscribe to the list server once we are accepted into this movement of advocates, the e-mail is: [canaldeldiquewaterkeeper@gmail.com](mailto:canaldeldiquewaterkeeper@gmail.com).

**e.- Inclusion of the Waterkeeper Alliance collective mark and the “Canal del Dique Waterkeeper” name in promotional materials, including newsletters, brochures, website, and letterhead. (On letterhead, the Waterkeeper may substitute the words “Waterkeeper Alliance member” or similar in lieu of the Waterkeeper Alliance collective mark.)**



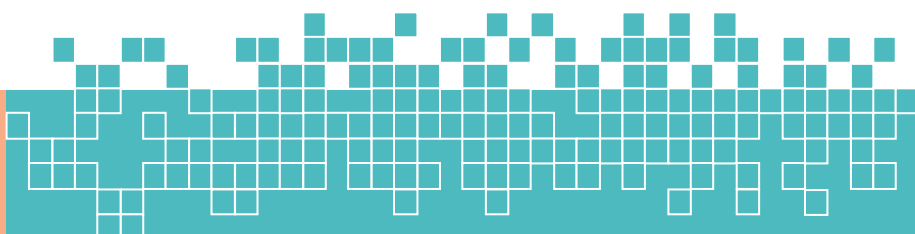
We are committed to abide by this quality standard of the Waterkeeper Alliance. This will take place at the exact moment of the inclusion of the organization or now of approval, the NGO will receive the name CANAL DEL DIQUE WATERKEEPER, which will allow the local, national and international community, to clearly identify that the program is part of the Waterkeeper Alliance. In addition, the fact that we are part of the Alliance, will allow us to receive all the support given to all the programs, using the logo for newsletters, etc. The program will also follow the duties stipulated by the Alliance, to reach a balance between rights and duties.

**e.- Establish a physical office space within the Waterkeeper's watershed. (Please provide physical address here).** The Canal del Dique Waterkeeper organization will have a fixed office, where the mail will be received, the public will be welcomed, and we will have an email address and local telephone line. Our office is currently located at: AMIGOS DE LA TIERRA Foundation at: Alameda la Victoria, Manzana 1, Lot 2, Cartagena de Indias, Colombia. Once the organization is approved, we will install two exclusive telephone lines for the public to use. The Waterkeeper organization will have a physical space, easily accessed by the public, in which we can develop the social component of the program, and personally deal with the community complaints. The office will be in a centrally visible area, as we will try to place ourselves in a medium term, in an accessible area of Canal del Dique.

**f.- Adhere to generally accepted accounting practices (GAAP) and IRS rules or international equivalent.** AMIGOS DE LA TIERRA Foundation, sponsor of Canal del Dique Waterkeeper, complies with the rules of the International Financial Reporting Standards (IFRS), which are the set of international accounting standards promulgated by the International Accounting Standards Board (IASB), that establishes the requirements of recognition, measurement, presentation and disclosures about the transactions and economic events that affect a company and that are reflected in the financial statements. So, the Congressional approval of the Law 1314 of 2009 which is sanctioned by the President of the Republic, established that the accounting normative of Colombia should be converged with International Financial Reporting Standards (IFRS). As a Non-government organization, we are committed to follow the norms pertaining to this sort of organization, stated in the Tributary Statute of Colombia, which mandates us to have a Fiscal Supervisor, which will be a professional of Public Accounting.

**g.- Develop strategic and fundraising plans to guide the Waterkeeper organization.** Once accepted as a Waterkeeper program we will work on a more formal annual action plan. The plan includes three main portions that allow us to group environmental threats, and thereof, design specific actions that will have indicators and an objective to be achieved. The three portions are:  
Ecosystem and Biodiversity

Social Context/Component/Surroundings



**h.- Maintain a high level of integrity and avoid conduct (financial or otherwise) that is improper or creates the appearance of impropriety (financial or otherwise) or injures the reputation of the Waterkeeper, mark holder and Waterkeeper Alliance. Examples include receiving financial benefit or employing staff who receive financial benefit for advocacy or conduct that conflicts with the mission of the Waterkeeper organization or Waterkeeper Alliance.**

Canal del Dique Waterkeeper will be very careful in the use of the Waterkeeper brand and avoid any practice that would damage its reputation. Amigos de la Tierra Foundation every day works with ethics and Transparency, all the activities of the program will be framed within the values of ethics and transparency, so that there are no conflicts of interest between the activities of the organization and Waterkeeper Alliance or private or governmental agencies, which can be under accusations from the community under our guidance.

