






# **Centralized National Risk Assessment for Colombia**

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## Risk assessments that have been finalized for Colombia

<b>Controlled Wood categories</b>		<b>Risk assessment completed?</b>
1	Illegally harvested wood	YES
2	Wood harvested in violation of traditional and human rights	YES
3	Wood from forests where high conservation values are threatened by management activities	YES
4	Wood from forests being converted to plantations or non-forest use	YES
5	Wood from forests in which genetically modified trees are planted	YES

## Risk designations in finalized risk assessments for Colombia

Indicator	Risk designation (including functional scale when relevant)
Controlled wood category 1: Illegally harvested wood	
1.1	Specified risk
1.2	Low risk
1.3	Specified risk for productive forest plantations and agroforestry systems under CIF, productive-protective forest plantations with harvesting operations and natural forests N/A for productive forest plantations and agroforestry systems not under CIF, productive-protective forest plantations without harvesting operations and protective forest plantations
1.4	Specified risk
1.5	Specified risk for natural forests N/A to forest plantations and agroforestry systems
1.6	Specified risk
1.7	Specified risk for forest plantations N/A to natural forests and agroforestry systems
1.8	Specified risk
1.9	Specified risk
1.10	Specified risk
1.11	Specified risk
1.12	Specified risk
1.13	Specified risk
1.14	Specified risk
1.15	Specified risk
1.16	Specified risk
1.17	Specified risk
1.18	Specified risk
1.19	Specified risk
1.20	Specified risk
1.21	N/A
Controlled wood category 2: Wood harvested in violation of traditional and human rights	
2.1	Low risk
2.2	Specified risk
2.3	Specified risk
Controlled wood category 3: Wood from forests where high conservation values are threatened by management activities	
3.0	Low risk
3.1	Specified risk for National Natural Parks and the sites declared by international initiatives (as in the assessment), networks of private protected areas, Biodiversity Hotspots, IBAs, KBAs and their neighboring forested areas Low risk for the rest of the country

3.2	Specified risk for IFLs, large PNNs, RAMSAR site of Delta Estuarine System of the Magdalena River, large National Natural Parks and major Biodiversity Hotspots (as listed in the assessment) Low risk for the rest of the country
3.3	Specified risk for RAMSAR site Delta Baudó River, ecosystems in the IUCN red list, Biosphere Reserves and neighboring forested areas Low risk for the rest of the country
3.4	Specified risk for National Natural Parks, Andean KBAs, riparian zones, paramos and natural forests bordering them Low risk for the rest of the country
3.5	Specified risk
3.6	Specified risk for National Natural Parks (UNESCO forest WHS and Cultural Features) and the Coffee cultural landscape Low risk for the rest of the country
Controlled wood category 4: Wood from forests being converted to plantations or non-forest use	
4.1	Specified risk
Controlled wood category 5: Wood from forests in which genetically modified trees are planted	
5.1	Low risk

# Risk assessments

## Controlled wood category 1: Illegally harvested wood

### Overview

Colombia covers a total area of 2,070,408 km<sup>2</sup> and has a continental surface area of 1,140,408 km<sup>2</sup>, of which by 2016 (according to SIAC, undated) 59.3 million hectares are covered with natural forest, approximately 51.9%. As such the country is considered to have a strong forestry potential. Natural forests constitute the main source of timber and grain for nearby communities and local industries. As at 2009, (experts' consultation in 2016 and quoted by World Bank et al. 2015), the country's forestry industry came from natural forests (84.1%), forest plantations (12.4%) and imports (3.5%).

According to information from the Ministry of the Environment and Sustainable Development (MADS, 2017), the ownership of natural forests is distributed in the following way:

1. Indigenous community lands (43.15%);
2. Afro community lands (5.50%);
3. National nature parks (15.58%);
4. Peasant reserves (2.27%); and
5. Others (among which forestry reserves and uncultivated lands together make up 33.49%).

The National Nature Parks bring together 59 natural areas which cover approximately 142,682 km<sup>2</sup> of the country's surface area, with indigenous communities and Afro-descendants in 26 of them and 0.50% in private and rural areas (Natural National Parks of Colombia, undated). These areas are governed by the Ministry of the Environment and Sustainable Development, the Special Administrative Unit for National Nature Parks. Licences for forestry land-use are processed through the Regional Autonomous Corporations (Corporaciones Autónomas Regionales de las Jurisdicciones, CARs), of which there are currently 33 (Minambiente, undated).

In order to access the forestry resources of the natural forest, it is necessary to comply with the Forestry Land-use System (Decree 1791 of 1996), which is to say:

1. Requesting the authorisation of the Regional Autonomous Corporation;
2. prior compliance with their terms of reference, which depending on the ownership (private or state) demands a formal application;
3. accreditation of ownership; and
4. a forestry management plan.

If the land is state owned, a statistical forest inventory must also be supplied, and in both cases, it is essential to guarantee the presence of remaining individuals from the different classes. The procedure is always carried out with the Regional Autonomous Corporation of the administrative area where the natural resource is located, no matter what the ownership system (Decree 1791 of 1996).

If the resource is found on collective land, the documentation must include an authorisation from the community leader and the results of a prior consultation (if it was necessary for the approval of a permanent forestry project) (Decree 1791 of 1996).

To date there are no forestry concessions in the country (consultation with experts in 2016), however there is forestry land-use in the natural forest of owners and private individuals, following the parameters laid down in the forestry land-use system. IDEAM (2011) reports indicate forestry land-use in natural areas of 17 million cubic metres between the years 2000 and 2011. The Pacific region contributes the most to this figure.

As for forest plantations, and according to Ministry of Agriculture and Rural Development and Finagro figures, between 1995 and 2014 a total of 487,702 hectares have been reforested. Of this, 258,076 hectares have received CIF funding, which is to say that 53% of all forest plantations are commercial (CONPES 2015). Forest plantations are primarily located on the Atlantic coast (Córdoba and Magdalena Bajo), the Andina region (Antioquia, Cauca) and Orinoquía. The region with the greatest planted area is Antioquia (94,716 ha), but Vichada has been increasing its share in recent years (65,079 ha). The current areas with planted forest contrast with the country's potential of 7.2 million hectares that have forestry capacity (MADR- UPRA, 2014 in World Bank et al., 2015)

Of a total of almost 70 species tried and tested in commercial reforestation, there are primarily 12 species used in the country, including: teak (*Tectona grandis*), melina (*Gmelina arborea*), acacia mangium (*Acacia mangium*), rose gum eucalyptus (*Eucalyptus grandis*), eucalyptus (*Eucalyptus tereticornis*), kapok (*Bombacopsis quinata*), oak (*Tabebuia rosea*), walnut (*Cordia alliodora*), cypress pine (*Cupressus lusitanica*), Caribbean pine (*Pinus caribea*), patula pine (*Pinus patula*), tecunumanii pine (*Pinus tecunumanii*) and oocarpa pine (*Pinus oocarpa*) (World Bank et al., 2015).

Any agroforestry system or forestry cultivation with commercial ends must register with the Colombian Agricultural Institute (ICA), a body delegated by the Ministry of Agriculture and Rural Development. However, if the forest plantation is protective-productive, it registers with the Regional Autonomous Corporation of the administrative area where the property that is to be reforested is located. That said, if the forest plantation or agroforestry system has accessed the incentive for the promotion of investment in reforestation called the Forestry Incentive Certificate (CIF), it should register with the ICA (Decree 1498 of 2008) and present a forestry establishment and management plan.

Forest plantations can be of three kinds (translated from art. 69 Chapter XI Decree 1791 of 1996): a) productive forest plantations: those of an industrial or commercial nature established in forest producing areas for the sole purpose of allocate them to forest use, b) protective-productive forest plantations: established in protective-producing forest areas, in which it can be carried out forest use conditioned to the maintenance or renovation of the plantation, c) protective fores plantations: established in areas of protective forests to protect or recover some renewable natural resource and in which secondary products can be used, such as fruits, latex, resins and seeds among others, ensuring the persistence of the resource.

When it is time to transport the product of the forestry land-use (from wild species or tree crops), a permit of mobilisation is requested from the body with whom the site is registered (ICA or Autonomous Corporation), a document that quotes the unique registration number, species, origin, volume or weight and the destination of the product being transported. Without this document unprocessed timber cannot be transported. From the second processing it is not necessary to carry the mobilisation document. Colombia has maintained an export ban on roundwood from natural forests since 1997 (resolution 12 of the Board of Overseas Trade) (source: WWF, 2015 and Forest Legality Initiative, 2016).

In Colombia the products of silviculture and timber extraction represent 0.2% of national GDP and 1.1% of agricultural GDP (encompassing farming, silviculture, hunting and fishing), showing very little growth compared to the other activities of this agricultural line. Approximately 3 million m<sup>3</sup> of timber are supplied by the forestry industry, and the generation of employment is estimated to be 74,000 jobs. This volume primarily supplies the demand associated with sawn timber and pulp for paper and cardboard. In spite of increasing demand for the products mentioned before, Colombia extracts 11 million m<sup>3</sup> of timber from Colombian natural forests every year, of which over 70% is used for fuel and coal (World Bank et al., 2015).

Colombia has devolved many state responsibilities to the regional level through the Regional Autonomous Corporations and Sustainable Development Corporations. These are dealt with in Heading VI of Act 99 of 1993 as public corporative entities, made up of territorial entities that because of their geographical characteristics constitute one single ecosystem or make up a geopolitical, biogeographic or hydro geographic unit. They have financial and administrative autonomy, their own assets and legal status, and are charged by law with administrating, within the area of their jurisdiction, the environment and renewable



natural resources and working for their sustainable development, in accordance with legal provisions and the policies of the Ministry of the Environment (Administrative Department of the Public Function, undated)

Article 33 of the aforementioned Heading VI indicates the existing Regional Autonomous Corporations, those created by the law and new denominations. The list is as follows (list includes name of the body, abbreviation in Spanish, jurisdiction (administrative area) and website) (Heading VI of Act 99 of 1993):

1. Alto Magdalena Regional Autonomous Corporation (CAM) - Huila Province: <http://www.cam.gov.co>
2. Cundinamarca Regional Autonomous Corporation (CAR) - Cundinamarca Province, with the exception of the municipalities included in the jurisdiction of the Guavio Regional Autonomous Corporation and the municipalities of the Cundinamarca Province that make up part of the CORPORINOQUIA jurisdiction: <http://www.car.gov.co>
3. Risaralda Regional Autonomous Corporation (CARDER) Risaralda Province: <http://www.carder.gov.co>
4. Canal del Dique Regional Autonomous Corporation (CARDIQUE) - Cartagena de Indias Province and the municipalities of Turbaco, Turbaná, Arjona, Mahates, San Estanislao de Koztka, Villanueva, Santa Rosa, Santa Catalina, Soplaviento, Calamar, Guamo, Carmen de Bolívar, San Juan, San Jacinto, Zambrano, Córdoba, and María la baja in the Bolívar Province: <http://www.cardique.gov.co>
5. Sucre Regional Autonomous Corporation (CARSUCRE) - Sucre Province, except for the municipalities that fall under the jurisdiction of the Sustainable Development Corporation of la Mojana and San Jorge, CORPOMOJANA: <http://www.carsucre.gov.co>
6. Santander Regional Autonomous Corporation (CAS) - 74 municipalities of the Santander Province, those which do not fall under the jurisdiction of CDMB: <http://www.cas.gov.co>
7. Sustainable Development Corporation of the North and East of the Amazon (CDA) - Vaupés, Guainía and Guaviare Provinces: <http://www.cda.gov.co>
8. Regional Autonomous Corporation for the Defence of la Meseta de Bucaramanga (CDMB) - Thirteen municipalities that make up the Province of Soto: Rionegro, El Playón, Suratá, Vetas, California, Matanza, Charta, Tona, Bucaramanga, Girón, Floridablanca, Lebrija and Piedecuesta: <http://www.cdmb.gov.co>
9. Regional Autonomous Corporation for the Sustainable Development of Chocó (CODECHOCO) - Chocó Province: <http://www.codechoco.gov.co>
10. Sustainable Development Corporation for the Archipelago of San Andrés, Providencia and Santa Catalina (CORALINA) - Archipelago of San Andrés, Providencia and Santa Catalina: <http://www.coralina.gov.co>
11. Centre of Antioquia Regional Autonomous Corporation (CORANTIOQUIA) - Municipalities of the province of Antioquia, except the land of the municipalities that form part of the jurisdiction of the Urabá Sustainable Development Corporation, CORPORINOQUÍA, and of the Regional Autonomous Corporation of the Ríonegro and Nare rivers, CORNARE: <http://www.corantioquia.gov.co>
12. Sustainable Development Corporation of the La Macarena Area of Special Management (CORMACARENA) - La Macarena Area of Special Management, mapped out in Decree 1989 of 1989, except for those that fall within the jurisdiction of the East Amazon Corporation for Sustainable Development, CDA and CORPORINOQUIA: <http://www.cormacarena.gov.co>
13. The Basins of the Rivers Negro y Nare Autonomous Regional Corporation (CORNARE) - Rionegro, Alejandría, Guatapé, Sonsón and San Luis in the province of Antioquia: <http://www.cornare.gov.co>
14. Magdalena Autonomous Regional Corporation (CORPAMAG) - Magdalena Province except the areas included in the jurisdiction of the Sustainable Development Corporation of the Sierra Nevada de Santa Marta: <http://www.corpamag.gov.co>
15. Sustainable Development Corporation for of the South of Amazonia (CORPOAMAZONIA) - Amazonas, Putumayo and Caquetá provinces: <http://www.corpoamazonia.gov.co>

16. Boyacá Regional Autonomous Corporation (CORPOBOYACÁ) - Boyacá province except the municipalities of Chiquinquirá, Saboyá, San Miguel de Sema, Caldas, Buenavista and Ráquira which are part of CAR; the municipalities of Pajarito, Labranzagrande, Paya, Pisba and Cubará which are part of CORPORINOQUIA; and the municipalities that belong to the Chivor Autonomous Regional Corporation CORPOCHIVOR: <http://www.corpoboyaca.gov.co>
17. Caldas Regional Autonomous Corporation (CORPOCALDAS) - Caldas Province: <http://www.corpocaldas.gov.co>
18. Cesar Regional Autonomous Corporation (CORPOCESAR) Cesar province except the areas included within the jurisdiction of the Sustainable Development Corporation of the Sierra Nevada de Santa Marta: <http://www.corpocesar.gov.co>
19. Chivor Regional Autonomous Corporation (CORPOCHIVOR) - Ventaquemada, Boyacá, Turmequé, Nuevo Colón, Viracachá, Ciénaga, Ramiriquí, Jenesano, Tibaná, Umbita, Chinavita, Garagoa, La Capilla, Tenza, Sutatenza, Guateque, Guayatá, Somondoco, Almeida, Chivor, Macanal, Santa María, San Luis de Gaceno and Campohermoso provinces: <http://www.corpochivor.gov.co>
20. La Guajira Regional Autonomous Corporation (CORPOGUAJIRA) - The province of Guajira with the exception of the areas included in the jurisdiction of the Sustainable Development Corporation of the Sierra Nevada de Santa Marta: <http://www.corpoguajira.gov.co>
21. Guavio Regional Autonomous Corporation (CORPOGUAVIO) - Gachalá, Medina, Ubalá, Gama, Junín, Gachetá, Fómeque, Mámbita and Guasca in the Cundinamarca province: <http://www.corpoguavio.gov.co>
22. La Mojana y El San Jorge Sustainable Development Corporation (CORPOMOJANA) - Provinces of Majagual, Sucre, Guarandá, San Marcos, San Benito, La Unión and Caimito in the Sucre province: <http://www.corpomojana.gov.co>
23. Nariño Regional Autonomous Corporation (CORPONARIÑO) - Nariño Province: <http://www.corponarino.gov.co>
24. Regional Autonomous Corporation of the North-eastern Border (CORPONOR) - North of Santander Province: <http://www.corponor.gov.co>
25. La Orinoquia Regional Autonomous Corporation (CORPORINOQUIA) - Arauca, Vichada, Casanare, Meta provinces; the municipalities of the Cundinamarca province, namely: Guayabetal, Quetame, Une, Paratebueno, Chipaque, Cáqueza, Fosca, Gutiérrez, Choachí and Ubaque; and the municipalities of Pajarito, Labranzagrande, Paya, Pisba and Curabá in the Province of Boyacá: <http://www.corporinoquia.gov.co>
26. Urabá Sustainable Development Corporation (CORPOURABA) - San Pedro de Urabá, San Juan de Urabá, Arboletes, Necoclí, Turbo, Vigía el Fuerte, Murindó, Apartadó, Carepa, Chigorodó, Mutatá, Uramita, Dabeiba, Frontino, Peque, Cañasgordas, Abriaquí, Giraldo, and Urrao municipalities in the Province of Antioquia: <http://www.corpouraba.gov.co>
27. Tolima Regional Autonomous Corporation (CORTOLIMA) - Tolima Province: <http://www.cortolima.gov.co>
28. Atlantic Regional Autonomous Corporation (CRA) - Atlantic Province: <http://www.crautonomia.gov.co>
29. Cauca Regional Autonomous Corporation (CRC) - Cauca Province: <http://www.crc.gov.co>
30. Quindío Regional Autonomous Corporation (CRQ) - Quindío Province: <http://www.crq.gov.co>
31. South of Bolívar Regional Autonomous Corporation (CSB) - Bolívar province except the municipalities included within the jurisdiction of the Regional Autonomous Corporation of Canal del Dique (CARDIQUE): <http://www.csbcor.gov.co>
32. Valle del Cauca Regional Autonomous Corporation (CVC) - Valle del Cauca Province: <http://www.cvc.gov.co>
33. Valles del Sinú and del San Jorge Regional Autonomous Corporation (CVS) - Córdoba Province: <http://www.cvs.gov.co>

**Note:** The Regional Environmental Authority (Autoridad Ambiental Regional-AAR) covers the Regional Autonomous Corporation, the Sustainable Development Corporations and the urban environmental secretaries of cities with 1, 000,000 inhabitants or above. The Urban Environmental Authorities are responsible for promoting and implementing national, regional and sectoral programs and policies in relation to the environment and renewable natural resources, that is, they fulfill the functions of the Regional Autonomous Corporations in their jurisdiction. These institutions are responsible for promoting and implementing national,

regional and sectoral programs and policies in relation to the environment and renewable natural resources -the same functions of the Regional Autonomous Corporations- in municipalities, districts or metropolitan areas whose urban population is equal or more than one million inhabitants.

#### Actions in response to illegal logging

According to Chatham House (2014), illegal logging is a serious problem in Colombia. In the Worldwide Governance Indicators 2017 (latest available year), Colombia scores 44 for indicator Control of Corruption, and 40 for indicator on Rule of Law (the scores range from 0 (lowest rank) to 100 (highest rank) with higher values corresponding to better outcomes).

In terms of governmental and non-governmental efforts to ensure the supply of legal timber, the country has made important steps in the framework of the Intersectoral Pact for Legal Timber in Colombia (PIMLC), an endeavour by public and private bodies with the aim of ensuring that timber that is extracted, transported, processed, marketed and used comes from legal sources. Its administrators were the Ministry of the Environment and Sustainable Development, the Risaralda Regional Autonomous Corporation (CARDER) through the forest project FLEGT which was co-financed by the European Union, the World Wildlife Fund (WWF) and Fedemaderas (Minambiente, 2015)

This pact came into force in 2009 and in 2016/7 is in its third phase, with 69 associated entities, inclusion in the 2014-2018 National Development Plan (PND, abbreviation in Spanish) “Everybody for a new country”, 18 Provincial Agreements for legal timber and it covers the *Guadua angustifolia* Kunth species, due to it being highly represented in the country’s coffee belt. Among the tools that have been developed in this framework are the following:

1. Development of digital applications for forestry control and surveillance. With the aim of making these activities easier for the Regional Environmental Authorities and support bodies such as the public force, two free tools have been put out to the public that can be downloaded via playstore or 11ppstore:
  - a. “cubimadera” to reduce technical differences when calculating the cubic meterage of timber (Minambiente-a, undated).
  - b. “especies maderables” which features 100 forest species of registered timber, which permits the identification of timber during control and surveillance processes (UE FAO FLEGT, CARDER & Minambiente, undated).
2. Protocols for forestry monitoring and control: four protocols for control and surveillance in the forestry chain (Forest Governance Project, undated).
  - a. Protocol zero: to revise and evaluate forestry management plans (Orjuela et al., 2015a).
  - b. Protocol 1: to follow and control forestry land-use in natural forest (Orjuela et al., 2015b).
  - c. Protocol 2: for control and surveillance of the transportation of timber and non-timber products from the forest (Orjuela et al., 2015c).
  - d. Protocol 3: to follow and control industries and companies that process or market forestry products (Orjuela et al., 2015d).
3. Development of the concept of legal timber: from 2011 to 2016 this concept was built collectively, being defined as “that which is exploited, transported, processed and marketed in accordance with current legislation”, enabling its providence to be identified at any given point in the forestry chain (Minambiente, 2015).
4. Eljamaderalegal site: a growing virtual space where you can find forestry companies throughout the chain that comply with the legal parameters (Minambiente-b, undated).
5. Scheme to recognise legality in the natural forest and in forestry industries (Minambiente-c, undated): a voluntary scheme that has been developed where the Regional Authorities, following a verification process, can recognise via a document that the Organisation complies with the legal parameters. During the expert consultation in October 2016 this scheme was not confirmed to be implemented but it was pointed out that the scheme could be implemented in 2017. Recent exhaustive online research did not find evidence on this scheme been implemented.

Colombia is also a member of the Amazon Cooperation Treaty Organization (ACTO) and has worked with the other seven-member countries to develop strategies aimed at curbing illegal logging in the Amazon.

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- n. Minambiente, undated. Regional Autonomous Corporations [Corporaciones Autónomas Regionales]. Consulted on 2016: <http://www.minambiente.gov.co/index.php/noticias/2067>
- o. Minambiente-a, undated. Cubimadera. Consulted on 2016: [http://www.minambiente.gov.co/images/BosquesBiodiversidadyServiciosEcosistemicos/pdf/Gobernanza\\_forestal\\_2/15\\_CUBIMADERA.pdf](http://www.minambiente.gov.co/images/BosquesBiodiversidadyServiciosEcosistemicos/pdf/Gobernanza_forestal_2/15_CUBIMADERA.pdf)
- p. Minambiente-b, undated. Choose Legal Timber Portal [Portal Elija Madera Legal]. Consulted on 2016: <http://www.elijamaderalegal.com/>
- q. Minambiente-c, undated. Scheme of recognition of legal provenance and promotion towards sustainable management in the use of natural forests [Esquema de reconocimiento a la procedencia legal y de promoción hacia el manejo sostenible en el aprovechamiento forestal de bosques naturales]. Consulted on 2016: [http://www.bosquesflegt.gov.co/sites/default/files/publicaciones/Esquema\\_Bosque-Natural.pdf](http://www.bosquesflegt.gov.co/sites/default/files/publicaciones/Esquema_Bosque-Natural.pdf)
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- s. Orjuela et al., 2015a. Protocol 0-Protocol for the Revision and Evaluation of Forest Management Plans [Protocolo 0-Protocolo para la Revisión y Evaluación de Planes de Manejo Forestal]. Consulted on 2016: [http://capacitacion.siac.ideam.gov.co/SIAC/PROTOCOLO\\_0\\_REVISION\\_EPMF.pdf](http://capacitacion.siac.ideam.gov.co/SIAC/PROTOCOLO_0_REVISION_EPMF.pdf)
- t. Orjuela et al, 2015b. Protocol 1- Protocol for Monitoring and Control of Forest Utilization in Natural Forest [Protocolo 1- Protocolo para seguimiento y Control a los aprovechamientos forestales en Bosque natural]. Consulted on 2016: [http://capacitacion.siac.ideam.gov.co/SIAC/PROTOCOLO\\_1\\_APROVECHAMIENTO\\_VF.pdf](http://capacitacion.siac.ideam.gov.co/SIAC/PROTOCOLO_1_APROVECHAMIENTO_VF.pdf)
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- v. Orjuela et al, 2015d. Protocol 3- Protocol for the follow-up and Control of Industries and Companies of Transformation or Commercialization of Forest Products [Protocolo 3- Protocolo para el seguimiento y Control a Industrias y Empresas de Transformación o Comercialización de Productos Forestales]. Consulted on 2016: [http://capacitacion.siac.ideam.gov.co/SIAC/PROTOCOLO\\_3\\_INDUSTRIAS\\_VF.pdf](http://capacitacion.siac.ideam.gov.co/SIAC/PROTOCOLO_3_INDUSTRIAS_VF.pdf)
- w. UE FAO FLEGT, CARDER & Minambiente, undated. Especies Maderables [Timber Species]. Consulted on 2016: <http://www.bosquesflegt.gov.co/sites/default/files/publicaciones/Especiesmaderables.pdf>
- x. SIAC, undated. Proportion of the area covered by forest between 2010-2016 [Proporción de la superficie cubierta por bosque entre 2010-2016]. Consulted on April 2019. <http://181.225.72.78/Portal-SIAC-web/faces/Dashboard/Biodiversidad2/bosques/estadoCifrasBosques.xhtml?tematica=Superficie+de+bosque&anio=2016&entidad=IDEAM&instituto=IDEAM>
- y. World Bank, undated. Worldwide Governance Indicators, interactive data access. Consulted on 2019: <http://info.worldbank.org/governance/wgi/#reports>
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## Legal Instruments

In Colombia there is an abundance of legislation that covers all sectors of the timber industry. In 2015 a rationalisation, using unique regulatory decrees, was carried out, and it is the aim of these new decrees to group together and rationalise the regulations.

Those with the greatest relevance for the forestry sector are as follows:

1. Act 99 from 1993 at National Level. By which the Ministry of the Environment is created, the Public Sector in charge of the management and conservation of the environment and the renewable natural resources is reorganized, the National Environmental System, SINA is organized, and other dispositions are dictated [Por la cual se crea el Ministerio del Medio Ambiente, se reordena el Sector Público encargado de la gestión y conservación del medio ambiente y los recursos naturales renovables, se organiza el Sistema Nacional Ambiental, SINA, y se dictan otras disposiciones]. Consulted on 2016: <http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=297> and <http://www.minambiente.gov.co/index.php/noticias/2067>
2. Decree 1071 of 26<sup>th</sup> May 2015 "Whereby the Unique Regulatory Decree for the Agriculture, Fishing and Rural Development Administrative Sector is issued". This is made up of three books: the structure of the sector, the regulatory system and final provisions respectively. In part 3 of book 1 reference is made to the forestry system, picking up decree 1824 of 1994, which governs the Forestry Incentive Certificate. Consulted on 2016: <http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=62505>
3. Decree 1072 of 26<sup>th</sup> May 2015 "Unique regulatory decree for the job sector". This has two parts: general provisions and regulations. It is divided into three books as follows: the structure of the job sector, the sector's regulatory system and final provisions. It covers aspects of employment, health and safety at work. Consulted on 2016: <http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=62506>
4. Decree 1076 of 26<sup>th</sup> May 2015 "Whereby the Unique Regulatory Decree for the Environmental and Sustainable Development sector is issued". In this decree approximately 1650 articles that were spread across 84 regulatory decrees were brought together. The decree contains three books, the first of which refers to the structure of the environmental sector, the second to the regulatory system of the environmental sector and the third to final provisions. Consulted on 2016: <http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=62511>
5. Decree 1791 of 1996 (Forestry Land-use System) was collated in Chapter 1, Wild Flora, of Heading 2, book 2 of decree 1076. Consulted on 2016: [http://www.minambiente.gov.co/images/BosquesBiodiversidadyServiciosEcosistemicos/pdf/Ordenaci%C3%B3n-y-Manejo-de-Bosques/dec\\_1791\\_041096.pdf](http://www.minambiente.gov.co/images/BosquesBiodiversidadyServiciosEcosistemicos/pdf/Ordenaci%C3%B3n-y-Manejo-de-Bosques/dec_1791_041096.pdf)

The list of sources provided in FSC-PRO-60-002a, section 3.3.3 has been reviewed for relevance in regard to the national legality risk assessment of COLOMBIA. The following sources have been used:

- a. Chatham House, 2014. Colombia. Consulted on 2016: <https://www.illegal-logging.info/regions/colombia>
- b. Forest Legality Initiative (2016). Logging and export bans (Colombia). Consulted on 2016: <https://forestlegality.org/content/logging-and-export-bans>
- c. Government reports and assessments of compliance with related laws and regulations.
- d. Interviews to experts, 2016. Conversations with different experts carried out throughout October 2016 helped the authors of this report to understand better the applicable legislation and the risks associated with each category of the laws.
- e. Public summaries of FSC forest management certification reports published at [info.fsc.org](http://info.fsc.org) (information on legal areas where non-compliances have been identified during the certification process that are likely to be common for non-certified operations).
- f. Transparency International, 2019. Corruption perceptions index 2017. Consulted on 2019: <http://www.transparency.org/country/COL>

- g. World Bank, undated. Worldwide Governance Indicators, interactive data access. Consulted on 2019: <http://info.worldbank.org/governance/wgi/#reports>

The remaining sources were found not to be relevant for the legality risk assessment for Colombia:

- a. EU FLEGT process: [http://ec.europa.eu/comm/development/body/theme/forest/initiative/index\\_en.htm](http://ec.europa.eu/comm/development/body/theme/forest/initiative/index_en.htm)
- b. ELDIS regional and country profiles: <http://www.eldis.org>
- c. Environmental Investigation Agency: <http://www.eia-international.org>
- d. Independent reports and assessments of compliance with related laws and regulations, e.g., the Royal Institute of International Affairs: <http://www.illegal-logging.org>
- e. Justice tribunal records.
- f. Interpol: <http://www.interpol.int/Crime-areas/Environmental-crime/Projects/Project-LEAF>
- g. Public summaries of other 3rd party forest legality certification/ verification systems.
- h. Telapak (for Indonesia): <http://www.telapak.org>

Note: the present CNRA for Colombia was developed in 2016, and therefore the validity date of the sources is often based on this year.

## Sources of legal timber in Colombia

Forest classification type	Permit/ license type	Main license requirements (forest management plan, harvest plan or similar?)	Clarification
Natural forest within protected areas and uncultivated land (state-owned property)	Ruling by the Regional Environmental Authority with authorisation for forestry land-use permit.	<p><b>Legal aspects to be presented:</b> application form duly completed, documents that certify legal status, documents that certify the quality of the applicant with regard to the property, copy of the public deed (escritura pública) of the property.</p> <p><b>Technical aspects to be presented:</b> forestry land-use plan (or also known as forest management plan), forest harvesting plan, georeferenced location map, 100% forest inventory.</p>	<p>Legal status: if it is a company, collective action committee</p> <p>Status vis-à-vis the property: owner, holder or keeper.</p>
Natural forest within collective land (collective title)	Ruling by the Regional Environmental Authority with authorisation for forestry land-use permit.	<p><b>Legal aspects to be presented:</b> collective title ruling, identification documents for the representative, Regional Environmental Authority form duly completed.</p> <p><b>Technical aspects to be presented:</b> if it is permanent: forest management plan, forest harvesting plan, 100% inventory, results of the prior consultation, zoning drawings. If it is a one-off: forestry land-use plan, georeferenced location map, 100% forest inventory.</p>	<p>If required: results of the prior consultation that demonstrate the participation of the community in the development of the supporting technical documents and their consent for the project.</p> <p>If the person is native and forms part of the community and wants to carry out forestry land-use on their farm, present their application in person before the Regional Environmental Authority, providing proof of being an integral member of the community.</p>
Natural forest on private property	Ruling by the Regional Environmental Authority with authorisation for forestry land-use permit.	<p><b>Legal aspects to be presented:</b> application form duly completed, documents that certify legal status, documents that certify the quality of the applicant with regard to the property, copy of the public record of the property.</p> <p><b>Technical aspects to be presented:</b> forestry land-use plan (or also known as forest management plan), georeferenced location map, 100% forest inventory.</p>	<p>Legal status: if it is a company, collective action committee</p> <p>Status vis-à-vis the property: owner, holder or keeper.</p>



<p>Forest plantation or agroforestry system on private property</p>	<p>Registration of the forest plantation or agroforestry system with the ICA if it is productive (commercial). Ruling by the Regional Environmental Authority if it is on productive-protective area.</p>	<p><b>Legal aspects to be presented:</b> The entity's form duly completed, certification of the tradition and freedom of the property, certificate of existence and legal representation (legal entity), identification documents (natural person). <b>Technical aspects to be presented:</b> For productive (commercial) forest plantations and agroforestry systems: register with the ICA. For commercial (productive) forest plantations and agroforestry systems under CIF: register with the ICA and a forest establishment and management plan, drawings of the reforested area. For protective-productive forest plantations when harvesting activity will take place: forest establishment and management plan, drawings of the reforested area. Protective-productive forest plantations under CIF: additionally, to register with the ICA. For protective forest plantations: a resolution by the Regional Environmental Authority is needed.</p>	<p>For those that have not accessed the incentive CIF, national legislation does not request the presentation of the management plan for planting and forest plantation land-use or agroforestry system. Forest plantations with commercial ends (to which are added productive industrial and commercial forest plantations), agroforestry systems with commercial ends and protective-productive forest plantations with CIF reforestation, should be registered with the ICA (the Colombian Agricultural Institute), which is delegated by the Ministry of Agriculture and Rural Development. The registration only needs to be carried out once, prior verification of the information and a visit. A consecutive number will be assigned to each agroforestry system or forest cultivation with commercial ends, which will be added onto the end of the Tax Identification Number (NIT) or the citizen's identity number of the holder of the record. For forest plantation for protective use it will be needed the resolution by the Regional Environmental Authority.</p>
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Note: For forest plantations or agroforestry system: Forest establishment and management plan: Study based on the set of technical standards of forestry that regulate the actions to be carried out in a forest plantation, in order to establish, develop, improve, conserve and take advantage of forests cultivated in accordance with the principles of rational use and sustainable management of renewable natural resources and the environment.

Natural forests: Forest management plan: It is the formulation and description of silvicultural systems and tasks to be applied in the forest subject to harvesting, in order to ensure its sustainability, presented by the interested party in carrying out persistent forest harvesting.

Forest management plan / forest harvesting plan: it is presented to the Regional Environmental Authority to request forest harvesting permits in natural forest, it is a prerequisite. A forest management plan is also presented to the ICA for forest plantations and agroforestry systems, if a CIF Forest Incentive Certificate is going to be requested.

Permit of harvesting: is a resolution of the Regional Environmental Authority that after reviewing the forest management plan/ harvesting plan authorizes the cutting of timber from natural forests, indicating species and volume per species. The harvesting permit is also given by the Regional Environmental Authority to harvest protective forest plantations.

From this, the authority grants a National Sole Safe-conduct, (Salvoconducto Único Nacional para la movilización de especímenes de la diversidad biológica, SUN in its Spanish acronym), document that authorizes the movement of timber by the highways of the country and that recently is requested of virtual form (for natural forests) (when the document is presented online is called: National Sole Safe-conduct on line, SUNL). For forest plantation/agroforestry systems, it will be required: Remission Document for the Transport of Forest Products from Agro-forest or Tree Crops Systems (FRMPF in its Spanish acronym) [Formato de Remisión para la Movilización de Productos Forestales provenientes de Sistemas Agroforestales o Cultivos Forestales, con fines Comerciales]

License: in Colombia, the term license is used for concessions and to date none has been granted.

## Risk assessment

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
<b>Legal rights to harvest</b>			
<p>1.1 Land tenure and management rights</p>	<p><b>Applicable laws and regulations</b></p> <p>FOR NATURAL FORESTS, FOREST PLANTATIONS AND AGROFORESTRY SYSTEMS ON COLLECTIVE LANDS</p> <ul style="list-style-type: none"> <li>Act 70 of 1993. Whereby provisional article 55 of the Political Constitution is developed. On the recognition of the right of black communities that have occupied uncultivated lands in rural waterfront areas of the rivers of the Pacific Basin to collective property. Articles 4 and 5. Date of publication: 27<sup>th</sup> August 1993: <a href="http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=7388">http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=7388</a></li> <li>Act 21 of 1991. Through which is passed Agreement number 169 on indigenous and tribal peoples in independent countries, adopted by the 76<sup>th</sup> meeting of the ILO General Conference, Geneva 1989. Article 14. Date of publication: 4<sup>th</sup> March 1991: <a href="http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=37032">http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=37032</a></li> <li>Decree 1791 of 1996. Through which is established the system of forestry land-use. Chapter III, on permanent forestry land-use and Chapter XI, on forest plantations. Article 44. Date of publication: 4<sup>th</sup> December 1996: <a href="http://www.minambiente.gov.co/images/BosquesBiodiversidadyServiciosEcosistemicos/pdf/Ordenaci%C3%B3n-y-Manejo-de-Bosques/dec_1791_041096.pdf">http://www.minambiente.gov.co/images/BosquesBiodiversidadyServiciosEcosistemicos/pdf/Ordenaci%C3%B3n-y-Manejo-de-Bosques/dec_1791_041096.pdf</a></li> </ul> <p>FOR NATURAL FORESTS, FOREST PLANTATIONS AND AGROFORESTRY SYSTEMS IN PROTECTED AREAS</p> <ul style="list-style-type: none"> <li>Act 99 of 1993. Whereby the Ministry of the Environment is created, the Public Sector charged with the management and conservation of the environment and of renewable natural resources is reorganised, the National Environmental System</li> </ul>	<p><b>Government sources</b></p> <ul style="list-style-type: none"> <li>Colombian Agricultural Institute, 2015. Anti-corruption and citizen information plan [Plan Anticorrupción y de Atención al Ciudadano]. Consulted on 23<sup>rd</sup> September 2016: <a href="http://www.ica.gov.co/Modulo-de-P-y-G/Transparencia-Participacion-y-Servicio-al-Ciudadano/Plan-Anticorrupcion-y-de-atencion-al-ciudadano.aspx">http://www.ica.gov.co/Modulo-de-P-y-G/Transparencia-Participacion-y-Servicio-al-Ciudadano/Plan-Anticorrupcion-y-de-atencion-al-ciudadano.aspx</a></li> <li>Colombian Agricultural Institute, 2019. Anti-corruption plan – 2019 [Plan Anticorrupción]. Consulted on 29<sup>th</sup> January 2019: <a href="https://www.ica.gov.co/modulo-de-p-y-g/transparencia-participacion-y-servicio-al-ciudadano/plan-anticorrupcion-y-de-atencion-al-ciudadano/2019">https://www.ica.gov.co/modulo-de-p-y-g/transparencia-participacion-y-servicio-al-ciudadano/plan-anticorrupcion-y-de-atencion-al-ciudadano/2019</a></li> <li>CONPES, 2013. National Strategy on Integral Public Anti-Corruption Policy.</li> </ul>	<p><b>Overview of Legal Requirements</b></p> <p>GENERAL LEGISLATION</p> <p>Political Constitution of 1991. The Colombian constitution, put forward under a legal, democratic and participative framework that guarantees a fair political, economic and social order, refers to the rights of ownership and land management in the following sections:</p> <ul style="list-style-type: none"> <li>Article 58. Private property and other rights acquired in accordance with civil laws are guaranteed, these cannot be repudiated or broken by subsequent laws. When the application of a law issued for reasons of public good or social interest, shall result in a conflict of the rights of the individuals who are by necessity recognised by it, the private interest must cede to the public or social interest. Ownership of property is a social function that implies certain obligations. As such, an ecological role is inherent in it. The State shall protect and promote associative and joint forms ownership.</li> <li>Article 72. The cultural heritage of the Nation is under the protection of the State. Archaeological heritage and other cultural assets that make up the national identity belong to the Nation and are indissociable, immune from seizure and indefeasible. The law shall establish the mechanisms to reacquire them when they are found in the hands of individuals and shall regulate the special rights that ethnic groups settled in archaeology-rich lands may have.</li> </ul> <p>The Political Constitution refers to collective ownership in:</p>

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
	<p>(SINA) is organised, and other regulations are laid down. Articles 5 and 35. Date of publication: 22<sup>nd</sup> December 1993: <a href="http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=297">http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=297</a></p> <ul style="list-style-type: none"> <li>Decree No. 3572 of 2011 National Nature Parks of Colombia were created as a Special Administrative Unit. Chapter I Functions. Article 2. Date of publication: 27<sup>th</sup> September 2011: <a href="http://www.minambiente.gov.co/images/normativa/decretos/2011/dec_3572_2011.pdf">http://www.minambiente.gov.co/images/normativa/decretos/2011/dec_3572_2011.pdf</a></li> </ul> <p>FOR NATURAL FORESTS, FOREST PLANTATIONS AND AGROFORESTRY SYSTEMS ON PRIVATE PROPERTY</p> <ul style="list-style-type: none"> <li>Act 200 of 1936. On system of Lands. Validation of Private Property. Articles 1, 10 and 14. Date of publication: 16<sup>th</sup> December 1936: <a href="http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=1604">http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=1604</a></li> <li>Act 1579 of 2012. Whereby the statute on registry of public instruments is issued and other regulations are laid down. Chapter II, Article 4. Acts, titles and documents subject to registration. Date of publication: 1<sup>st</sup> October 2012: <a href="http://www.secretariasenado.gov.co/senado/basedoc/ley_1579_2012.html">http://www.secretariasenado.gov.co/senado/basedoc/ley_1579_2012.html</a></li> <li>Decree 1498 of 2008. On the registry and mobilisation of forestry systems with commercial ends. Article 3. Date of publication: 7<sup>th</sup> May 2008: <a href="http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=30098">http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=30098</a></li> <li>Resolution 000037 of 6<sup>th</sup> February 2013. Whereby regulations on the registration of agroforestry systems or forestry cultivations with commercial ends are established, issued by the Ministry of Agriculture and Rural Development (MADR). Date of publication: 6<sup>th</sup> February 2013: <a href="http://www.icbf.gov.co/cargues/avance/docs/resolucion_minagricultura_0037_2013.htm">http://www.icbf.gov.co/cargues/avance/docs/resolucion_minagricultura_0037_2013.htm</a></li> </ul>	<p>Document n° 167 CONPES (National Council of Social and Economic Policy). Consulted on 20<sup>th</sup> September 2016: <a href="http://www.anticorruccion.gov.co/SiteAssets/Paginas/Publicaciones/Conpes_167.pdf">http://www.anticorruccion.gov.co/SiteAssets/Paginas/Publicaciones/Conpes_167.pdf</a></p> <p><b>Non-Government sources</b></p> <ul style="list-style-type: none"> <li>COMUNITAR, 2013. Restitution and access to land for women victims in the department of Cauca [Restitución y acceso a la tierra para mujeres víctimas en el departamento del Cauca]. Consulted on 20<sup>th</sup> September 2016: <a href="http://www.comunitar.org.co/sites/default/files/2016-08/0Restituci%C3%B3n-y-acceso-a-la-tierra-para-mujeres-v%C3%ADctimas-en-el-departamento-del-Cauca.pdf">http://www.comunitar.org.co/sites/default/files/2016-08/0Restituci%C3%B3n-y-acceso-a-la-tierra-para-mujeres-v%C3%ADctimas-en-el-departamento-del-Cauca.pdf</a></li> <li>Forjando Futuros Foundation, 2016. Five years have gone by and land restitution is not progressing. [Han pasado cinco años y la restitución de tierras no avanza] Consulted on 23<sup>rd</sup> November 2016:</li> </ul>	<ul style="list-style-type: none"> <li>Article 329. The creation of indigenous land entities shall be subject to that which is laid down in the Organic Law on Land Management (la Ley Orgánica de Ordenamiento Territorial), and its demarcation shall be done by the National Government, with the participation of representatives of indigenous communities and prior opinion of the Commission on Land Management. The safeguards are collective property and are inalienable. Legislation shall determine the relationships and coordination of these entities with those institutions that they are part of. In the case of indigenous territory that comprises the land of two or more provinces, it will be administered by the indigenous councils in coordination with the governors of the respective provinces. In the case that this territory decides to establish itself as a territorial body, that shall be done by complying with the conditions established in the first section of this article.</li> <li>Provisional Article 55. Within the two years following the coming into force of this Constitution, Congress shall issue, previous analysis by a special commission that the Government shall create for the purpose, a law that recognises the black communities who have over time occupied uncultivated lands in the rural waterfront areas of the rivers of the Pacific Basin, in accordance with their traditional production methods, the right to collective property in the areas that the same law shall delineate. In each case, representatives elected by the communities that are involved shall participate in the special commission mentioned in the paragraph above. Ownership recognised in this way shall only be alienable by the terms that the law lays out. This law shall establish mechanisms for the protection of cultural identity and the rights of</li> </ul>

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
	<p>GENERAL LEGISLATION</p> <ul style="list-style-type: none"> <li>1991 Political Constitution of Colombia. National Constituent Assembly. Heading II- On rights, guarantees and duties. Article 58, Guarantee of private property and article 72, Cultural Heritage. Provisional article 55, Recognition of black communities occupying uncultivated land in waterfront areas of the Pacific Basin. Article 329, Formation of Indigenous Territorial Bodies. Date of publication: 4<sup>th</sup> July 1991: <a href="http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=4125">http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=4125</a></li> <li>Colombian Civil Code. Act 57 of 1887. Heading VII, On ownership. Chapter I, On ownership and its different Qualities. Article 762 to 781. Date of publication: 26<sup>th</sup> May 1873: <a href="http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=39535">http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=39535</a></li> <li>Act 1448 of 2011. Whereby measures on attention, aid and integral reparation are laid down for victims of the internal conflict, and other regulations are laid down. Articles 72 and 75. Date of publication: 10<sup>th</sup> June 2011: <a href="http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=43043">http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=43043</a></li> <li>Act 1474 of 2011. Anti-corruption Statute. Whereby rules are laid down that are aimed at strengthening the prevention, investigation and sanction mechanisms to do with acts of corruption and the effectiveness of control of the government administration. Date of publication: 12<sup>th</sup> July 2011: <a href="http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=43292">http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=43292</a></li> </ul> <p><b>Legal Authority</b></p> <ul style="list-style-type: none"> <li>Colombian Agricultural Institute [Instituto Colombiano Agropecuario, ICA]</li> <li>Ministry of Agriculture and Rural Development [Ministerio de Agricultura y Desarrollo Rural, MADR]</li> </ul>	<p><a href="http://forjandofuturos.org/documentos/publicacion-restitucion-de-tierras-no-avanzas_1500-sentencias_abril-2016-fundacion-forjando-futuros-version-web.pdf">http://forjandofuturos.org/documentos/publicacion-restitucion-de-tierras-no-avanzas_1500-sentencias_abril-2016-fundacion-forjando-futuros-version-web.pdf</a></p> <ul style="list-style-type: none"> <li>Human Rights Watch, 2018. World Report 2018. Chapter on Colombia. Consulted on 28<sup>th</sup> January 2019: <a href="https://www.hrw.org/sites/default/files/world_report_download/201801world_report_web.pdf">https://www.hrw.org/sites/default/files/world_report_download/201801world_report_web.pdf</a></li> <li>InSight Crime, 2019. How Organized Crime Profits from Deforestation in Colombia. Consulted on 6<sup>th</sup> March 2019: <a href="https://www.insightcrime.org/news/analysis/organized-crime-deforestation-colombia/">https://www.insightcrime.org/news/analysis/organized-crime-deforestation-colombia/</a></li> <li>La Vía Campesina, 2018. Two years after the signing of the peace agreement between the Colombian government and the revolutionary armed forces of Colombia (FARC). Consulted on 28<sup>th</sup> January 2019: <a href="https://viacampesina.org/en/two-years-after-the-signing-of-the-peace-agreement-between-the-colombian-">https://viacampesina.org/en/two-years-after-the-signing-of-the-peace-agreement-between-the-colombian-</a></li> </ul>	<p>these communities, and for the encouragement of their economic and social development.</p> <p>Colombian Civil Code. Act 57 of 1887. In Chapter I, on ownership and its different qualities, it refers to the definition of ownership in Article 762, which is “the possession of a specified thing with the intent of master or owner, be it that the owner or he who believes himself to be such, has the thing for himself, or by another person who has it in the place and name of him”. Good faith in ownership is defined as follows in Article 768 “...the understanding of having acquired mastery of the thing by legitimate means exempt from fraud and all other vices”.</p> <p>In regard of land management rights, the following is found relevant. Based on the article 669 of the Civil Code Act 57 of 1887, the domain or property of a good allows its owner to use it according to its destination, to appropriate the fruits and products that it produces, and dispose of it either to destroy it, modify it or change it, or to alienate it through existing legal mechanisms (UPRA 2014).</p> <p>Based on this, the land management is done according to the destination that the owner gives it. However, there are these models of tenure in Colombia:</p> <p>Private property (individual and collective titles) Public goods for public use: article 674 of the Civil Code Act 57 of 1887. Waste goods: All the lands that are being owned by the Union are located within the territorial limits lack another owner. Article 675 of the Civil Code Act 57 of 1887</p> <p>Note: During the review of the legislation associated to the tenure rights (from a forest perspective), it was difficult to find more specific requirements for management rights on a forest level and somehow the</p>

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	<ul style="list-style-type: none"> <li>Ministry of the Environment and Sustainable Development [Ministerio de Ambiente y Desarrollo Sostenible, MADS]</li> <li>Regional Autonomous Corporation of the Administrative Area [Corporación Autónoma Regional de la Jurisdicción]</li> <li>Home Office [Ministerio del Interior, MI]</li> <li>Registration of Public Instruments Office [Oficina de Registro de Instrumentos Públicos, ORIP]</li> <li>Land Restitution Unit [Unidad de Restitución de Tierras, URT]</li> <li>Special Administrative Unit [Unidad Administrativa Especial, Parques Nacionales]</li> </ul> <p><b>Legally required documents or records</b></p> <p>For natural forests in protected areas, uncultivated and private lands</p> <ul style="list-style-type: none"> <li>Ruling by the Regional Environmental Authority.</li> <li>Forestry management plan.</li> <li>Documents to certify the legal representative.</li> <li>Documents that certify the status of the applicant vis-à-vis the property (owner, holder or tenant).</li> <li>Copy of the property's public deed [escritura pública].</li> <li>Certificate of Freedom and tradition.</li> </ul> <p>For natural forests on collective land</p> <ul style="list-style-type: none"> <li>Ruling from the Home Office declaring the area as collective land of an ethnic community.</li> <li>Permission, association or consent from the Regional Environmental Authority of the administrative area.</li> <li>Forestry management plan.</li> <li>Authorisation from the leader of the collective land for the forestry activity.</li> <li>Certificate of Freedom and tradition.</li> </ul> <p>For forest plantations and agroforestry systems on collective land</p>	<p><a href="#">government-and-the-revolutionary-armed-forces-of-colombia-farc/</a></p> <ul style="list-style-type: none"> <li>Semana, 2012. This is Rural Colombia. [Así es la Colombia Rural]. Special report Semana Magazine 2012. Consulted on 20<sup>th</sup> September 2016: <a href="http://www.semana.com/especiales/pilares-tierra/asi-es-la-colombia-rural.html">http://www.semana.com/especiales/pilares-tierra/asi-es-la-colombia-rural.html</a></li> <li>Transparency for Colombia, 2016. Final results report. National Transparency Index 2015-2016. Consulted on 28<sup>th</sup> January 2019: <a href="http://indicedetransparencia.org.co/portals/0/Documentos/2017/Nacionales/Ministerio%20de%20Agricultura%20y%20Desarrollo%20Rural%20%20FICHA.pdf">http://indicedetransparencia.org.co/portals/0/Documentos/2017/Nacionales/Ministerio%20de%20Agricultura%20y%20Desarrollo%20Rural%20%20FICHA.pdf</a></li> <li>Transparency International, 2019. Corruption perceptions index 2017. Consulted on 28<sup>th</sup> January 2019: <a href="http://www.transparency.org/country/COL">http://www.transparency.org/country/COL</a></li> <li>World Bank, undated. Worldwide Governance Indicators, interactive data access. Consulted on 28th January 2019: <a href="http://info.worldbank.org/governance/wqi/#reports">http://info.worldbank.org/governance/wqi/#reports</a></li> </ul>	<p>tenure rights is already including management rights by delimitating what is allowed to do in these lands (for more information on management see indicator 1.3) Act on Victims and Restitution of Lands. Act 1448 of 2011. Due to the armed conflict that the country has seen over the last 60 years and the desire to make peace, the Act on Victims and Restitution of Lands has been created, in which people who own or possess properties or users of uncultivated land who have been or will be victims of the dispossession or forced abandonment of their lands because of the armed conflict between 1<sup>st</sup> January 1991 and 10<sup>th</sup> June 2021 are restituted for the losses. The Act strives to ensure that displaced peasant families, among others, can return to reoccupy their land, as outlined in articles 72 and 75 on acts of restitution for displaced persons and holders of the right to restitution respectively.</p> <p>As it's mentioned on the Law 1579 from 2012 Certificate of Freedom and Tradition: document that helps to know the legal status of real estate.</p> <p>Forestry land-use system. Decree 1791 of 1996. Article 44 of this legislation addresses forestry land-use being carried out by indigenous communities in areas of preservation or indigenous reserves, or by black communities that are covered by Act 70 of 1993, indicating that these shall be governed by the special regulations that the administration issues regarding management and use of renewable natural resources by these communities. The article also states that any aspect that is not expressly provided in the specific regulations, are subject to compliance of what is indicated in this Decree (including forest plantation requirements).</p>

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	<ul style="list-style-type: none"> <li>• Ruling from the Home Office declaring the area as collective land of an ethnic community.</li> <li>• Permission, association or consent from the Regional Environmental Authority of the administrative area.</li> <li>• Registration of the forest plantation before the ICA (If it is productive and/ or a beneficiary of the Certificate of Forestry Incentive) or ruling of the Regional. Environmental Authority (if it is productive-protective)</li> <li>• Authorisation from the leader of the collective land for the forestry activity.</li> </ul> <p>For forest plantations and agroforestry systems on private property</p> <ul style="list-style-type: none"> <li>• Public deed [escritura pública].</li> <li>• Certificate of Freedom and tradition.</li> <li>• Registration of the forest plantation before the ICA (If it is productive and/ or a beneficiary of the Certificate of Forestry Incentive) or ruling of the Regional Environmental Authority (if it is productive-protective).</li> <li>• Document that certifies the status of the applicant vis-à-vis the property (owner, holder or tenant)</li> </ul>	<ul style="list-style-type: none"> <li>• UPRA (Unidad de Planificación Rura Agropecuaria), 2014. Conceptual bases regularization processes of the rural property and access to land [Bases conceptuales procesos de regularización de la propiedad rural y acceso a tierra]. Consulted on September 25<sup>th</sup> of 2016: <a href="https://www.upra.gov.co/documentos/10184/11165/Bases_conceptuales_procesos_regula_propie_rural.pdf/c6f34b46-9887-4b87-8f33-aa9d7c8d953a">https://www.upra.gov.co/documentos/10184/11165/Bases_conceptuales_procesos_regula_propie_rural.pdf/c6f34b46-9887-4b87-8f33-aa9d7c8d953a</a></li> </ul> <p>Interviews with experts: Conversations with various experts from the public and private sector and civil society in Colombia (here anonymous) carried out during October 2016, helped the authors of this report to better understand the applicable legislation and the risks associated with each indicator of legislation.</p>	<p>There is more specific legislation below, but it does not cover specifications for private lands that have natural forest and that are under protection schemes/areas and for private uncultivated lands that have natural forests.</p> <p>FOR NATURAL FORESTS ON COLLECTIVE LAND</p> <p>Collective Property of Black Communities. Act 70 of 1993. This law defines collective occupation as “the historical and ancestral settlement of black communities on lands for their collective use, lands which constitute their habitat, and on which they are at the present time carrying out their traditional methods of production”. The articles with implications regarding the ownership of land are:</p> <ul style="list-style-type: none"> <li>• Article 4. The State shall allocate to black communities, the collective property in areas that, in accordance with the definitions contained in the second article, include the uncultivated lands of the rural waterfront areas of the rivers of the Pacific Basin and those located in areas that the second subsection of article 1 of the current act deals with, that they continue to occupy according to their traditional methods of production. The land regarding which the right to collective ownership is determined shall be called, by all legal effects, "Lands of the Black Communities".</li> <li>• Article 5. In order to receive the attributable land as collective property, each community shall form a Community Council as an internal administrative mechanism, whose conditions shall be set by the legislation that the National Government issues.</li> </ul> <p>In addition to that which the legislation stipulates, Community Councils shall have the following functions: demarcating and allocating areas within the attributable land; ensuring that the rights of collective property are</p>

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			<p>preserved and protected; preserving cultural identity; using and conserving natural resources; choosing a legal representative for the community to act as legal entity; and acting as friendly mediator in any internal conflicts where conciliation is possible.</p> <p>Indigenous and Tribal Peoples Convention. Act 21 of 1991. Section II, which talks about Land, makes reference to the term as territory, which is to say that which covers the total habitat of the regions that the people concerned occupy or use in any other way. Article 14 talks specifically about ownership of land:</p> <ul style="list-style-type: none"> <li>• The right to ownership and possession of the lands that they traditionally occupy should be recognised for the people concerned. Furthermore, where appropriate, measures should be taken to safeguard the right of the people concerned to use land that is not exclusively occupied by them, but to which they have traditionally had access for their traditional activities and subsistence farming. In this regard, particular attention shall be paid to the situation of nomadic peoples and itinerant farmers.</li> <li>• The authorities should take the necessary measures to determine the lands that the people concerned traditionally occupy and guarantee the effective protection of their rights to ownership and possession.</li> <li>• Adequate procedures should be introduced in the framework of the national legal system in order to resolve the claims on land formulated by the people concerned.</li> </ul> <p>Forestry land-use system. Decree 1791 of 1996. Article 44 of this legislation addresses forestry land-use being carried out by indigenous communities in areas of preservation or indigenous reserves, or by black communities that are covered by Act 70 of 1993,</p>

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			<p>indicating that these shall be governed by the special regulations that the administration issues regarding management and use of renewable natural resources by these communities.</p> <p>FOR NATURAL FORESTS IN PROTECTED AREAS, UNCULTIVATED LANDS AND PRIVATE LAND</p> <p>Act 99 of 1993.This act stipulates the functions of the Ministry of the Environment and of the Regional Autonomous Corporations, stating the following in section 18 of Article 5 on the functions of the ministry: “to reserve, to mark out the boundaries, and to set aside those areas that form the System of National Nature Parks and national forestry reserves, and to regulate how they are used and operated”. Section 16 of Article 31 outlines the role of the Corporations: “to reserve, to mark out the boundaries, and to administer, according to the terms and conditions that the law and regulations set out, integrated management areas, soil conservation areas, regional forestry reserves and nature parks, and to regulate how they are used and run. To administer National Forestry Reserves in the area of their jurisdiction.</p> <p>Decree 3572 of 2011.In 2011 the administration and regulation of the use and operation of areas within the System of Nature Parks was given to the Special Administrative Unit for National Nature Parks. Article 2, subsection 7 indicates as one of their functions: “...7. To grant permits, concessions and other environmental authorisations for the use and exploitation of renewable natural resources in areas of the System of National Nature Parks and to issue recommendations in the context of the environmental licencing of projects, works or activities that affect or may affect areas of the System of National Nature</p>



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			<p>Parks, remaining consistent with activities that are permitted by the Constitution and the law.”</p> <p>FOR FOREST PLANTATIONS AND AGROFORESTRY SYSTEMS ON PRIVATE PROPERTY (individual and collective)</p> <p>System of Lands. Law 200 of 1936. This law recognises private property and the difference from uncultivated lands, stating in Article 1: It is assumed that estates owned by individuals are not uncultivated lands, rather they are private property, it being understood that this ownership involves the economic exploitation of the land via positive developments by the owner, such as forest plantations or crop fields, occupation with cattle and others of equal economic significance. Other articles of interest to forestry are:</p> <ul style="list-style-type: none"> <li>• Article 10: The government shall undertake to indicate the areas within which forests must be protected or repopulated, whether they are on uncultivated land or private property, with a view to protecting or increasing the water level. The Government continues to be authorised to appoint forestry reserve areas on uncultivated lands and to regulate the industrial exploitation of forestry products that it considers convenient, either on uncultivated lands or on private property, as well as to indicate the sanctions that anyone who contravenes the provisions laid down under this Article shall be subject to.</li> <li>• Article 14: Cultivated land shall be considered to be that on which there is replantation of forests, that on which construction timber or other forestry products that are used in commerce or industry grows, and forest plantations that make up national forests, in accordance with the legislation, whatever its size.</li> </ul>

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			<p>Public Instruments Charter. Law 1579 of 2012. The real estate Register is a traditional tool concerning the possession of real estate and of other rights, and it acts as evidence for all public instruments, the following being subject to be registered according to article 4:</p> <ul style="list-style-type: none"> <li>• Any act, contract, or decision contained within public deeds (escrituras públicas), judicial, administrative or arbitrary order that implies establishment, declaration, clarification, allocation, modification, limitation, tax, interim measure, translation or termination of the territory or other main or accessory right over real estate;</li> <li>• Public deeds (escrituras públicas), judicial, arbitrary or administrative orders that provide for the cancellation of the preceding registrations and the administrative expiry in cases of law;</li> <li>• Open and closed testaments, as well as for their recall or reform according to the law...”</li> </ul> <p>Registry of forest plantations. Decree 1498 of 2008. It is stated in article 3 that it is necessary for “any agroforestry system or forestry cultivation with commercial ends to be registered with the Ministry of Agriculture and Rural Development or with another entity decreed by the Ministry”. Registration shall happen only once, after checks on the information provided and a visit to the place where the forest plantation is established. Each agroforestry system or forestry cultivation with commercial ends shall have a consecutive number allocated to it, which will be added to the Tax Identification Number (NIT) or to the citizen’s identity card number of the holder of the register, depending on the case.</p> <p>In resolution 37 of 2013 it is noted that the register of forest plantations and agroforestry systems with commercial ends is a control mechanism to avoid the</p>

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			<p>later movement of timber other than that which comes from these forest plantations, and it grants legal security to the holder, because their right to freely use their forest plantation and the free movement of primary processing products is set down.</p> <p><b>Description of risk</b></p> <ul style="list-style-type: none"> <li>• According to the special report in the magazine Semana (2012), it is estimated that 6.6 million hectares were dispossessed due to violence in recent decades, which is 15% of the country's agricultural land. Lastly, 18% of owners do not have their deeds formalized (escrituras públicas), whilst the informality of small producers is over 40%. Based on the same source of information, for more than four decades the countryside has been the scene of violence, poverty and failed or inconclusive reforms. 94 percent of the country's territory is rural, and 32 percent of the population lives there. The concentration of land and inequality measured on the rural Gini coefficient (which measures the degree of inequality in a country) went from 0.74 to 0.88 between the years 2000 and 2010. In 2012, 77% of land is in the hands of 13% of owners.</li> <li>• Although the government has announced that it will recognise the legal ownership of land for victims of forced dispossession who are claiming the restitution of their lands via the Law of Victims and Restitution of Lands of Colombia (Ley de Víctimas y Restitución de Tierras en Colombia) (Law 1448 of 10<sup>th</sup> June 2011), this law has many limitations. By 2012, the administration Unit for the Restitution of lands had registered 31,111 applications for 2,246,664 ha (COMUNITAR, 2013). With regard to forests, the restitution of 6060 ha reclaimed in</li> </ul>

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			<p>Montes de María, which were acquired by someone intending to carry out reforestation, went ahead.</p> <ul style="list-style-type: none"> <li>Forjando Futuros Foundation (2016) states that, out of 1500 sentences, 94% have found in favour of the victims of dispossession, and 5467 people have benefitted from this. Where collective restitution is concerned, 31 indigenous communities (7270 people) and 9 communities of Afro-descendants (5472 people) have benefitted.</li> <li>“The government and the Revolutionary Armed Forces of Colombia (FARC) reached an agreement in 2016 to end their 52-year armed conflict. In June 2017, the United Nations mission in Colombia verified that the FARC had handed over its weapons and demobilized. However, civilians continue to suffer serious abuses by the National Liberation Army (ELN) guerrillas and paramilitary successor groups that emerged after a demobilization process a decade ago. Violence associated with the conflict has forcibly displaced more than 7.7 million Colombians since 1985, generating the world’s largest population of internally displaced persons (IDPs).” (Human Rights Watch, 2018 p. 152-159).</li> <li>Recent article (InSight Crime 2019, webpage), mentions land grabbing: “Prior to the 2016 peace agreement, the FARC guerrilla group had put limits on deforestation in many of the regions they controlled. Rebels sought to halt the expansion of agriculture and cattle ranching in order to better conceal themselves and their drug plantations from the Colombian Air Force. However, since the FARC left their territory, widespread land grabs have occurred in regions previously barely touched due to conflict. In fact, this activity accounts for between 60 to 65 percent of all deforestation in Colombia, according to the Ministry of Environment”</li> </ul>

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			<ul style="list-style-type: none"> <li>• It is estimated 18% of owners do not have their deeds formalized (escrituras públicas), whilst the informality of small producers is over 40% (Semana, 2012).</li> <li>• Expert comments during the consultation process in 2016 suggested that there is a “country” risk in the concept of tenure/ ownership of land: there is neither clarity nor coherence in State policies vis-à-vis ownership, which means that “the forestry sector lives in a state of confusion”. There are also gaps in the legislation, which can lead to multiple interpretations of the same situation. The risk is exacerbated in regions where there are processes of land restitution, such as in Montes de María and the Antioquia area of Urabá, the latter being a source of risk of illegal timber, due to among other things the high regeneration of cedar and oak. In 2015, in the area of Urabá, 15,000 ha of teak plantations and 4500 ha of other crops were registered via the ICA, many of the applications for registration could not be progressed due to problems regarding land ownership.</li> <li>• Similarly, experts commented in 2016 that this reality represents a risk for future forestry projects, given that there is a real problem in new acquisitions of property, for which a thorough study of title deeds (escritura pública) is necessary. Even then there can be no guarantee that a process of restitution will not be brought about by a third party.</li> <li>• La Vía Campesina (a 200 million peasants’ worldwide organization) is one of the guarantors of the peace process, and it is pointing out that after two years of the sign of the peace process, “key aspects of fundamental points in the Agreement for the Ending of the Conflict and the Building of a Stable and Lasting Peace have been modified by the executive, legislative, and judicial branches of</li> </ul>

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			<p>the Colombian State...for example, Point 1, known as Comprehensive Rural Reform, calls for a rural registry to be created during the next ten years in order to clarify problems of land ownership. It provides for the creation of a Land Fund of 3 million hectares for landless or land-poor peasants, as well as for the massive clarification and formalization of property titles on 7 million hectares of landholdings. There has been practically no compliance with these provisions involving a total of 10 million hectares.” (La Vía Campesina, 2018).</p> <ul style="list-style-type: none"> <li>• Transparency International’s Corruption Perception Index 2017 (2019), which gives 180 countries a point between zero (perception of high levels of corruption) and one hundred (perception of negligible levels of corruption), puts Colombia in 96<sup>th</sup> position with 37 points, indicating a medium-high level of perceived corruption.</li> <li>• In the Worldwide Governance Indicators 2017 (latest available year), Colombia scores 44 for indicator Control of Corruption, and 40 for indicator on Rule of Law (the scores range from 0 (lowest rank) to 100 (highest rank) with higher values corresponding to better outcomes).</li> <li>• Another relevant gauge of perceptions of corruption risk is The Americas Barometer, carried out by Latin American Public Opinion Project (Lapop), which measures the values and the democratic behaviours of the countries where it is applied. For 2014, the survey results brought about the conclusion that the perception of corruption by citizens for Colombia reached a point score of 79.6, the second highest in the region (García Sanchez, 2015).</li> <li>• The National Strategy of Integral Anti-corruption Public Policy (document nº 167, CONPES, 2013) recognises the existence of this phenomenon in the</li> </ul>

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			<p>country and its occurrence in public institutions, pointing out that the Global Integrity Index (IGI), concluded in 2011 an optimal legal anti-corruption structure in Colombia by awarding 94 points, but a regular implementation with 67 points. In terms of internal control of prevention of corruption, the Comptroller General of the Republic pointed out in 2011 that, of 214 bodies evaluated, 39% do not have an internal control system that mitigates risk.</p> <ul style="list-style-type: none"> <li>• The main Colombian anti-corruption regulations are laid down in the Penal Code (Act 599 of January 2000) and in Act 1474 of 2011, known as the Anti-corruption Statute, by means of which rule were established aimed at strengthening the mechanisms for protection, investigation and sanction of corrupt acts and the effectiveness of the public administration. Public and private organisations with anti-corruption policies accept the bans and sanctions.</li> <li>• Information from the 2015/16 National Index of Transparency ranks (Transparency for Colombia, 2016) the Colombian Agricultural Institute (ICA) at number 68 out of 75, with a high risk. The Ministry of the Environment and Sustainable Development (MADS) is ranked 47, medium risk; the Ministry of Agriculture and Rural Development (MADR) is ranked 36, medium risk and the Home Office (MI) is ranked 35 under medium risk.</li> <li>• The Colombian Agricultural Institute has in place a strategy for fighting corruption and citizen information, in accordance with that which is stated in article 73 of Act 1474 of 2011 (Colombian Agricultural Institute, 2015). Among other tools they have the institutional map of risks for corruption and the control mechanisms to mitigate it. In terms of the results for 2019, in the operational process of “permits” an extreme risk is noted, but with the</li> </ul>

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
			<p>implementation of mitigation measures the risk is reduced to moderate (Colombian Agricultural Institute, 2019).</p> <p><b>Risk conclusion</b></p> <p>This indicator has been evaluated as specified risk. Threshold (2) is met: (2) Identified laws are not upheld consistently by all entities and/or are often ignored, and/or are not enforced by relevant authorities.</p>
1.2 Concession licenses	<p><b>Applicable laws and regulations</b></p> <p>FOR NATURAL FORESTS IN PROTECTED AREAS, ON STATE LAND AND ON COLLECTIVE LANDS</p> <ul style="list-style-type: none"> <li>Decree 2811 of 1974: whereby the National Code for Renewable Natural Resources and Conservation of the Environment is enacted. Chapter IV Concessions. Date of publication: 18<sup>th</sup> December 1974: <a href="http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=1551">http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=1551</a></li> <li>Decree 877 of 1976: whereby priorities concerning the different uses of the forestry resource, its utilisation and the granting of permissions and concessions are laid down, and other provisions are enacted. Date of publication: 10<sup>th</sup> May 1976: <a href="http://www.icbf.gov.co/cargues/avance/docs/decreto_0877_1976.htm">http://www.icbf.gov.co/cargues/avance/docs/decreto_0877_1976.htm</a></li> <li>Decree 2151 of 1979: whereby articles 55, 216 and 217 of Decree Number 2811 of 1974 are partially regulated. Article 3. Concessions for land in the public domain with an area greater than 20,000 ha. Date of publication: 29<sup>th</sup> August 1979: <a href="http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=8577">http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=8577</a></li> <li>Act 99 of 1993. Whereby the Ministry of the Environment is created, the Public Sector charged with the management and</li> </ul>	<p><b>Non-Government sources</b></p> <ul style="list-style-type: none"> <li>Fabiola Ortiz, 2014. News story: Forestry concessions do not respect community rights. [Concesiones forestales no respetan derechos comunales] Consulted on 30<sup>th</sup> August 2016: <a href="http://www.scidev.net/america-latina/derechos-humanos/noticias/concesiones-forestales-no-respetan-derechos-comunales.html">http://www.scidev.net/america-latina/derechos-humanos/noticias/concesiones-forestales-no-respetan-derechos-comunales.html</a></li> <li>Kari Keipi (ed), 2000. Forest Resource Policy in Latin America. Consulted 31<sup>st</sup> January 2017: <a href="https://publications.iadb.org/bitstream/handle/11319/436/Forest%20Resource%20Policy%20in%20Latin%20America.pdf?sequence=2">https://publications.iadb.org/bitstream/handle/11319/436/Forest%20Resource%20Policy%20in%20Latin%20America.pdf?sequence=2</a></li> <li>El Colombiano, 2011. On how Canadians are</li> </ul>	<p><b>Overview of Legal Requirements</b></p> <p>Decree 2811 of 1974 regulated by decree 2151 of 1979.</p> <p>The forest licencing system that was established in 1974 refers to five types of contracts for forestry land-use for territories with natural coverage (the state gives the concession to harvest in an area). Note, that this forest licencing system does not seem restricted to public lands, could be also collective land:</p> <ul style="list-style-type: none"> <li>Permission to log for local users limited to 20 m<sup>3</sup> per year: no management plan is required</li> <li>Permission to log limited to 200 m<sup>3</sup> per year for 10 years: this does not demand a management plan and technical help is available from the government</li> <li>Permission to log limited to 2000 m<sup>3</sup> per year for 10 years: requires a technical logging plan</li> <li>Permission to log limited to 10,000 m<sup>3</sup> per year for 10 years: demands a management plan and a technical logging plan</li> <li>Unlimited area concession, the concession of the land and management (not only harvesting as the previous above) for which a complete management plan is required.</li> </ul>



Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
	<p>conservation of the environment and renewable natural resources is reorganised, the National Environmental System (SINA) is organised, and other provisions are enacted. Heading II- On the Ministry of the Environment and the National Environmental System. Article 5. Date of publication: 22<sup>nd</sup> December 1993:  <a href="http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=297">http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=297</a></p> <ul style="list-style-type: none"> <li>Decree 1791 of 1996. Whereby the system of forestry land-use is established. Articles 7, 24, 35 y 60. Date of publication: 4<sup>th</sup> December 1996:  <a href="http://www.minambiente.gov.co/images/BosquesBiodiversidad/ServiciosEcosistemas/pdf/Ordenaci%C3%B3n-y-Manejo-de-Bosques/dec_1791_041096.pdf">http://www.minambiente.gov.co/images/BosquesBiodiversidad/ServiciosEcosistemas/pdf/Ordenaci%C3%B3n-y-Manejo-de-Bosques/dec_1791_041096.pdf</a></li> </ul> <p><b>Legal Authority</b></p> <ul style="list-style-type: none"> <li>Ministry of the Environment and Sustainable Development [Ministerio de Ambiente y Desarrollo Sostenible, MADS]</li> <li>Regional Autonomous Corporation of the Administrative Area [Corporación Autónoma Regional de la Jurisdicción]</li> </ul> <p><b>Legally required documents or records</b></p> <ul style="list-style-type: none"> <li>Decision of the Regional Environmental Authority that grants the concession.</li> <li>Forestry management plan.</li> <li>A 100% inventory of the trees to be taken out.</li> </ul>	<p>exploiting the Choco jungle. [De cómo canadienses explotan la selva chocoana] Consulted on 31<sup>st</sup> August 2016:  <a href="http://www.elcolombiano.com/historico/de_como_canadienses_explotan_la_selva_chocoana-FGEC_126425">http://www.elcolombiano.com/historico/de_como_canadienses_explotan_la_selva_chocoana-FGEC_126425</a></p> <ul style="list-style-type: none"> <li>International Office for Human Rights Colombia Action, 2013. Land in Colombia; between dispossession and business. Presentation of the current situation of a problem that is central to the conflict. [Tierra en Colombia. Entre despojo y negocio. Presentación de la situación actual de una problemática al centro del conflicto] Consulted on 20<sup>th</sup> September 2016:  <a href="http://www.oidhaco.org/uploaded/content/article/666329106.pdf">http://www.oidhaco.org/uploaded/content/article/666329106.pdf</a></li> <li>Transparency International, 2019. Corruption Perceptions Index 2017. Consulted on 28<sup>th</sup> January 2019:  <a href="http://www.transparency.org/country/COL">http://www.transparency.org/country/COL</a></li> <li>World Bank, undated. Worldwide Governance</li> </ul>	<p><b>Note:</b> within the Colombian context and based on what the Decrees 2811 and 877 describe, the permission to log is concession license for harvesting.</p> <p>Article 60 mentions that the term is fixed "...taking into account the nature and duration of the economic activity for whose exercise it is granted, and the need for the license to have the resource available for a sufficient length of time for the respective exploitation to be economically profitable and socially beneficial.", whilst Article 61 gives guidelines for what the agreement or contract should contain:</p> <ol style="list-style-type: none"> <li>A detailed description of the asset or resource that the licence revolves around;</li> <li>The licensee's financial charges and the way in which these can be periodically subject to modification;</li> <li>The licensee's obligations, including those that are imposed on the licensee to prevent the deterioration of the resources or the environment;</li> <li>The financial constraints in case of non-compliance;</li> <li>The term of duration;</li> <li>The provisions relating to the restoration of the assets upon termination of the licence;</li> <li>The grounds for expiry of the licence or revoking of the agreement;</li> <li>The guarantees to ensure that the licensee complies with their obligations, in particular those concerning replenishment or restoration of the resource.</li> </ol> <p>On the other hand, article 216 indicates that ongoing forestry land-use of natural or artificial forests on private land also require authorisation.</p> <p><i>Act 99 of 1993 regulated by Decree 2041 of 2014</i></p>

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
		<p>Indicators, interactive data access. Consulted on 28<sup>th</sup> January 2019:  <a href="http://info.worldbank.org/governance/wgi/#reports">http://info.worldbank.org/governance/wgi/#reports</a></p> <ul style="list-style-type: none"> <li>• Transparency for Colombia, 2016. Final results report. National Transparency Index 2015-2016. Consulted on 28<sup>th</sup> January 2019:  <a href="http://indicedettransparencia.org.co/portals/0/Documentos/2017/Nacionales/Ministerio%20de%20Agricultura%20y%20Desarrollo%20Rural%20%20FICHA.pdf">http://indicedettransparencia.org.co/portals/0/Documentos/2017/Nacionales/Ministerio%20de%20Agricultura%20y%20Desarrollo%20Rural%20%20FICHA.pdf</a></li> </ul> <p>Interviews with experts:  Conversations with various experts from the public and private sector and civil society in Colombia (here anonymous) carried out during October 2016, helped the authors of this report to better understand the applicable legislation and the risks associated with each indicator of legislation.</p>	<p>Act 99 of 1993 defines the roles of the Regional Autonomous Corporations, among which are found under number 9 of Article 31 that of “Granting licences, permits, authorisations and environmental licences required by law for the use, utilisation or mobilisation of renewable natural resources or for the undertaking of activities that affect or may affect the environment. Granting permits and licences for forestry land-use, licences for the use of surface and underground water and establishing closures for hunting and recreational fishing”.</p> <p><i>Decree 1791 of 1996 System of forestry land-use</i>  In chapter III it makes reference to the forestry land-use permit as being allowed in forests located on land in the public domain. In order to achieve this, within the forestry management plan the interested party must present a statistical inventory for all species from ten centimetres (10 cm) in diameter at chest height (DAP) (with an intensity of sampling with an error not more than 15%).</p> <p>The inventories are a legal requirement to have obtain and to retain/ keep the concession/ permission license in the period of time desired.</p> <p>For land-use of less than twenty (20) hectares, it is also a requirement to present a one hundred percent (100%) inventory of the species that are to be made use of, from a DAP of ten centimetres (10cm) for the area in question.  If the land-use is for twenty (20) hectares or more, it is a requirement to present a one hundred percent (100%) inventory of the species that are to be made use of, from a DAP of ten centimetres (10cm) on the first cutting unit annually, and so on and so forth for each unit until completion of the land-use. This inventory</p>

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
			<p>must be presented ninety (90) days before beginning exploitation on the unit in question. There is a general timeframe for presenting the inventory to the correspond authority (maximum of 90 days before start harvesting activity).</p> <p><b>Description of risk</b></p> <ul style="list-style-type: none"> <li>• From 1980-2000, no licences were granted due to the applicants being unable to present an adequate management plan. The exception to this was Cartón de Colombia, which received a 30-year licence in 1974 for 61,000 hectares of tropical forests. In 1993 Johnson &amp; Cabaric cited Cartón de Colombia as an example of a sustainable forestry land-use initiative. The licence was eventually abandoned due to high production costs and because of the encroachment of settlers upon production lands (Keipi 2000). Even if the information and source are outdated, this source it's important for the context in the last 30-40 years of the forest management and industry in Colombia, and the main actors involved (Keipi, 2000).</li> <li>• Discussions with experts in 2016 have highlighted the difficulties in Colombia with securing large forestry concessions in the short or medium term: <ul style="list-style-type: none"> <li>- The terms of reference required imply substantial costs before the project even begins and can be a disincentive or spook companies out of applying. There are significant costs (both time and money) associated to conduct a prior consultation (which is not a legal requirement), because companies who exploit natural forests often have a negative public image. This in turn generates high visibility and pressure from public institutions;</li> </ul> </li> </ul>

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
			<ul style="list-style-type: none"> <li>- The infrastructure that exists in areas of forest is minimal, and this implies high economic and environmental costs associated with transporting the timber.</li> <li>• Taking into account the results of a study by Munden Project (mentioned on Ortiz, 2014) on forestry concessions in Latin America, Asia and Africa with 93% disrespect to local communities and indigenous peoples, the information on concessions in collective territories for mining, and the two past experiences of concessions in the country (Carton Colombia and Los Delfines) in which difficulties arose (Ortiz 2014 and expert consultation 2016): in the first because of the impossibility of controlling the invasion of forested areas and in the second for non-compliance with the clauses of the licence, it is considered necessary to carry out an exhaustive revision of the proper process for obtaining a concession and the ongoing monitoring of the fulfilment of the criteria stipulated in the licence. The most recent case of a large land-use permit was in the Chaco forest with the Los Delfines General Community Council (expert consultation in 2016). This brought together 15 communities and had an agreement with the organisation REM-Prima, with Canadian investment for the extraction of more than three million cubic metres over 44,596 hectares. There were shortcomings in the execution of this concession: the construction of a road in a sensitive area where this was prohibited; logging of trees near water sources and of non-authorized species; and an expansion of the concession in 2010, in spite of its negative technical design. Eventually, due to social pressure and because of discrepancies between the company and the Community Council, the government resolved to annul the licence.</li> </ul>

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
			<ul style="list-style-type: none"> <li>• For 30 years there have been no forest concession licences granted in the country, according to a consultation in 2016 with the Ministry of the Environment and Sustainable Development. This is consistent with Keipi (2000) where it was already reported that in 20 years there had not been issued any forest concessions because the applicants had not been able to deliver an adequate management plan. The previous evidences that for the forest sector there is a low probability of having concession licences been issued via ilegal meands such as bribery or having situations where organizations or entities that are not elegible to hold such rights do so via ilegal means. This regardless the corruption levels in Colombia.</li> <li>• Colombia scores 37 points on the Corruption Perceptions Index 2017 on a scale from 0 (highly corrupt) to 100 (very clean). Colombia ranks 96 out of 180 (rank no. 1 being the cleanest country) (CPI, 2019). In the Worldwide Governance Indicators 2017 (latest available year), Colombia scores 44 for indicator Control of Corruption, and 40 for indicator on Rule of Law (the scores range from 0 (lowest rank) to 100 (highest rank) with higher values corresponding to better outcomes).</li> <li>• Information from the 2015/16 National Index of Transparency ranks (Transparency for Colombia, 2016) the Ministry of the Environment and Sustainable Development (MADS) at number 47, medium risk.</li> </ul> <p><b>Risk conclusion</b>  This indicator has been evaluated as low risk.  Threshold (1) is met: (1) Identified laws are upheld.  Cases where law/ regulations are violated are efficiently followed up by the authorities and/ or relevant entities taking preventive actions.</p>

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
1.3 Management and harvesting planning	<p><b>Applicable laws and regulations</b></p> <p>FOR NATURAL FORESTS</p> <ul style="list-style-type: none"> <li>Decree 1791 of 1996: whereby the system for forestry land-use is established. Compiled in Decree 1076 of 2015: whereby the sole regulatory decree from the environment and sustainable development sector is issued. Article 23. Date of publication: 4<sup>th</sup> December 1996: <a href="http://www.ideam.gov.co/documents/24024/36843/decreto1791_1996.pdf/">http://www.ideam.gov.co/documents/24024/36843/decreto1791_1996.pdf/</a></li> </ul> <p>FOR FOREST PLANTATIONS AND AGROFORESTRY SYSTEMS</p> <ul style="list-style-type: none"> <li>Decree 1824 of 1994: whereby Act 139 of 1994 is regulated. Chapter III – Forestry Establishment and Management Plan. Article 20. Date of publication: 30<sup>th</sup> August 1994: <a href="http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=30217">http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=30217</a></li> <li>Act 139 of 1994. It regulates the Forestry Incentives Accreditations and outlines and regulates Forest Plantations and Agroforestry Systems with Commercial Ends. Article 5. Date of publication: 21<sup>st</sup> June 1994: <a href="https://www.minagricultura.gov.co/Normatividad/Leyes/Ley%20139%20de%201994.pdf">https://www.minagricultura.gov.co/Normatividad/Leyes/Ley%20139%20de%201994.pdf</a></li> <li>Decree 1498 of 2008: whereby paragraph 3 of article 5 of Act 99 of 1993 and with commercial ends. Date of article 2 of Act 139 of 1994 are regulated. Article 5. Harvesting forestry cultivations. Date of publication: 7<sup>th</sup> May 2008: <a href="http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=30098">http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=30098</a></li> <li>Decree 4600 of 2011. "Whereby the Forestry Single Window is created". Article 3. Date of publication: 5<sup>th</sup> December 2011: <a href="http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=45820">http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=45820</a></li> </ul>	<p><b>Government sources</b></p> <ul style="list-style-type: none"> <li>Colombian Agricultural Institute, 2015. Anti-corruption and citizen information plan [Plan anticorrupción y de atención al ciudadano] Consulted on 23<sup>rd</sup> September 2016: <a href="http://www.ica.gov.co/Modulo-de-P-y-G/Transparencia-Participacion-y-Servicio-al-Ciudadano/Plan-Anticorrupcion-y-de-atencion-al-ciudadano.aspx">http://www.ica.gov.co/Modulo-de-P-y-G/Transparencia-Participacion-y-Servicio-al-Ciudadano/Plan-Anticorrupcion-y-de-atencion-al-ciudadano.aspx</a></li> <li>Colombian Agricultural Institute, 2019. Anti-corruption plan – 2019 [Plan Anticorrupción]. Consulted on 29<sup>th</sup> January 2019: <a href="https://www.ica.gov.co/modulo-de-p-y-g/transparencia-participacion-y-servicio-al-ciudadano/plan-anticorrupcion-y-de-atencion-al-ciudadano/2019">https://www.ica.gov.co/modulo-de-p-y-g/transparencia-participacion-y-servicio-al-ciudadano/plan-anticorrupcion-y-de-atencion-al-ciudadano/2019</a></li> <li>FINAGRO, 2015. Terms of Reference Public Invitation No. 1of 2015 for the contracting of the technical forest operator of</li> </ul>	<p><b>Overview of Legal Requirements</b></p> <p>FOR NATURAL FORESTS</p> <p>Decree 1791 of 1996 Forestry Land-use System. Forestry land-use is regulated by the Forestry Land-use System, included in Decree 1791 of 4<sup>th</sup> October 1996, which determines the following types of forestry land-use: single, ongoing and domestic.</p> <p>What is understood by single forestry land-use is that it is carried out only once, in areas that, in accordance with technical studies, show better suitability for uses other than forestry, or that which is carried out for reasons of public and social interest. Ongoing land-use is implemented with criteria of sustainability and under the obligation of preserving the usual yield of the forest with silviculture techniques that enable its restoration. And domestic land-use is that which is carried out exclusively to satisfy vital domestic needs without commercial ends.</p> <p>Article 23 of the Forestry Land-use System establishes the procedure that must be followed in order to obtain authorisation for exploitation of natural forests or wild flora products. An applicant must present to the Regional Autonomous Corporation an application that contains:</p> <ul style="list-style-type: none"> <li>Name of the applicant;</li> <li>Location of the property, administrative area, boundaries and surface area;</li> <li>System of ownership of the area; Species, approximate quantity that is to be exploited and use to which the products will be put; and</li> <li>Map of the area according to the extent of the property.</li> </ul>