## **VI. ORGANIZATIONAL AND FUNDRAISING STRATEGY.**

To guarantee the sustainability of the canal del Dique Waterkeeper organization, we have different organizational and funding strategies, will be considered:

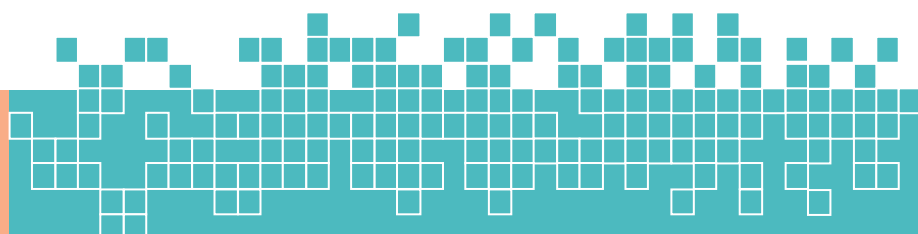
### **Organizational Strategy**

Amigos de la Tierra Foundation look like now as a non-profit organization with particular focus on afro-community work, with the people lives near the watershed and great sensibility for subjects related to the environment and wildlife conservation of the Canal del Dique. The staff is integrated for ten persons who work so hard for the people and the canal del Dique basin.

As Canal del Dique Waterkeeper we hope in two years to have a membership with the persons who live at the communities near the canal del Dique, like members and volunteers working so hard for the watershed. We think to implemented strategies will include positioning the organization in five years within its exclusive jurisdiction and interact with the communities Arjona, Arroyo Hondo, Mahates, Calamar, San Cristóbal, Soplaviento, San Estanislao de Koska, María la Baja, Turbana y Turbaco surrounding the protected watershed. Our legal cases will be representing these interests and their afflictions. We will develop relationships with the environmental authorities in this jurisdiction.

Our proposed Waterkeeper will design and implement a membership system, being based on the experience of other Waterkeeper organizations, which will allow the public to support us and follow up in our activities.

The implemented strategies will include positioning the organization within its exclusive jurisdiction and interact with the communities surrounding the protected watershed. Our legal cases will be representing these interests and their afflictions. We will also work with higher education institutions in Cartagena. These universities have Social Action departments and undergraduate programs in Environmental Engineering



and similar careers. We will develop relationships with the environmental authorities in this jurisdiction. We will provide counseling for industrial enterprises located within the area of influence, through their Environmental Management department.

We are ready to undertake lawsuits, disputes, resolve conflicts, and civilian administrative actions brought to the environmental authorities, among others. According to Colombian legislation as a juridical person, in our case (as an NGO) we can represent people in court cases/disputes. Our mission will consist in commissioning a lawyer for the community that will represent the environmental causes and who will serve as the representative of the person or group of people that have been affected or are victims of an ecological damage or issue.

### **Fundraising Strategy**

To guarantee the sustainability of the Waterkeeper organization Canal del Dique, raise money to support the budget/action plan by different funding strategies and various perspectives will be considered:

**Participating in forums to present environmental projects with international and national cooperation.** This strategy clearly refers to the proposal of projects to international organizations that have been previously identified, and that regularly publish open forums for NGO(s) to present the projects leading to Latin-American development, in different aspects, such as gender topics, education and environmental issues.

**Portfolio of services** offered to municipal mayoralty of the communities that are close to the Canal del Dique, regarding environmental consulting, according to Colombian environmental legislation.

**Implement a membership plan.** To implement a membership, plan we are hoping to obtain a monthly average of \$300 USD. This will be our goal for the first two years, meaning, that we will manage to obtain participation from environmental and judicial people that will contribute with this estimated value to the program monthly. In Colombia, gathering this kind of source of revenue is an attainable amount; the hardest part will be identifying and retaining the interest from the participants for this membership program.

**Sell promotional or ornamental items,** which will include key chains, t-shirts, stuffed animals, etc., alluding to the Waterkeeper program in the Canal del Dique. The first step will be to approach various micro-enterprises that are specialized in this kind of activity, once the best proposed quote is selected, we will proceed with the negotiations. The goal would be to gain from each item a minimum of 30 to 50 % of the investment by the dozen. The goal is to raise at least \$250 USD from this activity that is mainly geared at complimenting the other sources of income. These are the set goals of our income; however, it will be hard to achieve. On the other hand, these



estimations/calculations cannot be made taking into consideration the purchasing power of the currency when exchanged into dollars.