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	<ul style="list-style-type: none"> <li>Decree 2448 of 2012 - Whereby Decree 1824 of 1994 if partially modified. Article 1. Defines the concept of forest plantations and of the Forestry Establishment and Management Plan. Date of publication: 3<sup>rd</sup> December 2012: <a href="https://vuf.minagricultura.gov.co/Documents/1.%20Normatividad%20CIF/1.2.%20Decreto%202448%20de%202012.pdf">https://vuf.minagricultura.gov.co/Documents/1.%20Normatividad%20CIF/1.2.%20Decreto%202448%20de%202012.pdf</a></li> </ul> <p><b>Legal Authority</b></p> <ul style="list-style-type: none"> <li>Colombian Agricultural Institute [Instituto Colombiano Agropecuario, ICA]</li> <li>Regional Environmental Authority /Regional Autonomous Corporation of the Administrative Area [Corporación Autónoma Regional de la Jurisdicción]</li> <li>Fund for the Financing of the Farming Sector [Fondo para el Financiamiento del Sector Agropecuario, FINAGRO]</li> </ul> <p><b>Legally required documents or records</b></p> <p>In areas of natural forest (of the state or collective land, including private lands)</p> <ul style="list-style-type: none"> <li>Forestry management plan and its permit, in accordance with the terms of reference of the Regional Environmental Authority.</li> </ul> <p>Forest plantations and agroforestry systems</p> <ul style="list-style-type: none"> <li>Forest establishment and management plan and its permit, if it has CIF funding.</li> <li>Implementation contract for the reforestation project if it has CIF funding.</li> <li>Productive-protective forest plantations (with or without CIF) will need the plan, if it is requested in the terms of reference of the Corporation, prior to the issuing of the agreement to harvest.</li> <li>Productive (commercial) forest plantations and agroforestry systems without CIF do not need a Forest establishment and Management Plan.</li> </ul>	<p>the forest incentive certificate – CIF for effective 2015 [Términos de referencia Invitación Pública No. 1 de 2015 para la contratación del operador técnico forestal del certificado de incentivo forestal – CIF para la vigencia 2015]. Consulted on 4th March 2019: <a href="https://vuf.minagricultura.gov.co/Documents/1.%20Normatividad%20CIF/1.%20Invitaci%C3%B3n%20P%C3%BAblica%202015/001%20TERMINOS%20DE%20REFERENCIA%20OPERADOR%20FORESTAL%20CIF%202015.pdf">https://vuf.minagricultura.gov.co/Documents/1.%20Normatividad%20CIF/1.%20Invitaci%C3%B3n%20P%C3%BAblica%202015/001%20TERMINOS%20DE%20REFERENCIA%20OPERADOR%20FORESTAL%20CIF%202015.pdf</a></p> <p><b>Non-Government sources</b></p> <ul style="list-style-type: none"> <li>Pinto, J. (for the UN FAO), 2002. State of forestry information in Colombia, 2002: Current status of the information on forestry management. Consulted on 23 September 2016: <a href="ftp://ftp.fao.org/docrep/fao/006/AD392S/AD392S00.pdf">ftp://ftp.fao.org/docrep/fao/006/AD392S/AD392S00.pdf</a></li> <li>Orozco, J. M., Mogrovejo, P., Jara, L.F., Sánchez, A., Buendía, B., Dumet, R. y Bohórquez, N., 2014. Trends in Forest</li> </ul>	<p>If the interested party wishes to negotiate the permit for single forestry land-use of natural forests located on private land, it is necessary for the interested party to present to the Regional Autonomous Corporation at least:</p> <ul style="list-style-type: none"> <li>Formal application (form that can be found on the website of the relevant Regional Autonomous Corporation);</li> <li>A technical study showing better suitability for land use other than forestry;</li> <li>Copy of the public deed (escritura pública) and of the certificate of freedom and tradition issued less than two months previously which certifies the applicant as owner or holder or tenant;</li> <li>Forestry land-use plan.</li> </ul> <p>The last item on the list consists of a description of the systems, methods and equipment to be used in the harvesting of the forest and removal of the products. If the exploitation is in areas larger than 20 hectares, the plan should contain environmental considerations detailing the actions necessary to prevent, mitigate and correct negative impacts caused by the activity.</p> <p>Once the documentation has been presented and evaluated by the Regional Environmental Authority, the authority will grant permission (a forestry land-use permit), which shall contain at least the following:</p> <ul style="list-style-type: none"> <li>Name and identification of the user;</li> <li>Geographical location of the property, determining its boundaries by means of natural demarcations;</li> <li>Surface area of the area to be exploited;</li> <li>Species that will be exploited, number of individuals, volumes, weight or quantity and established cutting diameters;</li> </ul>

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		<p>Governance in Colombia, Ecuador and Peru [Tendencias de la Gobernanza Forestal en Colombia, Ecuador y Perú]. TRAFFIC. Cambridge. Consulted on 29<sup>th</sup> January 2019: <a href="https://europa.eu/capacity4dev/file/19779/download?token=x05wLFXF">https://europa.eu/capacity4dev/file/19779/download?token=x05wLFXF</a></p> <ul style="list-style-type: none"> <li>• Transparency for Colombia, 2016. Final results report. National Transparency Index 2015-2016. Consulted on 28<sup>th</sup> January 2019: <a href="http://indicedetransparencia.org.co/portals/0/Documentos/2017/Nacionales/Ministerio%20de%20Agricultura%20y%20Desarrollo%20Rural%20%20FICHA.pdf">http://indicedetransparencia.org.co/portals/0/Documentos/2017/Nacionales/Ministerio%20de%20Agricultura%20y%20Desarrollo%20Rural%20%20FICHA.pdf</a></li> </ul> <p>Interviews with experts: Conversations with various experts from the public and private sector and civil society in Colombia (here anonymous) carried out during October 2016, helped the authors of this report to better understand the applicable legislation and the risks associated with each indicator of legislation.</p>	<ul style="list-style-type: none"> <li>• Management and land-use systems derived from the studies already presented and passed;</li> <li>• Obligations that the holder of the forestry land-use permit is subject to;</li> <li>• Mitigation, compensation and restoration measures for the environmental impacts and effects;</li> <li>• Duties and taxes;</li> <li>• Validity of the exploitation;</li> <li>• Six-monthly reports</li> </ul> <p>In chapter III (Decree 1791 of 1996. System of forestry land-use) it refers to the forestry land-use permit as being allowed in forests located on land in the public domain.</p> <p>In order to achieve this, within the forest management plan the interested party must present a statistical inventory for all species from ten centimetres (10 cm) in diameter at chest height (DAP) (with an intensity of sampling with an error not more than 15%). If the harvesting area is less than 20 ha, it's required to present the inventory for the 100% of the species to be harvested. There is a timeframe for presenting the inventory to the correspond authority (maximum of 90 days before start harvesting activity).</p> <p><b>FOR FOREST PLANTATIONS AND AGROFORESTRY SYSTEMS</b></p> <p>Any agroforestry system or forestry cultivation with commercial ends must register with the Colombian Agricultural Institute (ICA), a body delegated by the Ministry of Agriculture and Rural Development. However, if the forest plantation is protective-productive, it registers with the Regional Autonomous Corporation of the administrative area where the property that is to be reforested is located. That said, for</p>



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			<p>commercial (productive) and protective-productive forest plantations that have accessed the incentive for the promotion of investment in reforestation called the Forestry Incentive Certificate (CIF), it is required that they register with the ICA (Decree 1498 of 2008) and additionally they are required to present a forest establishment and management plan. For protective-productive forest plantations that will undertake harvesting activities they are not required to register in ICA (if not with CIF), but are required to present a forest establishment and management plan.</p> <p>The normative is not explicitly differentiating forest plantations from agroforestry systems. Agroforestry systems are eligible according to the format (the most recent found) for the field visit to determine eligibility for CIF (see pg. 89 of FINAGRO, 2015).</p> <p>Role of the ICA (based on Decree 4765 of 2008):</p> <p>Art 5: The Colombian Agricultural Institute, ICA, aims to contribute to the sustained development of the agricultural, fishing and aquaculture sector, through the prevention, monitoring and control of health, biological and chemical risks for animal and plant species, applied research and administration. , research and management of fisheries and aquaculture resources, in order to protect the health of people, animals and plants and ensure the conditions of trade.</p> <p>Art 6: Exercise technical control of the production and commercialization of agricultural inputs, animal genetic material and seed for sowing, in order to prevent risks that may affect agricultural health and food safety in primary production.</p> <p>Decree 1498 of 2008. This decree regulates forest plantations and productive agroforestry systems, for which Article 5 states the following: Article 5. Harvesting of products obtained from forestry cultivations with</p>

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			<p>commercial ends. The harvesting of products obtained from agroforestry systems or forestry cultivations with commercial ends that are duly registered, shall not require any authorisation from the regional environmental authority.</p> <p>Paragraph. The Ministry of Agriculture and Rural Development, or any body delegated by the Ministry, shall establish a mechanism to identify the products that come from agroforestry systems or forestry cultivations with commercial ends, which must be adopted by the holders of the records.</p> <p>Agroforestry systems are not legally requested to provide a Forest management plan (see article 5 from Decree 1498) unless under CIF.</p> <p>The record of forestry cultivation is carried out according to what is stated in Article 4 of the aforementioned decree: criteria for completing registration. In order to register agroforestry systems or forestry cultivations with commercial ends, the Ministry of Agriculture and Rural Development or any body delegated by the Ministry, shall ensure that the following criteria are met:</p> <ul style="list-style-type: none"> <li>• That they be productive forest plantations of an industrial or commercial nature or commercial agroforestry systems, which have been set up and registered as such prior to the issuing of the current title deed [escritura pública].</li> <li>• That they be established within national and regional plans that consider the development and promotion of productive forest plantations and forestry hubs, previously defined by the Ministry of Agriculture and Rural Development.</li> </ul> <p>Act 139 of 1994 and Decree 1824 of 1994: Forestry Incentive Certificate (CIF). The Forestry Incentive</p>

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			<p>Certificate is a way of the State recognising the positive impacts of reforestation while the environmental and social benefits generated are appreciable by the whole of the population. Its aim is to promote direct investment in new forest plantations, both productive and protective-productive, on land that is able to cultivate forest. In order to be granted a CIF, item 1 of Act 134 of 1994 asks for “the approval of a Forestry Establishment and Management Plan, on the part of the organisation responsible for the administration and management of renewable natural resources and the environment”.</p> <p>Based on the Decree 1791 of 1996. System of forestry land-use, the forestry establishment and management plan is defined in the regulations as the “study prepared using as its basis the array of technical rules of forestry that regulate the actions to be carried out on a forest plantation, with the aim of establishing, developing, improving, preserving and exploiting cultivated forests according to rational principles of utilisation and sustainable management of renewable natural resources and of the environment”.</p> <p>Article 20 of decree 1824 of 1994 outlines what the forestry establishment and management plan must contain in order to apply for the CIF (this will be presented to Regional Environmental Authority):</p> <ul style="list-style-type: none"> <li>• Individualisation of the property on which the project is to be progressed, indicating its location, its boundaries and the area it covers;</li> <li>• When the applicant is acting as a tenant, s/ he shall supply the relevant tenancy contract;</li> <li>• Previous use of the land, ensuring that the areas on which new forest plantations are to be established are not already covered with natural forests or native vegetation that serves a protective function, nor have</li> </ul>

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			<p>they been in the last 5 years under the previous usage system;</p> <ul style="list-style-type: none"> <li>• Bio-physical conditions of the land, referring to the general characteristics of the region, morphology and quality of soils, meteorological and hydrological conditions, current use of the property, faunal and botanical aspects of interest and areas of natural forest;</li> <li>• Characteristics of the project, detailing the programme of cultivation and development of the forest plantation, forestry species to be made use of, style of working and working conditions, and systems for maintaining, protecting and regenerating the forest plantation. The programme for exploitation of the forest, the harvesting plan and the plan for replacing the resource should also be established;</li> <li>• Schedule for sowing activities, maintenance and exploitation of the forest, and planned dates for the recognition of the values of the CIF;</li> <li>• Financial planning, showing calculations of the costs commanded by the Project, sources of funding, if there are any, and a cashflow plan.</li> </ul> <p><b>Description of risk</b></p> <p>FOR NATURAL FORESTS</p> <ul style="list-style-type: none"> <li>• In consultation with experts in 2016 it has been pointed out that of the three types of land-use (ongoing, domestic and single), a management plan is only needed for ongoing use. For the others, a forest management plan is required, but it is not always checked on the ground, which may lead to poor implementation of the regulations/ procedures that exist to respect the environment.</li> <li>• In terms of administration, it has been noted also by consultation with experts in 2016 that there is no</li> </ul>

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			<p>adequate direct presence or effective action on the part of the State on the ground: monitoring, evaluation and overseeing have been scarce or insufficient. This is attributed to institutional weakness, low budgets, lack of appropriate or suitable staff, the apathy of some public servants and the idiosyncrasies of people who are inclined to evade control measures.</p> <ul style="list-style-type: none"> <li>• According to FAO (Pinto, 2002), in general terms there is a lack of knowledge of the legal regulations that govern forestry land-use, as well as of many of the technical aspects that the regulations cover with regard to the utilisation and management of the resource. A small number of users have an adequate knowledge of the forestry statutes and that is due to the fact that they basically have an interest in obtaining the letter of safe passage to move timber. According to the report, the entities responsible for the administration of the resource barely disseminate the regulations. This lack of awareness is also recognised by the experts that have been consulted in 2016 for the preparation of this assessment, for this, we include this source on the assessment. "...The institutional causes [of forest illegality] are: excessive paperwork, lack of dissemination of regulations, traffic of safe-conducts, deficiency in control and supervision at various stages of the chain, deficiencies in the technical units responsible for forest management and corruption." (translated from Orozco, et al., 2014, p. 21-22).</li> <li>• The same FAO document points out that the procedures for granting a licence lack flexibility. In their study they detected a considerable quantity of timber that came from logging activities that had not followed any procedure, or that having formally followed one, they had allowed themselves some leeway when going through the established steps.</li> </ul>

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			<ul style="list-style-type: none"> <li>• According to experts consulted in 2016, the timeframe for granting of licences, which includes management planning (especially where Regional Environmental Authorities are concerned) can be very long. This forces timber owners to remove it from the forest without the required documentation, in order not to lose it due to phytosanitary damage or not to lose the commercial relationship established with a buyer.</li> <li>• FAO (2002) also noted that exploitation sometimes begins before a permit or authorisation has been granted. Likewise, the work of a forestry professional is only required, in practice, at the moment the management plan is written and presented, therefore there is limited technical assistance with the ongoing management of the forest.</li> <li>• “The regulations are outdated with some technical or legal inconsistencies. The technical deficiencies concern the elaboration of management and forest harvesting plans; overexploitation of species; lack of a national forest inventory; lack of elaboration and/ or implementation of forest management plans; the disengagement of technical assistance from forest management in the field.” (translated from Orozco et al., 2014, p. 21).</li> <li>• In consultation with experts in 2016, it was pointed out in a generalized way that the existence of many environmental authorities, over-regulation and the minimal control that the Ministry of the Environment exercise over the Autonomous Corporations, together make it difficult to effectively implement legislation.</li> <li>• With the Intersectorial Pact for Legal Timber in Colombia, important advances have been made to ensure legality in the natural forest. Thanks to the forestry governance project headed up by CARDER, with European Union funding, 4 technical protocols</li> </ul>

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			<p>have been developed, as well as a pilot scheme for recognising legality, which was going to be implemented in 2017 (based on expert consultation in 2016), and two applications for Android and IOS on measuring cubic metres of timber and recognising species in the forest. This is supposed to strengthen technical parameters in the field and control security systems, such as appears in the overview of this document.</p> <p>FOR FOREST PLANTATIONS AND AGROFORESTRY SYSTEMS</p> <ul style="list-style-type: none"> <li>In Colombia it is not necessary to present a forest management plan for forestry cultivations unless it is a beneficiary of the Forestry Incentive Certificate, in which case this is a condition of being granted a certificate. Between 1995 and 2014 a total of 487,702 hectares have been reforested (official data from Colombia Administration provided during expert consultation). Including the area of reforestation carried out by individuals who do not have a CIF) (data from received during the expert consultation in 2016), of which 258,077 hectares have received CIF funds (this figure includes: (i) 228,000 hectares of projects established between 1995 and 2012; (ii) 23,949 hectares passed and promised during 2013; and (iii) 6127 hectares passed and promised in 2014), which is to say that 53% of all forest plantations have commercial ends and require management plans.</li> <li>Information from the 2015/16 National Index of Transparency suggest that the Ministry of Agriculture and Rural Development, which is responsible for the CIF, is considered to be medium risk (68.23 points), in 36th place out of 75 organisations assessed (Transparency for Colombia, 2016).</li> </ul>

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			<ul style="list-style-type: none"> <li>• There are forestry organisations (expert consultation in 2016)– particularly large ones - that progress their activities based on a forest management plan, without it being a legal requirement, because they recognise that this is necessary in order to give direction to their technical and economic activities. As the law does not insist on these plans, unless there is a CIF in place, there have been no legal instruments put in place to monitor and control these, and they go no further than being an administrative requirement in order to receive the Certificate. For example, in Antioquia, there are around 16 medium-large companies who rely on clear planning and the application of that planning; of the 2600 records that the ICA has for the Antioquia region, 40% are large reforesters and 60% small.</li> <li>• The Colombian Agricultural Institute has in place a strategy for fighting corruption and citizen information, in accordance with that which is stated in article 73 of Act 1474 of 2011 (Colombian Agricultural Institute, 2015). Among other tools they have the institutional map of risks for corruption and the control mechanisms to mitigate it. In terms of the results, in the operational process of “permits” a extreme risk is noted, but with the implementation of mitigation measures the risk is reduced to moderate (Colombian Agricultural Institute, 2019). In a national ranking of risk of corruption, the Colombian Agricultural Institute (ICA) was placed at number 68 out of 75, with a high risk (Transparency for Colombia, 2016).</li> </ul> <p><b>Risk conclusion</b></p> <p>Following precautionary approach, for productive forest plantations and agroforestry systems under CIF, productive-protective forest plantations with harvesting</p>



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			<p>operations and for natural forest: this indicator has been evaluated as specified risk. Threshold (2) is met: (2) Identified laws are not upheld consistently by all entities and/ or are often ignored, and/or are not enforced by relevant authorities.</p> <p>N/A to productive forest plantations and agroforestry systems that are not beneficiary of the Forestry Incentive Certificate (CIF), for productive-protective forest plantations without harvesting operations and protective forest plantations.</p>
1.4 Harvesting permits	<p><b>Applicable laws and regulations</b></p> <p>GENERAL LEGISLATION</p> <ul style="list-style-type: none"> <li>Resolution 1909 (2017) which establishes the National Online Sole Safe-conduct for the mobilization of specimens of biological diversity. Date of publication: 14<sup>th</sup> September 2017: <a href="http://www.minambiente.gov.co/images/normativa/app/resoluciones/ad-res%201909%20de%202017.pdf">http://www.minambiente.gov.co/images/normativa/app/resoluciones/ad-res%201909%20de%202017.pdf</a></li> </ul> <p>FOR NATURAL FORESTS</p> <ul style="list-style-type: none"> <li>Act 99 of 1993 whereby the Ministry of the Environment was created, reorganises the Public Sector charged with the management and conservation of the environment and of renewable natural resources, organises the National Environmental System (SINA), and sets down other provisions. Article 5 item 42. Date of publication: 22<sup>nd</sup> December 1993: <a href="http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=297">http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=297</a></li> <li>Decree 1791 of 1996: Whereby the Forestry land-use system was established, Article 7 and Chapter VI –on procedures. Date of publication: 4<sup>th</sup> October 1996: <a href="http://www.minambiente.gov.co/images/BosquesBiodiversida">http://www.minambiente.gov.co/images/BosquesBiodiversida</a></li> </ul>	<p><b>Government sources</b></p> <ul style="list-style-type: none"> <li>Colombian Agricultural Institute, 2015. Anti-corruption and citizen information plan [Plan anticorrupción y de atención al ciudadano]. Consulted on 23<sup>rd</sup> September 2016 : <a href="http://www.ica.gov.co/Modulo-de-P-y-G/Transparencia-Participacion-y-Servicio-al-Ciudadano/Plan-Anticorrupcion-y-de-atencion-al-ciudadano.aspx">http://www.ica.gov.co/Modulo-de-P-y-G/Transparencia-Participacion-y-Servicio-al-Ciudadano/Plan-Anticorrupcion-y-de-atencion-al-ciudadano.aspx</a></li> <li>Colombian Agricultural Institute, 2019. Anti-corruption plan – 2019 [Plan Anticorrupción]. Consulted on 29<sup>th</sup> January 2019: <a href="https://www.ica.gov.co/modulo-de-p-y-g">https://www.ica.gov.co/modulo-de-p-y-g</a></li> </ul>	<p><b>Overview of Legal Requirements</b></p> <p>FOR NATURAL FORESTS</p> <p>Forestry Land-use System. Decree 1791 of 1996. Forestry land-use is regulated by the Forestry Land-use System, which appears in Decree 1791 of 4<sup>th</sup> October 1996, which mentions in article 23 the procedure to allow exploitation of natural forests or wild flora products, for which an application should be presented to the applicable Regional Autonomous Corporation which contains the following:</p> <ul style="list-style-type: none"> <li>Name of applicant;</li> <li>Location of the property, administrative area, borders and surface area;</li> <li>System of ownership in the area; Species, approximate quantity that is intended for exploitation and use to which the products will be put; and</li> <li>Map of the area showing the extent of the property.</li> </ul> <p>If the interested party wishes to negotiate the single forestry land-use permit for natural forests located on private land, s/ he must present at least the following:</p>

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	<p><a href="http://www.serviciosecosistemas.gov.co/Ordenaci%C3%B3n-y-Manejo-de-Bosques/dec_1791_041096.pdf">dyServiciosEcosistemas/pdf/Ordenaci%C3%B3n-y-Manejo-de-Bosques/dec_1791_041096.pdf</a></p> <p>FOR FOREST PLANTATIONS AND AGROFORESTRY SYSTEMS WITH COMMERCIAL ENDS</p> <ul style="list-style-type: none"> <li>Decree 1498 of 2008: whereby paragraph 3 of article 5 of Act 99 of 1993 and article 2 of Act 139 of 1994, Heading 3 – forestry cultivations with commercial ends - are regulated. Date of publication: 7<sup>th</sup> May 2008: <a href="http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=30098">http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=30098</a></li> </ul> <p><b>Legal Authority</b></p> <ul style="list-style-type: none"> <li>Colombian Agricultural Institute [Instituto Colombiano Agropecuario, ICA]</li> <li>Ministry of Agriculture and Rural Development [Ministerio de Agricultura y Desarrollo Rural, MADR]</li> <li>Regional Environmental Authority</li> </ul> <p><b>Legally required documents or records</b></p> <p>For productive forest plantations that do not have CIF funding</p> <ul style="list-style-type: none"> <li>Record of the Plantation.</li> </ul> <p>For productive (commercial) or productive-protective forest plantations that are getting CIF funding</p> <ul style="list-style-type: none"> <li>Record of the Plantation.</li> <li>Forest management plan.</li> </ul> <p>For productive-protective forest plantations that do not have CIF funding and protective forest plantations</p> <ul style="list-style-type: none"> <li>Decision of the Regional Environmental Authority of the administrative area.</li> </ul> <p>For natural forests</p>	<p><a href="http://www.transparencia-participacion-y-servicio-al-ciudadano/plan-anticorrupcion-y-de-atencion-al-ciudadano/2019">g/transparencia-participacion-y-servicio-al-ciudadano/plan-anticorrupcion-y-de-atencion-al-ciudadano/2019</a></p> <ul style="list-style-type: none"> <li>IDEAM, 2012. Forestry Bulletin for 2011. Sub-directorate of Ecosystems and Environmental Information [Boletines de información forestal para 2011] Consulted on 23<sup>rd</sup> September 2016: <a href="http://www.ideam.gov.co/web/ecosistemas/boletines-informacion-forestal">http://www.ideam.gov.co/web/ecosistemas/boletines-informacion-forestal</a></li> </ul> <p><b>Non-Government sources</b></p> <ul style="list-style-type: none"> <li>Pinto, J. (for the UN FAO), 2002. State of forestry information in Colombia, 2002: Current status of the information on forestry management. Consulted on 23<sup>rd</sup> September 2016: <a href="ftp://ftp.fao.org/docrep/fao/006/AD392S/AD392S00.pdf">ftp://ftp.fao.org/docrep/fao/006/AD392S/AD392S00.pdf</a></li> <li>Transparency Corporation for Colombia, 2016. Final results report. National Transparency Index 2015-2016. Consulted on 28<sup>th</sup> January 2019: <a href="http://indicedetransparencia.gov.co/">http://indicedetransparencia.gov.co/</a></li> </ul>	<ul style="list-style-type: none"> <li>Formal application (a form that can be found on the website of the relevant Regional Autonomous Corporation)</li> <li>Technical study that shows better fitness for use of the land for something other than forestry</li> <li>Copy of the public deed (escritura pública) and of the certificate of freedom and tradition that has been issued within the last two months certifying the fact of their ownership or tenancy or possession.</li> <li>Forestry land-use plan.</li> </ul> <p>The last item consists of a description of the systems, methods and equipment to be used in the harvesting of the forest and extraction of the products. If the exploitation is on land larger than 20 hectares, the plan must contain environmental considerations which outline the necessary actions to be carried out in order to prevent, mitigate and correct the negative impacts caused by the activity.</p> <p>Once the documents have been assessed by the environmental authority, it will grant permission, which shall contain at least the following:</p> <ul style="list-style-type: none"> <li>Name and ID details of the customer;</li> <li>Geographical location of the property, identifying its boundaries using natural limits;</li> <li>Extent of the area that will be exploited;</li> <li>Species that will be exploited, number of individual specimens, volumes, weight or quantity and established cutting diameters;</li> <li>Exploitation and operational systems derived from studies that have been presented and approved;</li> <li>Obligations that the holder of the forestry land use shall be subject to;</li> <li>Ways in which the environmental impacts and effects will be mitigated, compensated and restored;</li> <li>Duties and fees;</li> </ul>

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	<ul style="list-style-type: none"> <li>Decision of the Regional Environmental Authority of the administrative area.</li> <li>Forest management plan.</li> </ul>	<ul style="list-style-type: none"> <li><a href="http://a.org.co/Resultados2015-2016">a.org.co/Resultados2015-2016</a></li> <li>La Cometa, 2016. Radio story: due to not having environmental permits, CAS has confiscated more than 40 m<sup>3</sup> of timber in 2016 [Por falta de permisos ambientales CAS ha confiscado más de 40m<sup>3</sup> de madera en 2016]. Consulted on 25<sup>th</sup> September 2016: <a href="http://lacometaradio.com/p-or-falta-de-permisos-ambientales-cas-ha-confiscado-mas-de-40m3-de-madera-en-2016">http://lacometaradio.com/p-or-falta-de-permisos-ambientales-cas-ha-confiscado-mas-de-40m3-de-madera-en-2016</a></li> <li>El Universal, 2015. Timber that was being transported illegally in Bolívar was confiscated [ Se confiscó la madera que se transportaba ilegalmente en Bolívar]. Consulted on 25<sup>th</sup> September 2016: <a href="http://www.eluniversal.com.co/sucesos/se-decomiso-madera-que-era-transportada-ilegalmente-en-bolivar-208893">http://www.eluniversal.com.co/sucesos/se-decomiso-madera-que-era-transportada-ilegalmente-en-bolivar-208893</a></li> <li>Orozco, J. M., Mogrovejo, P., Jara, L.F., Sánchez, A., Buendía, B., Dumet, R. and Bohórquez, N., 2014. Trends in Forest Governance in Colombia,</li> </ul>	<ul style="list-style-type: none"> <li>Validity of the land-use;</li> <li>Six-monthly reports.</li> </ul> <p>Decree 1791 of 1996 System of forestry land-use. In chapter III it makes reference to the forestry land-use permit as being allowed in forests located on land in the public domain. In order to achieve this, within the forest management plan the interested party must present a statistical inventory for all species from ten centimetres (10 cm) in diameter at chest height (DAP) (with an intensity of sampling with an error not more than 15%). If the harvesting area is less than 20 ha, it's required to present the inventory for the 100% of the species to be harvested.</p> <p>The inventories are a legal requirement (in private and public lands) to have obtain and to retain/ keep the permit in the period of time desired. There is a timeframe for presenting the inventory to the correspond authority (maximum of 90 days before start harvesting activity).</p> <p><b>FOR FOREST PLANTATIONS AND AGROFORESTRY SYSTEMS WITH COMMERCIAL ENDS</b></p> <p>Decree 1498 of 2008. This decree regulates productive forest plantations and agroforestry systems, for which in Article 5 the following is stated: harvesting the products obtained from forestry cultivations with commercial ends. Harvesting the products obtained from duly registered agroforestry systems or forestry cultivations with commercial ends, shall not require any authorisation from the regional environmental authority. The Paragraph also mentions: The Ministry of Agriculture and Rural Development, or any body delegated by the Ministry, shall establish a way of identifying products that come from agroforestry</p>

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		<p>Ecuador and Peru [Tendencias de la Gobernanza Forestal en Colombia, Ecuador y Perú. TRAFFIC. Cambridge]. Consulted on 29<sup>th</sup> January 2019: <a href="https://europa.eu/capacity4dev/file/19779/download?token=x05wLFXF">https://europa.eu/capacity4dev/file/19779/download?token=x05wLFXF</a></p> <ul style="list-style-type: none"> <li>• Transparency International, 2019. Corruption perceptions index 2017. Consulted on 28<sup>th</sup> January 2019: <a href="http://www.transparency.org/country/COL">http://www.transparency.org/country/COL</a></li> <li>• World Bank, undated. Worldwide Governance Indicators, interactive data access. Consulted on 28<sup>th</sup> January 2019: <a href="http://info.worldbank.org/governance/wgi/#reports">http://info.worldbank.org/governance/wgi/#reports</a></li> <li>• Orozco, J. M., Mogrovejo, P., Jara, L.F., Sánchez, A., Buendía, B., Dumet, R. y Bohórquez, N., 2014. Trends in Forest Governance in Colombia, Ecuador and Peru [Tendencias de la Gobernanza Forestal en Colombia, Ecuador y Perú]. Consulted on 29<sup>th</sup> January 2019: <a href="https://europa.eu/capacity4">https://europa.eu/capacity4</a></li> </ul>	<p>systems or forestry cultivations with commercial ends, and this method must be adopted by the record holders.</p> <p>The forestry cultivation register is carried out following that which is stated in Article 4: Criteria for registration. In order to register agroforestry systems or forestry cultivations with commercial ends to the Ministry of Agriculture and Rural Development, or any body delegated by the Ministry, shall meet the following criteria:</p> <ul style="list-style-type: none"> <li>• That they be productive forest plantations of an industrial or commercial nature or commercial agroforestry systems, established and registered as such prior to the publication of the current licence.</li> <li>• That they be established within national and regional plans that consider the development and encouragement of productive forest plantations and forestry hubs, previously identified by the Ministry of Agriculture and Rural Development.</li> </ul> <p>On the other hand, paragraph 4 of Article 3 of this decree, refers to when they should be registered with the Regional Autonomous Corporation: Registering protective and protective-productive forest plantations shall continue to be done by the Regional Autonomous Corporations, in accordance with what is laid down in Decree 1791 of 1996 or any regulations that modify or substitute it. When a protective-productive forest plantation is established within the framework of the Forestry Incentive Certificate created by Act 139 of 1994, it shall register with the Ministry of Agriculture and Rural Development or any body delegated by it. The Record of the Plantation is the document required to be able to carry out forestry land-use is as soon as the forest plantation is established, during the growth of the forest plantation or prior to exploitation work. This document is issued by the ICA prior to a visit to the</p>

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		<p><a href="#">dev/file/19779/download?token=x05wLFXF</a></p> <ul style="list-style-type: none"> <li>Mongabay (2018). The last trees of the Amazon. Consulted on 6<sup>th</sup> March 2019: <a href="https://news.mongabay.com/2018/11/the-last-trees-of-the-amazon/">https://news.mongabay.com/2018/11/the-last-trees-of-the-amazon/</a></li> </ul> <p>Interviews with experts: Conversations with various experts from the public and private sector and civil society in Colombia (here anonymous) carried out during October 2016, helped the authors of this report to better understand the applicable legislation and the risks associated with each indicator of legislation.</p>	<p>property, where it will carry out approximate calculations of the volume of timber and, with this form Mobilisation Permits are requested from the entity, which “deduct” from the volume that was initially registered.</p> <p><b>Description of risk</b></p> <ul style="list-style-type: none"> <li>According to experts consulted in 2016, the timeframe for granting of licences, which includes management planning (especially where Regional Environmental Authorities are concerned) can be very long. This can lead to timber owners commencing harvesting activities without the necessary documentation, either to avoid lose their crop to harm from pesticides or to meet obligations under pre-established commercial relationship with a buyer.</li> <li>FAO (Pinto, 2002) also noted that exploitation sometimes begins before a permit or authorisation has been granted. Likewise, the work of a forestry professional is only required, in practice, at the moment the management plan is written and presented, therefore there is limited technical assistant with the ongoing management of the forest.</li> <li>According to FAO (Pinto, 2002), in general there is an evident lack of knowledge of the legal regulations that govern forestry land-use as well as of many of the technical aspects that they cover with regard to the use and management of the resource. A small proportion of users have an adequate knowledge of forestry statutes, and this is due to their interest in obtaining the letter of safe passage in order to transport timber, as well as the fact that the bodies that are responsible for administering the resource barely disseminate the legislation.</li> </ul>

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			<ul style="list-style-type: none"> <li>• On the other hand, based on a general comment received from different experts consulted in 2016, it has been shown that in many cases the holders of licences are different individuals to those who actually carry out the land-use, which means that right from the beginning, there is a doubling of the number of people involved, which makes it easier to evade the control measures. Besides not generating an ownership behaviour over the forest as a source of continuous work, rather favouring an extractivist outlook, this doubling makes it difficult to follow control measures, meaning that the protected timber does not always correspond to the licenced site, for this, this source is included to the assessment.</li> <li>• “The regulations are outdated with some technical or legal inconsistencies. The technical deficiencies concern the elaboration of management and forest harvesting plans; overexploitation of species; lack of a national forest inventory; lack of elaboration and/ or implementation of forest management plans; the disengagement of technical assistance from forest management in the field.” (translated from Orozco et al., 2014, p. 21).</li> <li>• The letter of safe passage is the document that has been designed to legitimise the product, and it has not fully carried out its intended role. Sometimes, licences are requested and obtained with the almost exclusive objective of getting a letter of safe passage, and with it a proof of the legality of extraction, without going fully into the control aspects that emanate from it (expert consultation, 2016).</li> <li>• Between 2000-2011 a total of 17 million cubic metres of natural forest were registered, granted in different regions of the country, which means that every year approximately one million four hundred</li> </ul>

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			<p>thousand hectares are being used formally. The participation of three Regional Autonomous Corporations stand out - CRQ, CORPONARIÑO and CODECHOCO – which represent 46% of the volume granted nationally. The amount granted in 2009 for the Pacific region reached a million cubic metres.</p> <ul style="list-style-type: none"> <li>• According to comments made by experts (2016), the information from the Regional Autonomous Corporations on issuing licences and volumes, is not uniform or does not tally when information is cross checked. At the present time mechanisms to make this information public via the web are being evaluated, with the idea that this would become a tool for looking up land-use licences, much like what can be done with the Colombian Agricultural Institute (ICA). At the moment of the assessment (experts' consultation in 2016 and internet review in 2016) only Corpouraba had an online facility for users to check mobilisation and balances.</li> <li>• “Verification of the real origin of timber is very poor or weak due to deficiencies affecting the harvesting control system from the forest. There are operational and institutional weaknesses, inadequate financial resources, limited participation of local communities in control, impact of external factors such as violence in the areas of forestry, and the lack of monitoring of the activities of management of natural forests.” (translated from Orozco et al., 2014, p. 22).</li> <li>• According to consultation with business owners in 2016, when the forest plantation's case is closed, verification on the ground is inadequate due to how little technical training ICA workers have, together with the low number of staff, which means that it cannot cope with the number of applications.</li> </ul>

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			<ul style="list-style-type: none"> <li>• When consulted in 2016, the experts stated that under the guise of “request for upgrade”, approximately 30% of users registered request a revision and increase of the volume authorised for extraction, for which the ICA carries out a visit to check the timber in situ and makes the decision of whether it is possible or not to grant an increase in volume.</li> <li>• Observations from the consultation with business owners also seem to indicate that the relationship between the company and the Regional Environmental Authority often depends on the public official that is assigned to them. On the other hand, they indicate the possible risk of corruption via bribes for the transfer of the quantities of available volumes that the company might have assigned for extraction. Statements by experts during the consultation in 2016 signal that, where forest plantations are concerned, there is a greater risk of non-compliance on small forest plantations, given that often they decide to carry out exploitation before having the forest plantation registered and, when they come to transport the timber they do not get the mobilisation consignment, which leads them to have to find informal mechanisms to transport and sell it.</li> <li>• A recent article from Mongabay (2018) mentions Illegally-sourced timber from Peru, Bolivia, Brazil, Ecuador, and Colombia are incorporated into the international market with falsified official documents that are almost never verified. False documents in the Amazon: The system that permits illegally sourced timber to be sold and exported legitimately is prevalent in all of the Amazonian countries covered in the investigation. The official documents, which don't always consider the verification processes used by officials in each country, allow</li> </ul>



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			<p>the indiscriminate looting of forest resources from the Amazon. In the reported cases and interviews conducted for this investigative piece, authorities confirmed that timber traffickers often provided false information on official documents. In the majority of cases, the timber of illegal origin is sold with papers that falsely declare that the trees came from an authorized zone, when in reality they were taken from forests where logging is prohibited, such as natural protected areas or indigenous lands. Colombian news publications Semana and El Espectador (mentioned in Mongabay 2018) report that up to 47 percent of the timber sold in the country is illegal, based on data from the Ministry of the Environment. They estimate the timber trafficking industry there may involve about \$750 million per year, almost a third of the money involved in the country's more notorious and high-profile drug trafficking industry.</p> <ul style="list-style-type: none"> <li>• Colombia scores 37 points on the Corruption Perceptions Index 2017 on a scale from 0 (highly corrupt) to 100 (very clean). Colombia ranks 96 out of 180 (rank no. 1 being the cleanest country) (CPI, 2019). In the Worldwide Governance Indicators 2017 (latest available year), Colombia scores 44 for indicator Control of Corruption, and 40 for indicator on Rule of Law (the scores range from 0 (lowest rank) to 100 (highest rank) with higher values corresponding to better outcomes).</li> <li>• Information from the 2015/16 National Index of Transparency ranks (Transparency for Colombia, 2016) the Colombian Agricultural Institute (ICA) at number 68 out of 75, with a high risk; the Ministry of Agriculture and Rural Development (MADR) is ranked 36, medium risk.</li> <li>• The Colombian Agricultural Institute has in place a strategy for fighting corruption and citizen</li> </ul>

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			<p>information, in accordance with that which is stated in article 73 of Act 1474 of 2011 (Colombian Agricultural Institute, 2015). Among other tools they have the institutional map of risks for corruption and the control mechanisms to mitigate it. In terms of the results for 2019, in the operational process of “permits” an extreme risk is noted, but with the implementation of mitigation measures the risk is reduced to moderate (Colombian Agricultural Institute, 2019).</p> <p><b>Risk conclusion</b></p> <p>This indicator has been evaluated as specified risk. Threshold (2) is met: (2) Identified laws are not upheld consistently by all entities and/or are often ignored, and/or are not enforced by relevant authorities.</p>
<b>Taxes and fees</b>			
<p>1.5 Payment of royalties and harvesting fees</p>	<p><b>Applicable laws and regulations</b></p> <p>PUBLIC AND PRIVATE NATURAL FORESTS AND NATURAL FORESTS IN COMMUNITY LANDS OR THE SYSTEM OF NATIONAL NATURAL PARKS</p> <ul style="list-style-type: none"> <li>Decree N° 2811 of 1974: establishing the code on renewable natural resources and the protection of the environment. Sections 220-222 [Decreto N° 2811 de 1974: Por el cual se dicta el Código de recursos naturales renovables y de protección al medio ambiente. Artículo 220-222]. Date of publication: 18<sup>th</sup> December 1974: <a href="http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=1551">http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=1551</a></li> <li>Ministry of Agriculture Agreement N° 48 of 1982: Establishing the payment method and the various harvesting fees for natural, public and private forests. Sections 2, 4, 11 [Acuerdo N° 48 de 1982 del Ministerio de Agricultura: Por el cual se</li> </ul>	<p><b>Government sources</b></p> <ul style="list-style-type: none"> <li>Minambiente, 2018. Minambiente regulates the Compulsory Fee for Timber Forest Use [Minambiente reglamenta la Tasa Compensatoria por Aprovechamiento Forestal Maderable]. Minambiente online news. Consulted on 29<sup>th</sup> January 2019: <a href="http://www.minambiente.gov.co/index.php/noticias/4094-minambiente-reglamenta-la-tasa-compensatoria-por-">http://www.minambiente.gov.co/index.php/noticias/4094-minambiente-reglamenta-la-tasa-compensatoria-por-</a></li> </ul>	<p><b>Overview of Legal Requirements</b></p> <p>In Colombia, the forest harvesting fee only applies to natural forests. The payment of this fee was first mentioned in the National Code on Natural Resources (Código Nacional de Recursos Naturales). The relevant sections read as follows:</p> <ul style="list-style-type: none"> <li>Section 220: concession holders or beneficiaries of single or permanent public forest harvesting permits shall pay, as national interest, a fee equal to no more than thirty percent of the price of the raw product at the market closest to the harvesting site. The payment shall be settled every time. The municipality under whose jurisdiction the forest is being harvested shall receive twenty percent of the amount described in the previous paragraph. This section does not apply to beneficiaries of domestic permits. The companies with the largest percentage</li> </ul>

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	<p>establece la forma de liquidación y se fijan los montos de las diferentes tasas, para el aprovechamiento forestal de los bosques naturales, públicos y privados. Artículos 2, 4, 11]. Date of publication: 15<sup>th</sup> December 1982: <a href="https://www.redjurista.com/Documents/acuerdo_48_de_1982.aspx#viewer">https://www.redjurista.com/Documents/acuerdo_48_de_1982.aspx#viewer</a></p> <ul style="list-style-type: none"> <li>Resolution N° 868 of 1983: Regulating Section 4 of Agreement N° 0048, of 15<sup>th</sup> December 1982. Section 1 [Resolución N° 868 de 1983: Por la cual se reglamenta el Artículo cuarto del Acuerdo N° 0048 de diciembre 15 de 1982. Artículo 1]. Date of publication: 6<sup>th</sup> June 1983: <a href="http://observatorioirsb.org/web/wp-content/uploads/2015/11/resolucion-868-de-1983.pdf">http://observatorioirsb.org/web/wp-content/uploads/2015/11/resolucion-868-de-1983.pdf</a></li> <li>Decree N° 1791 of 1996. Section 30.i: Taxes and fees for wild flora harvesting. [Decreto N° 1791 de 1996. Artículo 30, literal i: Derechos y tasas para el aprovechamiento de flora silvestre].</li> <li>Date of publication: 4<sup>th</sup> October 1996: <a href="http://www.minambiente.gov.co/images/BosquesBiodiversidadyServiciosEcosistemicos/pdf/Ordenaci%C3%B3n-y-Manejo-de-Bosques/dec_1791_041096.pdf">http://www.minambiente.gov.co/images/BosquesBiodiversidadyServiciosEcosistemicos/pdf/Ordenaci%C3%B3n-y-Manejo-de-Bosques/dec_1791_041096.pdf</a></li> <li>Agreement N° 032 of 2015: Updating the forest harvesting fees. Sections 1, 2 and 4 [Acuerdo N° 032 de 2015: Por el cual se actualiza el valor de las tasas por concepto de aprovechamiento forestal. Artículos 1, 2 y 4.]. Date of publication: 17<sup>th</sup> November 2015: <a href="https://www.car.gov.co/index.php?idcategoria=71375&amp;download=Y">https://www.car.gov.co/index.php?idcategoria=71375&amp;download=Y</a></li> <li>Decree N° 1390 of 2018. Addition of a Chapter to the Title 9 from the Section 2 of the Book 2 from the Decree 1076 of 2015. Sole Regulatory Decree of the Environment and Sustainable Development Sector, in relation to the Compensatory Rate for Timber Forest Use in natural forests and other provisions are dictated [Decreto N° 1390 de 2018: Tasa compensatoria por aprovechamiento forestal maderable en bosques naturales. Adiciónese al Título 9, del Libro 2, del Decreto 1076 de 2015, Decreto Único</li> </ul>	<p><a href="#">aprovechamiento-forestal-maderable</a></p> <p><b>Non-Government sources</b></p> <ul style="list-style-type: none"> <li>Forest harvesting rate, 2013. Analysis of green taxes III. [Tasa de aprovechamiento forestal, 2013. Análisis de los impuestos verdes III]. Consulted on 23<sup>rd</sup> September 2016: <a href="http://www.gerencie.com/analisis-de-los-impuestos-verdes-iii-tasa-de-aprovechamiento-forestal.html">http://www.gerencie.com/analisis-de-los-impuestos-verdes-iii-tasa-de-aprovechamiento-forestal.html</a></li> <li>Vocero del café, 2013. Proposal to update the rate of forest harvesting [Proponen actualizar la tasa de aprovechamiento forestal]. Consulted on 23<sup>rd</sup> September 2016: <a href="http://www.vocerodelcafe.com/medio-ambiente/proponen-actualizar-la-tasa-de-aprovechamiento-forestal">http://www.vocerodelcafe.com/medio-ambiente/proponen-actualizar-la-tasa-de-aprovechamiento-forestal</a></li> <li>Garzón, J. A. N., 2016. Method of updating the compensatory rate for timber harvesting in natural forests of Colombia [Método de actualización de la tasa compensatoria</li> </ul>	<p>of national capital shall be favoured when granting the concessions and permits referred to in this section.</p> <ul style="list-style-type: none"> <li>Section 221: beneficiaries of single forest harvesting permits shall also pay a fee per cubic metre of usable timber on top of the fee described in the previous section. The full sum of money collected in line with this and the previous sections shall be allocated to reforestation programmes.</li> </ul> <p>Other taxes and fees apply to forest harvesting and the exploitation of wild flora products. Decree N° 1791 of 1996, Section 30, regarding the content of the resolution authorising the harvesting, paragraph i: taxes and fees [Decreto N° 1791 de 1996, Artículo 30 sobre el contenido de la resolución para otorgar el aprovechamiento, en el literal i: derechos y tasas]. According to Agreement N° 048 of 1982 [Acuerdo N° 048 de 1982], concession holders or beneficiaries of single or permanent public forest harvesting permits shall pay, as national interest, 10% of the basic value of a cubic metre of raw product in the market closest to the harvesting site, according to three categories. (Section 2), which are the following (section 4):</p> <ul style="list-style-type: none"> <li>Very special timber-yielding species. Very special timber-yielding species with a very high commercial value due to their technical characteristics: quality, colour, luster, grain, demand in the markets and use.</li> <li>Special timber-yielding species. Special timber-yielding species with a high commercial value due to their technical characteristics: quality, demand in the markets and use.</li> <li>Ordinary timber-yielding species. Any timber-yielding species not included in the previous categories.</li> </ul>

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	<p>Reglamentario del Sector Ambiente y Desarrollo Sostenible]. Date of publication: 2<sup>nd</sup> August 2018:  <a href="http://es.presidencia.gov.co/normativa/normativa/DECRETO%201390%20DEL%2002%20DE%20AGOSTO%20DE%202018.pdf">http://es.presidencia.gov.co/normativa/normativa/DECRETO%201390%20DEL%2002%20DE%20AGOSTO%20DE%202018.pdf</a></p> <p><b>Legal Authority</b></p> <ul style="list-style-type: none"> <li>Competent Regional Environmental Authority (include the Regional Autonomous Corporation)</li> </ul> <p><b>Legally required documents or records</b></p> <ul style="list-style-type: none"> <li>Administrative Act by the Regional.</li> <li>Environmental Authority including fees statement.</li> <li>Proof of payment of the fee.</li> </ul>	<p>por aprovechamiento forestal maderable en bosques naturales de Colombia]:  <a href="http://repository.udistrital.edu.co/bitstream/11349/3579/1/NavarroGarzonJairoAndres2016.pdf">http://repository.udistrital.edu.co/bitstream/11349/3579/1/NavarroGarzonJairoAndres2016.pdf</a></p> <ul style="list-style-type: none"> <li>IIAP-MADS Convention 180, 2011. Results presentation. Formulation of a proposed compensatory forest rate and complementary economic or financial instruments for the conservation and sustainable use of forest resources in Colombia [Formulación de una propuesta de tasa compensatoria forestal y unos instrumentos económicos o financieros complementarios para la conservación y el uso sostenible de recursos forestales en Colombia]. Consulted on 11<sup>th</sup> November 2016:  <a href="http://www.bosquesflegt.gov.co/?q=download/file/fid/80">http://www.bosquesflegt.gov.co/?q=download/file/fid/80</a></li> <li>Catorce 6, 2018. “New Compensatory Fee for Timber Forest Use includes field verification”</li> </ul>	<p>For a list of the species included under each category, see the relevant section in Resolution N° 868 of 1983 (Resolución N° 868 de 1983). The basic value of the national interest and all other fees is subject to a 25% annual adjustment (section 11).  The Council of State (Consejo de Estado), as quoted by the Cundinamarca Regional Autonomous Corporation (Corporación Autónoma Regional de Cundinamarca) and Navarro (2016), points out that its consultation and civil service section referred to the legality of Agreements N° 48 of 1982 and N° 36 of 1983 (Acuerdos N° 48 de 1982 y N° 36 de 1983) in item n° 1101-03-06-000-2008-00031-00, of 21 August 2008, which included the following questions:</p> <ul style="list-style-type: none"> <li>“Can the competent regional autonomous corporations collect fees and contributions for the harvest of resources in private forests, as set out in Act N° 99 of 1993, section 31, paragraph 13 (Ley N° 99 de 1993, artículo 31, numeral 13)?” Indeed, regional autonomous corporations can apply Agreements N° 48 of 1982 and N° 36 of 1983 (Acuerdos N° 48 de 1982 y N° 36 de 1983) , and thus collect the retributive and compensatory fees established therein for the harvest of public and private forests. The National Interest and the additional fee described in sections 220 and 221 of the Code on Renewable Natural Resources (Código de Recursos Naturales Renovables) only apply to public forests. Thus, considering the aforementioned section 220 and the Agreements elaborating on it, owners of private forests are not liable to pay them.</li> <li>“Considering Section 63 of the Constitution of Colombia (Constitución Política, artículo 63), Act N° 70 of 1993, section 6, (Ley N° 70 de 1993, artículo 6) and the aforementioned environmental regulations, can environmental authorities collect fees and contributions for forest harvesting in lands which have</li> </ul>

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		<p>["Nueva tarifa de Tasa Compensatoria por Aprovechamiento Forestal Maderable incluye verificación en campo"]. Environmental online magazine. Consulted on 29<sup>th</sup> January 2019: <a href="https://www.catorce6.com/actualidad-ambiental/16185-nueva-tarifa-de-tasa-compensatoria-por-aprovechamiento-forestal-maderable-incluye-verificacion-en-campo">https://www.catorce6.com/actualidad-ambiental/16185-nueva-tarifa-de-tasa-compensatoria-por-aprovechamiento-forestal-maderable-incluye-verificacion-en-campo</a></p> <ul style="list-style-type: none"> <li>• Transparency International, 2019. Corruption perceptions index 2017. Consulted on 28<sup>th</sup> January 2019: <a href="http://www.transparency.org/country/COL">http://www.transparency.org/country/COL</a></li> <li>• World Bank, undated. Worldwide Governance Indicators, interactive data access. Consulted on 28<sup>th</sup> January 2019: <a href="http://info.worldbank.org/governance/wgi/#reports">http://info.worldbank.org/governance/wgi/#reports</a></li> <li>• Transparency for Colombia, 2016. Final results report. National Transparency Index 2015-2016. Consulted on 28<sup>th</sup> January 2019. <a href="http://indicedetransparenci">http://indicedetransparenci</a></li> </ul>	<p>been collectively allocated to Afro-Colombian communities?"</p> <p>The National Interest and the additional payment described in sections 220 and 221 of the Code on Renewable Natural Resources (Código de Recursos Naturales Renovables) cannot be collected, because forests in lands owned collectively by Afro-Colombian communities are a collective property and no longer belong to the State. Retributive and compensatory fees, on the other hand, do apply to forests in collectively allocated lands, given the purpose of said fees.</p> <p>Agreement N° 032 of 2015, section 2 (Acuerdo N° 023 de 2015, artículo 2), states that any individual or legal entity, be it public or private, that has been granted a single or permanent natural forest harvesting permit or authorisation is liable to pay the forest harvesting fee. The amount of the fee shall be established by means of the administrative act granting the forest harvesting permit (section 3).</p> <p>The fee shall be paid as follows (section 4):</p> <ul style="list-style-type: none"> <li>• Permanent harvesting permits: the entire volume that is expected to be harvested in one year. It shall be paid every year before the start of the first tree felling activities.</li> <li>• Single harvesting permits: the whole fee shall be paid before any harvesting can be conducted.</li> <li>• Paragraph: the payable fee shall be equivalent to the gross volume of standing timber that was granted.</li> </ul> <p>According to Catorce 6 (2018) and Minambiente (2018) on August 2018, the Ministry of the Environment and Sustainable Development (MADS) published the Decree 1390 of 2018 in which it is determined how it</p>

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		<p><a href="http://a.org.co/portals/0/Documentos/2017/Nacionales/Ministerio%20de%20Agricultura%20y%20Desarrollo%20Rural%20%20FICHA.pdf">a.org.co/portals/0/Documentos/2017/Nacionales/Ministerio%20de%20Agricultura%20y%20Desarrollo%20Rural%20%20FICHA.pdf</a></p> <p>Interviews with experts: Conversations with various experts from the public and private sector and civil society in Colombia (here anonymous) carried out during October 2016, helped the authors of this report to better understand the applicable legislation and the risks associated with each indicator of legislation.</p>	<p>will be calculated the Compensatory Fee for Timber Forest Use in natural forests located in public and private lands.</p> <p>The norm adds an article [Capítulo 12] to the Decree 1076 of 2015 in relation to the calculation of this fee, which has innovative concepts such as minimum fee and regional factor. The regional factor represents the social and environmental costs caused by the forest timber use (timber operations) and considers factors such as regional forest disponibility, species category and affectations caused. In this way, the calculation and the amount of the fee is done through different equations based on these concepts. In the norm, it is expressed that the regional factor will be calculated by the competent Regional Environmental Authority, based on the available information and framed in the existent plans and programs, such as the forest management plan or the forestry land-use plan, with respective field verification. The decree also includes the fee collected and defines that its destiny is for the protection and renewal of the forests. The norm determines that there must be done annual reports of the fee collections, which need to be submitted every year by the 30<sup>th</sup> of April.</p> <p><b>Description of risk</b></p> <ul style="list-style-type: none"> <li>• Forest harvesting fees are payments made by a concession or permit holder in exchange for the right to harvest the timber-yielding and non-timber resources found in natural forests. Before August 2018, the tax base is estimated per cubic metre of raw timber from very special timber-yielding species, special timber-yielding species and ordinary timber-yielding species. However, as shown in the Legal Requirements section, the definition of these categories in the country has just</li> </ul>

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			<p>lately become clear with the Decree 1390 of 2018. Evidence of compliance and enforcement of this new legal requirements is not yet available, therefore the risk assessment for this indicator considers evidence on compliance to the previous legal requirements.</p> <ul style="list-style-type: none"> <li>• According to a news item (Vocero del café, 2013), 57% of the 14 fee-collecting Corporations fulfill their obligation to update the fee every year. Most of them adjust the fee according to the CPI (Consumer's Price Index). One of the corporations does so according to the minimum legal daily wage in force.</li> <li>• In 2011, the Environmental Research Institute of the Pacific (Instituto de Investigaciones Ambientales del Pacífico, IIAP) and the Ministry of the Environment and Sustainable Development (Ministerio de Ambiente y Desarrollo Sostenible, MADS) signed a convention with the aim of updating the forest compensatory fee (IIAP-MADS Convention 180, 2011). In 2012, a report stated that 41% of the Corporations (10) were not collecting harvesting fees, and that 43% of the 14 fee-collecting Corporations charged the same fee for the harvesting of all kinds of timber (making no distinction between categories). Moreover, in the Amazonia and Orinoquia regions, there is a gap of up to 86.1% between the Authority which charges the most and that which charges the least. This led to the following conclusion in the study: “until now, illegal processes have been encouraged; timber from a given Corporation was transported with a laissez-passer from a nearby Corporation with lower fees for the same kind of timber.” (Garzón, J. A. N., 2016)</li> <li>• Expert consultation in 2016 revealed that previous to August 2018, each Corporation was to apply the</li> </ul>

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			<p>fees autonomously. For example, the Regional Autonomous Corporation of Cundinamarca (Corporación Autónoma Regional de Cundinamarca, CAR) only charges administrative fees for the harvesting rights application, while the Regional Environmental Authority in Urabá (Autoridad Ambiental de Urabá, CORPOURABA) charges forest harvesting fees. This leads to significant gaps in fees/ volumes between Corporations, especially regarding the ones not collecting fees, lead to a lack of funding for forest managing bodies. Besides, they have a harmful effect: the fact that timber harvested under a Corporation's jurisdiction is then transported with a laissez-passer from a Corporation with lower fees puts timber forests in Corporations with mistakenly low fees under greater pressure.</p> <ul style="list-style-type: none"> <li>Information from the 2015/16 National Index of Transparency ranks (Transparency for Colombia, 2016) the Ministry of the Environment and Sustainable Development (MADS) at number 47 out of 75, with a medium risk.</li> <li>Colombia scores 37 points on the Corruption Perceptions Index 2017 on a scale from 0 (highly corrupt) to 100 (very clean). Colombia ranks 96 out of 180 (rank no. 1 being the cleanest country) (CPI, 2019). In the Worldwide Governance Indicators 2017 (latest available year), Colombia scores 44 for indicator Control of Corruption, and 40 for indicator on Rule of Law (the scores range from 0 (lowest rank) to 100 (highest rank) with higher values corresponding to better outcomes).</li> <li>The legal grounds are set out in Decree-Law N° 2811 of 1974 (National Code on Renewable Natural Resources and the Environment) (Decreto Ley N° 2811 de 1974, Código Nacional de los Recursos Naturales Renovables y del Ambiente), Decree N°</li> </ul>



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			<p>1791 of 1996 (Decreto N° 1791 de 1996) and specific regulations issued by a number of Regional Autonomous Corporations. These regulations are outdated, and the value of the fees stated therein has not been updated.</p> <ul style="list-style-type: none"> <li>• According to a news item (Vocero del café, 2013), 57% of the 14 fee-collecting Corporations fulfill their obligation to update the fee every year. Most of them adjust the fee according to the CPI. One of the corporations does so according to the minimum legal daily wage in force.</li> <li>• In 2011, the Environmental Research Institute of the Pacific (Instituto de Investigaciones Ambientales del Pacífico, IIAP) and the Ministry of the Environment and Sustainable Development (Ministerio de Ambiente y Desarrollo Sostenible, MADS) signed a convention with the aim of updating the forest compensatory fee. In 2012, a report stated that 41% of the Corporations (10) were not collecting harvesting fees, and that 43% of the 14 fee-collecting Corporations charged the same fee for the harvesting of all kinds of timber (making no distinction between categories). Moreover, in the Amazonia and Orinoquia regions, there is a gap of up to 86.1% between the Authority which charges the most and that which charges the least. This led to the following conclusion in the study: “until now, illegal processes have been encouraged; timber from a given Corporation was transported with a laissez-passer from a nearby Corporation with lower fees for the same kind of timber.”</li> <li>• Expert consultation in 2016 revealed the priority of the Ministry of the Environment and Sustainable Development (Ministerio de Ambiente y Desarrollo Sostenible, MADS): the unification of forest harvesting fee collection criteria by the Green</li> </ul>

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			<p>Business Department (Oficina de Negocios Verdes) of the Ministry. To achieve this goal, it will build upon the points in common shared with the forest governance project (led by CARDER and supported with European Union funds).</p> <p>thatCurrentlyprevious to August 2018, each Corporation applies was to apply the fees autonomously. For example, the Cundinamarca Corporation (Corporación Autónoma Regional de Cundinamarca, CAR) only charges administrative fees for the harvesting rights application, while the Regional Environmental Authority in Urabá (Autoridad Ambiental de Urabá, CORPOURABA) charges forest harvesting fees.</p> <ul style="list-style-type: none"> <li>• This led to significant gaps in fees/volumes between Corporations, especially regarding the ones not collecting fees, lead to a lack of funding for forest managing bodies. Besides, they have a harmful effect: the fact that timber harvested under a Corporation's jurisdiction is then transported with a laissez-passer from a Corporation with lower fees puts timber forests in Corporations with mistakenly low fees under greater pressure.</li> </ul> <p><b>Risk conclusion</b></p> <p>Following precautionary approach, this indicator has been evaluated as specified risk for natural forests: Threshold (2) is met: (2) Identified laws are not upheld consistently by all entities and/or are often ignored, and/or are not enforced by relevant authorities.</p> <p>N/A to forest plantations and agroforestry systems because there is no legislation and no legal requirements in terms of payment of harvesting fees or royalties for forest plantations and agroforestry systems in general at the moment of the assessment.</p>

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
1.6 Value added taxes and other sales taxes	<p><b>Applicable laws and regulations</b></p> <p>GENERAL LEGISLATION</p> <ul style="list-style-type: none"> <li>Decree N° 624 of 1989: Issuing the Tax Statute on the Taxes Managed by the Directorate-General for National Taxes. Section 83: deciding the sale cost in reforestation plantations, and Section 424: Tax-free goods [Decreto N° 624 de 1989: Por el cual se expide el Estatuto Tributario de los Impuestos Administrados por la Dirección General de Impuestos Nacionales. Artículo 83: Determinación del costo de venta en plantaciones de reforestación, y Artículo 424: Bienes que no causan impuesto]. Date of publication: 30<sup>th</sup> March 1989: <a href="http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=6533">http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=6533</a></li> <li>Act 1819 of 2016 [Ley 1819 de 2016]. Adopting a structural reform of the tax system and strengthening the mechanisms to fight tax evasion, amongst other provisions. Sections 99, 175 and 185 ["Por medio de la cual se adopta una reforma tributaria estructural, se fortalecen los mecanismos para la lucha contra la evasión y la elusión fiscal, y se dictan otras disposiciones". Artículos 99, 175 y 185]. Date of publication: 29<sup>th</sup> December 2016: <a href="http://es.presidencia.gov.co/normativa/normativa/LEY%201819%20DEL%2029%20DE%20DICIEMBRE%20DE%202016.pdf">http://es.presidencia.gov.co/normativa/normativa/LEY%201819%20DEL%2029%20DE%20DICIEMBRE%20DE%202016.pdf</a></li> <li>Decree 2788 from 2004 which regulates the single Tax Registry referred to in Article 555-2 of the Tax Statute. Article 1. Unified Tax Registry - RUT; Article 4. Elements of the Unified Tax Registry; Article 5. Required to register in the Unified Tax Registry – RUT [Decreto 2788 de 2004 por el cual se reglamenta el Registro Único Tributario de que trata el artículo 555-2 del Estatuto Tributario. Artículo 1. Registro Único Tributario – RUT; Artículo 4. Elementos del Registro Único Tributario; Artículo 5. Obligados a inscribirse en el Registro Único Tributario – RUT]. Date of publication: 31<sup>th</sup></li> </ul>	<p><b>Non-Government sources</b></p> <ul style="list-style-type: none"> <li>Sierra, A.G, 2015. Tax evasion in Colombia exceeds \$ 6 billion per year [Evasión de impuestos en Colombia supera los \$6 billones al año]. El País journal. Consulted on 24<sup>th</sup> September 2016: <a href="http://www.elpais.com.co/el-pais/economia/noticias/evasion-impuestos-colombia-supera-6-billones-ano">http://www.elpais.com.co/el-pais/economia/noticias/evasion-impuestos-colombia-supera-6-billones-ano</a></li> <li>El Tiempo Journal, 2016. The great business of Panama is the evasion in the country [El gran negocio de Panamá es la evasión en el país]. Unidad investigativa. Consulted on 24<sup>th</sup> September 2016: <a href="http://www.eltiempo.com/mundo/latinoamerica/entrevista-con-exdirector-de-la-dian-sobre-evasion-de-impuestos-en-colombia/16559588">http://www.eltiempo.com/mundo/latinoamerica/entrevista-con-exdirector-de-la-dian-sobre-evasion-de-impuestos-en-colombia/16559588</a></li> <li>Orozco, J. M., Mogrovejo, P., Jara, L.F., Sánchez, A., Buendía, B., Dumet, R. y Bohórquez, N., 2014. Trends in Forest Governance in Colombia, Ecuador and Peru [Tendencias de la Gobernanza Forestal en</li> </ul>	<p><b>Overview of legal requirements</b></p> <p>The Tax Statute, article 424, (Estatuto Tributario, artículo 424), as amended by article 175 of Law 1819 of 2016, explicitly lists the goods not subject to a sales tax when sold or imported. The goods are listed using the Andean customs nomenclature in force. Namely:</p> <ul style="list-style-type: none"> <li>Seedlings for sowing, including timber-yielding forest species: 06.02.20.00.00</li> </ul> <p>In order to determine whether a good is subject to tax, the General Interpretation Criteria included in the Unified Sales Tax Concept (Concepto Unificado de Código) N° 00001 of 2003 apply. Specifically, in this case, Chapter II 1.1.2.1, paragraph c), Criteria for the identification of tax-free goods (literal c) del Capítulo II 1.1.2.1, Criterios para la determinación de los bienes excluidos) of the aforementioned Concept applies. It reads as follows: "When the law refers to a tariff item listing within its generic goods, the goods included in the generic description of said tariff item shall be tax free."</p> <p>Additionally, the tax reform added 5% VAT to tariff item 44.03 – "wood in the rough, whether or not stripped of bark or sapwood", in accordance with the provisions in Section 185 of Act 1819 of 2016, which amends Section 484 of the tax statute.</p> <p>If a dealer purchases timber in the rough, which under tariff item 44.03, and then saws and/ or planes it, the resulting product shall belong to a different tariff item, and its sale will be subject to the relevant sales tax regime. That is why timber sawn or chipped lengthwise, sliced or peeled, whether or not planed, sanded or end-jointed does not belong to tariff item 44.03, but to 44.07</p>

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	<p>August 2004: <a href="https://www.mintic.gov.co/portal/604/articles-3589_documento.pdf">https://www.mintic.gov.co/portal/604/articles-3589_documento.pdf</a></p> <p><b>Legal Authority</b></p> <ul style="list-style-type: none"> <li>Directorate for National Taxes and Customs [Dirección de Impuestos y Aduanas Nacionales (DIAN)]</li> </ul> <p><b>Legally required documents or records</b></p> <ul style="list-style-type: none"> <li>Purchase invoice.</li> <li>Unified Tax Register (Registro Único Tributario, RUT).</li> </ul>	<p>Colombia, Ecuador y Perú]. TRAFFIC. Cambridge. Consulted on 29<sup>th</sup> January 2019:</p> <p><a href="https://europa.eu/capacity4dev/file/19779/download?token=x05wLFXF">https://europa.eu/capacity4dev/file/19779/download?token=x05wLFXF</a></p> <ul style="list-style-type: none"> <li>Cifuentes, D.L., 2016. Deforestation in Colombia in the 21st century [Reforestación en Colombia en el siglo XXI]. FEDEMADERAS 2016. Financiamiento en el sector forestal. Consulted on 10<sup>th</sup> November 2016.</li> <li>Portafolio, 2016. Tax reform, Act 1891 of 2016, upon signature by president Santos [Ley 1819 de 2016, tras firma del presidente Santos. Comenzará a regir desde el primero de enero del próximo año. Incluye el aumento del IVA del 16% al 19%. Consultado el 14 de enero de 2016]. Consulted on 8<sup>th</sup> August 2018: <a href="http://www.portafolio.co/economia/reforma-tributaria-es-la-ley-1819-de-2016-502521">http://www.portafolio.co/economia/reforma-tributaria-es-la-ley-1819-de-2016-502521</a></li> <li>Brand for RCN Radio, 2018. Corruption causes tax evasion in Colombia, warns investigation [“Corrupción propicia evasión de</li> </ul>	<p>or others, depending on its thickness, and, therefore, is subject to sales tax.</p> <p>Since 2017 timber under tariff item 44.03 is taxed with 5% VAT and the sale of cut and/ or sawn timber is taxed with sales tax at the general rate and gives right to discardable taxes, which although not corresponding to the initially acquired good (raw timber, excluded) that transforms into taxed (Cut and/ or brushed timber), if they can correspond to the overhead costs. In any case, deductible tax must fulfill the legal requirements set out in sections 485 and 488 of the Tax Statute. The deduction shall be calculated proportionally, as set out in section 490 of the Tax Statute.</p> <p>Based on the Decree 2788 from 2004 which regulates the Unified Tax Register, it mentions:</p> <p>Article 1. The Unified Tax Register, RUT, established by article 555-2 of the Tax Statute, constitutes the new and unique mechanism to identify, locate and classify the subjects of obligations administered and controlled by the National Tax and Customs Directorate.</p> <p>Article 4. The elements that integrate the Unified Tax Register – RUT are:</p> <ol style="list-style-type: none"> <li>The identification. Corresponds to the name of the natural persons or to the corporate name of the legal entities and other subjects of obligations administered by the Directorate of National Taxes and Customs, added in turn by a numerical code called Tax Identification Number - NIT, allowing its individualization in an unequivocal way for all the tax effects, customs and foreign exchange, and especially for the fulfillment of the obligations of said nature. The conformation of the tax</li> </ol>

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		<p>impuestos en Colombia, advierte investigación”]. Consulted on 30<sup>th</sup> January 2019:  <a href="https://www.rcnradio.com/recomendado-del-editor/corrupcion-propicia-evasion-de-impuestos-en-colombia-advierte-investigacion">https://www.rcnradio.com/recomendado-del-editor/corrupcion-propicia-evasion-de-impuestos-en-colombia-advierte-investigacion</a></p> <ul style="list-style-type: none"> <li>• FEDEMADERAS, 2016. Tax Reform in Process keeps exemption for forestry income and includes VAT of 5% to item 4403 [Reforma Tributaria en Proceso, conserva exención por renta forestal e incluye IVA del 5% a la partida 4403]. Consulted on online news of 22<sup>nd</sup> December 2016:  <a href="http://fedemaderas.org.co/2016/12/notifedemaderas-22-de-diciembre-de-2016/">http://fedemaderas.org.co/2016/12/notifedemaderas-22-de-diciembre-de-2016/</a></li> </ul> <p>Interviews with experts: Conversations with various experts from the public and private sector and civil society in Colombia (here anonymous) carried out during October 2016, helped the authors of this report to better understand the applicable legislation and the risks associated with each indicator of legislation.</p>	<p>identification code - NIT, is the responsibility of the Directorate of National Taxes and Customs.</p> <ol style="list-style-type: none"> <li>2. The location. Corresponds to the place where the Directorate of Taxes and National Customs may contact officially and for all purposes, the respective registered, without prejudice to other places authorized by law.</li> <li>3. The classification. Corresponds to nature, activities, functions, characteristics, attributes, regimes, obligations, authorizations and other elements owned by each subject of the obligations administered by the Tax Office and National Customs.</li> </ol> <p>Article 5. It is required to be registered in the Unified Tax Register - RUT:</p> <ol style="list-style-type: none"> <li>a) Individuals and entities that have the status of taxpayers declarant of the income tax,</li> <li>b) individuals and entities that are not taxpayers, declare income and assets,</li> <li>c) those responsible for sales tax belonging to the schemes common or simplified,</li> <li>d) the withholding agents, and. Importers and exporters,</li> <li>e) professionals in buying and selling currencies, and</li> <li>f) international freight forwarders, maritime agents, authorized depots, public and private companies, international traders (C.I.), merchants of the zones of special customs regime, the merchants of the free port of San Andrés, Providencia and Santa Catalina, the intermediaries of postal traffic and shipments urgent, multimodal transport operators, intermediation companies, customs, holders of ports and docks for public or private service, transporters in the import or export regime, carriers for Customs transit regime operations, user operators free zones, users of export processing</li> </ol>

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			<p>zones for goods and services, permanent customs users, highly exporting users, users of special economic zones of export and other customs users.</p> <p><b>Description of risk</b></p> <ul style="list-style-type: none"> <li>• There is a lack of tax-paying culture in Colombia. According to 2015 data, tax evasion amounts to over \$6 trillion USD. Most tax is paid by just a handful of companies and individuals. One of the challenges facing the Directorate for National Taxes and Customs (Dirección de Impuestos y Aduanas Nacionales, DIAN) is to increase the number of taxpayers in order to achieve a better distribution of the tax burden (Nancy Jara, taxpayer ombudswoman in an interview with El País, 2015).</li> <li>• "...the income received by state agencies, tax revenue is, in many cases, not fully used in accordance with its established purpose. There are various forms of fraud, whose magnitude is difficult to determine." (translated from Orozco et al., 2014, p. 22).</li> <li>• There are over 500 tax regulations, which laypeople find difficult to understand. Sometimes, taxpayers do not know how to comply with their obligations. Some companies subject to tax operate in several municipalities with different ICA fees and tax bases. Sometimes, even the forms used are different. This leads to high compliance costs. Some companies need to submit up to 15 or 20 tax returns (Sierra, 2015).</li> <li>• When this assessment was drafted in 2016, no VAT had been collected for tariff item 44.03 (wood in the rough). However, the country is carrying out a tax reform. The idea of applying a 5% VAT rate to said tariff item is being considered in order to support the formalisation of a legal market. By January 2017</li> </ul>

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
			<p>the final text of the Reform had been approved (FEDEMADERAS, 2016).</p> <ul style="list-style-type: none"> <li>According to DIAN, tax evasion in 2016 was 22,5% and for 2017 23,6%, this increase was calculated representing around 13 billion of colombian pesos. A study from the National University of Colombia found out that tax evasion is related to the perception that people have that the government insitutions are corrupt (Brand for RCN Radio, 2018).</li> </ul> <p><b>Risk conclusion</b></p> <p>Following the precautionary approach, this indicator has been evaluated as specified risk. Threshold (2) is met: (2) identified laws are not upheld consistently by all entities and/ or are often ignored, and/ or are not enforced by relevant authorities.</p>
1.7 Income and profit taxes	<p><b>Applicable laws and regulations</b></p> <p>FOR FOREST PLANTATIONS</p> <ul style="list-style-type: none"> <li>Decree N° 624 of 1989: Issuing the Tax Statute on the Taxes Managed by the Directorate-General for National Taxes. Section 157: Special deductions for investment. Section 173: Deductions for reforestation plantations. Chapter X: Tax discounts. Section 253: Reforestation [Decreto N° 624 de 1989: Por el cual se expide el Estatuto Tributario de los Impuestos Administrados por la Dirección General de Impuestos Nacionales. Artículo 157: Deducciones especiales por inversiones. Artículo 173: Deducciones en plantaciones de reforestación. Capítulo X: Descuentos tributarios. Artículo 253: por Reforestación]. Date of publication: 30<sup>th</sup> March 1989: <a href="http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=6533">http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=6533</a></li> </ul>	<p><b>Government sources</b></p> <ul style="list-style-type: none"> <li>Colombian Agricultural Institute, 2015. Anti-corruption and citizen information plan [Plan anticorrupcion y de atención al ciudadano]. Consulted on 23<sup>rd</sup>September 2016: <a href="http://www.ica.gov.co/Modelo-de-P-y-G/Transparencia-Participacion-y-Servicio-al-Ciudadano/Plan-Anticorrupcion-y-de-atencion-al-ciudadano.aspx">http://www.ica.gov.co/Modelo-de-P-y-G/Transparencia-Participacion-y-Servicio-al-Ciudadano/Plan-Anticorrupcion-y-de-atencion-al-ciudadano.aspx</a></li> <li>Colombian Agricultural Institute, 2019. Anti-corruption plan – 2019 [Plan Anticorrupción]. Consulted</li> </ul>	<p><b>Overview of Legal Requirements</b></p> <p>FOR FOREST PLANTATIONS</p> <p>Tax Statute. Decree N° 624 of 1989 (Estatuto Tributario. Decreto N° 624 de 1989). Decree N° 624 of 1989 contains the Tax Statute (Estatuto Tributario) on the taxes managed by the Directorate-General for National Taxes (Dirección General de Impuestos Nacionales) and it includes three sections on income-tax exemption for forest plantations, which read as follows:</p> <ul style="list-style-type: none"> <li>Section 157. Deductions for investment on new forest plantations, irrigation, wells and silos. Individuals or legal entities who make direct investments on new reforestation plantations, coconut trees, oil palms, rubber trees, olive trees, cocoa trees, fruit trees, irrigation or land drainage works, deep wells and silos aimed at the treatment</li> </ul>

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
	<ul style="list-style-type: none"> <li>Act N° 788 of 2002: Issuing national and regional tax and criminal regulations, as well as other regulations. Section 18: Other tax-exempt income [Ley N° 788 de 2002: Por la cual se expiden normas en materia tributaria y penal del orden nacional y territorial; y se dictan otras disposiciones. Artículo 18: Otras rentas exentas]. Date of publication: 20<sup>th</sup> December 1995: <a href="http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=7260">http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=7260</a></li> <li>Decree N° 2755 of 2005: By means of which sections 13 and 14 of Decree N° 2755 of 2003 are amended and section 191 of the Tax Statute is partially regulated. Section 1 [Decreto N° 2755 de 2005: Por el cual se modifican los artículos 13 y 14 del Decreto 2755 de 2003 y se reglamenta parcialmente el artículo 191 del Estatuto Tributario. Artículo 1]. Date of publication: 10<sup>th</sup> August 2005: <a href="http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=17293">http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=17293</a></li> <li>Act N° 139 of 1994: By means of which the Forest Incentive Certificate is established, and other regulations are issued. Section 8, paragraph C [Ley N° 139 de 1994: Por la cual se crea el Certificado de Incentivo Forestal y se dictan otras disposiciones. Artículo 8, literal C.]. Date of publication: 21<sup>st</sup> June 1994: <a href="http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=30220">http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=30220</a></li> <li>Act N° 939 of 2004: Correcting the procedural flaws which appeared while Act N° 818 of 2003 was being processed; stimulating the production and marketing of biofuels of plant or animal origin for diesel engines; and issuing other regulations. Section 1 [Ley N° 939 de 2004: Por medio de la cual se subsanan los vicios de procedimiento en que incurrió en el trámite de la Ley 818 de 2003 y se estimula la producción y comercialización de biocombustibles de origen vegetal o animal para uso en Motores diesel y se dictan otras disposiciones. Artículo 1]. Date of publication: 31<sup>st</sup> December 2004:</li> </ul>	<p>on 29<sup>th</sup> January 2019: <a href="https://www.ica.gov.co/mod-elo-de-p-y-g/transparencia-participacion-y-servicio-al-ciudadano/plan-anticorrupcion-y-de-atencion-al-ciudadano/2019">https://www.ica.gov.co/mod-elo-de-p-y-g/transparencia-participacion-y-servicio-al-ciudadano/plan-anticorrupcion-y-de-atencion-al-ciudadano/2019</a></p> <p><b>Non-Government sources</b></p> <ul style="list-style-type: none"> <li>Sierra, A.G., 2015. Tax evasion in Colombia exceeds \$ 6 billion a year [Evasión de impuestos en Colombia supera los \$6 billones al año]. El País. Consulted on 24<sup>th</sup> September 2016: <a href="http://www.elpais.com.co/el-pais/economia/noticias/evasion-impuestos-colombia-supera-6-billones-ano">http://www.elpais.com.co/el-pais/economia/noticias/evasion-impuestos-colombia-supera-6-billones-ano</a></li> <li>El Tiempo journal, 2016. The big business of Panama is the evasion in the country [El gran negocio de Panamá es la evasión en el país]. Investigative unit Consulted on 24<sup>th</sup> September 2016: <a href="http://www.eltiempo.com/mundo/latinoamerica/entrevista-con-exdirector-de-la-dian-sobre-evasion-de-impuestos-en-colombia/16559588">http://www.eltiempo.com/mundo/latinoamerica/entrevista-con-exdirector-de-la-dian-sobre-evasion-de-impuestos-en-colombia/16559588</a></li> </ul>	<p>and primary benefit of agricultural products will be entitled to a yearly tax deduction equal to the value of their investments during the taxable year. This tax deduction will also apply to individuals and legal entities investing in companies specialised in the aforementioned activities, as recognised by the Ministry of Agriculture. The aforementioned deduction shall not exceed ten percent (10%) of the investor's net income. For the purposes of this deduction, the investor shall keep proof of the investment and of the specialised company's status in the area, when applicable. The Ministry of Agriculture shall issue yearly resolutions listing the eligible companies.</p> <ul style="list-style-type: none"> <li>Section 173. Deductions for reforestation plantations. Regarding reforestation plantations, the deductible amount shall be established in accordance with the presumptions and conditions set out in Section 83.</li> <li>Section 83. Identification of the sales cost for reforestation plantations. In reforestation plantations, it is assumed that harvesting costs and deductions account for eighty percent (80%) of the sales value in any taxable period. This assumption shall only apply given the following conditions: <ul style="list-style-type: none"> <li>- The taxpayer did not apply for deductions for reforestation-related expenses or investment, including interest on loans granted for that purpose, during the current taxable year or in previous years.</li> <li>- The reforestation plan has been approved by the Ministry of Agriculture and corresponding certificates have been kept.</li> <li>- Paragraph. Any taxpayer who applied for deductions for reforestation-related expenses or investment in previous years shall be eligible for the eighty percent (80%) assumption described</li> </ul> </li> </ul>



Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
	<p><a href="http://www.minambiente.gov.co/images/normativa/leyes/2004/ley_0939_2004.pdf">http://www.minambiente.gov.co/images/normativa/leyes/2004/ley_0939_2004.pdf</a></p> <ul style="list-style-type: none"> <li>Act 1819 of 2016. Adopting a structural reform of the tax system and strengthening the mechanisms to fight tax evasion, amongst other provisions [Por medio de la cual se adopta una reforma tributaria estructural, se fortalecen los mecanismos para la lucha contra la evasión y la elusión fiscal, y se dictan otras disposiciones]. Date of publication: 29<sup>th</sup> December 2016: <a href="http://es.presidencia.gov.co/normativa/normativa/LEY%201819%20DEL%2029%20DE%20DICIEMBRE%20DE%202016.pdf">http://es.presidencia.gov.co/normativa/normativa/LEY%201819%20DEL%2029%20DE%20DICIEMBRE%20DE%202016.pdf</a></li> </ul> <p><b>Legal Authority</b></p> <ul style="list-style-type: none"> <li>Directorate for National Taxes and Customs [Dirección de Impuestos y Aduanas Nacionales (DIAN)]</li> </ul> <p><b>Legally required documents or records</b></p> <ul style="list-style-type: none"> <li>Tax returns and amendments thereof.</li> <li>Unified Tax Register (Registro Único Tributario, RUT).</li> </ul>	<ul style="list-style-type: none"> <li>El País journal, 2012. Find out which taxes are most evaded by Colombians [Conozca cuáles son los impuestos que más son evadidos por los colombianos]. Consulted on 10<sup>th</sup> November 2016: <a href="http://www.elpais.com.co/el-pais/economia/noticias/conozca-cuales-son-impuestos-son-evadidos-por-colombianos">http://www.elpais.com.co/el-pais/economia/noticias/conozca-cuales-son-impuestos-son-evadidos-por-colombianos</a></li> <li>Diego Lozano Cifuentes, 2016. Reforestation in Colombia in the 21<sup>st</sup> century [Reforestación en Colombia en el siglo XXI] FEDEMADERAS. Financing in the forestry sector. Consulted on 10<sup>th</sup> November 2016.</li> <li>Marín for Revista M&amp;M, 2017. So were the taxes after the approval of the financing law [“Así quedaron los impuestos tras la aprobación de ley de financiamiento”]. Consulted on 30<sup>th</sup> January 2019: <a href="https://revista-mm.com/blog/economicos/impuestos-industria-maderera-reforma-tributaria/">https://revista-mm.com/blog/economicos/impuestos-industria-maderera-reforma-tributaria/</a></li> <li>Brand for RCN Radio, 2018. Corruption causes tax evasion in Colombia, warns</li> </ul>	<p>in this section, in which case the total amount of accepted reforestation-related deductions shall be considered as gross recovered income to be postponed during the harvesting period, but for no longer than five (5) years.</p> <p>Similarly, Act N° 788 of 2002, section 18 (Ley N° 788 de 2002, artículo 18), lists other kinds of tax-exempt income and adds the following to the Tax Statute, section 207-2 (Estatuto Tributario, artículo 207-2): Section 18. Other tax-exempt income. The following is added to the Tax Statute (Estatuto Tributario):</p> <ul style="list-style-type: none"> <li>Section 207-2. Other tax-exempt income. Any income originating in the following activities shall be tax exempt, subject the requirements and controls established by regulations: (...) Harvesting of new forest plantations, including guadua forest plantations (neotropical bamboo), depending on the rating issued by the competent Regional Autonomous Corporation or entity. Under the same conditions, taxpayers who invest in sawmills directly linked to the harvesting activities described in this paragraph after the effective date of this Law shall be entitled to a tax exemption. Taxpayers who, on the effective date of this Law, own timber-yielding tree forest plantations that have been duly registered with the competent authority shall also be entitled to the tax exemption described in this section. Tax exemption is subject to the technical renovation of the forest plantations.</li> <li>Section 253. Amended by Law N° 223 of 1995 (Ley N° 223 de 1995). Amended to read as follows: For Reforestation. Income taxpayers who have to file tax returns in Colombia and who start new reforestation-species forest plantations in reforestation areas shall be entitled to discount from their income tax up to 20% of their investment, as</li> </ul>

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
		<p>investigation [Corrupción propicia evasión de impuestos en Colombia, advierte investigación]. Consulted on 30<sup>th</sup> January 2019:  <a href="https://www.rcnradio.com/recomendado-del-editor/corrupcion-propicia-evasion-de-impuestos-en-colombia-advierte-investigacion">https://www.rcnradio.com/recomendado-del-editor/corrupcion-propicia-evasion-de-impuestos-en-colombia-advierte-investigacion</a></p> <ul style="list-style-type: none"> <li>• Transparency for Colombia, 2016. Final results report. National Transparency Index 2015-2016. Consulted on 28<sup>th</sup> January 2019:  <a href="http://indicedetransparencia.org.co/portals/0/Documentos/2017/Nacionales/Ministerio%20de%20Agricultura%20y%20Desarrollo%20Rural%20%20FICHA.pdf">http://indicedetransparencia.org.co/portals/0/Documentos/2017/Nacionales/Ministerio%20de%20Agricultura%20y%20Desarrollo%20Rural%20%20FICHA.pdf</a></li> </ul> <p>Interviews with experts:  Conversations with various experts from the public and private sector and civil society in Colombia (here anonymous) carried out during October 2016, helped the authors of this report to better understand the applicable legislation and the risks associated with each indicator of legislation.</p>	<p>long as the investment has been certified by a Regional Autonomous Corporation of the competent Regional Environmental Authority. The discounted amount shall not exceed 20% of the basic income tax rate for that taxable year.</p> <ul style="list-style-type: none"> <li>• Paragraph. Regulated by National Decree N° 900 of 1997 (Decreto Nacional N° 900 de 1997). The Forest Incentive Certificate (Certificado de Incentivo Forestal, CIF) was created by means of Act N° 139 of 1994 (Ley N° 139 de 1994). The CIF can also be used to compensate the direct and indirect costs of maintaining ownership over natural forest ecosystems that have been subject to no or limited intervention. The aim of the above is to acknowledge the environmental and social benefits of such ecosystems. (...)</li> </ul> <p>Decree N° 2755 of 2005, section 2 (Decreto N° 2755 de 2005, artículo 2), outlines the requirements to be eligible for tax exemption for harvesting new forest plantations.</p> <ul style="list-style-type: none"> <li>• The amendment to the Colombian Tax Statute in Act 1819 of 2016 (Ley 1819 de 2016) stipulates in its Section 99 (artículo 99) that harvesting in new forest plantations shall be free of tax until fiscal year 2036.</li> <li>• Additionally, this amendment created a unified income tax for new forest plantations included the <i>guadua</i> with a general fee of 34% for the year 2017 and 33% from 2018 on (Marín for Revista M&amp;M, 2017).</li> <li>• The companies that generate revenues from the use of new forest plantations, or that invest on new sawmill directly related to forest use, do not generate income tax to the 34% (starting from 2017). The access this exception is subject to the technical renovation of the crops that must be</li> </ul>