## VII. BUDGET:

The initial budget for the first year is presented in the following section; as well as an estimate for the second year and a projection for the fifth year.

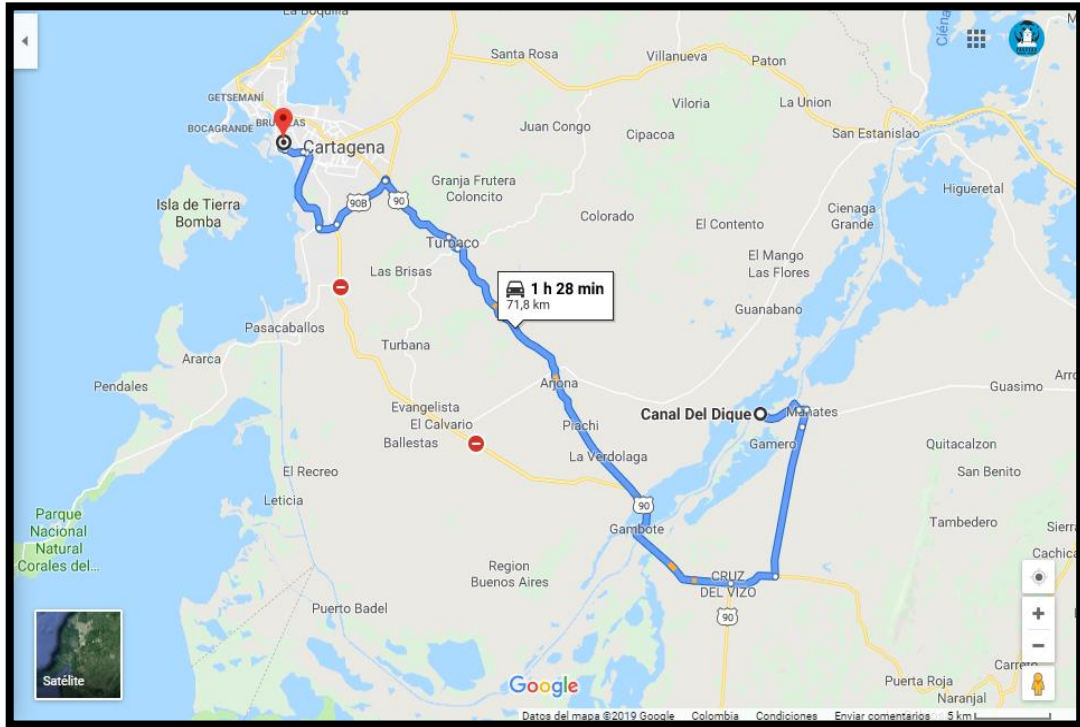
CONCEPT	FIRST YEAR	SECOND YEAR	FIFTH YEAR
Office/Personnel. - USD/Annual	1.500	1.600	<b>1.800</b>
Materials	400	500	<b>700</b>
Telephone, Internet	400	500	<b>700</b>
Waterkeeper salary	400	500	<b>700</b>
Shipping expenses	400	500	<b>700</b>
Fuel	400	500	<b>700</b>
Living expenses	400	500	<b>700</b>
Campaigns. Resources	400	500	<b>700</b>
Waterkeeper's Conferences	400	500	<b>700</b>
Water quality monitoring	400	500	<b>700</b>
Licenses, permits, arrangements	400	500	<b>700</b>
Furniture. Computer, camera, equipment	400	500	<b>700</b>
Advertising	400	500	<b>700</b>
Membership	50	50	<b>50</b>
<b>Total USD</b>	<b>5.350</b>	<b>7,650</b>	<b>10,250</b>

An approximation of our expected revenue is summarized in the table below:

<b>CONCEPT</b>	<b>FIRST YEAR</b>	<b>SECOND YEAR</b>
<b>Office/Personnel. - USD/Annual</b>	1,500	<b>1,600</b>
<b>Materials</b>	400	<b>500</b>
<b>Telephone, Internet</b>	400	<b>500</b>
<b>Waterkeeper salary</b>	400	<b>500</b>
<b>Shipping expenses</b>	400	<b>500</b>
<b>Fuel</b>	400	<b>500</b>
<b>Living expenses</b>	400	<b>500</b>
<b>Campaigns. Resources</b>	400	<b>500</b>
<b>Waterkeeper's Conferences</b>	400	<b>500</b>
<b>Water quality monitoring</b>	400	<b>500</b>
<b>Licenses, permits, arrangements</b>	400	<b>500</b>
<b>Furniture. Computer, camera, equipment</b>	400	<b>500</b>
<b>Advertising</b>	400	<b>500</b>
<b>Membership</b>	50	<b>50</b>
<b>Total USD</b>	<b>5,350</b>	<b>7,650</b>

## VIII. JURISDICTION.

Jurisdictions (include a map and note watershed jurisdictions in square miles)



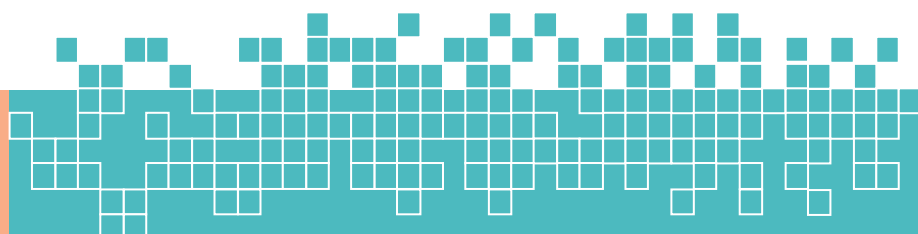
### Canal del Dike Map. Source:

<https://www.google.com/maps/dir/Canal+Del+Dique/10.3932884,-75.5168926/@10.2635341,-75.496771,11z/data=!3m1!4b1!4m10!4m9!1m5!1m1!1s0x8e589a8811140d33:0x5002e0f85200f041!2m2!1d-75.2244334!2d10.2341771!1m1!4e1!3e0>

### Jurisdiction in nautical miles:

The Canal del Dique is 115 km in length, Canal del Dique Waterkeeper is protecting the basin (including communities like: Arjona, Arroyo Hondo, Mahates, Calamar, San Cristóbal, Soplaviento, San Estanislao de Koska, María la Baja, Turbana y Turbaco) that's in square miles 72.

We will group these sectors according to their socio-economic and cultural characterization and cater our outreach to spread awareness and gain recognition and position the Waterkeeper organization and to learn and follow up with the main issues in these communities. We will design support strategies and promote citizen monitoring while we will develop the legal tools offered by our legislation regarding



citizen participation. This will allow us to directly interact and service the population, their community leaders and to receive their complaints. Or stakeholders will learn about the objectives and scope of our organization, and they will receive newsletters with our address and contact information, for those who would like to come directly into our office.

## IX. WATERKEEPER PROFILE.

In Canal del Dique Waterkeeper, Nemecio González Peña has the role of Waterkeeper, he is suited to perform, as his experiences and professional and academic skills fit perfectly within the following profile, because he has career in Law, with a specialization in the area of Public Sector, so has some broad experience as a litigating lawyer and experience in private sector with a particular focus in afro-community work and great sensibility for subjects related to the environment and wildlife conservation in Amigos de la Tierra Foundation; then equally experienced in the design and organization of training programs, event planning and community management.

## ANNEXES.

**ANNEX A:** Some normative instruments for participation:

Legal instruments that have allowed for citizens to exert social control on regulations and have also allowed for the emergence of uncountable organizations of civil society that have contributed to conservation of watersheds and hydraulic resources

**TABLE 2: GENERAL COLOMBIAN'S RULES**

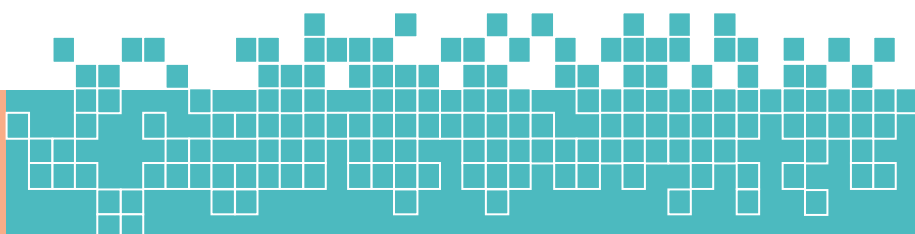
<b>Decree law 2811 of 1974</b>	National code of renewable natural resources and non-renewable RNR and environmental protection. The environment is common heritage, the state and individuals must participate in its preservation and management. Regulates the management of the RNR, the defense of the environment and its elements.
<b>Law 23 of 1973</b>	Fundamental principles on prevention and control of air, water and soil pollution and empowered the President of the Republic to issue the Code of Natural Resources
<b>Law 99 of 1993</b>	Creates the Ministry of the Environment and Organizes the National Environmental System (SINA). Reforms the Public sector in charge of environmental management. It organizes the National Environmental System and demands the Planning of the environmental management of projects. The principles that stand out and that are related to the port activities are: The definition of the foundations of the environmental policy, the structure of the SINA headed by the Ministry of the Environment, the

	environmental licensing procedures as a requirement for the execution of projects or activities that may cause damage to the environment and mechanisms for citizen participation in all stages of development of this type of project.
<b>Decree 1753 of 1994</b>	Defines the environmental license: nature, modality, and effects; content, procedures, requirements and competences for the granting of it.
<b>Decree 2150 of 1995 and its regulatory standards.</b>	Regulates environmental licensing and other permits. Define the cases in which Environmental Diagnosis of Alternatives, Environmental Management Plan and Environmental Impact Study should be presented. Suppresses the ordinary environmental license
<b>Law 388 of 1997</b>	Municipal and District Territorial Ordinance and Land Management Plans.
<b>Law 491 of 1999</b>	Defines the ecological insurance and crimes against natural resources and the environment and modifies the Penal Code
<b>Decree 1122 of 1999</b>	By which rules are issued for the suppression of procedures.
<b>Decree 1124 of 1999</b>	By which the Ministry of the Environment is restructured

**TABLE 3: REGULATIONS ON WILD FLORA AND FORESTS**

<b>Law 2 of 1959</b>	Forest reserve and soil and water protection
<b>Decree 2811 of 1974 Book II, Part VIII</b>	Of the forests, of the areas of forest reserve, of the forest exploitation, of the reforestation. Art. 194 Scope of application; Art. 195-199 Definitions; Art. 196, 197, 200 and 241 Protection and conservation measures; Art. 202 to 205 Forest areas Art. 206 to 210 Forest reserve areas; Art. 211 to 224 Forestry exploitation
<b>Decree 877 of 1976</b>	Uses of the forest resource. Areas of forest reserves
<b>Decree 622 of 1977</b>	About National Parks PNN
<b>Decree 2787 of 1980</b>	Partially regulates Decree Law 2811 of 1974
<b>Law 29 of 1986</b>	Regulates areas of protective forest reserve

<b>Resolution 868 of 1983</b>	On rates of forest exploitation
<b>Law 139 of 1994</b>	Create the Forest Incentive Certificate CIF
<b>Law 299 of 1995</b>	By which the Colombian flora is protected.
<b>Decree 1791 of 1996</b>	Forest utilization regime and regional agreements for this purpose.
<b>Conpes Document 2834 of 1996</b>	Forest policy
<b>Decree 900 of 1997</b>	Regulates the Forest Incentive Certificate CIF
<b>Resolutions of the Ministry of the Environment (INDERENA) and Regional Autonomous Corporations</b>	Establish closures of several plant species, nationally (INDERENA or Ministry of the Environment), or regional (Regional Autonomous Corporations).
<b>Resolutions 0316 of 1974</b>	Indefinite ban of plant species: Colombian pine, hojaras, molinillo, caparrapí and oak
<b>Resolutions 213 of 1977</b>	Total lichen and quiche ban
<b>Resolutions 0801 of 1977</b>	Permanent ban of tree ferns
<b>Resolutions 0463 of 1982</b>	Partial Veda of the plant species Vara of the Pacific Coast
<b>Mangroves Resolution 1602 of 1995</b>	Measures are taken to protect and conserve mangrove areas.
<b>Resolution 020 of 1996</b>	Clarifies 1602-95. Establish PMA for use of the mangrove
<b>Resolution 257 of 1977</b>	Establishes basic conditions of sustainability of the ecosystem and surrounding areas
<b>Decree 1681 of 1978</b>	Management and control of hydrobiological and environmental resources