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
			<p>processed by the ICA, which is the competent entity designated for this matter by the MADR. No new forest plantations have also right to access these exceptions of the income tax, but only when the forest plantation is registered, and the crops are renovated (also processed by ICA). (Marín for Revista M&amp;M, 2017).</p> <ul style="list-style-type: none"> <li>The enterprises cannot access to the income tax exception if: a) they are already making use of the benefits of the CIF (certificate of forestry incentive), this is because both benefits are excluyent; b) the total income of the company for the revenue of the sale of the exempt timber is less than 80% of the total sales and c) the company has not the forest plantation registered and/or does not renovate the crops accordingly to the law. Previous to the harvesting activities, the exception must be processed (the forest plantation must be registered with the competent authority) so that the organization can access the exception when the organization has to declare their incomes, the consequent year, after having obtained the revenue or utility for the sale of the timber. The register of the forest plantation is done only once and previous to the verification of the information and field visit, and once these processes are done, DIAN will assign a number a tax identification number to access the exception of the income tax. (Bernal in Marín for Revista M&amp;M, 2017).</li> </ul> <p>Based on the Decree 2788 from 2004 which regulates the Unified Tax Register, it mentions:  Article 1. The Unified Tax Register, RUT, established by article 555-2 of the Tax Statute, constitutes the new and unique mechanism to identify, locate and classify the subjects of obligations administered and controlled by the National Tax and Customs Directorate.</p>

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			<p>Article 4. The elements that integrate the Unified Tax Register – RUT are:</p> <ol style="list-style-type: none"> <li>1. The identification. Corresponds to the name of the natural persons or to the corporate name of the legal entities and other subjects of obligations administered by the Directorate of National Taxes and Customs, added in turn by a numerical code called Tax Identification Number - NIT, allowing its individualization in an unequivocal way for all the tax effects, customs and foreign exchange, and especially for the fulfillment of the obligations of said nature. The conformation of the tax identification code - NIT, is the responsibility of the Directorate of National Taxes and Customs.</li> <li>2. The location. Corresponds to the place where the Directorate of Taxes and National Customs may contact officially and for all purposes, the respective registered, without prejudice to other places authorized by law.</li> <li>3. The classification. Corresponds to nature, activities, functions, characteristics, attributes, regimes, obligations, authorizations and other elements owned by each subject of the obligations administered by the Tax Office and National Customs.</li> </ol> <p>Article 5. It is required to be registered in the Unified Tax Register - RUT:</p> <ol style="list-style-type: none"> <li>a) Individuals and entities that have the status of taxpayer's declarant of the income tax,</li> <li>b) individuals and entities that are not taxpayers, declare income and assets,</li> <li>c) those responsible for sales tax belonging to the schemes common or simplified,</li> <li>d) the withholding agents, and. Importers and exporters,</li> <li>e) professionals in buying and selling currencies, and</li> </ol>

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
			<p>f) international freight forwarders, maritime agents, authorized depots, public and private companies, international traders (C.I.), merchants of the zones of special customs regime, the merchants of the free port of San Andrés, Providencia and Santa Catalina, the intermediaries of postal traffic and shipments urgent, multimodal transport operators, intermediation companies, customs, holders of ports and docks for public or private service, transporters in the import or export regime, carriers for Customs transit regime operations, user operators free zones, users of export processing zones for goods and services, permanent customs users, highly exporting users, users of special economic zones of export and other customs users.</p> <p><b>Description of risk</b></p> <ul style="list-style-type: none"> <li>• There is a lack of tax-paying culture in Colombia. According to 2015 data, tax evasion amounts to over \$6 trillion USD. Most tax is paid by just a handful of companies and individuals. One of the challenges facing the Directorate for National Taxes and Customs (Dirección de Impuestos y Aduanas Nacionales (DIAN)) is to increase the number of taxpayers in order to achieve a better distribution of the tax burden (Nancy Jara, taxpayer ombudswoman in an interview with El País, 2015).</li> <li>• According to a news piece in El País (2012), 4.6 million taxpayers pay income tax. 1.1 million out of those, both individuals and legal entities, file tax returns. The rest pay tax through pay-as-you-earn mechanisms. Tax evasion behaviour includes the failure to file tax returns, making arithmetical errors, omitting deposits and including non-existent costs, discounts, deductions or deductible taxes. According to DIAN estimates, the Treasury lost \$82</li> </ul>

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
			<p>trillion between 2005 and 2009. In 2012, income tax evasion amounted to 25%-28%, equivalent to 2.3% of Colombia's GDP.</p> <ul style="list-style-type: none"> <li>• According to DIAN, tax evasion in 2016 was 22,5% and for 2017 23,6%, this increase was calculated representing around 13 billion of colombian pesos. A study from the National University of Colombia found out that tax evasion is related to the perception that people have that the government insitutions are corrupt (Brand for RCN Radio, 2018).</li> <li>• During interviews with experts in 2016 it proved challenging to obtain statistical data to conduct a valid assessment of the risk of non-compliance with income taxes and other legal requirements in Colombia's forestry sector.</li> <li>• The Colombian Agricultural Institute has in place a strategy for fighting corruption and citizen information, in accordance with that which is stated in article 73 of Act 1474 of 2011 (Colombian Agricultural Institute, 2015). Among other tools they have the institutional map of risks for corruption and the control mechanisms to mitigate it. In terms of the results for 2019, in the operational process of "permits" an extreme risk is noted, but with the implementation of mitigation measures the risk is reduced to moderate (Colombian Agricultural Institute, 2019).</li> <li>• Information from the 2015/16 National Index of Transparency ranks (Transparency for Colombia, 2016) the Colombian Agricultural Institute (ICA) at number 68 out of 75, with a high risk.</li> <li>• Due to the lack of information on the enforcement of the new exception of payment of income taxes for new forest plantation, and due to the existing corruption index, precautionary approach is applied.</li> </ul>

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
			<p><b>Risk conclusion</b></p> <p>Following the precautionary approach, this indicator has been evaluated as specified risk for forest plantations: threshold (2) is met: (2) Identified laws are not upheld consistently by all entities and/or are often ignored, and/or are not enforced by relevant authorities.</p> <p>N/A to natural forests and agroforestry systems because there are no legal requirements in terms of income and profit taxes according to the assessment in 2016.</p>
<b>Timber harvesting activities</b>			
1.8 Timber harvesting regulations	<p><b>Applicable laws and regulations</b></p> <p>GENERAL LEGISLATION</p> <ul style="list-style-type: none"> <li>Decree N° 1541 of 1978, regulating Volume II, Part III of Decree-Law N° 2811 of 1974, “On non-maritime waters”, and partially regulating Act N° 23 of 1973. Title IV - Chapter III: Occupation. Section 104 [Decreto N° 1541 de 1978: por el cual se reglamenta la Parte III del Libro II del Decreto-Ley N° 2811 de 1974: “De las aguas no marítimas” y parcialmente la Ley N° 23 de 1973. Título IV -Capítulo III: Ocupación. Artículo 104]. Date of publication: 28<sup>th</sup> July 1978: <a href="http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=1250">http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=1250</a></li> <li>Agreement N° 003 of 1994: Suspending the issue of permanent and single forest harvesting permits in the Tolima Department [Acuerdo N° 003 De 1994: Por el cual se suspende la expedición de permisos de aprovechamientos forestales persistentes y únicos dentro del departamento del Tolima]. Date of publication: 11 April 2014: <a href="http://ovirtual.cortolima.gov.co/ovirtual/detacrd.php?id_proc=2014afg2">http://ovirtual.cortolima.gov.co/ovirtual/detacrd.php?id_proc=2014afg2</a></li> </ul>	<p><b>Government sources</b></p> <ul style="list-style-type: none"> <li>Minambiente, undated. List of Regional Autonomous Corporations [Listado de las Corporaciones Autónomas Regionales]. Consulted on 25<sup>th</sup> September of 2016: <a href="http://www.minambiente.gov.co/index.php/noticias/2067">http://www.minambiente.gov.co/index.php/noticias/2067</a></li> </ul> <p><b>Non-Government sources</b></p> <ul style="list-style-type: none"> <li>Ricardo Linares Prieto, 2001. Qualification of forest management plans as tools for the sustainable harvesting of natural forests in Colombia [Cualificación de los planes de manejo forestal como instrumentos</li> </ul>	<p><b>Overview of Legal Requirements</b></p> <p>GENERAL LEGISLATION</p> <p>Specific silvicultural systems are not regulated in Colombian law. This is a technical issue, and each case is resolved by officials of the authority in charge of forest harvesting or a silvicultural system, in accordance with the biological and physical characteristics of the area and the harvested site.</p> <p>As regards natural forests, the Forest Harvesting Regime (Decree N° 1791 of 1996) includes references to conditions for harvesting, which are the following:</p> <ul style="list-style-type: none"> <li>Section 11. Owners of permanent natural forest harvesting sites in public or private land shall guarantee the preservation of specimens of every diameter class in the forest being harvested in order to contribute to resource sustainability.</li> <li>Section 25. Forest management and forest harvesting plans for areas measuring twenty (20) hectares or more shall include a chapter on environmental considerations. Said chapter shall include detailed information on required and planned action to prevent, mitigate, control,</li> </ul>

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	<ul style="list-style-type: none"> <li>Decree N° 1791 of 1996: Establishing the Forest Harvesting Regime. Section 13 [Decreto N° 1791 de 1996: por el cual se establece el Régimen de Aprovechamiento Forestal]. Date of publication: 4<sup>th</sup> October 1996. Sections 11, 25 and 26: <a href="http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=1296">http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=1296</a></li> <li>Decree N° 1498 of 2008: Regulating Act N° 99 of 1993, section 5, paragraph 3, and Law N° 139 of 1994, section 2. Sections 7 and 8 [Decreto N° 1498 de 2008: por el cual se reglamenta el parágrafo 3° del artículo 5° de la Ley N° 99 de 1993 y el artículo 2° de la Ley N° 139 de 1994. Artículos 7 y 8]. Date of publication: 7<sup>th</sup> May 2008: <a href="http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=30098">http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=30098</a></li> </ul> <p><b>Legal Authority</b></p> <ul style="list-style-type: none"> <li>Regional Environmental Authority within the Regional Autonomous Corporation of the Administrative Area [Corporación Autónoma Regional de la Jurisdicción]</li> </ul> <p><b>Legally required documents or records</b></p> <p>For natural forest, forest plantation and agroforestry systems</p> <ul style="list-style-type: none"> <li>If a riverbed is occupied (for infrastructure) <ul style="list-style-type: none"> <li>Authorisation for riverbed occupation granted by means of an Administrative Act from the competent Regional Environmental Authority.</li> </ul> </li> <li>In cases of forest intervention (for infrastructure but not applicable for forest plantations/agroforestry systems) <ul style="list-style-type: none"> <li>Single forest harvesting plan and its authorization.</li> <li>Administrative Act by the competent Regional Environmental Authority authorising the harvesting.</li> </ul> </li> </ul>	<p>para el aprovechamiento sostenible de los bosques naturales en Colombia]. Revista Colombia Forestal, 2001-12-00 V: 7. Consulted on 26<sup>th</sup> September 2016: <a href="http://revistas.udistrital.edu.co/ojs/index.php/colfor/artic/e/view/3208/4697">http://revistas.udistrital.edu.co/ojs/index.php/colfor/artic/e/view/3208/4697</a></p> <ul style="list-style-type: none"> <li>Orozco, J. M., Mogrovejo, P., Jara, L.F., Sánchez, A., Buendía, B., Dumet, R. and Bohórquez, N., 2014. Trends in Forest Governance in Colombia, Ecuador and Peru [Tendencias de la Gobernanza Forestal en Colombia, Ecuador y Perú]. TRAFFIC. Cambridge. Consulted on 29<sup>th</sup> January 2019: <a href="https://europa.eu/capacity4dev/file/19779/download?token=x05wLFXF">https://europa.eu/capacity4dev/file/19779/download?token=x05wLFXF</a></li> <li>Pinto, J., 2002. State of forestry information in Colombia, 2002: Current status of the information on forestry management. FAO. Consulted on 23<sup>rd</sup> September 2016: <a href="ftp://ftp.fao.org/docrep/fao/006/AD392S/AD392S00.pdf">ftp://ftp.fao.org/docrep/fao/006/AD392S/AD392S00.pdf</a></li> <li>Romero, H. G., 2011. Deforestation in Colombia, Challenges and outlooks</li> </ul>	<p>compensate and correct any impact or harmful effect of forest harvesting.</p> <ul style="list-style-type: none"> <li>Section 26. The chapter on the environmental consideration of each plan shall not be necessary in wild flora exploitation in areas measuring less than twenty (20) hectares. However, within the resolutions granting harvesting rights, the corporations shall establish the user's obligations to prevent, mitigate, compensate and correct any harmful environmental effect caused by their actions.</li> </ul> <p>As regards forest plantations, Decree N° 1498 of 2008 (Decreto N° 1498 de 2008) states the following condition regarding forest harvesting: no permits or other additional requirements shall be necessary to build forest paths or roads unless this activity requires the exploitation, or use of, or affects, renewable natural resources, in which case a permit shall be requested and obtained from the competent authority (sections 7 and 8).</p> <p>If the intervention affects a watercourse, a permanent or temporary occupation permit shall be necessary, as stated in Decree N° 1541 of 1978 (Decreto N° 1541 de 1978). If the occupation requires harvesting the natural cover, refer to Decree N° 1791 of 1996, section 17 (Decreto N° 1791 de 1996, artículo 17) for the single harvesting of a natural forest; the application must include within the harvesting plan a statistical inventory whose sampling error is smaller than 15% and a 95% probability (section 18).</p> <p>Decree N° 003 of 1994: Suspending the issue of permanent and single forest harvesting permits in the Tolima Department should be relevant for those companies established in this Region. Any harvesting</p>



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		<p>[Deforestación en Colombia, Retos y Perspectivas]. Consulted on 25<sup>th</sup> August 2016:  <a href="http://www.fedesarrollo.org.co/wp-content/uploads/2011/08/KAS-SOPLA_Deforestaci%C3%B3n-en-Colombia-retos-y-perspectivas.pdf">http://www.fedesarrollo.org.co/wp-content/uploads/2011/08/KAS-SOPLA_Deforestaci%C3%B3n-en-Colombia-retos-y-perspectivas.pdf</a></p> <p>Interviews with experts: Conversations with various experts from the public and private sector and civil society in Colombia (here anonymous) carried out during October 2016, helped the authors of this report to better understand the applicable legislation and the risks associated with each indicator of legislation.</p>	<p>will not be allowed without the permanent /single harvesting permits.</p> <p>Based on Decree 1791 of 1996, the forest harvesting plan should be in place:  Art. 13: In order to process single forest harvesting of natural forests located in lands of public domain, it is required, at least, that the interested party present before the Corporation in whose jurisdiction the area subject to exploitation is located:  a) Formal application;  b) technical study that demonstrates a better aptitude for the harvesting of different forest land;  c) forest harvesting plan, including the destination of forest products and compensation measures.</p> <p>Art. 39: The Corporations will elaborate technical guides that will contain the correct form of presentation of the application, of the plan of forest management, of the plan of forest harvesting and of the environmental considerations, established like requirement for the procedure of the different classes of harvesting, with the end of guide those interested in taking advantage of natural forests and wild flora products.</p> <p><b>Description of risk</b></p> <ul style="list-style-type: none"> <li>Usually, forest management plans (PMFs) are legally required documents rather than technical instruments applicable to the sustainable harvesting and management of the forest. According to a study by Colombia Forestal (2001), PMFs are considered mere administrative formalities necessary to start harvesting and, indirectly, to obtain the relevant laissez-passer (transportation) documents, which can also be used to transport existing forest products. Sometimes, PMFs have technical and</li> </ul>

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			<p>scientific deficiencies in areas such as inventory design, silvicultural methods or practices, cycle determination and tree felling options. The above is reflected in the differences between what is done on site and what was set out in the plan. Even if the source is old, this quote has been corroborated during the expert consultation in 2016, for this its worth to be included on the analysis.</p> <ul style="list-style-type: none"> <li>• “The regulations are outdated with some technical or legal inconsistencies. The technical deficiencies concern the elaboration of management and forest harvesting plans; overexploitation of species; lack of a national forest inventory; lack of elaboration and/ or implementation of forest management plans; the disengagement of technical assistance from forest management in the field.” (translated from Orozco et al., 2014, p. 21).</li> <li>• The study from García Romero (2011) also points out deficiencies in the State’s supervision and monitoring of permits, as well as the effective implementation of the PMF. This could mean that what was planned and set out in the document is not being put into practice; that is, that the commitments and restrictions included in the resolution on harvesting are not upheld in practice.</li> <li>• “...The institutional causes [of forest illegality] are: excessive paperwork, lack of dissemination of regulations, traffic of safe-conducts, deficiency in control and supervision at various stages of the chain, deficiencies in the technical units responsible for forest management and corruption.” (translated from Orozco, et al., 2014, p. 21-22).</li> <li>• By 2016, there were 33 Regional Autonomous Corporations (Minambiente, undated). However, there is a big heterogeneity on the capacities and management within the Corporations that affect on the control and management system at the</li> </ul>

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			<p>territorial level. These differences between Corporations reflect and enhance inequities in the territory. Also, the officials have reduced budgets and sometimes confronts groups of power that alter the relationship between State and users and they determine their own rules of the game, hindering the work of the officials.</p> <ul style="list-style-type: none"> <li>• The Colombia Forestal (2001) study also found a lack of familiarity with the technical document on site. This highlights the differences between the planned action and what is done in practice, which can harm environmental values by, for example, not respecting minimum diameter cutting standards, not taking care to prevent any impact on natural water sources and generally not fulfilling established technical commitments. This question was also confirmed with different experts, being a general issue, during the interviews done in October 2016.</li> <li>• An analysis by FAO (Pinto, 2002) reveals the State's direct presence and effective action in harvesting areas is inadequate. The State's monitoring, assessment and control have been limited or deficient, which means that the implementation of technical action on site cannot be monitored. This situation is blamed on institutional weakness, an insufficient budget, lack of qualified staff, a number of indolent officials, and people's inclination to avoid controls. Based on expert conversation during October 2016 it was highlighted that bureaucracy is also excessive; and sometimes it makes interaction with users difficult because the administration is perceived as problematic, which excuses and facilitates attitudes not compliant with regulations.</li> <li>• In interviews in 2016 with experts it was pointed out that management plans are only requested when the forest plantation has obtained a Forest Incentive</li> </ul>

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			<p>Certificate (Certificado de Incentivo Forestal, CIF), and that the ICA does not verify its fulfilment; therefore, on-site activities are not monitored in accordance with the plan.</p> <ul style="list-style-type: none"> <li>On the other hand, during these same interviews, it was noted that small, medium or large forest plantations which have not obtained a CIF are not obliged to draw up a Forest establishment and management plan or to monitor their forest harvesting activities. Large companies always have management plans and monitor their forest plantations to keep track of outputs; however, as no on-site monitoring is being conducted by another government body, there is a risk that the plan is not being complied with.</li> </ul> <p><b>Risk conclusion</b></p> <p>This indicator has been evaluated as specified risk. Threshold (2) is met: (2) identified laws are not upheld consistently by all entities and/or are often ignored, and/or are not enforced by relevant authorities.</p>
1.9 Protected sites and species	<p><b>Applicable laws and regulations</b></p> <p>PROTECTED AREAS</p> <ul style="list-style-type: none"> <li>Act N° 2 of 1959: Regulating the national forest economy and the preservation of renewable natural resources. Section 1. Forest Reserve [Ley N° 2 de 1959: por la cual se dictan normas sobre economía forestal de la nación y conservación de recursos naturales renovables. Artículo 1: Reserva Forestal]. Date of publication: 16<sup>th</sup> December 1959: <a href="http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=9021">http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=9021</a></li> <li>Decree N° 622 of 1977: Partially regulating chapter V, title II, part XIII, volume I of Decree-Law N° 2811 of 1974 on the system of national natural parks; Act N° 23 of 1973 and Act</li> </ul>	<p><b>Non-Government sources</b></p> <ul style="list-style-type: none"> <li>Ramsar.org. 2016. RAMSAR sites in Colombia. Consulted on 12<sup>th</sup> September 2016: <a href="https://rsis.ramsar.org/ris-search/?f[0]=regionCountry_en_ss%3AColombia">https://rsis.ramsar.org/ris-search/?f[0]=regionCountry_en_ss%3AColombia</a></li> <li>Redacción Vivir, 2016. The seven points of greatest deforestation in Colombia [Los siete puntos de mayor deforestación en Colombia]. El Espectador. 21st April</li> </ul>	<p><b>Overview of Legal Requirements</b></p> <p>PROTECTED AREAS</p> <p>In Colombia, there are laws and institutions in charge of defining, upholding and monitoring the categories established for the National Protected Areas System [Sistema Nacional de Áreas Protegidas, SINAP], which, according to Decree N° 2372 of 2010, section 10 (Decreto N° 2372 de 2010, artículo 10), are as follows:</p> <ol style="list-style-type: none"> <li>Areas within the System of National Natural Parks [Sistema Nacional de Parques Nacionales Naturales].</li> <li>Protective Forest Reserves [Reservas Forestales Protectoras].</li> </ol>

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	<p>Nº 2a of 1959. General regulations applicable to all exceptional value areas. Section 18 [Decreto Nº 622 de 1977: reglamentando parcialmente el capítulo V, título II, parte XIII, libro II del Decreto-Ley Nº 2811 de 1974 sobre el sistema de parques nacionales; la Ley Nº 23 de 1973 y la Ley Nº 2a de 1959. Reglamentos generales aplicables al conjunto de áreas con valores excepcionales. Artículo 18]. Date of publication: 16<sup>th</sup> March 1977: <a href="http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=8265">http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=8265</a></p> <ul style="list-style-type: none"> <li>1991 Colombian Constitution, Title II, Chapter 3: On collective and environmental rights. Section 79 [Constitución Política de Colombia de 1991, Título II, Capítulo 3: De los Derechos Colectivos y del Ambiente. Artículo 79]. Date of publication: 4<sup>th</sup> July 1991: <a href="http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=4125">http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=4125</a></li> <li>Act Nº 357 of 1997: adopting the “Convention on Wetlands of International Importance, especially as the Habitat of Waterfowl”, signed in Ramsar on 2<sup>nd</sup> February 1971. Section 2 [Ley Nº 357 de 1997: por medio de la cual se aprueba la “Convención Relativa a los Humedales de Importancia Internacional Especialmente como Hábitat de Aves Acuáticas”, suscrita en Ramsar el dos (2) de febrero de 1971. Artículo 2]. Date of publication: 21<sup>st</sup> January 1997: <a href="http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=344">http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=344</a></li> <li>Act Nº 356 of 1997: Adopting the “Protocol on areas and wildlife subject to special protection in the Convention for the Protection and Development of the Marine Environment in the Wider Caribbean Region”, signed in Kingston on 18<sup>th</sup> January 1990, and the “Appendixes to the Protocol on areas and wildlife subject to special protection in the Convention for the Protection and Development of the Marine Environment in the Wider Caribbean Region”, adopted in Kingston on 11<sup>th</sup> June 1991. Section 4. Establishment of protected areas [Ley Nº 356 de 1997: Por medio de la cual se aprueban el</li> </ul>	<p>2016. Consulted on 24<sup>th</sup> September 2016: <a href="http://www.elespectador.com/noticias/medio-ambiente/los-siete-puntos-de-mayor-deforestacion-colombia-articulo-628404">http://www.elespectador.com/noticias/medio-ambiente/los-siete-puntos-de-mayor-deforestacion-colombia-articulo-628404</a></p> <ul style="list-style-type: none"> <li>Correa, M. V., 2015. Protected areas hit by deforestation. The Colombian [Áreas protegidas golpeadas por la deforestación. El Colombiano]. Consulted on 24<sup>th</sup> September 2016: <a href="http://www.elcolombiano.com/colombia/areas-protegidas-golpeadas-por-la-deforestacion-CY3265040">http://www.elcolombiano.com/colombia/areas-protegidas-golpeadas-por-la-deforestacion-CY3265040</a></li> <li>Victoria for El Colombiano, 2017. The post-conflict and its new challenge: deforestation [El posconflicto y su nuevo desafío: la deforestación]. Consulted on 8<sup>th</sup> August 2017: <a href="http://www.elcolombiano.com/colombia/el-posconflicto-y-su-nuevo-desafio-la-deforestacion-FN5924869">http://www.elcolombiano.com/colombia/el-posconflicto-y-su-nuevo-desafio-la-deforestacion-FN5924869</a></li> <li>Sostenibilidad.semana.com, 2017. Deforestation at the doors of the Amazon [Deforestación en las puertas de la Amazonía].</li> </ul>	<p>c) Regional Natural Parks [Parques Naturales Regionales].</p> <p>d) Integrated Management Districts [Distritos de Manejo Integrado].</p> <p>e) Soil Conservation Districts [Distritos de Conservación de Suelos].</p> <p>f) Recreation Areas [Áreas de Recreación].</p> <p>g) Civil Society’s Natural Reserves [Reservas Naturales de la Sociedad Civil].</p> <p>Regulation Nº 622 of 1977, section 18 [Norma Nº 622 de 1977, artículo 18] outlines the zoning of the System of National Natural Parks, stating their use and environmental value and defining the zone type according to the type of protected area in question. Generally speaking, there are areas where human intervention is banned, natural recovery areas, high activity areas and buffer zones.</p> <p>Forest reserve zones were established by virtue of Act Nº 2 of 1959 for the development of the forest economy and the protection of soils, waters and wildlife (section 1) [Ley Nº 2 de 1959 para el desarrollo de la economía forestal y protección de suelos, aguas y vida silvestre artículo 1]:</p> <ol style="list-style-type: none"> <li>Pacific Forest Reserve Zone [Zona de Reserva Forestal del Pacífico]</li> <li>Central Forest Reserve Zone [Zona de Reserva Forestal Central]</li> <li>Magdalena River Forest Reserve Zone [Zona de Reserva Forestal del Río Magdalena]</li> <li>Sierra Nevada de Santa Marta Forest Reserve Zone [zona de Reserva Forestal de la Sierra Nevada de Santa Marta]</li> <li>Serranía de los Motilones Forest Reserve Zone [Zona de Reserva Forestal de la Serranía de los Motilones]</li> </ol>

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	<p>“Protocolo relativo a las áreas y flora y fauna silvestres especialmente protegidas del Convenio para la Protección y el Desarrollo del Medio Marino de la Región del Gran Caribe”, hecho en Kingston el 18 de Enero de 1990 y los “Anexos al protocolo relativo a las áreas y flora y fauna silvestres especialmente protegidas del Convenio para la Protección y el Desarrollo del Medio Marino de la Región del Gran Caribe”, adoptados en Kingston el 11 de Junio de 1991. Artículo 4. Establecimiento de áreas protegidas]. Date of publication: 21<sup>st</sup> January 1997:  <a href="http://www.minambiente.gov.co/images/normativa/leyes/1997/ley_0356_1997.pdf">http://www.minambiente.gov.co/images/normativa/leyes/1997/ley_0356_1997.pdf</a></p> <ul style="list-style-type: none"> <li>Decree N° 2372 of 2010: Regulating Decree-Law N° 2811 of 1974, Act N° 99 de 1993, Act N° 165 of 1994 and Decree-Law N° 216 of 2003. Section 10-18. National System of Protected Areas [Decreto N° 2372 de 2010: Por el cual se reglamenta el Decreto-Ley N° 2811 de 1974, la Ley N° 99 de 1993, la Ley N° 165 de 1994 y el Decreto-Ley N° 216 de 2003. Artículo 10-18. Sistema Nacional de Áreas Protegidas]. Date of publication: 1<sup>st</sup> July 2010:  <a href="http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=39961">http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=39961</a></li> </ul> <p>PROTECTED OR ENDANGERED SPECIES</p> <ul style="list-style-type: none"> <li>Act N° 17 of 1981: Adopting the “Convention on International Trade in Endangered Species of Wild Fauna and Flora”, signed in Washington, D.C. on 3<sup>rd</sup> March 1973. Section 6. Permits and certificates [Ley N° 17 de 1981: Por la cual se aprueba la “Convención Sobre el Comercio Internacional de Especies Amenazadas de Fauna y Flora Silvestres”, suscrita en Washington, D.C. el 3 de marzo de 1973. Artículo 6: Permisos y certificados]. Date of publication:  <a href="http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=45530">http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=45530</a></li> <li>Act N° 5 of 1976: Adopting the “Agreement for the Preservation of Wild Flora and Fauna in the Amazon</li> </ul>	<p>Semana Sostenible. Medio Ambiente 28<sup>th</sup> Feb 2017. Consulted on 8<sup>th</sup> August 2017:  <a href="http://sostenibilidad.semana.com/medio-ambiente/articulo/deforestacion-en-el-caguan-tras-salida-de-las-farc/37209">http://sostenibilidad.semana.com/medio-ambiente/articulo/deforestacion-en-el-caguan-tras-salida-de-las-farc/37209</a></p> <p>Interviews with experts: Conversations with various experts from the public and private sector and civil society in Colombia (here anonymous) carried out during October 2016, helped the authors of this report to better understand the applicable legislation and the risks associated with each indicator of legislation.</p>	<p>f) Cocuy Forest Reserve Zone [Zona de Reserva Forestal del Cocuy]  g) Amazon Forest Reserve Zone [Zona de Reserva Forestal de la Amazonía]</p> <p>Colombia adopted the RAMSAR Convention by means of Act N° 357 of 1997 [Ley N° 357 de 1997], which came into force in October 1998. Up to date, 708,683 hectares in the country have been classified as Wetlands of International Importance in the country:</p> <ol style="list-style-type: none"> <li>Magdalena River Estuary Delta System, Santa Marta Great Swamp [Sistema Delta Estuarino del Río Magdalena, Ciénaga Grande de Santa Marta]</li> <li>Baudó River Delta [Delta del Río Baudó]</li> <li>Lake Otún Wetland Complex [Complejo de Humedales Laguna del Otún]</li> <li>Chingaza Lakes System [Sistema Lacustre de Chingaza]</li> <li>La Cocha Lake [Laguna de la Cocha]</li> <li>Wetland Complex at the Source of Inírida River [Complejo de Humedales de la Estrella Fluvial Inírida]</li> </ol> <p>PROTECTED OR ENDANGERED SPECIES</p> <p>The following agreements for the protection of endangered species have been adopted by Colombia:</p> <ul style="list-style-type: none"> <li>Agreement for the Preservation of Wild Flora and Fauna in the Amazon territories of the Republic of Colombia and the Federative Republic of Brazil adopted by means of Act N° 5 of 1976 [Ley N° 5 de 1976]. Section 3 includes the promotion of unified guidelines on forest conservation and total or partial bans on hunting for science or sports purposes.</li> <li>Amazon cooperation agreement between the Republics of Colombia and Ecuador, adopted by means of Act N° 29 of 1980 [Ley N° 29 de 1980].</li> </ul>

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	<p>territories of the Republic of Colombia and the Federative Republic of Brazil,” signed in Bogotá on 20<sup>th</sup> June 1973. Section 3 [Ley N° 5 de 1976: Por la cual se aprueba el Acuerdo Para La Conservación De La Flora Y De La Fauna De Los Territorios Amazónicos De La República De Colombia y de La República Federativa Del Brasil, Firmado En Bogotá El 20 De Junio De 1973. Artículo 3]. Date of publication: 23 January 1976:  <a href="http://www.icbf.gov.co/cargues/avance/docs/ley_0005_1976.htm">http://www.icbf.gov.co/cargues/avance/docs/ley_0005_1976.htm</a></p> <ul style="list-style-type: none"> <li>Act N° 29 of 1980: Amazon cooperation agreement between the Republics of Colombia and Ecuador, signed in Quito on 2<sup>nd</sup> March 1979. Section 2 [Ley N° 29 de 1980: Acuerdo de cooperación amazónica entre las Repúblicas de Colombia y Ecuador, firmado en Quito el 2 de marzo de 1979. Artículo 2]. Date of publication: 6<sup>th</sup> November 1980:  <a href="http://www.icbf.gov.co/cargues/avance/docs/ley_0029_1980.htm">http://www.icbf.gov.co/cargues/avance/docs/ley_0029_1980.htm</a></li> <li>Act N° 165 of 1994: Adopting the “Convention on Biological Diversity”, signed in Rio de Janeiro on 5<sup>th</sup> June 1992. Sections 8 and 9: In-situ and ex-situ conservation [Ley N° 165 de 1994: Por medio de la cual se aprueba el “Convenio sobre la Diversidad Biológica”, hecho en Río de Janeiro el 5 de junio de 1992. Artículos 8 y 9. Conservación in situ y conservación ex situ]. Date of publication: 9<sup>th</sup> November 1994:  <a href="http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=37807">http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=37807</a></li> <li>Resolution N° 192 of 2014: By means of which the list of endangered wildlife species in Colombia’s biological diversity on the national territory is established, and other regulations are issued [Resolución N° 192 de 2014: Por la cual se establece el listado de las especies silvestres amenazadas de la diversidad biológica colombiana que se encuentran en el territorio nacional, y se dictan otras disposiciones]. Date of publication: 10<sup>th</sup> February 2014:</li> </ul>		<p>Section 2 includes the creation of a mixed committee. One of the aims of this committee is to improve the use of agricultural, fish, forest, mining and industrial resources.</p> <ul style="list-style-type: none"> <li>Convention on Biological Diversity. Adopted by means of Act N° 165 of 1994 [Ley N° 165 de 1994], which establishes guidelines for in-situ conservation by creating a system of protected areas, promoting the protection of ecosystems and natural habitats, among other measures [section 8]. As regards ex-situ conservation, it includes taking measures for the preservation of biological diversity components and research of plants, animals and microorganisms.</li> </ul> <p>Lastly, in 2014, the Ministry of the Environment made available for consultation the list of endangered wildlife species in Colombia’s biological diversity on the national territory, which includes fauna and flora species that are threatened in the country. In order to register a forest plantation, a government authority must state that the forest plantation has not been established nor will be established in a protected area. As regards forest plantations in protective-productive areas, the Administrative Act of registration sets out the conditions to guarantee that forest harvesting will have a minimal impact on the area.</p> <p>Based on the Act N° 17 of 1981 [Ley 17 de 1981]: Approving the “Convention on International Trade in Endangered Species of Wild Fauna and Flora”, signed in Washington, D.C. on 3<sup>rd</sup> March 1973. On section VII (7) Exemptions and other special provisions related to trade. Point 4 mentions that Specimens of a plant species included in Appendix I and artificially propagated for commercial purposes (understanding this as forest</p>

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	<p><a href="http://www.icbf.gov.co/cargues/avance/docs/resolucion_minambienteds_0192_2014.htm">http://www.icbf.gov.co/cargues/avance/docs/resolucion_minambienteds_0192_2014.htm</a></p> <ul style="list-style-type: none"> <li>Act N° 17 of 1981 [Ley 17 de 1981]: Approving the “Convention on International Trade in Endangered Species of Wild Fauna and Flora”, signed in Washington, D.C. on 3<sup>rd</sup> March 1973. Sections 3, 4 and 5 [artículos 3, 4 and 5]. Regulations for trade with specimens included under appendixes I, II and III respectively. Date of publication: 22<sup>nd</sup> January 1981: <a href="http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=45530">http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=45530</a></li> <li>Certificate of Permit no CITES-(undated) administrative procedure: <a href="http://visor.suit.gov.co/VisorSUIT/index.jsf?FI=605">http://visor.suit.gov.co/VisorSUIT/index.jsf?FI=605</a></li> </ul> <p><b>Legal Authority</b></p> <ul style="list-style-type: none"> <li>Colombian Agricultural Institute [Instituto Colombiano Agropecuario, ICA].</li> <li>Ministry of the Environment and Sustainable Development [Ministerio de Ambiente y Desarrollo Sostenible (MADS)].</li> <li>Regional Environmental Authority (included the Regional Autonomous Corporation of the Administrative Area [Corporación Autónoma Regional de la Jurisdicción].</li> <li>Special Administrative Unit for National Natural Parks [Unidad Administración Especial de Parques Nacionales Naturales (PNNC)].</li> </ul> <p><b>Legally required documents or records</b></p> <p>Forest plantations and productive agroforestry systems:</p> <ul style="list-style-type: none"> <li>ICA registry.</li> <li>Certificate permit alternative to CITES permit.</li> </ul> <p>Protective-productive forest plantations:</p> <ul style="list-style-type: none"> <li>Resolution by the Regional Autonomous Corporation.</li> <li>Certificate permit alternative to CITES permit.</li> </ul>		<p>plantation or agroforestry system), shall be considered specimens of the species included in Appendix II. Point 5 mentions that when an administrative authority of the exporting State has verified that any specimen of a plant species has been artificially propagated, a certificate from that administrative authority to that effect will be accepted in substitution of the permits required by virtue of the provisions of articles III, IV or V. For these cases is necessary a Certificate of Permit no CITES (Certificate of Permit no CITES-(undated))</p> <p><b>Description of risk</b></p> <ul style="list-style-type: none"> <li>In Colombia there are 61 protected areas affected by deforestation, amounting to 7,718 hectares (around 0,06% from the total of protected areas) (Correa, 2015). Deforestation in these areas has been caused mainly by illegal mining, tree felling, expansion of pastures for cattle and wildfires. Other causes are the expansion of forest the agricultural border and illegal plantations, which affect 5,400 hectares (around 0,04% from the total of protected areas) (the existing law has not been enforced in terms of: forest plantations in protective-productive areas, the Administrative Act of registration sets out the conditions to guarantee that forest harvesting will have a minimal impact on the area). The cattle population in protected areas could be as high as 60,000 (National Natural Parks, as quoted in Correa, 2015).</li> <li>The challenges that post-conflict Colombia include concerns for protected areas and buffer zones or adjacent to protected areas. It has been reported that within the exit of the armed group, protected areas are subject to illegal harvest (Victoria for El Colombiano, 2017; Sostenibilidad.semana.com, 2017).</li> </ul>



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	<p>Public natural forest or forest belonging to the National System of National Natural Parks [Sistema Nacional de Parques Nacionales Naturales]:</p> <ul style="list-style-type: none"> <li>• A resolution by the Regional Autonomous Corporation of the Administrative Area [Corporación Autónoma Regional de la Jurisdicción] or a National Environmental Licence Authority [Autoridad Nacional de Licencias Ambientales (ANLA)] Environmental Licence and Management Plan.</li> <li>• Certificate permit CITES.</li> </ul>		<p><b>Risk conclusion</b></p> <p>Following the precautionary approach, this indicator has been evaluated as specified risk. Threshold (2) is met: (2) identified laws are not upheld consistently by all entities and/or are often ignored, and/ or are not enforced by relevant authorities.</p>
1.10 Environmental requirements	<p><b>Applicable laws and regulations</b></p> <p><b>SANCTIONS REGIME</b></p> <ul style="list-style-type: none"> <li>• Act N° 491 of 1999: establishing an Environmental Insurance and amending the Criminal Code regarding environmental crime. Section 3 [Ley N° 491 de 1999: por la cual se establece el Seguro Ecológico, se modifica el Código Penal en lo relativo a los delitos ambientales. Artículo 3]. Date of publication: 13<sup>th</sup> January 1999: <a href="http://www.secretariassenado.gov.co/senado/basedoc/ley_049_1_1999.html">http://www.secretariassenado.gov.co/senado/basedoc/ley_049_1_1999.html</a></li> <li>• Resolution N° 941 of 2009, establishing the Information Subsystem on the Usage of Renewable Natural Resources (SIUR) and adopting the Unified Environmental Register (RUA). Section 7: On operation [Resolución N° 941 de 2009: Crea el Subsistema de Información sobre Uso de Recursos Naturales Renovables (SIUR) y adopta el Registro Único Ambiental (RUA). Artículo 7: De la operación]. Date of publication: 26<sup>th</sup> May 2009: <a href="http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=36360">http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=36360</a></li> <li>• Act N° 1333 of 2009: by means of which the environmental sanctions procedure is established, and other regulations are issued. Sections 1, 5 and Title IV: Sanctions procedure [Ley N° 1333 de 2009: Por la cual se establece el procedimiento sancionatorio ambiental y se dictan otras disposiciones. Artículos 1, 5 y Título IV: Procedimiento Sancionatorio]. Date</li> </ul>	<p><b>Government sources</b></p> <ul style="list-style-type: none"> <li>• Colombian Institute of Technical Standards and Certification (ICONTEC), 2009. Colombian Technical Guide GTC 24 of 2009. Waste classification [Guía técnica colombiana GTC 24 de 2009. Clasificación de residuos]. Consulted on 31<sup>st</sup> August 2016: <a href="http://www.bogotaturismo.gov.co/sites/intranet.bogotaturismo.gov.co/files/GTC%2024%20DE%202009.pdf">http://www.bogotaturismo.gov.co/sites/intranet.bogotaturismo.gov.co/files/GTC%2024%20DE%202009.pdf</a></li> <li>• Colombian Institute of Technical Standards and Certification (ICONTEC), 2007. GTC 53-8: Guide for minimizing the environmental impacts of packaging and packaging waste [Guía para minimizar los impactos ambientales de envases y residuos de envases]. Consulted on 31<sup>st</sup> August 2016:</li> </ul>	<p><b>Overview of legal requirements</b></p> <p><b>SANCTIONS REGIME</b></p> <p>Thanks to legal instruments such as Decree N° 1299 of 2008 (Decreto N° 1299 de 2008), which requests the creation of an Environmental Management Department, and the environmental sanctions regime (Act N° 1333 of 2009 - Ley N° 1333 de 2009), today Colombia has the means to sanction actions that harm the environment, natural resources or human health.</p> <p>The environmental sanctions regime was established by means of Decree N° 1333 of 2009 (Decreto N° 1333 de 2009), according to which the State, through the Ministry of the Environment, has the power to punish environmental crimes (Section 1). Sanctions can only be imposed by the competent authority in charge of granting the environmental licence, permit, concession and other authorisations and instruments regarding environmental management and control, subject to exhaustion of the sanction proceedings.</p> <p>According to section 5, environmental infringements shall be defined as any action or omission breaching the rules contained in the National Code on Renewable Natural Resources and the Environment (Código de Recursos Naturales Renovables), Decree-Law N° 2811 of 1974 (Decreto-ley N° 2811 de 1974), Act N° 99 of</p>

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	<p>of publication: 25<sup>th</sup> September 2009:  <a href="http://www.secretariassenado.gov.co/senado/basedoc/ley_133_3_2009.html">http://www.secretariassenado.gov.co/senado/basedoc/ley_133_3_2009.html</a></p> <ul style="list-style-type: none"> <li>Resolution N° 415 of 1<sup>st</sup> March 2010: Regulating the Unified Register of Environmental Offenders (RUIA) and other decisions are taken. Sections 3 to 6 [Resolución N° 415 del 1 de marzo de 2010: por la cual se reglamenta el Registro Único de Infractores Ambientales (RUIA) y se toman otras determinaciones. Artículos del 3 al 6]. Date of publication: 1<sup>st</sup> March 2010:  <a href="http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=39100">http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=39100</a></li> <li>Decree N° 1299 of 2008 [Decreto N° 1299 de 2008] which regulates the environmental management department of companies at the industrial level and other provisions are dictated [El presente decreto reglamenta el Departamento de Gestión Ambiental de las empresas a nivel industrial]. Date of publication: 22th April 2008  <a href="http://www.corpamag.gov.co/archivos/normatividad/Decreto1299_20080422.htm">http://www.corpamag.gov.co/archivos/normatividad/Decreto1299_20080422.htm</a></li> </ul> <p>USE OF AND IMPACT ON NATURAL RESOURCES</p> <ul style="list-style-type: none"> <li>Decree N° 1541 of 1978 and Decree N° 2811 of 1974. Use of surface water and groundwater. Sections 28 and 30, 36, 54 [Decreto N° 1541 de 1978 y Decreto N° 2811 de 1974. Aprovechamiento de aguas superficiales y subterráneas. Artículo 28 y 30, 36, 54]. Date of publication: 28<sup>th</sup> July 1978:  <a href="http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=1250">http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=1250</a></li> <li>Decree N° 1449 of 1977: Regulations on the conservation and protection of water, forests, terrestrial and aquatic fauna. Section 3 [Decreto N° 1449 de 1977: Disposiciones sobre conservación y protección de aguas, bosques, fauna terrestre y acuática. Artículo 3]. Date of publication: 27<sup>th</sup> June 1977:  <a href="http://www.minambiente.gov.co/images/normativa/app/decretos/35-dec_1449_1977.pdf">http://www.minambiente.gov.co/images/normativa/app/decretos/35-dec_1449_1977.pdf</a></li> </ul>	<p><a href="https://docs.google.com/file/d/0B7luWY0-NcvzQWxuLU9sRG9CWIE/edit">https://docs.google.com/file/d/0B7luWY0-NcvzQWxuLU9sRG9CWIE/edit</a></p> <ul style="list-style-type: none"> <li>Colombian Institute of Technical Standards and Certification (ICONTEC), 2003. GTC 86: Guide for the implementation of Integral Waste Management – GIR [Guía para la implementación de la Gestión Integral de Residuos – GIR]. Consulted on 31<sup>st</sup> August 2016:  <a href="https://docs.google.com/file/d/0B7luWY0-NcvzRENFVXFalTNNMWs/edit">https://docs.google.com/file/d/0B7luWY0-NcvzRENFVXFalTNNMWs/edit</a></li> <li>Ministerio de Ambiente y Desarrollo Sostenible, 2011. Consultation of infractions or environmental sanctions [Consulta de infracciones o sanciones ambientales]. Consulted on 31<sup>st</sup> August 2016:  <a href="http://vital.anla.gov.co/SILP_A_UT_PRE/RUIA/ConsultarSancion.aspx?Ubic=ext">http://vital.anla.gov.co/SILP_A_UT_PRE/RUIA/ConsultarSancion.aspx?Ubic=ext</a></li> <li>Loaiza C, A., 2005. Policy guidelines on the use and moderate management of pesticides in the agricultural sector of the department of Antioquia [Lineamientos de política sobre el uso y</li> </ul>	<p>1993 (Ley n° 99 de 1993), Act N° 165 of 1994 (Ley N° 165 de 1994), any additional environmental regulations in force replacing or amending the aforementioned instruments, as well as administrative acts by the competent regional environmental authority.</p> <p>The Ministry of the Environment, by virtue of Resolution N° 0941 of 2009 (Resolución N° 0941 de 2009), sets up the Unified Environmental Register (Registro Único Ambiental). Individuals and legal entities who use and exploit natural resources must register therein. This information will be disclosed by the Environmental Authorities through the Information Subsystem on the Use of Renewable Natural Resources (Subsistema de Información Sobre Uso de Recursos Naturales Renovables, SIUR).</p> <p>As regards monitoring environmental infringements, there is a Unified Register of Environmental Offenders (Registro Único de Infractores Ambientales, RUIA). The Resolution regulates the RUIA through the application of all duly executed administrative acts by means of which the environmental authorities have imposed any of the following sanctions:</p> <ul style="list-style-type: none"> <li>Fines</li> <li>Temporary or final closure of facilities or buildings, or temporary or final discontinuation of services</li> <li>Revocation or expiration of the environmental licence, authorisation, concession, permit or register.</li> <li>Demolition of the works. The offender shall bear the costs.</li> <li>Definitive confiscation of exotic wild specimens and species.</li> <li>Restitution of wild fauna and flora specimens.</li> </ul>