**TABLE 4: REGULATIONS ON WILDLIFE AND HUNTING**

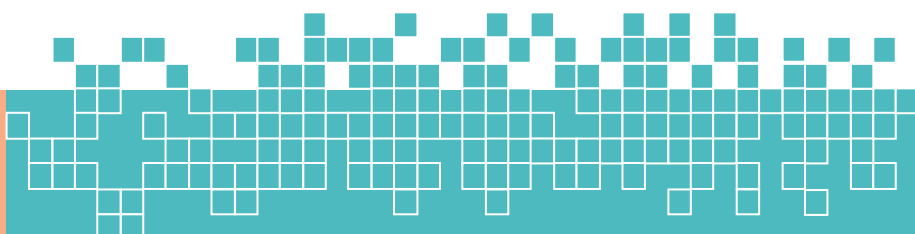
<b>Decree-Law 2811 of 1974 Part IX</b>	Protection and conservation of wildlife: Art. 247 Ensures the protection and management of wildlife Art. 248 Defines the application system Art. 249 Definitions Art. 258, (literals C and D) Administration powers for the protection of wildlife Fishing protection and conservation: Art. 266 Ensures conservation, promotion and use of hydro-biological resources Art. 270 Definitions Art. 283, (literals B and C) Prohibitions.
<b>Decree-Law 1608 of 1978  Wildlife species ban</b>	Regulates the preservation, conservation, restoration and promotion of wildlife. Art. 1,2,3 Objectives, scope of application Art. 4 Definitions Art.5 Species that do not fulfill their entire life cycle in the aquatic environment Art. 220 General prohibitions.  There are more than 30 resolutions where prohibitions, prohibitions and restrictions on the exercise of hunting are established.
<b>Law 13 of 1990</b>	General fishing statute.
<b>Law 84 of 1989</b>	Adopts the National Statute for the protection of animals

**TABLE 5: REGULATIONS ON WATER RESOURCES**

<b>Decree 2811 of 1974, book II part III</b>	Article 99: Establishes the obligation to process the respective permit to exploit trawl material  Art. 77 to 78 Classification of waters.  Art. 80 to 85: Domain of the waters and channels.  Art. 86 to 89: Right to use water.  Art.134 to 138: Pollution prevention and control.  Art. 149: groundwater.  Art.155: Administration of water and channels.
<b>Decree 1449 of 1977</b>	Provisions on conservation and protection of waters, forests, terrestrial and aquatic fauna
<b>Decree 1541 of 1978</b>	Inland waters: Art. 44 to 53 Characteristics of concessions, Art. 54 to 66 Procedures for granting surface and underground water concessions, Art. 87 to 97: Exploitation of trawl material, Art. 104 to 106: Occupation of riverbeds and permit of occupation of riverbeds, Art. 211 to 219: Control of vertimientos, Art. 220 to 224: Shedding for domestic and municipal use, Art. 225: Shedding for agricultural use, Art. 226 to 230: Shedding for industrial use, Art. 231: Regulation of vertimientos.
<b>Decree 1681 of 1978</b>	About hydrobiological resources
<b>Law 09 of 1979</b>	National health code Art. 51 to 54: Control and prevention of water for human consumption. Art. 55 surface Waters. Art. 69 to 79: wáter purification
<b>Decree 2857 of 1981</b>	Watershed management and protection
<b>Decree 2858 of 1981</b>	Modifies Decree 1541 of 1978



<b>Decree 2105 of 1983</b>	Partially regulates Law 09 of 1979 on purification and supply of water for human consumption
<b>Decree 1594 of 1984</b>	Rules for liquid waste disposal Art. 1 to 21 Definitions. Art. 22-23 Ordinance of water resources. Art. 29 Uses of water. Art. 37 to 50 Water quality criteria Art. 60 to 71 Shedding of licit waste. Art. 72 to 97 Discharge rules. Art. 142 Remuneration rates. Art. 155 procedure for taking and analyzing samples
<b>Decree 2314 of 1986</b>	Water concession
<b>Decree of 1986 79</b>	Conservation and protection of water resources
<b>Decree 1700 of 1989</b>	Creates Drinking Water Commission
<b>Law 99 of 1993</b>	Art. 10, 11, 24, 29: Prevention and control of water pollution. Remuneration rates.
<b>CONPES Document 1750 of 1995</b>	Water management policies
<b>Decree 605 of 1996</b>	Regulates purification and water supply procedures for human consumption
<b>Decree 901 of 1997</b>	Remuneration rates for punctual liquid discharges to bodies of water
<b>Law 373 of 1997</b>	Efficient use and water saving
<b>Decree 3102 of 1998</b>	Installation of low water consumption equipment
<b>Decree of 1998 475</b>	Some technical standards of water quality
<b>Decree 1311 of 1998</b>	Regulates letter G of article 11 of law 373 of 1997