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	<ul style="list-style-type: none"> <li>Decree N° 1498 of 2008. Sections 4 and 8 [Decreto N° 1498 de 2008. Artículos 4 y 8]. Date of publication: 2<sup>nd</sup> May 2008: <a href="http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=30098">http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=30098</a></li> </ul> <p>PESTICIDE USE</p> <ul style="list-style-type: none"> <li>Act N° 9 of 1979: Establishing health measures. Title III: Occupational health - Section 144 [Ley N° 9 de 1979: Por la cual se dictan medidas sanitarias. Título III: Salud ocupacional - Artículo 144]. Date of publication: 24<sup>th</sup> January 1979: <a href="http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=1177">http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=1177</a></li> <li>Decree N° 1843 of 1991: Partially regulating Titles III, V, VI, VII and XI of Act N° 9 of 1979, on the use and management of pesticides. Chapter IX: On use - Sections 83 to 87. Chapter XII: On pesticide waste - Sections 152 to 156 [Decreto N° 1843 de 1991 por el cual se reglamentan parcialmente los títulos III, V, VI, VII y XI de la Ley N° 09 de 1979, sobre uso y manejo de plaguicidas. Capítulo IX De la Aplicación - Artículos del 83 al 87. Capítulo XII De los desechos y los residuos de plaguicidas - Artículos 152 al 156]. Date of publication: 22<sup>nd</sup> July 1991: <a href="https://www.invima.gov.co/images/stories/normatividad/decreto_1843_1991.pdf">https://www.invima.gov.co/images/stories/normatividad/decreto_1843_1991.pdf</a></li> </ul> <p>EMISSIONS INTO THE ATMOSPHERE</p> <ul style="list-style-type: none"> <li>Act N° 769 of 2002: By means of which the National Land Transport Code (Código Nacional de Tránsito Terrestre) is issued, and other regulations are established. Chapter IX: Environmental protection. Sections 46 and 103 [Ley N° 769 de 2002: por la cual se expide el Código Nacional de Tránsito Terrestre y se dictan otras disposiciones. Capítulo IX: Protección ambiental. Artículos 46 y 103]. Date of publication: 6<sup>th</sup> August 2002:</li> </ul>	<p>manejo moderado de plaguicidas en el sector agrícola del departamento de Antioquia]. Interinstitutional Agreement, 23<sup>rd</sup> December 2003, between: CEIBA, CORNARE and DAMA-ANTIOQUIA. Medellín, CO. Consulted on 11<sup>th</sup> November 2016: <a href="http://www.corantioquia.gov.co/sitios/ExtranetCorantioquia/SiteAssets/Lists/Administrar%20Contenidos/EditForm/politica_plaguicidas.pdf">http://www.corantioquia.gov.co/sitios/ExtranetCorantioquia/SiteAssets/Lists/Administrar%20Contenidos/EditForm/politica_plaguicidas.pdf</a></p> <p><b>Non-Government sources</b></p> <ul style="list-style-type: none"> <li>Caracol Radio, 2010. Colombian environmental law requires compliance by companies for the preservation of the environment [Ley ambiental colombiana requiere cumplimiento por parte de las empresas para la preservación del medio ambiente]. Consulted on 24<sup>th</sup> September 2016: <a href="http://caracol.com.co/radio/2010/09/29/ecologia/1285759620_364757.html">http://caracol.com.co/radio/2010/09/29/ecologia/1285759620_364757.html</a></li> <li>Gómez, L., 2010. Conference: the problem with pesticides in Colombia</li> </ul>	<ul style="list-style-type: none"> <li>Community service on the regional environmental authority's conditions whenever this sanction has been imposed in lieu of a fine.</li> </ul> <p>Any regional environmental authority which imposes any of the environmental administrative sanctions described in the previous section shall register and/or update the data on environmental offenders registered in the Unified Register of Environmental Offenders (Registro Único de Infractores Ambientales, RUIA) in the last five (5) days of the month. The data contained in the register are public by virtue of section 6. They are managed by the Ministry of the Environment, with technical support provided by the Corporation. The duration of the sanctions ranges between 6 months (when a regulation has been breached but the environment has not been affected) to 2 years, depending on the impact caused and its remedy. The above is in line with section 9 of the Resolution.</p> <p>USE OF AND IMPACT ON NATURAL RESOURCES</p> <p>The use and exploitation of water resources is regulated by Decree N° 1541 of 1978 (Decreto N° 1541 de 1978). It states that the use permit can be obtained by means of an act, a concession, a permit or an association, which can be requested for irrigation and silviculture, timber floating, agriculture and fisheries, among other activities (section 36). Section 54 outlines the terms and conditions of the concession, which include: amount of water to be consumed, destination of the water, information on the collection and diversion system, name of the source.</p> <p>As regards protection and conservation of forests, property owners are under the obligation to: maintain</p>

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	<p><a href="http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=5557">http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=5557</a></p> <ul style="list-style-type: none"> <li>Resolution N° 910 of 2008: Regulating the acceptable levels of pollutants emission for land mobile sources of pollution, regulating Decree N° 948 of 1995, section 91, and issuing other regulations. Chapter IV. Monitoring and control of mobile sources. Sections 17 and 22 [Resolución N° 910 de 2008: por la cual se reglamentan los niveles permisibles de emisión de contaminantes que deberán cumplir las fuentes móviles terrestres, se reglamenta el artículo 91 del Decreto N° 948 de 1995 y se adoptan otras disposiciones. Capítulo IV: Vigilancia y control de las fuentes móviles. Artículos 17 y 22]. Date of publication: 5<sup>th</sup> June 2008: <a href="http://www.ideam.gov.co/documents/51310/63322/RESOLUCION+910+DE+2008+FUENTES+MOVILES.pdf/ae4ea6bb-c877-43e2-b360-c07a003df1b3">http://www.ideam.gov.co/documents/51310/63322/RESOLUCION+910+DE+2008+FUENTES+MOVILES.pdf/ae4ea6bb-c877-43e2-b360-c07a003df1b3</a></li> </ul> <p><b>Legal Authority</b></p> <ul style="list-style-type: none"> <li>Ministry of the Environment and Sustainable Development [Ministerio de Ambiente y Desarrollo Sostenible, MADS]</li> <li>Regional Autonomous Corporation of the Administrative Area [Corporación Autónoma Regional de la Jurisdicción]</li> <li>Health Directorate Branch Offices [Aseguradora de Riesgos Laborales]</li> </ul> <p><b>Legally required documents or records</b></p> <p>Sanctions regime Register in the Unified Environmental Register</p> <ul style="list-style-type: none"> <li>[Registro Único Ambiental (RUA)].</li> <li>Record of offenders registered in the Unified Register of Environmental Offenders [Registro Único de Infractores Ambientales (RUIA)].</li> </ul> <p>Use of natural resources</p> <ul style="list-style-type: none"> <li>Resolution on single forest harvesting.</li> </ul>	<p>[Conferencia: El problema de los pesticidas en Colombia]. Consulted on 24<sup>th</sup> September 2016: <a href="http://www.es.lapluma.net/index.php?option=com_content&amp;view=article&amp;catid=89:economia-de-la-naturaleza&amp;id=926:conferencia-la-problematica-con-los-pesticidas-en-colombia&amp;Itemid=420">http://www.es.lapluma.net/index.php?option=com_content&amp;view=article&amp;catid=89:economia-de-la-naturaleza&amp;id=926:conferencia-la-problematica-con-los-pesticidas-en-colombia&amp;Itemid=420</a></p> <ul style="list-style-type: none"> <li>Municipal Administration Centre, 2010. The problem of solid waste [El problema de los residuos sólidos]. Consulted on 26<sup>th</sup> September 2016: <a href="http://www.cali.gov.co/publicaciones/la_problemtica_de_residuos_slidos_publicacion">http://www.cali.gov.co/publicaciones/la_problemtica_de_residuos_slidos_publicacion</a></li> <li>Orozco, J. M., Mogrovejo, P., Jara, L.F., Sánchez, A., Buendía, B., Dumet, R. and Bohórquez, N., 2014. Trends in Forest Governance in Colombia, Ecuador and Peru [Tendencias de la Gobernanza Forestal en Colombia, Ecuador y Perú]. TRAFFIC. Cambridge. Consulted on 29<sup>th</sup> January 2019: <a href="https://europa.eu/capacity4dev/file/19779/download?token=x05wLFXF">https://europa.eu/capacity4dev/file/19779/download?token=x05wLFXF</a></li> </ul>	<p>the forest cover in the protected forest areas in the property, which, according to Decree N° 1449 of 1977, section 3 (Decreto N° 1449 de 1977, artículo 3), are as follows:</p> <ul style="list-style-type: none"> <li>Water sources within 100 metres or more from the edge of the property;</li> <li>A band, at least 30 metres wide, parallel to the high-tide marks along each side of permanent and temporary rivers and streams, and around lakes and water reservoirs;</li> <li>Land with gradients higher than 100% (45°).</li> </ul> <p>Decree N° 1498 of 2008 (Decreto N° 1498 de 2008) also states the following: whenever the establishment of commercial agroforestry systems or forest plantations requires the exploitation or use of renewable natural resources, or affects them, an authorisation or permit shall be requested and obtained from the competent environmental authorities. In any case, in Colombia it is not allowed to clear natural forest in order to set up commercial agroforestry systems or forest plantations, or agricultural plantations (section 8).</p> <p>PESTICIDE USE</p> <p>Act N° 9 of 1979 on health measures (Ley N° 9 de 1979 sobre las medidas sanitarias) states that the waste originating in facilities producing, researching, packing or handling pesticides, as well as the waste from pesticide use, shall not be dumped directly into water courses or reservoirs, the soil or the air. Waste shall be treated and handled in order to prevent any health risks. The following sections of Decree N° 1842 of 1991 (Decreto N° 1842 de 1991) elaborate on the above:</p> <ul style="list-style-type: none"> <li>Section 83. The pesticide application equipment used shall be in perfect working order so as not to pose risks to the operator's health and to prevent</li> </ul>

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	<ul style="list-style-type: none"> <li>Resolution on construction on water sources.</li> <li>Resolution on the use of water from water sources.</li> </ul> <p>Pesticide use</p> <ul style="list-style-type: none"> <li>List of chemicals used.</li> <li>Register with the authorities [RESPEL- Registro de generadores de residuos o desechos peligrosos- Registration of generators of waste or hazardous waste) if production exceeds 10 kg/month</li> <li>Waste disposal certificate.</li> <li>Solid waste management plan [Plan de gestión de residuos sólidos (PGIRS)].</li> </ul> <p>Air emissions</p> <ul style="list-style-type: none"> <li>Valid vehicle inspection certificate.</li> </ul>	<ul style="list-style-type: none"> <li>Mongabay, 2018. The last trees of the Amazon Consulted on 6<sup>th</sup> March of 2019: <a href="https://news.mongabay.com/2018/11/the-last-trees-of-the-amazon/">https://news.mongabay.com/2018/11/the-last-trees-of-the-amazon/</a></li> <li>Mongabay, 2018b. Colombia: Govt rushes to save national park from rampant deforestation. Consulted on 6<sup>th</sup> March of 2019: <a href="https://news.mongabay.com/2018/08/colombia-govt-rushes-to-save-national-park-from-rampant-deforestation/">https://news.mongabay.com/2018/08/colombia-govt-rushes-to-save-national-park-from-rampant-deforestation/</a></li> </ul> <p>Interviews with experts: Conversations with various experts from the public and private sector and civil society in Colombia (here anonymous) carried out during October 2016, helped the authors of this report to better understand the applicable legislation and the risks associated with each indicator of legislation.</p>	<p>any leaks which could harm the community or the environment.</p> <ul style="list-style-type: none"> <li>Section 84. The equipment shall be subject to maintenance or preservation in accordance with specifications which the producers, dealers or representatives are obliged to supply under their own responsibility.</li> <li>Section 85. The equipment used to apply pesticides shall be washed in areas intended for this use, avoiding any risks for the operators as well as the pollution of water sources or courses.</li> </ul> <p>A buffer zone shall be designated around water bodies and courses, main roads, human and animal population centres or any other area under special protection. Said band shall be 10 metres wide for ground pesticide application and 100 metres wide for aerial application (section 86).</p> <p>On the other hand, the Decree also regulates waste disposal, and bans the reuse of empty pesticide containers. Any other treatment of pesticide containers shall be subject to authorisation from the Health Directorate Branch Office (Dirección Seccional de Salud) in accordance with instructions from the Health Ministry (section 153).</p> <p>Other waste, e.g. pesticide excess or remains, products for equipment washing or cleaning and contaminated utensils, accessories and garments shall be treated prior to their disposal taking into account their characteristics. To this end, these methods can be followed: Reuse, chemical treatment, burial, incineration or any other method approved by the Health Directorate Branch Offices (Section 154).</p>

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			<p>Waste treatment facilities must be authorised by the competent Health Directorate Branch Office before initiating any pesticide-related activity (Section 156).</p> <p><b>AIR EMISSIONS</b></p> <p>On air emissions, the National Land Transport Code (Código Nacional de Tránsito Terrestre), section 103, states that it is the Government's duty to regulate acceptable levels of pollutant emissions from mobile land sources using any kind of fuel. To this end, Resolution N° 910 of 2008 (Resolución N° 910 de 2008) warns sanction proceedings will be initiated for any diesel vehicles scoring 4 or above on the Ringelmann scale in three consecutive full accelerations (section 18). Section 22 contains the maximum acceptable emissions table.</p> <p>In order to monitor and control vehicles in the country, the National Land Transport Code (Código Nacional de Tránsito Terrestre) requests the following: Any motor vehicle that has been registered and authorised for circulation in the national territory (including movable machinery) shall be registered by the competent authority in the National Motor Vehicle Register (Registro Nacional Automotor) managed by the Transport Ministry (Ministerio de Transporte). Trailers and semi-trailers shall also be registered. All registered and authorised motor vehicles shall present a valid vehicle inspection certificate fulfilling the requirements set out in the Code.</p> <p><b>Description of risk</b></p> <ul style="list-style-type: none"> <li>• According to Caracol Radio (2010), Colombia's environmental law is quite strong, but few companies know and follow it.</li> </ul>

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			<ul style="list-style-type: none"> <li>• As a tropical country, Colombia has diverse climate conditions and a high biological diversity. This includes the microorganisms affecting agricultural crops and forest plantations. There is a wide range of available pesticides on offer. However, there is a lack of skills and technical assistance, and excessive use of pesticides. This has an impact on human health, as well as soils, water and biodiversity. In forest plantations, pesticide use cost and efficiency are controlled to prevent excessive use (Ceiba, Cornare and Dama-Antioquia, 2005).</li> <li>• Colombian legislation is ambiguous. It is unclear on the areas around water sources that should be protected. A national regulation specifies an area of “up to 30 metres from the water course” but each Regional Autonomous Corporation of the Administrative Area [Corporación Autónoma Regional de la Jurisdicción] can decide on the exact figure, which makes on-site monitoring difficult. On the other hand, the above does not take into account technical or geographical characteristics, which can compromise the economic viability of forest organisations. The State, acting through municipal agencies, must purchase any property containing draining basins in order to guarantee their protection.</li> <li>• Experts say (during an on-site consultation with expert in October 2016) that, in Colombia, administration is reactive, i.e. It only carries out checks and discovers infringements after receiving complaints from the community. This is true for both natural forests and forest plantations.</li> <li>• As regards the use of chemicals for pest and disease control, there is no supervision from the State regarding the amount of product used or the ecosystem where it is applied. Based on local knowledge and expert consultation maintained</li> </ul>

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			<p>during October 2016 with confirming that they only provide registers of authorised herbicides and pesticides, whose instructions include how and where to use them. The ICA supports pest and disease control when a property owner finds and reports a source of infection.</p> <ul style="list-style-type: none"> <li>• The study from García Romero (2011) also points out deficiencies in the State's supervision and monitoring of permits, as well as the effective implementation of the PMF. This could mean that what was planned and set out in the document is not being put into practice; that is, that the commitments and restrictions included in the resolution on harvesting are not upheld in practice (for example, the impact of protected areas or tress in the forest management unit, the maintenance of areas around rivers). To date, there are 33 Regional Autonomous Corporations. However, there is a big heterogeneity on the capacities and management within the Corporations that affect on the control and management system at the territorial level. These differences between Corporations reflect and enhance inequities in the territory. Also, the officials have reduced budgets and sometimes confronts groups of power that alter the relationship between State and users and they determine their own rules of the game, hindering the work of the officials.</li> <li>• "There is a lack of institutional coordination and an avoidance of responsibility from the State in the promotion and support of sustainable forest development... The main causes and manifestations of forest illegality have various origins. The regulations are outdated with some technical or legal inconsistencies. The technical deficiencies concern the elaboration of management and forest harvesting plans; overexploitation of species; lack of a national forest inventory; lack of elaboration</li> </ul>



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			<p>and/or implementation of forest management plans; the disengagement of technical assistance from forest management in the field...The institutional causes are: excessive paperwork, lack of dissemination of regulations, traffic of safe-conducts, deficiency in control and supervision at various stages of the chain, deficiencies in the technical units responsible for forest management and corruption.” (translated from Orozco et al., 21-22)</p> <ul style="list-style-type: none"> <li>• Recent article (Mongabay, 2018, webpage) mentions “Evidence of illegal timber trafficking is scattered throughout Colombia. Along the Atrato and Putumayo rivers, in the heart of the Colombian Amazon, barges drag large sections of trees cut down from protected forests in the Amazon or from Darién National Park. Trucks transport huge logs along main roads while avoiding the controls set up by environmental authorities. Many citizens unknowingly buy these timber products for their homes. They may not know the illegal origins of these products, but they play a part in the chain of actions destroying Colombia’s forests. Timber trafficking is a multimillion-dollar industry. Its horrific force is concentrated on the world’s greatest jewels of diversity: on the most valuable and rarest species of trees. Selective logging devastates specific ecosystems and finishes off certain species of plants. According to IDEAM, illegal logging in Colombia accounts for 10 percent of all deforestation”.</li> <li>• Another recent article (Mongabay, 2018b) mentions: “Tinigua Park is the only place in Colombia that connects the Orinoquía, the Andes and the Amazon. The park serves as a corridor for animals such as jaguars, mountain lions and brown woolly monkeys. However, reports find more than 3 percent of</li> </ul>

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			<p>Tinigua's forest cover was cleared between February and April 2018. Officials worry the situation will worsen in the near future. Behind all this, say area residents, are the members of the now-demobilized FARC guerrilla group. They say that former FARC dissidents have taken over much of the territory and are distributing land at will, planting illicit crops like coca from which cocaine is made. Other villagers clear up the forest to later sell the land to land speculators and mafia. In addition to land speculation, there is also the expansion of the agricultural frontier. Officials from the National Parks System and inhabitants of the area calculate that within Tinigua Park there may be more than 14,000 head of cattle "formally registered."</p> <p><b>Risk conclusion</b></p> <p>This indicator has been evaluated as specified risk. Threshold (2) is met: (2) identified laws are not upheld consistently by all entities and/or are often ignored, and/or are not enforced by relevant authorities.</p>
1.11 Health and safety	<p><b>Applicable laws and regulations</b></p> <p>GENERAL LEGISLATION</p> <ul style="list-style-type: none"> <li>Substantive Labour Code [Código Sustantivo Del Trabajo]: adopted by means of Decree-Law N° 2663 of 5 August 1950, "on the Substantive Labour Code", published in the Official Gazette N° 27,407 of 9<sup>th</sup> September 1950, by virtue of the State of Emergency ordered by Extraordinary Decree N° 3518 of 1949. Title IV, Chapter II: Maintenance of order [Código Sustantivo Del Trabajo: Adoptado por el Decreto Ley 2663 del 5 de agosto de 1950 "Sobre Código Sustantivo Del Trabajo", Publicado En El Diario Oficial No 27.407 Del 9 De Septiembre De 1950, En Virtud Del Estado De Sitio Promulgado Por El Decreto Extraordinario No 3518 De 1949.</li> </ul>	<p><b>Non-Government sources</b></p> <ul style="list-style-type: none"> <li>actualicese.com, 2016. The Government extends the term to implement the Workplace Safety and Health System for one year. Ministry of Labour, February 2016. Consulted on September 26<sup>th</sup> 2016: <a href="https://actualicese.com/actualidad/2016/02/02/gobierno-amplia-por-un-ano-plazo-para-implementar-el-">https://actualicese.com/actualidad/2016/02/02/gobierno-amplia-por-un-ano-plazo-para-implementar-el-</a></li> </ul>	<p><b>Overview of legal requirements</b></p> <p>GENERAL LEGISLATION</p> <p>The new General System on Occupational Hazards looks for identifying the dangers, evaluating and assessing risks, establishing the corresponding controls by continuously improving the System in the companies and comply with the regulations about workplace risks. The aforementioned System was created by Decree 1443/2014, nowadays compiled by the sole Decree 1072/2015 formerly known as Occupational Health Program (Resolution 1016/1989 – Resolución 1016 de 1989).</p>

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	<p>Titulo IV Capítulo II Mantenimiento del orden]. Date of publication: 5<sup>th</sup> August 1950:  <a href="http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=33104">http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=33104</a></p> <ul style="list-style-type: none"> <li>Resolution N° 2400 of 1979: dictating dispositions on housing, hygiene and safety in the workplace. Section 5, Chapter VI on workers' camps [Resolución N° 2400 de 1979: Por la cual se establecen algunas disposiciones sobre vivienda, higiene y seguridad en los establecimientos de trabajo. Artículo 5, Capítulo VI de los campamentos de los trabajadores]. Date of publication: 22<sup>nd</sup> May 1979:  <a href="http://copaso.upbbga.edu.co/legislacion/Res.2400-1979.pdf">http://copaso.upbbga.edu.co/legislacion/Res.2400-1979.pdf</a></li> <li>Act N° 9 of 1979: dictating health measures. Title III: Occupational health [Ley N° 9 de 1979: por el cual se dictan medidas sanitarias. Título III: Salud ocupacional]. Date of publication: 24<sup>th</sup> January 1979:  <a href="http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=1177">http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=1177</a></li> <li>Act N° 11 of 1984: Reforming some regulations in the Substantive and Procedural Labour Codes. Section 10: use of working footwear and clothes [Ley N° 11 de 1984: Por la cual se Reforman Algunas normas de los Códigos Sustantivo y Procesal del Trabajo. Artículo 10: usos del calzado y vestido de labor]. Date of publication: 24<sup>th</sup> February 1984:  <a href="http://www.icbf.gov.co/cargues/avance/docs/ley_0011_1984.htm">http://www.icbf.gov.co/cargues/avance/docs/ley_0011_1984.htm</a></li> <li>Resolution N° 2013 of 1986: Regulating the organisation and operation of Health, Hygiene and Industrial Safety Committees in the workplace. Section 1. Health, Hygiene and Industrial Safety Committee [Resolución N° 2013 de 1986: Por la cual se reglamenta la organización y funcionamiento de los Comités de Medicina, Higiene y Seguridad Industrial en los lugares de trabajo. Artículo 1: Comité de Medicina, Higiene y Seguridad Industrial]. Date of publication: 6<sup>th</sup> June 1986:  <a href="http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=5411">http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=5411</a></li> </ul>	<p><a href="#">sistema-de-seguridad-y-salud-en-el-trabajo/</a></p> <ul style="list-style-type: none"> <li>ASFORES S.A.S, 2010. In Colombia, an employee has an accident every minute [Colombia, un empleado tiene un accidente cada minute]. Consulted on 26<sup>th</sup> September 2016,  <a href="http://asfores.com/novedad-mas-informacion-novedad-49.htm">http://asfores.com/novedad-mas-informacion-novedad-49.htm</a></li> <li>Mongabay, 2018. Colombia's supreme court orders government to stop Amazon deforestation. Consulted on 6<sup>th</sup> March of 2019:  <a href="https://news.mongabay.com/2018/05/colombias-supreme-court-orders-government-to-stop-amazon-deforestation/">https://news.mongabay.com/2018/05/colombias-supreme-court-orders-government-to-stop-amazon-deforestation/</a></li> </ul> <p>Interviews with experts: Conversations with various experts from the public and private sector and civil society in Colombia (here anonymous) carried out during October 2016, helped the authors of this report to better understand the applicable legislation and the risks associated with each indicator of legislation.</p>	<p>In Decree 1443/2014, the mandatory directives to implement the Workplace Safety and Health Management System (MS-WSH, SG-SST in its Spanish acronym). These have to be applied by all public and private employers, recruiters of staff under a civil, commercial or administrative contract, solidarity economy organizations, cooperative sector organizations and temporary work agencies; moreover, the aforementioned directives must cover dependent employees, contractors, cooperative workers and workers on assignment (Article 1).  The MS-WSH must be adapted to the size and characteristics of the company. Likewise, it can be compatible with other management systems in the company and can also be integrated in them; besides, the company must have an annual plan in WSH in which goals, responsibilities, resources and action schedule should be identified in accordance with the minimum standards of the Quality Assurance Mandatory System, part of the Occupational Hazards General System. The parts of the System are listed on Article 12:</p> <ol style="list-style-type: none"> <li>1. The policy and goals of the company regarding safety and health in the workplace (WSH), signed by the employer;</li> <li>2. The assigned responsibilities for the implementation and continuous improvement of the Workplace Safety and Health Management System (MS-WSH);</li> <li>3. The annual identification of dangers and the evaluation and assessment of risks;</li> <li>4. The report of the health conditions together with the socio-demographic profile of the working population; this should follow the guidelines of the epidemiological monitoring programs in accordance with the existing risks in the organization;</li> </ol>

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	<ul style="list-style-type: none"> <li>• Resolution N° 1016 of 1989: Regulating the organisation, operation and form of the Occupational Health Programmes to be carried out by owners or employers in the country [Resolución N° 1016 de 1989: Por la cual se reglamenta la organización, funcionamiento y forma de los Programas de Salud Ocupacional que deben desarrollar los patronos o empleadores en el país]. Section 1: Occupational Health Programme [Artículo 1: Programa de Salud Ocupacional]. Date of publication: 31<sup>st</sup> March 1989: <a href="http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=5412#1">http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=5412#1</a></li> <li>• Decree N° 1295 of 1994: Deciding the organisation and administration of the General System on Occupational Hazards. Chapter II: Occupational hazards [Decreto N° 1295 de 1994: Por el cual se determina la organización y administración del Sistema General de Riesgos Profesionales. Capítulo II: Riesgos profesionales]. Date of publication: 22<sup>nd</sup> June 1994: <a href="http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=2629">http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=2629</a></li> <li>• Resolution N° 1068 of 1996: Adopting the Technical Manual on the Application of Agricultural Inputs [Resolución N° 1068 de 1996. Por la cual se adopta el Manual Técnico en Materia de Aplicación de Insumos Agrícolas]. Date of publication: 24<sup>th</sup> April 1996: <a href="http://www.ica.gov.co/getattachment/071de030-b44e-4358-9ade-7bf66fe26569/1996R1068.aspx">http://www.ica.gov.co/getattachment/071de030-b44e-4358-9ade-7bf66fe26569/1996R1068.aspx</a></li> <li>• Decree N° 1530 of 1996: Partially regulating Act N° 100 of 1993 and Decree-Law N° 1295 of 1994. Chapter II: Occupational accidents and disease [Decreto N° 1530 de 1996: Por el cual se reglamentan parcialmente la Ley N° 100 de 1993 y el Decreto-ley N° 1295 de 1994. Capítulo II: Accidente de trabajo y enfermedad profesional]. Date of publication: 26<sup>th</sup> August 1996: <a href="http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=8804">http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=8804</a></li> <li>• Resolution N° 1401 of 2007: Regulating the investigation of Occupational Accidents and Incidents. Chapter II:</li> </ul>		<ol style="list-style-type: none"> <li>5. The annual work plan in safety and health in the workplace (WSH) of the company, signed by the employer and the person on charge of the Workplace Safety and Health Management System (MS-WSH);</li> <li>6. The annual training program in safety and health in the workplace (WSH) and its compliance, including induction and re-induction supports and trainings of dependent employees, contractors, cooperative workers and workers on assignment;</li> <li>7. The WSH procedures and internal manuals;</li> <li>8. The records of delivering personal protection equipment;</li> <li>9. The records of delivering safety protocols, technical datasheet if applicable and other internal manuals of safety and health in the workplace;</li> <li>10. The documents that support the call, voting and setting-up of the Workplace Safety and Health Joint Committee and their meeting acts or the delegations of the WSH lookout and the records of his/her actions;</li> <li>11. The reports and investigations of incidents, accidents at work and occupational illnesses according to the applicable regulations;</li> <li>12. The identification of threats together with the vulnerability evaluation and the corresponding prevention plans, preparation and response in case of emergency;</li> </ol> <p>The epidemiological monitoring programs of the workers' health, including the results of the environmental measures and the health profiles generated the biological monitoring (the last only being applicable in accordance with hazard prioritization). In case of having the services of a physician specializing in occupational medicine, all the aforementioned parts must be documented together with the individual results</p>

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	<p>Investigation report [Resolución N° 1401 de 2007: Por la cual se reglamenta la investigación de Accidentes e Incidentes de Trabajo. Capítulo II: Informe de investigación]. Date of publication: 14<sup>th</sup> May 2007:  <a href="http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=53497">http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=53497</a></p> <ul style="list-style-type: none"> <li>Resolution N° 2346 of 2007: Regulating occupational medical assessment practices and the management and content of occupational medical records. Chapter II: Occupational medical assessment [Resolución N° 2346 de 2007: Regula la práctica de evaluaciones médicas ocupacionales y el manejo y contenido de las historias clínicas ocupacionales]. Date of publication: 11<sup>th</sup> July 2007:  <a href="http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=25815">http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=25815</a></li> <li>Resolution N° 2646 of 2008: Issuing regulations and defining responsibilities for the identification, assessment, prevention, intervention and permanent monitoring of exposure to psychosocial occupational hazards and finding the origin of conditions caused by occupational stress. Section 14: Preventive and remedial measures on harassment in the workplace [Resolución N° 2646 de 2008: Por la cual se establecen disposiciones y se definen responsabilidades para la identificación, evaluación, prevención, intervención y monitoreo permanente de la exposición a factores de riesgo psicosociales en el trabajo y para la determinación del origen de las patologías causadas por estrés ocupacional. Artículo 14: Medidas preventivas y correctivas de acoso laboral]. Date of publication: 17<sup>th</sup> July 2008:  <a href="http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=31607">http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=31607</a></li> <li>Resolution N° 1956 of 2008: Adopting measures related to cigarette and tobacco consumption. Section 8: Strategy development by Occupational Hazards Administrators [Resolución N° 1956 de 2008: Por la cual se adoptan medidas en relación con el consumo de cigarrillo o tabaco. Artículo 8: Desarrollo de estrategias por los Administradores</li> </ul>		<p>of biological monitoring, in compliance with the applicable regulations;</p> <ol style="list-style-type: none"> <li>The record form of the inspections performed to facilities, machines or equipment;</li> <li>The updated attachment of legal requirements which considers the regulations of the Occupational Hazards General System applicable to the company; and</li> <li>The evidences of the preliminary paperwork to control the priority hazards.</li> </ol> <p>This decree is applicable to all the organizations regardless the employees' number and it is currently undergoing a transition in the country. According to Decree 171/2016, the due date for the organizations (no matter their size) to implement 100% of the MS-WSH is January 31 2017: "All the public and private employers, recruiters of staff under a civil, commercial or administrative contract, solidarity economy organizations, cooperative sector organizations and temporary work agencies; moreover, the aforementioned directives must cover dependent employees, contractors, cooperative workers and workers on assignment will have to replace the Occupational Health Program with the Workplace Safety and Health Management System (MS-WSH) on January 31 2017 at the latest".</p> <p>Concerning the endowment, the Labour Code, which was modified by Act 11 1984 (Ley 11 de 1984), points out that the contracting party is responsible for supplying the employees with working footwear and clothes; besides, they must be supplied three times a year (Article 8). In case temporary or permanent camps were needed, Chapter VI of Resolution 2400 lists the building specifications to ensure the working conditions of the employees.</p>

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	<p>de Riesgos Profesionales]. Date of publication: 30<sup>th</sup> May 2008:  <a href="http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=30565">http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=30565</a></p> <ul style="list-style-type: none"> <li>Resolution N° 1918 of 2009: Amending sections 11 and 17 of Resolution N° 2346 of 2007 and issuing other regulations. Section 1, amending Section 11 of Resolution N° 2346 of 2007 on contracting occupational medical assessment and additional assessments and their cost [Resolución N° 1918 de 2009: Modifica los artículos 11 y 17 de la Resolución N° 2346 de 2007 y se dictan otras disposiciones. Artículo 1 que modifica el Artículo 11 de la resolución 2346 de 2007 sobre contratación y costo de las evaluaciones médicas ocupacionales y valoraciones complementarias]. Date of publication: 5<sup>th</sup> June 2009:  <a href="http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=36469">http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=36469</a></li> <li>Act N° 776 of 2012: Deciding the organisation, administration and benefits of the General System on Occupational Hazards. Section 1: Right to occupational accident or disease benefits [Ley N° 776 de 2012: Por la cual se dictan normas sobre la organización, administración y prestaciones del Sistema General de Riesgos Profesionales. Artículo 1: Derecho a las prestaciones por accidente de trabajo o enfermedad profesional]. Date of publication: 17<sup>th</sup> December 2012:  <a href="http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=16752">http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=16752</a></li> <li>Resolution N° 652 of 2012: Establishing the structure and operation of the Working Relations Committee in public bodies and private companies and issuing other regulations. Chapter II: Structure and operation of Working Relations Committees [Comité de Convivencia Laboral] [Resolución N° 652 de 2012: Por la cual se establece la conformación y funcionamiento del Comité de Convivencia Laboral en entidades públicas y empresas privadas y se dictan otras disposiciones. Capítulo II: Conformación y funcionamiento de los Comités de Convivencia Laboral]. Date of publication:</li> </ul>		<p>The investigation of the accident causes, work accidents and occupational illnesses is carried out according to the established by the Decree 1530/1996, the Resolution 1401/2007 issued by the former Ministry of Social Protection (now Ministry of Labour) and the regulations that modify, add or replace them. The outcome of this investigation should allow the following actions among others:</p> <ol style="list-style-type: none"> <li>To identify and document the shortcomings of the Workplace Safety and Health Management System (MS-WSH), which should be the support to implement the necessary pre-emptive and corrective actions and improvements;</li> <li>To inform the employees directly related to the causes or controls about the outcome, so they will be able to take an active part in the development of the pre-emptive and corrective actions and improvements;</li> <li>To inform the senior management about the absenteeism caused by incidents, work accidents and occupational illnesses; and</li> <li>To contribute in the review process of the workplace safety and health management performed by the senior management, so that they may be also considered in the continuous improvement actions.</li> </ol> <p><b>INDIGENOUS AND TRIBAL PEOPLES</b></p> <p>Act 21/1991 states important directives about the health of indigenous and tribal peoples in Article 25:</p> <ol style="list-style-type: none"> <li>Governments shall work to ensure that proper healthcare services are made available to interested peoples or that the means necessary to organize and render these services under their own responsibility and control are provided to them, so</li> </ol>

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	<p>30<sup>th</sup> April 2012:  <a href="http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=47374">http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=47374</a></p> <ul style="list-style-type: none"> <li>• Notice N° 0038 of 2010: Areas free of smoke and psychoactive substances in companies [Circular N° 0038 de 2010: Espacios libres de humo y sustancias psicoactivas en las empresas]. Date of publication: 9<sup>th</sup> July 2010:  <a href="https://www.arlsura.com/files/circular0038_2010.pdf">https://www.arlsura.com/files/circular0038_2010.pdf</a></li> <li>• Resolution N° 1356 of 2012: Partially amending Resolution N° 652 of 2012. Section 2: amending Section 4 of Resolution N° 652 of 2012: Working Relations Committees [Comité de Convivencia Laboral] [Resolución N° 1356 de 2012: Por la cual se modifica parcialmente la Resolución N° 652 de 2012. Artículo 2 que modifica el Artículo 4 de la Resolución N° 652 de 2012. Comité de convivencia laboral]. Date of publication: 18<sup>th</sup> July 2012:  <a href="http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=48587">http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=48587</a></li> <li>• Act N° 1562 of 2012: Amending the occupational hazards system and issuing other regulations on occupational health. Section 30: Occupational accident and disease report [Ley N° 1562 de 2012: Por la cual se modifica el sistema de riesgos laborales y se dictan otras disposiciones en materia de salud ocupacional. Artículo 30: Reporte de accidente de trabajo y enfermedad laboral]. Date of publication: 11<sup>th</sup> July 2012:  <a href="http://wsp.presidencia.gov.co/Normativa/Leyes/Documents/ley156211072012.pdf">http://wsp.presidencia.gov.co/Normativa/Leyes/Documents/ley156211072012.pdf</a></li> <li>• Resolution N° 1409 of 2012: Establishing the safety protocol against falls from height at the workplace. Title II: Prevention and protection against falls from height [Resolución N° 1409 de 2012: Por la cual se establece el reglamento de seguridad para protección contra caídas en trabajo en alturas. Título II: Programa de prevención y protección contra caídas de alturas]. Date of publication: 23<sup>rd</sup> July 2012:  <a href="https://www.arlsura.com/files/res1409_2012.pdf">https://www.arlsura.com/files/res1409_2012.pdf</a></li> <li>• Decree N° 1443 of 2014: Issuing regulations for the implementation of the Management System for Safety and</li> </ul>		<p>that they can enjoy the maximum level of physical and mental health.</p> <p>2. Healthcare services shall be organized at a community level whenever possible. These services shall be planned and rendered in cooperation with the interested peoples and shall take into account their economical, geographical, social and cultural conditions as well as their pre-emptive methods, healing practices and traditional medicines. This directive is stated in Decree 1953/2014 Title IV “Intercultural Indigenous’ Self-care Health System” (IISHS, SISPI in its Spanish acronym), whereby a special set of rules is established in order to start running the Indigenous Territories regarding the administration of the indigenous peoples’ own systems, who shall assume competences concerning health hazards management in accordance with the development level of the IISHS, whenever the conditions and requisites established by the Ministry of Labour and Social Protection and Healthcare Subcommittee are met (Article 83, no. 2). According to Article 77, the parts of the indigenous healthcare system are:</p> <ol style="list-style-type: none"> <li>a) Ancestral wisdom.</li> <li>b) Organizational-political.</li> <li>c) Training, creation and use of health knowledge.</li> <li>d) Intercultural care and self-care of health.</li> <li>e) Administration and management.</li> </ol> <p>The health competences of the indigenous territories are the definition, adoption and execution of public healthcare actions and to assume competences on health hazard management. The competences of the service supply may be assumed directly by the indigenous territory, following the typical structures of the Indigenous Territories, according to the current regulations on MS-WSH and their own healthcare forms within the framework of IISHS.</p>

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	<p>Health in the Workplace (SG-SST). Sections 1 and 12 [Decreto N° 1443 de 2014: Por el cual se dictan disposiciones para la implementación del Sistema de Gestión de la Seguridad y Salud en el Trabajo (SG-SST). Artículos 1 y 12]. Date of publication: 31<sup>st</sup> July 2014: <a href="http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=58841">http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=58841</a></p> <ul style="list-style-type: none"> <li>Decree N° 1477 of 2014: Issuing a list of occupational diseases. List of occupational diseases. Sections 1 and 4 [Decreto N° 1477 de 2014: Por el cual se expide la tabla de enfermedades laborales. Tabla de enfermedades laborales. Artículos 1 y 4.]. Date of publication: 5<sup>th</sup> August 2014: <a href="http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=58849#5">http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=58849#5</a></li> <li>Decree N° 171 of 2016: Amending Volume 2, Part 2, Title 4, Chapter 6, Section 2.2.4.6.37, of Decree N° 1027 of 2015, Unified Decree Regulating Labour, on the transition for the implementation of the Management System for Safety and Health in the Workplace (SG-SST). Section 1 [Decreto N° 171 de 2016: Por medio del cual se modifica el artículo 2.2.4.6.37 del Capítulo 6 del Título 4 de la Parte 2 del Libro 2 del Decreto 1072 de 2015, Decreto Único Reglamentario del Sector Trabajo, sobre la transición para la implementación del Sistema de Gestión de la Seguridad y Salud en el Trabajo (SG-SST). Artículo 1]. Date of publication: 1<sup>st</sup> February 2016: <a href="https://www.arlsura.com/index.php/decretos-leyes-resoluciones-circulares-y-jurisprudencia/51-decretos/2483-decreto-2071-de-2016">https://www.arlsura.com/index.php/decretos-leyes-resoluciones-circulares-y-jurisprudencia/51-decretos/2483-decreto-2071-de-2016</a></li> </ul> <p><b>INDIGENOUS AND TRIBAL PEOPLES</b></p> <ul style="list-style-type: none"> <li>Act N° 21 of 1991: Ratifying ILO Convention 169 on Indigenous and Tribal Peoples [Ley N° 21 de 1991: Por la cual se ratifica el Convenio 169 de la OIT sobre pueblos indígenas y tribales]. This act defines general policy, employment contracts and conditions, vocational training, craftsmanship and rural industry, social security and</li> </ul>		<p><b>PESTICIDE USE</b></p> <p>Act N° 9 of 1979 on health measures (Ley N° 9 de 1979 sobre las medidas sanitarias) states that the waste originating in facilities producing, researching, packing or handling pesticides, as well as the waste from pesticide use, shall not be dumped directly into water courses or reservoirs, the soil or the air. Waste shall be treated and handled in order to prevent any health risks. The following sections of Decree N° 1842 of 1991 (Decreto N° 1842 de 1991) elaborate on the above:</p> <ul style="list-style-type: none"> <li>Section 83. The pesticide application equipment used shall be in perfect working order so as not to pose risks to the operator's health and to prevent any leaks which could harm the community or the environment.</li> <li>Section 84. The equipment shall be subject to maintenance or preservation in accordance with specifications which the producers, dealers or representatives are obliged to supply under their own responsibility.</li> <li>Section 85. The equipment used to apply pesticides shall be washed in areas intended for this use, avoiding any risks for the operators as well as the pollution of water sources or courses.</li> </ul> <p>A buffer zone shall be designated around water bodies and courses, main roads, human and animal population centres or any other area under special protection. Said band shall be 10 metres wide for ground pesticide application and 100 metres wide for aerial application (Section 86).</p> <p>On the other hand, the Decree also regulates waste disposal, and bans the reuse of empty pesticide containers. Any other treatment of pesticide containers</p>



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	<p>healthcare, education, media, contacts and cooperation across borders and administrations. Part V: Social security and healthcare. Sections 24 and 25 [Parte V: Seguridad social y salud. Artículos 24 y 25]. Date of publication: 6<sup>th</sup> December 1989:  <a href="http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=37032">http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=37032</a></p> <ul style="list-style-type: none"> <li>Decree N° 1953 of 2014: Creating a special regime in order to start operating the Indigenous Territories as regards the administration of the Indigenous Peoples' own systems until Congress issues the act described in the Colombian Constitution, section 329. Title IV: Indigenous Peoples' Intercultural Healthcare System (SISPI). Chapters I, II and III [Decreto N° 1953 de 2014: Por el cual se crea un régimen especial con el fin de poner en funcionamiento los Territorios Indígenas respecto de la administración de los sistemas propios de los pueblos indígenas hasta que el Congreso expida la ley de que trata el artículo 329 de la Constitución Política. Título IV: Sistema Indígena de Salud Propio Intercultural (SISPI). Capítulos I, II y III]. Date of publication: 7<sup>th</sup> October 2014:  <a href="http://www.icbf.gov.co/cargues/avance/docs/decreto_1953_2014.htm">http://www.icbf.gov.co/cargues/avance/docs/decreto_1953_2014.htm</a></li> </ul> <p>PESTICIDE USE</p> <ul style="list-style-type: none"> <li>Act N° 9 of 1979: Establishing health measures. Title III: Occupational health - Section 144 [Ley N° 9 de 1979: Por la cual se dictan medidas sanitarias. Título III: Salud ocupacional - Artículo 144]: Date of publication: 24<sup>th</sup> January 1979:  <a href="http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=1177">http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=1177</a></li> <li>Decree N° 1843 of 1991: Partially regulating Titles III, V, VI, VII and XI of Act N° 9 of 1979, on the use and management of pesticides. Chapter IX: On use - Sections 83 to 87. Chapter XII: On pesticide waste - Sections 152 to 156 [Decreto N°</li> </ul>		<p>shall be subject to authorisation from the Health Directorate Branch Office (Dirección Seccional de Salud) in accordance with instructions from the Health Ministry (Section 153).</p> <p>Other waste, e.g. pesticide excess or remains, products for equipment washing or cleaning and contaminated utensils, accessories and garments shall be treated prior to their disposal taking into account their characteristics. To this end, these methods can be followed: Reuse, chemical treatment, burial, incineration or any other method approved by the Health Directorate Branch Offices (Section 154).  Waste treatment facilities must be authorised by the competent Health Directorate Branch Office before initiating any pesticide-related activity (Section 156).  Definition of tribal people (based on Act N°21 of 1991- article 1): whose social, cultural and economic conditions distinguish them from other sectors of the national community, and which are governed totally or partially by their own customs or traditions or by special legislation.</p> <p><b>Description of risk</b></p> <ul style="list-style-type: none"> <li>In Colombia, the labour legislation doesn't differentiate between regulations for urban or rural workers. Rules are applicable to all of them, including laws in matters of prevention and occupational hazards. Moreover, it doesn't make a distinction between hiring in indigenous or African-descendants communities' territories (result of the analysis of the laws done during the assessment in 2016 by the authors of this report). The lack of differentiation is a potential risk for the enforcement of the laws on health and safety; the capacity to comply with the same requirements might be</li> </ul>

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	<p>1843 de 1991 por el cual se reglamentan parcialmente los títulos III, V, VI, VII y XI de la Ley N° 09 de 1979, sobre uso y manejo de plaguicidas. Capítulo IX De la Aplicación - Artículos del 83 al 87. Capítulo XII De los desechos y los residuos de plaguicidas - Artículos 152 al 156]. Date of publication: 22<sup>nd</sup> July 1991:  <a href="https://www.invima.gov.co/images/stories/normatividad/decreto_1843_1991.pdf">https://www.invima.gov.co/images/stories/normatividad/decreto_1843_1991.pdf</a></p> <p><b>Legal Authority</b></p> <ul style="list-style-type: none"> <li>• Labour Ministry [Ministerio del Trabajo, MinTrabajo]</li> <li>• Health and Social Protection Ministry [Ministerio de Salud y la Protección Social, MinSalud]</li> <li>• Occupational Hazards Insurance Company [Compañía de seguros de riesgos laborales]</li> <li>• Health Directorate Branch Offices [Aseguradora de Riesgos Laborales]</li> </ul> <p><b>Legally required documents or records</b></p> <ul style="list-style-type: none"> <li>• Management System for Occupational Health and Safety [Sistema de Gestión de la Seguridad y Salud en el Trabajo (SG-SST)].</li> <li>• Internal rules at the workplace [Reglamento interno de trabajo].</li> <li>• Social Security Pay Sheet [Planilla de pago de seguridad social].</li> <li>• Certificate of professional skills [Certificación de competencias laborales].</li> </ul>		<p>different among small companies or indigenous community and big companies (expert consultation in 2016).</p> <ul style="list-style-type: none"> <li>• Companies that don't comply with the implementation of the System as of January 31<sup>st</sup>, 2017 were to be penalized with fines up to 1,000 current monthly minimum wages. In case of relapse or non-compliance with the correcting actions that should be adopted, operations may be suspended for a period of time up to 120 days or the final closure of the company. According to the remarks made by the consulted interested parties in 2016, the number of non-compliances is usually higher in small companies from rural areas and so the institutional staff may not be enough to carry out the necessary inspections about this issue in advance. Controls are normally done based on the complaints of workers or affected people.</li> <li>• A raise in the workers' affiliation to the Occupational Hazards General System was detected throughout 2014: 7.6% compared with the previous year. Likewise, 8,897 occupational illnesses were reported, being the manufacturer industry the top of the list with 2,609 cases, followed by the real state sector (1,590) and the agriculture, cattle, hunting and forestry sector with 1,105 certified occupational illnesses (CCS, quoted in ASFORES S.A.S, 2010). No updated evidences on the compliance and enforcement records for the Occupational Hazards General System where found during the development of this assessment. The experts consulted in 2016 reflected a sense of scarce controls on legal health and safety requirements in the fields, being forestry the less controlled by 2016.</li> <li>• Recent article (Mongabay, May 2018) mentions "The Amazon has been the site of 66 percent of</li> </ul>

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
			<p>early deforestation alerts put out by IDEAM in 2017. By as early as February 2018, the Guaviare Department in Colombia had lost more than 20,000 hectares (nearly 50,000 acres) of forest due to illegal fires in order to establish cattle ranches, coca plantations, and highways. This is an environmental tragedy for which the Colombian government has not yet had an effective response. For this reason, 25 Colombian children and young people, represented by the director of the Center for the Study of Rights, Justice, and Society (Dejusticia), César Rodríguez Garavito, presented a plea to the supreme court in February. They asked for a solution so that the deforestation no longer threatens their fundamental rights to health, to a clean environment, and to life. “We are too young to stop climate change and deforestation, but we will be directly affected by the decisions that are being made today,” argued Gabriela Eslava, one of Dejusticia’s lawyers. According to data from the IDEAM, Colombia’s temperature could increase by 1.6 degrees Celsius by 2041. This would reduce rainfall by up to 32 percent in the country, spurring multiple disasters”.</p> <p><b>Risk conclusion</b></p> <p>Following the precautionary approach, this indicator has been evaluated as specified risk. Threshold (2) is met: (2) Identified laws are not upheld consistently by all entities and/or are often ignored, and/or are not enforced by relevant authorities.</p>
1.12 Legal employment	<p><b>Applicable laws and regulations</b></p> <p>GENERAL LEGISLATION</p>	<p><b>Government sources</b></p> <ul style="list-style-type: none"> <li>Ministry of Labour, 2016. Colombia and the ILO become allies to fight</li> </ul>	<p><b>Overview of Legal Requirements</b></p> <p>GENERAL LEGISLATION</p>

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
	<ul style="list-style-type: none"> <li>• Decree-law 2663/1950 on substantive Labour Code. Title I, individual employment contract, Articles 23, 37 and 38. Title V, wages. Title VI, work day, Article 354 [Decreto Ley 2663 de 1950. Sobre Código Sustantivo Del Trabajo. Titulo I contrato individual de trabajo, artículos 23, 37 y 38. Titulo V Salarios; Título VI Jornada de trabajo. Artículo 354]. Date of publication: August 5<sup>th</sup> 1950: <a href="http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=33104">http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=33104</a></li> <li>• Resolution 734/2006, which establishes the procedure to adapt working sets of rules to the directives of Act 1010/2006, Article 1 [Ley 1010 de 2006. Artículo 1]. Date of publication: March 15<sup>th</sup> 2006: <a href="http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=19637">http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=19637</a></li> <li>• Act 1010/2006 [Ley 1010 de 2006], which states the adoption of measures to prevent, correct and penalize work harassment and other harassments in the workplace. Article 7. Date of publication: January 23<sup>rd</sup> 2006: <a href="http://www.secretariassenado.gov.co/senado/basedoc/ley_1010_2006.html">http://www.secretariassenado.gov.co/senado/basedoc/ley_1010_2006.html</a></li> <li>• Act 1496/2011 [Ley 1496 de 2011], which guarantees equal wages and work payments between women and men and establishes means to eradicate any way of discrimination and other directives. Article 7. Date of publication: December 29<sup>th</sup>, 2011: <a href="http://wsp.presidencia.gov.co/Normativa/Leyes/Documents/ley149629122011.pdf">http://wsp.presidencia.gov.co/Normativa/Leyes/Documents/ley149629122011.pdf</a></li> <li>• Decree 1072/2015, by which it is issued the Sole Regulatory Decree on Labour Sector. Book 2 – Regulatory system of the labour sector. Date of publication: August 14<sup>th</sup> 2015: <a href="http://www.mintrabajo.gov.co/normatividad/decreto-unico-reglamentario-trabajo.html">http://www.mintrabajo.gov.co/normatividad/decreto-unico-reglamentario-trabajo.html</a></li> </ul> <p>FOR TRIBAL AND INDIGENOUS PEOPLES</p>	<p>against the poverty and the irregularities in the fields [Colombia y OIT sellan alianza para luchar contra la informalidad y la pobreza en el campo]. Consulted on September 26<sup>th</sup> 2016: <a href="http://www.mintrabajo.gov.co/junio-2015/4535-colombia-y-oit-sellan-alianza-para-luchar-contra-la-informalidad-y-la-pobreza-en-el-campo.html">http://www.mintrabajo.gov.co/junio-2015/4535-colombia-y-oit-sellan-alianza-para-luchar-contra-la-informalidad-y-la-pobreza-en-el-campo.html</a></p> <ul style="list-style-type: none"> <li>• Ministry of Labour, 2016. Analysis on labour problems in the rural sector [Se analiza problemática laboral en el sector rural]. Consulted on September 26<sup>th</sup> 2016: <a href="http://www.mintrabajo.gov.co/agosto-2016/6291-se-analiza-problematica-laboral-en-el-sector-rural.html">http://www.mintrabajo.gov.co/agosto-2016/6291-se-analiza-problematica-laboral-en-el-sector-rural.html</a></li> <li>• Departamento Administrativo Nacional de Estadística (DANE), 2016. Technical bulletin. Main indicators of labour market. July 2013 [Boletín Técnico. Principales indicadores del mercado laboral. Julio 2013]. Date of publication: August 31<sup>st</sup>, 2016. Consulted on September 26<sup>th</sup> 2016:</li> </ul>	<p>Substantive Labour Code Decree-law 2663/1950 (Decreto Ley 2663 de 1950). The Substantive Labour Code is the framework document for hiring and labour regulation in Colombia and it is applicable to all the inhabitants in the whole territory of the Republic, regardless their nationality. It defines labour as all the free human activities (whether material or intellectual, permanent or temporary) that a person carries out consciously at the service of others, regardless their purpose, whenever it is performed under an employment contract.</p> <p>Article 23 states the essential elements of labour:</p> <ol style="list-style-type: none"> <li>a) the personal activity of the worker, that means, performed by himself;</li> <li>b) The continuous worker's subordination or dependency from the employer, which enables the employer to demand compliance with orders about the way, duration or quantity of work at any time and also to impose sets of rules. The aforementioned subordination shall be kept throughout the whole duration of the contract and shall not affect the honour, dignity and minimum rights of the worker in accordance with the binding treaties or international agreements on human rights applicable to the country; and</li> <li>c) A wage as a payment for the service.</li> </ol> <p>According to Section 37, an employment contract may be verbal or written; to be valid, it does not require any specific format, unless otherwise explicitly stated. The minimum wage is set on an annual basis and it is considered as the one which every worker has the right to receive in order to fulfil his/her normal needs or the ones from his/her family in a material, moral and cultural sense. Act 1496/2011 (Ley 1496 de 2011) modifies Section 143 of the SLC, which aims at guaranteeing the</p>

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
	<ul style="list-style-type: none"> <li>Act 21/1991 (Ley 21 De 1991), which ratifies the ILO Agreement no. 169 on indigenous and tribal peoples. Part III – Hiring and working conditions. Date of publication: December 6<sup>th</sup> 1989: <a href="http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=37032">http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=37032</a></li> </ul> <p><b>Legal Authority</b></p> <ul style="list-style-type: none"> <li>Labour Ministry [Ministerio del Trabajo].</li> <li>Health and Social Protection Ministry [Ministerio de Salud y la Protección Social].</li> </ul> <p><b>Legally required documents or records</b></p> <ul style="list-style-type: none"> <li>Employment contract.</li> <li>Affiliation to health, retirement pension and occupational hazards system.</li> <li>Internal Labour Regulations.</li> <li>Payrolls.</li> </ul> <p><u>Note:</u> Important to check SIRITI website (<a href="http://apps.mintrabajo.gov.co/siriti/display.aspx">http://apps.mintrabajo.gov.co/siriti/display.aspx</a>) regarding the area in which the Organization is establish. As well as to check the existence of a Working Relations Committee following the legislation on Working Relations Committee (Comité de Convivencia Laboral).</p>	<p><a href="https://www.dane.gov.co/files/investigaciones/boletines/ech/ech/bol_empleo_jul_16.pdf">https://www.dane.gov.co/files/investigaciones/boletines/ech/ech/bol_empleo_jul_16.pdf</a></p> <ul style="list-style-type: none"> <li>Ministry of Labour, undated. SIRITI Cases per Economic Activity (mainly 40) [SIRITI Casos por Actividad Económica (40 principales)]. Consulted on January 8<sup>th</sup> 2016: <a href="http://app2.mintrabajo.gov.co/siriti/index.aspx#">http://app2.mintrabajo.gov.co/siriti/index.aspx#</a></li> </ul> <p><b>Non-Government sources</b></p> <ul style="list-style-type: none"> <li>Portafolio newspaper, 2015. The country has 5.93 million of irregular workers [El país tiene 5,93 millones de trabajadores informales]. Consulted on September 26<sup>th</sup> 2016: <a href="http://www.portafolio.co/economia/finanzas/pais-93-millones-trabajadores-informales-22578">http://www.portafolio.co/economia/finanzas/pais-93-millones-trabajadores-informales-22578</a></li> <li>El Tiempo newspaper, 2015. In rural areas, Colombia is full of irregularities [En las zonas rurales, Colombia está llena de irregularidades]. Consulted on September 26<sup>th</sup> 2016: <a href="http://www.eltiempo.com/economia/sectores/trabajo-">http://www.eltiempo.com/economia/sectores/trabajo-</a></li> </ul>	<p>equality of wages and any other way of work payment between women and men and establishes means to allow this equality to become real and effective:</p> <p>Section 7, modifying Section 143 contained the requirements relating to same work, same wage.</p> <ol style="list-style-type: none"> <li>The same wage shall correspond to the same performed job in terms of position, work day and efficiency conditions; the salary shall include all the elements listed on Section 127.</li> <li>Differences in wage due to age, gender, sex, nationality, race, religion, political opinion or union activities cannot be established.</li> <li>All the differences in salary or pay shall be presumed unjustified until the employer proves that there are objective factors causing the difference.</li> </ol> <p>Concerning the minimum age for working, people under 14 years old cannot work in industrial or agricultural companies whenever the job keeps them away from school; people under 18 cannot work at night, except for jobs in non-industrial companies or domestic service, provided that the mentioned job is not dangerous for their health or morality. The duration of the work day is stated on Section 160:</p> <ol style="list-style-type: none"> <li>The ordinary work is performed between 6:00 AM and 10:00 PM.</li> <li>The night work is performed between 10:00 PM and 6:00 AM.</li> </ol> <p>Resolution 734/2006 demands the addition of prevention measures to avoid work harassment in the labour set of rules, as well as the internal procedure to solve them in the event that any case arises. This is reasserted in Act 1010/2006 (ley 1010 de 2006), which acknowledges the labour in fair and dignifying conditions, the harmony among the ones sharing the</p>



Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
		<p>illegally in Colombia [1039000 niños trabajan ilegalmente en Colombia]. Consulted on 8<sup>th</sup> August 2017:  <a href="https://sostenibilidad.semana.com/impacto/articulo/trabajo-infantil-colombia-1039000-ninos-trabajan-ilegalmente-pais/33183">https://sostenibilidad.semana.com/impacto/articulo/trabajo-infantil-colombia-1039000-ninos-trabajan-ilegalmente-pais/33183</a></p> <ul style="list-style-type: none"> <li>• United States Department of State, 2018. Colombia 2018 Trafficking in Persons Report. Consulted on 15<sup>th</sup> March: 2019:  <a href="https://www.state.gov/j/tip/rls/tiprpt/countries/2018/282633.htm">https://www.state.gov/j/tip/rls/tiprpt/countries/2018/282633.htm</a></li> <li>• Danish Trade Union Council for International Development and Cooperation, 2018. Labour Market Profile 2018 Colombia. Consulted on 15<sup>th</sup> March 2019:  <a href="http://www.ulandssekretariatet.dk/sites/default/files/uploads/public/PDF/LMP/LMP2018/imp_colombia_2018_final.pdf">http://www.ulandssekretariatet.dk/sites/default/files/uploads/public/PDF/LMP/LMP2018/imp_colombia_2018_final.pdf</a></li> </ul> <p>Interviews with experts:  Conversations with various experts from the public and private sector and civil society in Colombia (here anonymous) carried out during October</p>	<p>b) The same wage for the same job;  c) Medical and social assistance, occupational safety, all the social security supplies and other work supplies, as well as the housing;  d) The right to associate, to devote themselves to union actives for lawful purposes and to sign collective agreements with employers or employers' organizations.</p> <p><b>Description of risk</b></p> <ul style="list-style-type: none"> <li>• Both in Colombia and Latin America, there is a problem with underemployment, defined as a category of the labour market where workers have an inappropriate occupation with regards to certain regulations or other possible occupations. The Colombian underemployment rate has been kept in rather high levels compared with other countries, with no substantial improvements. When it's considered only the objective underemployed (employees who, in addition to feeling dissatisfied with their work -for inadequate income amount, lack of use of their skills or desire to work more hours-, have undertaken some concrete action to induce the desired change in your working condition), which represent the most adequate population for international comparisons (Puyana et al., 2011-cited on FEDESARROLLO 2014), Colombia shows one of the highest rates of job dissatisfaction in Latin America, only surpassed by Peru and Costa Rica and being located very far above from countries like Brazil, Panama and Mexico (translated from FEDESARROLLO, 2014)</li> <li>• In the last decade, the rate of unsatisfied workers inside the whole working population has been kept around 45%, showing that half the occupied</li> </ul>

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
		<p>2016, helped the authors of this report to better understand the applicable legislation and the risks associated with each indicator of legislation.</p>	<p>population of the country define their jobs as low-quality occupations (FEDESARROLLO, 2014).</p> <ul style="list-style-type: none"> <li>• 88 out of every 100 occupied people in the agriculture sector are irregular workers, even though many of them apparently have an employer and receive a wage. The research of the Del Rosario University (quoted in El Tiempo newspaper, 2015) also reveals that the average work day of an irregular worker lasts 10,1 hours (60,6 hours a week), when Colombian legislation establishes the duration of a work day in 8 hours (48 hours a week).</li> <li>• The research in 2015 shows that 92 percent of the agriculture sector workers are not affiliated to any pension system as required by law, and 77 percent receive a salary lower than the current minimum wage (Portafolio, 2015).</li> <li>• According to the statistical bulletin of DANE (National Statistical Department of Colombia) 59,4% of the occupied population in populated and dispersed rural centres was working in the agriculture, cattle, hunting, forestry and fishing sector (May-July 2016). “As reported over the past five years, Colombia is a source, destination, and transit country for men, women, and children subjected to sex trafficking and forced labor in Colombia and throughout Latin America, Asia, and Europe. Groups at high risk for trafficking include internally displaced persons, Afro-Colombians, Colombians with disabilities, indigenous persons, and Colombians living in areas where armed criminal groups are active...Colombian labor trafficking victims are found in mining, agriculture, and domestic service.” (United States Department of State, 2018 webpage)</li> <li>• “During the last 25 years, the International Labour Organization (ILO) and many other international</li> </ul>



Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
			<p>organisations have reiterated its deep concern about the grave situation of anti-union violence and the right to freedom of association in Colombia...While the legislation may spell out certain rights, the workers effectively have no access to these, and are therefore exposed to autocratic regimes and unfair labour practices.” (Danish Trade Union Council for International Development and Cooperation, 2018 pg. 6).</p> <ul style="list-style-type: none"> <li>• “A wide range of violations of trade union rights have been registered in Colombia in recent years. ITUC reported that there were at least 266 violations of the life, liberty and integrity of union members in Colombia.<sup>36</sup> These cases are related to many different issues such as: collective bargaining violations, violations of freedom of association, anti-union dismissals, arrests, murders of trade union leaders, and threats against trade unions, anti-union practices, among others. <sup>37</sup> Forced labour including organised begging, mining, agriculture, and domestic service also remain serious issues” (Danish Trade Union Council for International Development and Cooperation, 2018 pg. 7)</li> <li>• “In their August 2017 report, Escuela Nacional Sindical (ENS) reported the violations of trade union representatives in Colombia for 2014 and up until June 2016 ...These [reported violations] show that union members in Colombia experience all sorts of violations, and that many are of the worst kinds. Overall the numbers show that after a significant decrease in violence in 2015, the anti-union violence started to go up again in 2016.” (Danish Trade Union Council for International Development and Cooperation, 2018 pg. 7)</li> <li>• The lack of decent employment in Colombia reveals that 1,039,000 children work in Colombia,</li> </ul>

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
			<p>contravening international directives (Semana Sostenible, 2015).</p> <ul style="list-style-type: none"> <li>• After consulting experts in 2016 with the Ministry of Labour, Antioquia was shown as the department with the highest number of working children. The government has made public the Integrated Information System for Identifying, Registering and Characterizing Child Labour and its Worst Forms (SIRITI in its Spanish acronym), which allows to register poll data about household members (any person, especially minors) in the database in order to classify them according to the vulnerability in the matters of child labour; this to allow to focus their efforts more effectively so that this scourge is eradicated.</li> <li>• The results include data about forestry context. After checking this system in Ministry of Labour, (undated) in January 2016, it has been found that 12,726 child labour cases were reported within the scope of the agriculture, cattle, hunting, forestry and fishing sector, (consulted on January 8<sup>th</sup>, 2016), the second highest amount after other activities. By March 2019 the SIRITI reported 67 cases in timber extraction / forestry work forestry and related workers (forestry industry) and timber exploitation (Ministry of Labour, undated).</li> <li>• Assessment of indicator 2.2 “Labor rights are upheld including rights as specified in ILO Fundamental Principles and Rights at Work” of this CNRA concludes there is substantial evidence of widespread violation of key provisions of the ILO Fundamental Principles and Rights at work.</li> </ul> <p><b>Risk conclusion</b></p> <p>This indicator has been evaluated as specified risk. Threshold (2) is met: (2) identified laws are not upheld</p>

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
			consistently by all entities and/or are often ignored, and/or are not enforced by relevant authorities.
<b>Third parties' rights</b>			
1.13 Customary rights	<p><b>Applicable laws and regulations</b></p> <p>GENERAL LEGISLATION</p> <ul style="list-style-type: none"> <li>Act 21/1991 [Ley 21 de 1991], in which the Agreement no. 169 about indigenous and tribal peoples in independent countries is approved; this Agreement was adopted by 76<sup>th</sup> ILO meeting (Geneva 1989, Article 8, Common law). Date of publication: March 4<sup>th</sup>, 1991: <a href="http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=37032">http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=37032</a></li> <li>General Environmental Act 99/1993 [Ley General Ambiental Ley 99 De 1993], by which the Ministry of Environment is created, the Public Sector on charge of the management and preservation on the environment and natural renewable resources is reorganized, the National Environmental System (SINA in its Spanish acronym) is organized and other directives are issued. Article 76. Date of publication: December 22<sup>nd</sup>, 1993: <a href="http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=297#118">http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=297#118</a></li> <li>Act 70/1193 (Ley 70 de 1993), by which the Provisional Article 55 of the Political Constitution is developed. Article 2. Traditional production activities. Date of publication: August 27<sup>th</sup>, 1993: <a href="http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=7388">http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=7388</a></li> <li>Decree 1397/1996, by which the National Committee of Indigenous Territories and the Permanent Committee for Consultation with indigenous peoples and organizations and other directives are issued. Article 12. Roles of the Committee for Consultation. Date of publication: August 8<sup>th</sup> 1996: <a href="http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=40298">http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=40298</a></li> </ul>	<p><b>Non-Government sources</b></p> <ul style="list-style-type: none"> <li>El Heraldo newspaper, 2015. 3,423 indigenous Colombian people have suffered human rights violations in 2015 so far [Indígenas colombianos víctimas de violaciones de derechos humanos en lo corrido de 2015]. Consulted on September 25<sup>th</sup> 2016: <a href="http://www.elheraldo.co/nacional/3423-indigenas-colombianos-victimas-de-violaciones-de-derechos-humanos-en-lo-corrido-de">http://www.elheraldo.co/nacional/3423-indigenas-colombianos-victimas-de-violaciones-de-derechos-humanos-en-lo-corrido-de</a></li> <li>Network of Brotherhood and Solidarity with Colombia, 2008. Human rights violations in Colombia [Violaciones de los derechos humanos en Colombia]. Consulted on September 25<sup>th</sup> 2016: <a href="http://www.redcolombia.org/index.php/noticias-nuevas/271-violaciones-de-los-derechos-humanos-en-colombia.html">http://www.redcolombia.org/index.php/noticias-nuevas/271-violaciones-de-los-derechos-humanos-en-colombia.html</a></li> <li>KASAPapers, 2009. Indigenous peoples' status in Colombia [Estado de los pueblos indígenas en</li> </ul>	<p><b>Overview of Legal Requirements</b></p> <p>GENERAL LEGISLATION</p> <p>The General Environmental Act 99/1993 (Ley General Ambiental, Ley 99 de 1993) states in Article 76 what is established in Article 330 of the political constitution of Colombia related to the exploitation of natural resources without impairment of the cultural, social and economic integrity of the indigenous communities; decisions on this matter will be made after consulting with the representatives of these communities, being so acknowledged that they rule the collective territory and the associated natural resources.</p> <p>In Act 21/1991 (Ley 21 de 1991), the UNO Agreement no. 169 is included in Article 8, stating the following:</p> <ol style="list-style-type: none"> <li>Whenever the national legislation is applied to the interested peoples, their traditions and their common law shall be fully taken into account.</li> <li>The aforementioned peoples shall have the right to preserve their own traditions and institutions, as long as they are compatible with both the fundamental rights defined by the national legal system and the human rights internationally acknowledged. Whenever necessary, procedures shall be established in order to solve any possible conflict that may arise when applying this principle.</li> <li>The application of paragraphs 1 and 2 of this Article shall not stop the members of these peoples from exercising the rights acknowledged for all the citizens of the country and from assuming the corresponding obligations.</li> </ol>

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
	<ul style="list-style-type: none"> <li>Decree 1953/2014, by which a special set of rules is created in order to start running the Indigenous Territories regarding the administration of the indigenous peoples' own systems Article 2, 3, and 15. Date of publication: October 7<sup>th</sup> 2014: <a href="http://www.icbf.gov.co/cargues/avance/docs/decreto_1953_2014.htm">http://www.icbf.gov.co/cargues/avance/docs/decreto_1953_2014.htm</a></li> <li>Decree 2333/2014, which establishes the means to effectively protect and preserve the legal security of the lands and territories traditionally occupied or possessed by indigenous communities. Date of publication: November 19<sup>th</sup>, 2014. Articles 2 and 5: <a href="https://cnagrario.org/2014/11/20/decreto-2333-tierras-y-territorios-ocupados-o-poseidos-ancestralmente/">https://cnagrario.org/2014/11/20/decreto-2333-tierras-y-territorios-ocupados-o-poseidos-ancestralmente/</a></li> </ul> <p><b>Legal Authority</b></p> <ul style="list-style-type: none"> <li>Home Office [Ministerio del Interior]</li> <li>Ministry of the Environment and Sustainable Development [Ministerio de Ambiente y Desarrollo Sostenible (MADS)]</li> <li>Community Council</li> <li>Indigenous Reserve</li> </ul> <p><b>Legally required documents or records</b></p> <ul style="list-style-type: none"> <li>Certificate of the existence of ethnic communities issued by the Home Office.</li> </ul>	<p>Colombia]. Consulted on September 25<sup>th</sup> 2016: <a href="http://www.kas.de/wf/doc/kas_17956-544-4-30.pdf">http://www.kas.de/wf/doc/kas_17956-544-4-30.pdf</a></p> <ul style="list-style-type: none"> <li>El Universal newspaper, 2013. Putumayo indigenous people reported the violation of their rights [Indígenas putumayo denunciaron la violación de sus derechos]. Consulted on September 25<sup>th</sup> 2016: <a href="http://www.eluniversal.com.co/cartagena/nacional/indigenas-del-putumayo-denunciaron-violacion-de-sus-derechos-125461">http://www.eluniversal.com.co/cartagena/nacional/indigenas-del-putumayo-denunciaron-violacion-de-sus-derechos-125461</a></li> <li>Forest Peoples, 2016. Bogotá- Secure territorial rights of indigenous peoples and traditional knowledge must be central to post-conflict initiatives to save the Colombian Amazon and achieve sustainable development. Consulted 21<sup>st</sup> December 2018: <a href="http://www.forestpeoples.org/topics/agribusiness/news/2016/04/secure-territorial-rights-indigenous-peoples-and-traditional-knowle">http://www.forestpeoples.org/topics/agribusiness/news/2016/04/secure-territorial-rights-indigenous-peoples-and-traditional-knowle</a></li> <li>Corrizona, J., 2016. Deforestation, National Policies and Rights of Indigenous Peoples in the Colombian Amazon</li> </ul>	<p>Finally, Act 70/1993 (Ley 70 de 1993) makes reference to the traditional production activities such as: agricultural, mining, forestry, cattle, hunting, fishing and harvesting of natural products. These activities have been carried out by all the black communities in compliance with common law, so the preservation of life and the self-sustainable development can be guaranteed (Article 2, Section 7).</p> <p>In Decree 2333/2014, the respect to the law of original, the natural law, the higher law or the own rights of the indigenous peoples is considered as one of the principles that represent the foundations, life and ruling of indigenous peoples.</p> <p>On the other hand, Decree 1397/1996 mentions the autonomous competences of the Indigenous Territories to manage their interests in the framework of their life plans:</p> <ol style="list-style-type: none"> <li>To be ruled by their Own Authorities in accordance with the law of origin, the higher law or their own rights</li> <li>To exercise the competences and rights established in this decree in compliance with the Political Constitution, the national and international legislation (part of the constitutionality bloc), the law of origin, the higher law or the own rights.</li> </ol> <p><b>Description of risk</b></p> <ul style="list-style-type: none"> <li>In Colombia, 88 indigenous peoples have been officially acknowledged with a population of 1,392,623 individuals, equivalent to a 3.4% of the total national population. However, the Indigenous People National Organization of Colombia (ONIC in its Spanish acronym) claims the existence of 102 indigenous peoples, 18 of which are at risk of</li> </ul>

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		<p>[Deforestación, Políticas Nacionales y Derechos de los pueblos indígenas en la Amazonía Colombiana]. Forest People Programme. Consulted on 21<sup>st</sup> December 2018:  <a href="https://drive.google.com/file/d/0Bw-OMuvfs9a4ZHUzMVfjc211cHM/view?pref=2&amp;pli=1">https://drive.google.com/file/d/0Bw-OMuvfs9a4ZHUzMVfjc211cHM/view?pref=2&amp;pli=1</a></p> <ul style="list-style-type: none"> <li>United Nations Environment Programme, 2018. Religious and indigenous leaders join forces on initiative to end tropical deforestation in Colombia. Consulted on 6<sup>th</sup> March 2019:  <a href="https://www.unenvironment.org/news-and-stories/press-release/religious-and-indigenous-leaders-join-forces-initiative-end-tropical">https://www.unenvironment.org/news-and-stories/press-release/religious-and-indigenous-leaders-join-forces-initiative-end-tropical</a></li> </ul> <p>Interviews to experts:  Conversations with various experts from the public and private sector and civil society in Colombia (here anonymous) carried out during October 2016, helped the authors of this report to better understand the applicable legislation and the risks associated with each indicator of legislation.</p>	<p>disappearing (ONIC, 2009) and as a consequence the customary rights are not respected. 78.6% of the indigenous population lives in rural areas. 66% lives in five particular departments of Colombia in Atlantic and Pacific coasts. In Vaupes, Guainia and La Guajira, indigenous population is majority (JGDH, 2009).</p> <ul style="list-style-type: none"> <li>An ONIC's report published in 2015 reveals that nearly 3,423 indigenous people from Colombia suffered violations of their human rights (including customary rights on the territory), including 28 murders in 60 incidents registered in the first seven months of the year. A total amount of 1,995 indigenous people suffered were forced to move and 1,081 were imprisoned, the facts with more victims according to the report "Violations of human rights and infractions of International Humanitarian Law (DIH in its Spanish acronym)", delivered to UNO in Bogota.</li> <li>According to ONIC, "more than 1,000 indigenous people were murdered for violent causes, being the most affected peoples Nasa, Wayuu, Kankuamo, Awa and Embera chami" between 2002 and 2009 (CAJAR, 2009). Nearly 15% of these murdered people were women and children. Besides, it has been calculated that in that period "176 indigenous people were victims of forced disappearing, 187 were victims of sexual violence and torture and 633 were victims of arbitrary detentions".</li> <li>At the moment of the assessment (2016), in several regions of the country, "the makers of the armed conflict have been linked with economic interests, this link being one of the main causes of forced moving" Auto 004 of 2009 of the Constitutional Court, either to advance illegal activities (sowing and processing of illegal plantations and drug traffic) or legal activities. Among the latest, the</li> </ul>

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			<p>“exploitation of natural resources in an irregular way (such as indiscriminate forestry exploitation, sowing and exploitation of agribusiness monocultures, irregular mining exploitation and other similar activities) which is performed by economic makers of the private sector or illegal armed groups” is mentioned. Having a direct consequence on the customary rights from communities on the ground.</p> <ul style="list-style-type: none"> <li>• In 2013, 14 Putumayo indigenous peoples reported that their people were being forced to move due to armed groups. In this department, there is a total amount of 59,985 traditional indigenous people, with settlements of Awa, Embera Chami and Nasa peoples; these have been affected by the combat fighting between guerrillas and the Army.</li> <li>• Among the hazards identified by the interested parties, the difficulty of some communities to Access and understand the law due to their low Spanish proficiency and lack of legal terminology knowledge can be listed. Besides, proposal and projects disregarding the indigenous world view made them unbearable and not interesting for the natives. In addition, there have been waste problems and there is fear about the controlling of the land, which makes the forest community ruling more difficult. Finally, there can be rivalries and incidents in African-Colombian and indigenous border áreas, as they can move the timber from one territory to another and so trespassing the limits.</li> <li>• After expert consultation in 2016, they point out that 89% of the timber extracted from natural forests in Antioquia is illegal and part of the timber extracted by the communities for domestic use is also sold. Additionally, they acknowledge is a lack of control by the authorities in the fields.</li> <li>• Based on the Forest People programme 2016, “A new report “Deforestation and indigenous peoples</li> </ul>

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			<p>rights in the Colombian Amazon” (Forest people Programme 2016- Corrizosa, 2016) co-published by social justice and environmental NGO DEDISE and Forest Peoples Programme (FPP) underlines the critical role of secure land and territorial rights and traditional knowledge in sustaining one of the most culturally and biologically diverse forests on the planet. The report highlights that a successful peace process could open up vast areas of the Amazon forest and eastern plains to foreign investment in oil palm, maize, sugar cane and soybean monocultures as well as extractive industries. The risk of increasing land grabs, deforestation, rights violations and displacement of small farmers to the forest frontier are heightened by the recent adoption of the controversial ZIDRES land and rural development law. This law risks facilitating the allocation of concessions to commercial interests, privatisation and the enclosure of so-called vacant State lands (baldíos), without adequate protections for the pre-existing customary collective territorial rights of indigenous peoples. Among other consequences, this law could allow companies to obtain legal rights over “baldíos” they had already accumulated through land grabbing in the past. (Corrizosa, 2016)</p> <ul style="list-style-type: none"> <li>• A recent article in United Nations Environment Programme (2018) mentions, that religious and indigenous leaders join forces on initiative to end tropical deforestation in Colombia. The initiative recognizes the urgent need not only to protect forests, but also to protect the rights of indigenous peoples and the rights of forest and afro-descendant communities. A growing body of evidence shows that indigenous and other forest communities outperform all other managers of tropical forests when their rights are recognized and</li> </ul>

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			<p>protected. Indigenous Peoples in Colombia have secured the title of 23 million ha of their ancestral territories in the Amazon, which represents 75% of the Colombian Amazon. But their rights do not extend below the soil, leaving local communities vulnerable to extractive industries with powerful commercial interests and, all too often, the threat of violence. According to the Nacional Indigenous Organization of Colombia (ONIC), in the last two years, at least 68 indigenous community members have been murdered and 5,730 people have been forced to flee their homes.</p> <ul style="list-style-type: none"> <li>Assessment of indicator 2.3 “The rights of indigenous and traditional peoples are upheld” of this CNRA supports a generalized national trend on violation of rights of the local communities.</li> </ul> <p><b>Risk conclusion</b></p> <p>This indicator has been evaluated as specified risk. Threshold (2) is met: (2) identified laws are not upheld consistently by all entities and/or are often ignored, and/or are not enforced by relevant authorities.</p>
1.14 Free prior and informed consent	<p><b>Applicable laws and regulations</b></p> <p>GENERAL LEGISLATION</p> <ul style="list-style-type: none"> <li>Political Constitution of Colombia, 1991. Article 79 and Article 330, paragraph “Exploitation of natural resources in indigenous territories”. Date of publication: 4<sup>th</sup> July 1991: <a href="http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=4125">http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=4125</a></li> <li>Act 21/1991 [Ley 21 de 1991], by which the ILO Agreement no. 169 is ratified. Article 6 and Article 15. Date of publication: March 4<sup>th</sup>, 1991:</li> </ul>	<p><b>Non-Government sources</b></p> <ul style="list-style-type: none"> <li>Gloria Amparo Rodríguez, 2011. From Prior Consultation to Free Consent, Prior and Informed Consent of Indigenous Peoples in Colombia [De la consulta previa al consentimiento libre, previo e informado de los pueblos indígenas en Colombia]. Consulted on</li> </ul>	<p><b>Overview of Legal Requirements</b></p> <p>GENERAL LEGISLATION</p> <p>Political Constitution of Colombia, 1991. The political constitution of Colombia, the Magna Carta of the country, points out in Article 79 that “All the people have the right to enjoy a healthy environment. The laws will guarantee the community participation in the decisions that may affect them...” Then, Article 330 states that “the exploitation of natural resources without impairment of the cultural, social and economic integrity of the indigenous communities; decisions on this matter</p>



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	<p><a href="http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=37032">http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=37032</a></p> <ul style="list-style-type: none"> <li>Decree 1320/1998, which determines the set of rules for the Prior Consultation to indigenous and black communities; this is related to the exploitation of natural resources within their territory. Chapter II. Prior Consultation in the matters of Environmental Licenses or Establishment of environmental management plans. Date of publication: July 13<sup>th</sup>, 1998: <a href="http://www.icbf.gov.co/cargues/avance/docs/decreto_1320_1998.htm">http://www.icbf.gov.co/cargues/avance/docs/decreto_1320_1998.htm</a></li> <li>Presidential directive 01/2010. Guarantee of the fundamental right of the national ethnic groups to make a Prior Consultation. Point 4. Development means of the Prior Consultation process. Date of publication: March 26<sup>th</sup> 2010: <a href="http://www.mininterior.gov.co/sites/default/files/directiva_presidencial_01_de_2010.pdf">http://www.mininterior.gov.co/sites/default/files/directiva_presidencial_01_de_2010.pdf</a></li> <li>Act 1437/2011 [Ley 1437 de 2011]. Administrative Procedure and Judiciary Code. Article 46. Date of publication: January 18<sup>th</sup>, 2011: <a href="http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=41249">http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=41249</a></li> <li>Decree-law 4633/2011 [Decreto Ley 4633 de 2011], by which means of assistance, attention, full reparation and return of territorial rights to the victims belonging to indigenous communities and peoples are set. Article 27: Fundamental right to make a Prior Consultation. Date of publication: December 9<sup>th</sup>, 2011: <a href="http://www.secretariassenado.gov.co/senado/basedoc/decreto_4633_2011.html">http://www.secretariassenado.gov.co/senado/basedoc/decreto_4633_2011.html</a></li> <li>Presidential directive 10/2013). Guidelines to perform the Prior Consultation. Date of publication: November 7<sup>th</sup> 2013: <a href="http://wsp.presidencia.gov.co/Normativa/Directivas/Documentos/DIRECTIVA%20PRESIDENCIAL%20N%C2%B0%2010%20DEL%2007%20DE%20NOVIEMBRE%202013.pdf">http://wsp.presidencia.gov.co/Normativa/Directivas/Documentos/DIRECTIVA%20PRESIDENCIAL%20N%C2%B0%2010%20DEL%2007%20DE%20NOVIEMBRE%202013.pdf</a></li> <li>Decree 2613/2013, by which the protocol of interinstitutional coordination for the Prior Consultation is adopted. Date of publication: November 20<sup>th</sup> 2013:</li> </ul>	<p>September 5<sup>th</sup> 2016: <a href="https://www.nmbu.no/sites/default/files/pdfattachment/s/consulta-previa-al-consentimiento-previo-colombia-gloriaar_0.pdf">https://www.nmbu.no/sites/default/files/pdfattachment/s/consulta-previa-al-consentimiento-previo-colombia-gloriaar_0.pdf</a></p> <ul style="list-style-type: none"> <li>United Nations, 2010. African-Colombian communities' right to a Previous, Free and Informed Consultation [El derecho de las comunidades africano-colombianas a una consulta previa, libre e informada]. Consulted on September 8<sup>th</sup> 2016: <a href="http://www.hchr.org.co/afrodescendientes/files/PDF%20ALTA%20PAG%20INTE%20RNAS%20AFROS%20TE%20RCERA%20ENTREGA.pdf">http://www.hchr.org.co/afrodescendientes/files/PDF%20ALTA%20PAG%20INTE%20RNAS%20AFROS%20TE%20RCERA%20ENTREGA.pdf</a></li> <li>El Tiempo newspaper, September 2015. All that you need to know about Prior Consultation [Todo lo que necesitas saber sobre consulta previa]. Consulted on September 25<sup>th</sup> 2016: <a href="http://www.eltiempo.com/politica/justicia/consulta-previa-todo-lo-que-usted-debe-saber/16374136">http://www.eltiempo.com/politica/justicia/consulta-previa-todo-lo-que-usted-debe-saber/16374136</a></li> <li>El Heraldo newspaper, August 2015. 3,423 indigenous Colombian people have suffered</li> </ul>	<p>will be made after consulting with the representatives of these communities”.</p> <p>Article 46 of the Administrative Procedure and Judiciary Code emphasizes the mandatory consultation: whenever the Constitution or the law orders to carry out a consultation prior to adopt an administrative decision, this consultation shall be made within the terms described in the corresponding regulations, under penalty of nullity of the adopted decision.</p> <p>ILO Convention no. 169. Act 21/1991 (Ley 21 de 1991) The ILO Convention no. 169 is a legal instrument which is binding for Colombia, as it was ratified by the Act 21/1991 (Ley 21 de 1991) in search of promoting respect for the cultures, the ways of life, the traditions and the common law of indigenous and tribal peoples. This agreement refers to the Government's duty (among others) to make a consultation with the communities before carrying out any project that may affect them, being this the fundamental basis of the application of the legal instrument. Article 6 of the mentioned Act states the following:</p> <ol style="list-style-type: none"> <li>Whenever the regulations of the present Agreement are applicable, governments shall: Consult with the interested peoples by means of the suitable procedures, particularly by the representative institutions, any time that legal or administrative measures which may directly affect them are expected;       <ol style="list-style-type: none"> <li>Provide the means by which the interested peoples will be able to participate freely, at least in the same way other population's sector do and at the same level whenever decisions about elective institutions and administrative organizations (among others) are adopted.</li> </ol> </li> </ol>