**TABLE 6: REGULATIONS ON SOLID WASTE**

<b>Law 09 of 1979</b>	Sanitary measures on solid waste management
<b>Resolution 2309 of 1986</b>	Defines special waste, identification criteria, treatment, and registration. Establish surveillance and security compliance plans.
<b>Resolution 541 of 1994</b>	It regulates the loading, unloading, transportation, storage and final disposition of debris, concrete materials and loose aggregates of construction.
<b>Law 142 of 1994</b>	Dictates the domiciliary public services regime
<b>CONPES Document 2750 of 1994</b>	Policies on solid waste management
<b>Resolution 0189 of 1994</b>	Regulation to prevent the introduction into the national territory of hazardous waste.
<b>Decree 605 of 1996</b>	Regulates the law 142 of 1994. Regarding the management, transport, and final disposal of solid waste
<b>Law 430 of 1998</b>	By which prohibitive norms are dictated in environmental matter referring to the dangerous wastes and other dispositions are dictated.
<b>Decreto Reglamentario 2462 de 1989</b>	Regulates the procedures for the exploitation of construction materials.
<b>Resolución 0189 de 1994</b>	Regulation to prevent the entry of hazardous waste into the national territory.

**TABLE 7: NORMATIVITY ON THE SOIL RESOURCE**

<b>Decree 2811 of 1974 Part VII</b>	Agricultural land and non-agricultural land uses.
<b>Decree 2655 of 1988</b>	Code of Mines of Colombia
<b>Reglamentary Decree 2462 of 1989</b>	On exploitation of construction materials.
<b>Law 388 of 1997, Artículo 33</b>	Territorial ordering, which regulates land uses

**TABLE 8: REGULATIONS ON SEAS AND COASTS**

<b>Law 34 of 1971</b>	Creates the General Directorate of Navigation and Ports of Colombia
<b>Decree 2811 of 1974</b>	Of the sea and its background. Protection and permissions
<b>Law 75 of 1978</b>	Assigned to the Navy of the Republic of Colombia functions of control and surveillance
<b>Decree 1874 of 1979</b>	Protection and prevention of pollution of the marine environment
<b>Decree 1875 of 1979</b>	The concept of marine pollution is defined, and protection standards are dictated
<b>Decree 76 of 1979</b>	
<b>Law 10 of 1979</b>	Creates the Coast Guard Corps of Colombia
<b>Law 1 of 1991</b>	Creates the Coast Guard Corps of Colombia
<b>Documento CONPES 2147 –1991</b>	Port expansion plan 91-93
<b>Decree 2721 of 1991</b>	Regulates the handling, transportation, unloading and storage of chemical products in ports
<b>Decree 838 of 1992</b>	Partially regulates Law 1 of 1991. Regime of concessions and port licenses
<b>Resolution 153 of 1992</b>	Technical regulation of the operation of ports
<b>Documento CONPES 2688- 1993</b>	Port expansion plan 93-95
<b>Law 99 of 1993</b>	Art. 5 Functions of the MMA. Art. 18 INVEMAR. Art. Competences of the MMA in port matters.
	Art. 103 Support of Armed Forces. Art. 104 Colombian Oceanography Commission.
<b>Decree 1753 of 1994</b>	Art. 7: Environmental licensing of ports, Art. 16: Competencies for evaluation, control and sanctions

<b>CONPES Document - 1996</b>	Port expansion plan 95-97
<b>Resolution 930 of 1996</b>	Regulates the reception of waste generated by ships in ports, terminals, docks, and piers
<b>Law 300 of 1997</b>	tourism
<b>CONPES Document 2688- 1998</b>	Port expansion plan 97-99
<b>Industrial Security</b>	Resolution 2400 of 1979: Industrial safety in work areas Resolution 1405 of 1980: Committee on Hygiene and Industrial Safety  Decree 614 of 1984: Port health and epidemiological surveillance in ships and land vehicles

## FUNDACIÓN GUARDAGUAS DE CARTAGENA Y/O CARTAGENA BEEKEEPER

2019