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	<p><a href="http://www.minambiente.gov.co/images/normativa/decretos/2013/dec_2613_2013.pdf">http://www.minambiente.gov.co/images/normativa/decretos/2013/dec_2613_2013.pdf</a></p> <p><b>Legal Authority</b></p> <ul style="list-style-type: none"> <li>Ministry of the Environment and Sustainable Development [Ministerio de Ambiente y Desarrollo Sostenible (MADS)]</li> <li>Home Office [Ministerio del Interior, MinInterior]</li> <li>National Agency of Environmental Licenses (Autoridad Nacional de Licencias Ambientales ANLA in its Spanish acronym)</li> <li>Regional Autonomous Corporation of the Administrative Area [Corporación Autónoma Regional de la Jurisdicción]</li> <li>Community Council</li> <li>Indigenous Reserve</li> </ul> <p><b>Legally required documents or records</b></p> <ul style="list-style-type: none"> <li>Certificate of the existence of ethnic communities issued by the Home Office.</li> <li>Environmental management plan.</li> <li>Supporting documents of the consultation process.</li> </ul>	<p>human rights violations in 2015 so far [3.423 indígenas colombianos, víctimas de violaciones de derechos humanos en lo corrido de 2015]. Consulted on September 25<sup>th</sup> 2016: <a href="http://www.elheraldo.co/nacional/3423-indigenas-colombianos-victimas-de-violaciones-de-derechos-humanos-en-lo-corrido-de">http://www.elheraldo.co/nacional/3423-indigenas-colombianos-victimas-de-violaciones-de-derechos-humanos-en-lo-corrido-de</a></p> <ul style="list-style-type: none"> <li>Orduz, N., 2015. Prior Consultation: obeyed but not complied with [Consulta previa: se obedece, pero no se cumple]. Razón. Consulted on September 25<sup>th</sup> 2016: <a href="http://www.razonpublica.com/index.php/politica-y-gobierno-temas-27/3576-consulta-previa-se-obedece-pero-no-se-cumple.html">http://www.razonpublica.com/index.php/politica-y-gobierno-temas-27/3576-consulta-previa-se-obedece-pero-no-se-cumple.html</a></li> <li>Ana Betancur, Ethnic Observatory, 2014. The Prior Consultation to indigenous peoples: from democratic participation to expropriation of territories [La consulta previa a los pueblos indígenas De la participación democrática a la expropiación de territorios]. Consulted</li> </ul>	<p>These organizations are responsible for policies and programs that concern them;</p> <p>b) Provide the means by which the institutions and initiatives of these peoples are fully developed and, whenever suitable, supply the necessary resources for this purpose.</p> <p>2. The consultations carried out as a result of the application of this Agreement shall be performed in good faith and in a proper way, circumstances considered; the purpose of this is to reach an agreement or to get the consent about the proposed measures.</p> <p>Section 15 refers again to the Prior Consultation:</p> <ol style="list-style-type: none"> <li>The rights of the interested peoples to access the natural resources existing in their lands shall be particularly protected. These rights include the one to participate in the use, management and preservation of the mentioned natural resources.</li> <li>In case the ownership of the minerals or the subsoil resources belongs to the State or the State has rights to other existing resources of the lands, governments shall establish or maintain procedures in order to consult the interested peoples to determine if these peoples' interests may be impaired and to what extent before initiating or authorizing any prospecting or exploitation of the resources existing in their lands. Whenever possible, the interested peoples shall participate of the benefits arising from these activities and receive a fair compensation for any damage they may suffer as a result of the mentioned activities.</li> </ol> <p>Regulations on Prior Consultation. Decree 1320/1998. The Prior Consultation shall be made whenever the project, work or activity to be developed in indigenous reservations or in lands assigned as collective</p>

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		<p>September 25<sup>th</sup> 2016:  <a href="http://observatorioetnicocecoin.org.co/cecoin/index.php?option=com_content&amp;view=article&amp;id=344:la-consulta-previa-a-los-pueblos-indigenas-de-la-participacion-democratica-a-la-expropiacion-de-territorios&amp;catid=55:consulta-previa&amp;Itemid=121">http://observatorioetnicocecoin.org.co/cecoin/index.php?option=com_content&amp;view=article&amp;id=344:la-consulta-previa-a-los-pueblos-indigenas-de-la-participacion-democratica-a-la-expropiacion-de-territorios&amp;catid=55:consulta-previa&amp;Itemid=121</a></p> <ul style="list-style-type: none"> <li>• International Human Rights Office, Colombia Action, 2013. The land in Colombia: between waste and business. Presentation of the current situation of a problem to the conflict centre [Tierra en Colombia. Entre despojo y negocio. Presentación de la situación actual de una problemática al centro del conflicto]. Consulted on September 20<sup>th</sup>, 2016:  <a href="http://www.oidhaco.org/uploaded/content/article/666329106.pdf">http://www.oidhaco.org/uploaded/content/article/666329106.pdf</a></li> <li>• United Nations, 2010. African-Colombian communities' right to a Previous, Free and Informed Consultation [El derecho de las comunidades africano-colombianas a una consulta previa, libre e</li> </ul>	<p>properties for black communities. When the project, work or activity is to be undertaken in untitled zones inhabited on a regular and permanent basis by indigenous or black communities likely to be affected by the project, the Ministry of the Interior shall be responsible for certifying the presence of such communities (Article 3).</p> <p>Article 10 mentions the content of the environmental studies compared to the socio-economic and cultural level, this content shall include at least the following:</p> <ol style="list-style-type: none"> <li>a) In the environmental determination of alternative, indigenous and/or black communities' characteristics. This element will be taken into account by the environmental authorities in order to choose the suitable alternative to develop the environmental impact study.</li> <li>b) In the environmental impact study or the environmental management plan: <ol style="list-style-type: none"> <li>a) Indigenous and/or black communities' characteristics;</li> <li>b) Possible social, economic and cultural impacts that the analyzed indigenous and/or black communities will undergo as a consequence of the project, work or activity being carried out;</li> <li>c) Measure that will be taken to prevent, correct, mitigate, control or compensate the occasioned impacts.</li> </ol> </li> </ol> <p>Article 12. Consultation meeting. Within fifteen (15) days after the request date of the environmental license or the settlement of the Environmental Management Plan, the proper environmental authorities will confirm the participation or absence of participation of the communities interested in the elaboration of the environmental impact study, and will arrange the Prior</p>

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		<p>informada]. Consulted on September 8<sup>th</sup>, 2016.  <a href="http://www.hchr.org.co/afrodescendientes/files/PDF%20ALTA%20PAG%20INTEGRAS%20AFROS%20TERCERA%20ENTREGA.pdf">http://www.hchr.org.co/afrodescendientes/files/PDF%20ALTA%20PAG%20INTEGRAS%20AFROS%20TERCERA%20ENTREGA.pdf</a></p> <p>Interviews with experts:  Conversations with various experts from the public and private sector and civil society in Colombia (here anonymous) carried out during October 2016, helped the authors of this report to better understand the applicable legislation and the risks associated with each indicator of legislation.</p>	<p>Consultation meeting to be celebrated within the thirty days (30) after the issuance of the edict which orders to do so, in the settlement area if possible.</p> <p>The decree-law 4633/2011 on means of assistance, attention, full reparation and return of territorial rights to the victims belonging to indigenous communities and peoples also refers to the Prior Consultation as a fundamental right. In the scope of the applicable decree, the fundamental right to the Prior Consultation (belonging to the Collective Compensation Comprehensive Plan and addressed in article 105) will be exercised in good faith in order to reach an agreement or to get the consent in the terms detailed in OLI Agreement no. 169 and in the Constitutional Court jurisprudence, which defines its scope.</p> <p>Presidential Directive 01/2010 and 10/2013  The presidential directive 01/2010 sets the means to apply the Act 21/1991 (Ley 21 de 1991), stating the cases in which the right to a Prior Consultation has to be guaranteed. The Prior Consultation is applicable before starting any project that may affect the National Ethnic Groups, which shall be consulted according to chapter 2:</p> <ul style="list-style-type: none"> <li>• Programs to prospect or exploit the resources existing in their lands.</li> <li>• Decisions on land alienation or transfer of the rights on lands, in the event that national directives may interfere at some level with the collective entitlement, extension or sanitation of the lands.</li> </ul> <p>Chapter 4 explains the Prior Consultation process in the following steps:</p> <ol style="list-style-type: none"> <li>1. Pre-consultation</li> <li>2. Process opening</li> <li>3. Workshops to identify the impacts and define management measures.</li> </ol>

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			<p>4. Pre-agreement  5. Meeting to formalise the documents  6. Systematization of the compliance with agreements and follow-up  7. Closure of the Prior Consultation process</p> <p>The Presidential Directive 10/2013 states that the Home Office, through the Prior Consultation Directorate, is responsible for the Prior Consultation processes carried out with ethnic communities and shall follow the directives of the “Guidelines to perform the Prior Consultation with ethnic communities” as an element of interinstitutional coordination.</p> <p>The FPIC is a legal requirement that must be carried out when the project, work or activity is intended to be developed in protected areas or indigenous reserves or in areas adjudged as collective property to black communities.</p> <p><b>Description of risk</b></p> <ul style="list-style-type: none"> <li>• According to the ethnic observatory (2014), the consultation has become an effective way to disregard the practical side, far from guaranteeing the fundamental rights. On one side, the proper application has been systematically avoided, being the higher court of justice, the ones ordering the executive body of the State to apply the consultation.</li> <li>• A report about the systematization of the Prior Consultation processes performed in 2009 and 2010 by the Home Office and the Ministry of the Environment (Oxfam, CNOA y ONIC, 2011) has been resumed by the ethnic observatory (relevant because it was indicated by expert consulted in 2016, even if the data source is more than 5 years</li> </ul>

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
			<p>ago, when the assessment was done). In this report, good and bad practices to make a Prior Consultation are detailed. The first bad practice is the lack of acknowledgement and wrong certifications about the ethnic groups' existence, as it happened with the environmental license of the oil company Oxy (a certification of ethnic groups' non-existence was issued).</p> <ul style="list-style-type: none"> <li>• Due to the lack of Prior Consultation about general measures that may affect the indigenous groups, some important legal statutes were declared unconstitutional, such as the General Forestry Act 10/21/1021 (ley general forestal 1021 de 2006), the Rural Development Statute 1152/2007 (Estatuto de Desarrollo Rural, Ley 1152 de 2007) and the Act 1382/2010 amending the Mining Code (ley que modifica el Código de Minas, ley 1382 de 2010).</li> <li>• As a reference for the country, 121 previous, informed and free consultations have been performed from 1994 to 2009 within the mining scope, involving indigenous peoples in 83 of them (it is relevant to mention in this assessment due to the fact that these consultations are evidence of a practice in the past); however, the Indigenous People National Organization of Colombia (ONIC in its Spanish acronym) points out that "more than 80% of our territories have been granted to economical projects without any Prior Consultation". In this sense, the United Nations High Commissioner for Human Rights (UNHCHR) stated in their last report that, "after a wide participative process" about the right to consultations, "the existence of no good practices was determined" (International Human Rights Office, Colombia Action, 2013). It shall be clarified that the timber reused from mining or infrastructure projects which</li> </ul>

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
			<p>were subject of Prior Consultation cannot be sold: it can only be donated or reused in the same project.</p> <ul style="list-style-type: none"> <li>• The Prior Consultation in Colombia is not a practice in accordance with the protection of indigenous peoples' rights; that means, it hasn't been useful to guarantee their cultural integrity, their autonomy, their self-determination right or their territorial properties. Instead of this, the Prior Consultation has become an effective instrument to take advantage of the indigenous territories with big economic and business projects, taking important parts of their traditional territories away from these peoples and introducing major features of socio-cultural disarrangements (Betancur, 2014).</li> <li>• After consulting with experts, it was determined that by 2016 there is illegal forestry in natural forests and this is causing conflicts between indigenous populations and afro-descendant communities in border areas. On the other hand, it is complicated to exercise authority and control against armed groups that may be involved in illegal forestry. Finally, another difficulty acknowledged after consultation with experts pointed out the language differences, as there are some communities that don't speak Spanish; as Colombian regulations are written in this language, it is impossible for them to have access to this information and to understand what it is stated on them.</li> <li>• This consultation in 2016 also included two other topics. The first one refers to a way of extracting the natural forests being currently used: an indigenous person conducts all the forestry exploitation request process as an intermediary between the natural person or the Company interested and the environmental authorities in order to avoid the Prior Consultation process. This action complies with the Colombian legislation as the indigenous people, as</li> </ul>

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
			<p>part of the collective territory, has the right to use the forest resources; however, it can be unpopular as it avoids the Prior Consultation.</p> <ul style="list-style-type: none"> <li>• The Afro-communities argue: “the application of our rights, as the ones of other inhabitants, doesn’t become real only by being guaranteed in the text and the spirit of the Constitution of 1991. It is far from being or becoming a reality, proven that huge hydro-electrical projects, mining exploitations and infrastructure works for the development of the country come before us” (United Nations, 2010).</li> <li>• The second topic talks about the development of the previous, free and informed consent law. This process is not seen as successful because indigenous representatives weren’t included in the project; therefore, they do not consider this law one of theirs.</li> <li>• Assessment of indicator 2.3 “The rights of indigenous and traditional peoples are upheld” of this CNRA supports lack of compliance of existent FPIC related legal requirements I.</li> </ul> <p><b>Risk conclusion</b></p> <p>This indicator has been evaluated as specified risk. Threshold (2) is met: (2) Identified laws are not upheld consistently by all entities and/or are often ignored, and/or are not enforced by relevant authorities.</p>
1.15 Indigenous peoples’ rights	<p><b>Applicable laws and regulations</b></p> <p>GENERAL LEGISLATION</p> <ul style="list-style-type: none"> <li>• Political Constitution of Colombia, 1991. Articles 7, 8, 9, 286, 330, 63 and Provisional Article 55. Date of publication: 4<sup>th</sup> July 1991: <a href="http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=4125">http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=4125</a></li> </ul>	<p><b>Government sources</b></p> <ul style="list-style-type: none"> <li>• DANE, undated. Application to consult ethnic groups [Solicitud de consulta a grupos étnicos]. DANE. Consulted on September 8<sup>th</sup>, 2016:</li> </ul>	<p><b>Overview of Legal Requirements</b></p> <p>GENERAL LEGISLATION</p> <p>Political Constitution of Colombia, 1991. The political constitution of Colombia, the Magna Carta of the country, is the greatest legal instrument. Remarks about traditional and indigenous peoples are made in the following articles:</p>



Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
	<ul style="list-style-type: none"> <li>Act 21/1991 [Ley 21 de 1991] “by which the ILO Agreement no. 169 is ratified”. Date of publication: March 4<sup>th</sup>, 1991: <a href="http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=37032">http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=37032</a></li> <li>Act 99/1993 (Ley 99 de 1993), by which the Ministry of Environment is created, the Public Sector on charge of the management and preservation on the environment and natural renewable resources is reorganized, the National Environmental System (SINA in its Spanish acronym) is organized and other directives are issued. Article 76. Date of publication: December 22<sup>nd</sup>, 1993: <a href="http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=297">http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=297</a></li> <li>Decree 1397/1996, by which the National Committee of Indigenous Territories and the Permanent Committee for Consultation with indigenous peoples and organizations and other directives are issued. Article 7. Date of publication: August 8<sup>th</sup>, 1996: <a href="http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=40298">http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=40298</a></li> <li>Decree 1791/1996, by which the Forestry Exploitation Rules are established. Article 44. Date of publication: October 4<sup>th</sup>, 1996: <a href="http://www.minambiente.gov.co/images/BosquesBiodiversidadyServiciosEcosistemas/pdf/Normativa/Decretos/dec_1791_041096.pdf">http://www.minambiente.gov.co/images/BosquesBiodiversidadyServiciosEcosistemas/pdf/Normativa/Decretos/dec_1791_041096.pdf</a></li> </ul> <p>ABOUT INDIGENOUS PEOPLES</p> <ul style="list-style-type: none"> <li>Act 160/1994 [Ley 160 de 1994], by which the Agricultural Restructure and Rural Development National System is created, a subsidy for land acquisition is established, The Colombian Institute of Agricultural Restructure is reorganized, and other directives are issued. Chapter XIV – Indigenous Reservations. Date of publication: August 5<sup>th</sup>, 1994: <a href="http://www.icbf.gov.co/cargues/avance/docs/ley_0160_1994.htm">http://www.icbf.gov.co/cargues/avance/docs/ley_0160_1994.htm</a></li> </ul>	<p><a href="http://sige.dane.gov.co:81/gruposEtnicos/index.phtml">http://sige.dane.gov.co:81/gruposEtnicos/index.phtml</a></p> <p><b>Non-Government sources</b></p> <ul style="list-style-type: none"> <li>Human Rights Everywhere (HREV), 2011. Indigenous Peoples’ Human Rights: Legal Framework in Colombia (2008) [Derechos humanos de los pueblos indígenas: marco legal en Colombia (2008)]. Consulted on September 8<sup>th</sup> 2016: <a href="http://hrev.org/wp-content/uploads/2011/02/tp2marcolegal.pdf">http://hrev.org/wp-content/uploads/2011/02/tp2marcolegal.pdf</a></li> <li>UPME, undated. The ethnic-environmental profile of indigenous communities from coal deposits areas and the strategy to develop coal projects in these areas [El perfil étnico-ambiental de las comunidades indígenas de las áreas de depósitos de carbón y la estrategia para desarrollar proyectos de carbón en estas áreas]. Consulted on September 8<sup>th</sup> 2016: <a href="http://www.upme.gov.co/guia_ambiental/carbon/areas/minorias/contenid/minoria3.htm">http://www.upme.gov.co/guia_ambiental/carbon/areas/minorias/contenid/minoria3.htm</a></li> </ul>	<ul style="list-style-type: none"> <li>Article 7. The State acknowledges and protects the ethnic and cultural diversity of the Colombian nation.</li> <li>Article 8. It is the duty of the State and the people to protect the cultural and natural wealth of the Nation.</li> <li>Article 9. Foreign affairs of the State are based on the national sovereignty, the respect for the self-determination right of the peoples and the acknowledgement of the international law principles accepted by Colombia (...)</li> </ul> <p>Regarding the acknowledgement of the territory ownership, it is mentioned in the following articles:</p> <ul style="list-style-type: none"> <li>Article 63 regulated by the ACT 1675/2013 (Ley 1675 de 2013). Public goods, natural parks, collective lands of ethnic groups, reservation territories, archaeological heritage of the Nation and other goods determined by law are inalienable, imprescriptible and unseizable.</li> <li>Article 286. Departments, districts, townships and indigenous territories are considered entities (...) Representatives from the involved communities will be taking part in the special committee dealing with the ideas mentioned in the previous paragraph. The acknowledged ownership will only be alienable in the terms established by law. This law will set means to protect the cultural identity and the rights of these communities and to promote their social and economic development.</li> <li>Paragraph 1. What is stated in this article may be applicable to other areas of the country with similar conditions by means of the same procedure and after being subject of study and getting a favourable report from the special committee hereby foreseen.</li> <li>Paragraph 2. If the Act mentioned by this article hadn’t been issued after the expiry date set in this Article, the Government will issue it within the next six months by a statutory rule.</li> </ul>

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
	<ul style="list-style-type: none"> <li>Decree 1953/2014, by which a special set of rules is created in order to start running the Indigenous Territories regarding the administration of the indigenous peoples' own systems Article 2, 3, and 15. Date of publication: October 7<sup>th</sup>, 2014: <a href="http://www.icbf.gov.co/cargues/avance/docs/decreto_1953_2014.htm">http://www.icbf.gov.co/cargues/avance/docs/decreto_1953_2014.htm</a></li> </ul> <p><b>Legal Authority</b></p> <ul style="list-style-type: none"> <li>Home Office (Ministerio del Interior, MinInterior)</li> <li>Community Council</li> <li>Indigenous reserve</li> </ul> <p><b>Legally required documents or records</b></p> <ul style="list-style-type: none"> <li>Certificate of the existence of ethnic communities issued by the Home Office.</li> </ul>	<ul style="list-style-type: none"> <li>CIDH, 1996. Inter-American Human Rights Committee. Chapter XI. Indigenous people's rights in Colombia [Comité Interamericano de Derechos Humanos. Capítulo XI. Derechos de los pueblos indígenas en Colombia]. Consulted on September 8<sup>th</sup>, 2016: <a href="http://www.cidh.org/countryrep/colombia93sp/cap.11.htm">http://www.cidh.org/countryrep/colombia93sp/cap.11.htm</a></li> <li>Gloria Amparo Rodriguez, undated. Brief comment on the ethnic communities' rights and the legislation about them in Colombia [Breve comentario sobre los derechos de las comunidades étnicas y la legislación sobre ellos en Colombia]. Consulted on September 8<sup>th</sup>, 2016: <a href="http://www.urosario.edu.co/urosario_files/3a/3a3ccef9-bcde-4c21-bfcf-35cae97d5c48.pdf">http://www.urosario.edu.co/urosario_files/3a/3a3ccef9-bcde-4c21-bfcf-35cae97d5c48.pdf</a></li> <li>United Nations Environment Programme, 2018. Religious and indigenous leaders join forces on initiative to end tropical deforestation in Colombia. Consulted on 6<sup>th</sup> March 2019:</li> </ul>	<p>Concerning the governability of the territory, the Article 330 states the following: In accordance with the Constitution and laws, indigenous territories will be ruled by regulated councils following the customs and traditions of these communities and will have the following roles:</p> <ol style="list-style-type: none"> <li>To safeguard the application of the regulations on land uses and settlements in their territories.</li> <li>To design policies, plans and programs for the economic and social development in their territorial, in compliance with the National Development Plan.</li> <li>To promote public investments in their territories and safeguard their proper execution.</li> <li>To register and distribute their resources.</li> <li>To safeguard the preservation of natural resources.</li> <li>To coordinate programs and project promoted by different communities in their territory.</li> <li>To cooperate to maintain public order inside their territory according to the instructions and regulations issued by the National Government.</li> <li>To act on behalf of the territories in the presence of the Government and other entities in which they are integrated; and</li> <li>Those stated by the Constitution and the law.</li> </ol> <p>Paragraph. The exploitation of natural resources will be carried out without impairment of the cultural, social and economic integrity of the indigenous communities; decisions on this matter will be made after consulting with the representatives of the corresponding communities.</p> <p>Indigenous and Tribal Peoples Convention. Act 21/1991 (Ley 21 de 1991). The Indigenous and Tribal Peoples Agreement adopted in Colombia is applicable in this country to the indigenous, black, African-Colombian,</p>

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
		<p><a href="https://www.unenvironment.org/news-and-stories/press-release/religious-and-indigenous-leaders-join-forces-initiative-end-tropical">https://www.unenvironment.org/news-and-stories/press-release/religious-and-indigenous-leaders-join-forces-initiative-end-tropical</a></p> <p>Interviews with experts: Conversations with various experts from the public and private sector and civil society in Colombia (here anonymous) carried out during October 2016, helped the authors of this report to better understand the applicable legislation and the risks associated with each indicator of legislation.</p>	<p>raizal and palanquero communities. In Article 6, the right to consultation and free participation on the decisions affecting their territories is mentioned.</p> <p>Concerning the lands, Section 1 of Article 14 establishes that “the interested peoples’ ownership right over the traditionally occupied territories shall be acknowledged. Besides, measures shall be adopted to safeguard the interested peoples’ right to make use of the lands not exclusively occupied by them but traditionally used for their customs and subsistence activities. Regarding this, particular attention shall be driven to the situation of nomadic peoples and farmers.</p> <p>Other associated regulations. Act 99/1993 (Ley 99 de 1993) states in Article 76 that “the exploitation of natural resources shall be carried out without impairment of the cultural, social and economic integrity of the indigenous and black communities in accordance with Act 70/1993 (Ley 70 de 1993) and Article 330 of the National Constitution; decisions on this matter will be made after consulting with the representatives of these communities”. This is also supported by the Forestry Exploitation Rules (Decree 1791/1996); Article 44 states: The forestry exploitations intended to be performed by indigenous communities in reservation or protected areas or by the black communities described on Act 70/1993 (Ley 70 de 1993) will be regulated by the special directives concerning the management and use of renewable natural resources made by these communities. The aspects not particularly addressed in the specific regulations will be subject to comply with what is established in this Decree.</p> <p>The above mentioned is also ratified when it comes to the granting of environmental licenses. Decree 1397/1996 Article 7 establishes that “no environmental license can be granted without economic, social and</p>

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
			<p>cultural studies about indigenous communities or peoples; they will take part in the elaboration of the mentioned studies. Studies will be carried out with the participation of the communities, their authorities and their organizations.</p> <p>Licenses will be denied by a resolution stating grounds whenever it is deduced from the studies, from the environmental authorities' consideration or from the follow-up involving the affected communities, their authorities and their organizations that and impairment of the economic, social or cultural integrity is being or may be caused.</p> <p><b>ABOUT INDIGENOUS PEOPLES</b></p> <p>Concerning indigenous peoples' rights, two regulations refer to the rights over the communities' territory and to the management and use of the natural resources of the same. Chapter XIV of the Act 160/1994 (Ley 160 de 1994) alludes to the study of the indigenous communities' territorial needs, with the purpose of supplying them with the necessary land that guarantee a proper settlement and development. Extension, reorganization or sanitation programs for the indigenous reservations will be aimed at facilitating that the communities comply with the social and ecological role of the property according to their customs and traditions and also easing the preservation of the ethnic group and the improvement of the inhabitants' quality of life.</p> <p>Likewise, Article 85 Paragraph 6 establishes that "the territories traditionally used by nomadic and seminomadic peoples and farmers for hunting, harvesting or sowing will be only used as indigenous reservations in case they are located in forestry protection areas, while this law is applicable; however,</p>

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
			<p>occupation and exploitation shall also be subject to the stipulations set by the Ministry of Environment and the applicable regulations about renewable natural resources”.</p> <p>On the other hand, Decree 1953/2014 acknowledges that “Indigenous Territories are special political-administrative organizations allowed to exercise their competences and public roles as stated in this Decree by means of their own authorities” (Article 2). These authorities may be indigenous councils or other collective structures for ruling (Article 11).</p> <p><b>Description of risk</b></p> <ul style="list-style-type: none"> <li>• Based on assessment and expert consultation in 2016, it is necessary to remark that the regulations of the rights are playing a symbolic role; there is still so much to do to make ingenious peoples’ rights effective, which is becoming more affected by problems of all sorts each passing day.</li> <li>• After consulting with experts in 2016, it was determined that there is illegal forestry in natural forests and this is causing conflicts between indigenous populations and afro-descendant communities in border areas. On the other hand, it is complicated to exercise authority and control against armed groups that may be involved in illegal forestry. Finally, another difficulty acknowledged after consultation with experts pointed out the language differences, as there are some communities that don’t speak Spanish; as Colombian regulations are written in this language, it is impossible for them to have access to this information and to understand what it is stated on them.</li> </ul>

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
			<ul style="list-style-type: none"> <li data-bbox="1464 169 2132 871">• A recent article (United Nations Environment Programme; Nov 2018) mentions, that religious and indigenous leaders join forces on initiative to end tropical deforestation in Colombia. The initiative recognizes the urgent need not only to protect forests, but also to protect the rights of indigenous peoples and the rights of forest and afro-descendant communities. A growing body of evidence shows that indigenous and other forest communities outperform all other managers of tropical forests when their rights are recognized and protected. Indigenous Peoples in Colombia have secured the title of 23 million ha of their ancestral territories in the Amazon, which represents 75% of the Colombian Amazon. But their rights do not extend below the soil, leaving local communities vulnerable to extractive industries with powerful commercial interests and, all too often, the threat of violence. According to the Nacional Indigenous Organization of Colombia (ONIC), in the last two years, at least 68 indigenous community members have been murdered and 5,730 people have been forced to flee their homes</li> <li data-bbox="1464 871 2132 1094">• Assessment of indicator 2.3 “The rights of indigenous and traditional peoples are upheld” of this CNRA concludes there is substantial evidence of widespread violation of IP/TP rights exists in the country and there is evidence of conflict(s) of substantial magnitude pertaining to the rights of IP and/or TP.</li> </ul> <p data-bbox="1464 1118 1671 1150"><b>Risk conclusion</b></p> <p data-bbox="1464 1182 2132 1302">This indicator has been evaluated as specified risk. Threshold (2) is met: (2) identified laws are not upheld consistently by all entities and/or are often ignored, and/or are not enforced by relevant authorities.</p>

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
<b>Trade and transport</b>			
1.16 Classification of species, quantities, qualities	<p><b>Applicable laws and regulations</b></p> <p>WILD FLORA FOREST PRODUCTS</p> <ul style="list-style-type: none"> <li>Decree 1791/1996, by which the forestry exploitation system is established. Chapter III. Permanent forestry exploitation. Date of publication: October 4<sup>th</sup>, 1996: <a href="http://www.minambiente.gov.co/images/BosquesBiodiversidadServiciosEcosistemicos/pdf/Ordenaci%C3%B3n-y-Manejo-de-Bosques/dec_1791_041096.pdf">http://www.minambiente.gov.co/images/BosquesBiodiversidadServiciosEcosistemicos/pdf/Ordenaci%C3%B3n-y-Manejo-de-Bosques/dec_1791_041096.pdf</a></li> <li>Resolution no. 438/2001 (National Sole Safe-conduct, SUN in its Spanish acronym). "Establishment of the National Sole Safe-conduct for the transport of timber". Article 3. Date of publication: May 23<sup>rd</sup>, 2001: <a href="http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=45556">http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=45556</a></li> </ul> <p>TREE CROPS FOREST PRODUCTS</p> <ul style="list-style-type: none"> <li>Decree 1498/2008, which regulates Act 99/1993, Article 5, Paragraph 3 [parágrafo 3° del artículo 5° de la Ley 99 de 1993] and Act 139/1994, Article 2 [el artículo 2° de la Ley 139 de 1994]. Article 5. Date of publication: May 7<sup>th</sup>, 2008: <a href="http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=30098">http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=30098</a></li> <li>Decree 2788 from 2004 which regulates the single Tax Registry referred to in Article 555-2 of the Tax Statute. Article 1. Unified Tax Registry - RUT; Article 4. Elements of the Unified Tax Registry; Article 5. Required to register in the Unified Tax Registry – RUT [Decreto 2788 de 2004 por el cual se reglamenta el Registro Único Tributario de que trata el artículo 555-2 del Estatuto Tributario. Artículo 1. Registro Único Tributario – RUT; Artículo 4. Elementos del Registro Único Tributario; Artículo 5. Obligados a inscribirse en el</li> </ul>	<p><b>Government sources</b></p> <ul style="list-style-type: none"> <li>IDEAM (2011) Forestry bulletin [Boletines Información forestal] Institute of Hydrology, Meteorology and Environmental Studies of Colombia (IDEAM in its Spanish acronym). Consulted on September 25<sup>th</sup>, 2016: <a href="http://www.ideam.gov.co/web/ecosistemas/boletines-informacion-forestal">http://www.ideam.gov.co/web/ecosistemas/boletines-informacion-forestal</a></li> <li>Minambiente, 2016. The Ministry of Environment announces a huge confiscation of illegal timber in the south of Bolivar [El Ministerio de Medio Ambiente anuncia una enorme confiscación de madera ilegal en el sur de Bolívar]. Consulted on September 25<sup>th</sup>, 2016: <a href="http://www.minambiente.gov.co/index.php/noticias/2449-ministro-de-ambiente-anuncia-gigantesco-decomiso-de-madera-ilegal-en-sur-de-bolivar">http://www.minambiente.gov.co/index.php/noticias/2449-ministro-de-ambiente-anuncia-gigantesco-decomiso-de-madera-ilegal-en-sur-de-bolivar</a></li> <li>Colombian Agricultural Institute, 2015. Anti-corruption and citizen</li> </ul>	<p><b>Overview of Legal Requirements</b></p> <p>WILD FLORA FOREST PRODUCTS</p> <p>The Colombian regulations don't make any specific allusions to the species, quality and quantity classification regarding the forest commerce. In the case of wild flora products located in public and private territories, the interested party has to submit a request to the Corporation, including the species, number, quantity and estimated weight of the products intended to be used and the purpose of the exploitation (Decree 1791/1996, Article 23).</p> <p>With this information, the corresponding exploitation authorization (Administrative Act of the Regional Environmental Authority) can be issued; the number will be gradually deducted from the one stated in the authorization by means of the transport safe-conducts. In compliance with Resolution 438/2001, these authorizations include: Scientific name, Common name, Description, Identification, Amount (in numbers and letters), Measurement unit, Size of the products being transported.</p> <p>Based on the Decree 2788 from 2004 which regulates the Unified Tax Register, it mentions:          Article 1. The Unified Tax Register, RUT, established by article 555-2 of the Tax Statute, constitutes the new and unique mechanism to identify, locate and classify the subjects of obligations administered and controlled by the National Tax and Customs Directorate.          Article 4. The elements that integrate the Unified Tax Register – RUT are:</p>

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
	<p>Registro Único Tributario – RUT]. Date of publication: 31th August 2004: <a href="https://www.mintic.gov.co/portal/604/articles-3589_documento.pdf">https://www.mintic.gov.co/portal/604/articles-3589_documento.pdf</a></p> <p><b>Legal Authority</b></p> <ul style="list-style-type: none"> <li>Colombian Agricultural Institute [Instituto Colombiano Agropecuario, ICA]</li> <li>Regional Autonomous Corporation of the Administrative Area [Corporación Autónoma Regional de la Jurisdicción]</li> <li>Environmental and Ecological Police (Policía Ambiental y Ecológica)</li> </ul> <p><b>Legally required documents or records</b></p> <p>Wild flora products</p> <ul style="list-style-type: none"> <li>Administrative Act of the Regional Environmental Authority.</li> <li>Transport safe-conduct (National Sole Safe-conduct, SUN in its Spanish acronym) [Salvoconducto Único Nacional para la movilización de especímenes de la diversidad biológica] (when the document is presented online is called: National Sole Safe-conduct on line, SUNL).</li> </ul> <p>Tree crops products</p> <ul style="list-style-type: none"> <li>Crops registration in ICA.</li> <li>Remission Document for the Transport of Forest Products from Agro-forest or Tree Crops Systems (FRMPF in its Spanish acronym) [Formato de Remisión para la Movilización de Productos Forestales provenientes de Sistemas Agroforestales o Cultivos Forestales, con fines Comerciales].</li> </ul>	<p>information plan [Plan anticorrupción y de atención al ciudadano]. Consulted on 23<sup>rd</sup> September 2016: <a href="http://www.ica.gov.co/Modelo-de-P-y-G/Transparencia-Participacion-y-Servicio-al-Ciudadano/Plan-Anticorrupcion-y-de-atencion-al-ciudadano.aspx">http://www.ica.gov.co/Modelo-de-P-y-G/Transparencia-Participacion-y-Servicio-al-Ciudadano/Plan-Anticorrupcion-y-de-atencion-al-ciudadano.aspx</a></p> <ul style="list-style-type: none"> <li>Colombian Agricultural Institute, 2019. Anti-corruption plan – 2019 [Plan Anticorrupción]. Consulted on 29<sup>th</sup> January 2019: <a href="https://www.ica.gov.co/mo-del-de-p-y-g/transparencia-participacion-y-servicio-al-ciudadano/plan-anticorrupcion-y-de-atencion-al-ciudadano/2019">https://www.ica.gov.co/mo-del-de-p-y-g/transparencia-participacion-y-servicio-al-ciudadano/plan-anticorrupcion-y-de-atencion-al-ciudadano/2019</a></li> </ul> <p><b>Non-Government sources</b></p> <ul style="list-style-type: none"> <li>RCN Radio, March 2016. A raise of 400% in illegal timber confiscations has been noticed in 2016 so far [Aumentó en un 400% el decomiso de madera ilegal en lo corrido de 2016].</li> </ul>	<ol style="list-style-type: none"> <li>The identification. Corresponds to the name of the natural persons or to the corporate name of the legal entities and other subjects of obligations administered by the Directorate of National Taxes and Customs, added in turn by a numerical code called Tax Identification Number - NIT, allowing its individualization in an unequivocal way for all the tax effects, customs and foreign exchange, and especially for the fulfillment of the obligations of said nature. The conformation of the tax identification code - NIT, is the responsibility of the Directorate of National Taxes and Customs.</li> <li>The location. Corresponds to the place where the Directorate of Taxes and National Customs may contact officially and for all purposes, the respective registered, without prejudice to other places authorized by law.</li> <li>The classification. Corresponds to nature, activities, functions, characteristics, attributes, regimes, obligations, authorizations and other elements owned by each subject of the obligations administered by the Tax Office and National Customs.</li> </ol> <p>Article 5. It is required to be registered in the Unified Tax Register - RUT:</p> <ol style="list-style-type: none"> <li>Individuals and entities that have the status of taxpayers' declarant of the income tax,</li> <li>individuals and entities that are not taxpayers, declare income and assets,</li> <li>those responsible for sales tax belonging to the schemes common or simplified,</li> <li>the withholding agents, and. Importers and exporters,</li> <li>professionals in buying and selling currencies, and</li> <li>international freight forwarders, maritime agents, authorized depots, public and private companies,</li> </ol>



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		<p>Consulted on September 25<sup>th</sup>, 2016:  <a href="http://www.rcnradio.com/medioambiente/aumento-en-un-400-el-decomiso-de-madera-ilegal-en-lo-corrido-de-2016/">http://www.rcnradio.com/medioambiente/aumento-en-un-400-el-decomiso-de-madera-ilegal-en-lo-corrido-de-2016/</a></p> <ul style="list-style-type: none"> <li>• El Tiempo Newspaper, 2016. This is how illegal timber traffic confiscated in Bogota works [Así funciona el tráfico ilegal de madera que se incauta en Bogotá]. Consulted on September 25<sup>th</sup>, 2016:  <a href="http://www.eltiempo.com/bogota/trafico-ilegal-de-madera-en-colombia/16705253">http://www.eltiempo.com/bogota/trafico-ilegal-de-madera-en-colombia/16705253</a></li> <li>• Avil, C., 2015. The country loses 48,000 forest hectares a year [El país pierde 48.000 hectáreas de bosque al año]. Consulted on September 25<sup>th</sup>, 2016:  <a href="http://www.eltiempo.com/colombia/otras-ciudades/tala-de-arboles-ilegal-en-colombia/15589478">http://www.eltiempo.com/colombia/otras-ciudades/tala-de-arboles-ilegal-en-colombia/15589478</a></li> <li>• Transparency International, 2019. Corruption perceptions index 2017. Consulted on 28<sup>th</sup> January 2019:</li> </ul>	<p>international traders (C.I.), merchants of the zones of special customs regime, the merchants of the free port of San Andrés, Providencia and Santa Catalina, the intermediaries of postal traffic and shipments urgent, multimodal transport operators, intermediation companies, customs, holders of ports and docks for public or private service, transporters in the import or export regime, carriers for Customs transit regime operations, user operators free zones, users of export processing zones for goods and services, permanent customs users, highly exporting users, users of special economic zones of export and other customs users.</p> <p>The RUT is a requirement to receive the SUN. Based on Resolution no. 438/2001 (National Sole Safe-conduct, SUN in its Spanish acronym). "Establishment of the National Sole Safe-conduct for the transport of timber". Article 3: the SUN is established for all transport of specimens of biological diversity that takes place within the territory of the country, in accordance with the format attached to the resolution.</p> <p><b>TREE CROPS FOREST PRODUCTS</b></p> <p>In the case of forest products from tree crops, Decree 1498/2008 Article 6 states that the forest product transport shall be made with a transport remission (Remission Document for the Transport of Forest Products from Agro-forest or Tree Crops Systems, FRMPF in its Spanish acronym [Formato de Remisión para la Movilización de Productos Forestales provenientes de Sistemas Agroforestales o Cultivos Forestales, con fines Comerciales]), which is a document established by the Ministry of Agriculture that shall be submitted and subscribed by the owner of the registration of agroforest or tree crops with commercial</p>

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
		<p><a href="http://www.transparency.org/country/CO">http://www.transparency.org/country/CO</a></p> <ul style="list-style-type: none"> <li>World Bank, undated. Worldwide Governance Indicators, interactive data access. Consulted on 28<sup>th</sup> January 2019: <a href="http://info.worldbank.org/governance/wgi/#reports">http://info.worldbank.org/governance/wgi/#reports</a></li> <li>Transparency for Colombia, 2016. Final results report. National Transparency Index 2015-2016. Consulted on 28<sup>th</sup> January 2019: <a href="http://indicedetransparencia.org.co/portals/0/Documentos/2017/Nacionales/Ministerio%20de%20Agricultura%20y%20Desarrollo%20Rural%20%20FICHA.pdf">http://indicedetransparencia.org.co/portals/0/Documentos/2017/Nacionales/Ministerio%20de%20Agricultura%20y%20Desarrollo%20Rural%20%20FICHA.pdf</a></li> <li>Mongabay, 2018. The last trees of the Amazon. Consulted on 6<sup>th</sup> March 2019: <a href="https://news.mongabay.com/2018/11/the-last-trees-of-the-amazon/">https://news.mongabay.com/2018/11/the-last-trees-of-the-amazon/</a></li> </ul> <p>Interviews to experts: Conversations with various experts from the public and private sector and civil society in Colombia (here anonymous) carried out during October 2016, helped the authors of this report to better understand</p>	<p>purposes or by the person designated by the owner. The transport remission includes the species identification (scientific and common names) and the number and description of the products, among others.</p> <p><b>Description of risk</b></p> <ul style="list-style-type: none"> <li>The Ministry of Environment announced that 62,000 cubic meters of wild timber from the department of Choco have been confiscated in 2016 so far. This amount represents an increase of 400% compared with the one from 2015. The value of the confiscated timber is thought to be 2,350 million of Colombian pesos. The reasons for the confiscation are the lack of supporting documents (transport safe-conduct) and the differences in species and number detected in the visual inspection, among others (RCN Radio, 2016).</li> <li>An illegal timber shipment was confiscated in Bolivar in September 2016, valued at 220 million of Colombian pesos (Minambiente, 2016). This caused an environmental damage equivalent to 10 hectares. The traffickers were transporting the timber in rafts along Magdalena river with two Corpomojana safe-conducts covering only 80 cubic meters (that is, they were moving an amount of timber nearly 3 times higher than the one authorized).</li> <li>Environmental and Ecological Police statistics show that illegally transported timber confiscations for an amount of 273,000 cubic meters were conducted between 2012 and 2014. The species threatened by the traffickers are valuable timber such as black cedars, Colombian palm, basswood and carob, which are endangered species (Avil, 2015).</li> <li>Based on a general statement during expert consultation in October 2016, it was notice that</li> </ul>

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
		<p>the applicable legislation and the risks associated with each indicator of legislation.</p>	<p>there is a problem of laundering: the transport of timber with a different origin, species or number from the ones registered in the authorization. This exposes a weakness and a vulnerability in the system. Illegal transports are registered more often in remote areas of the country, which less presence of the state authorities.</p> <ul style="list-style-type: none"> <li>• Based on IDEAM (2011) and confirmed by experts during the expert consultation done in October 2016, the main reason for confiscation is the lack of safe-conduct or remission document, with more or less 6.661,55 m<sup>3</sup> of confiscated timber, followed by differences in the species mentioned in the National Sole Safe-conduct (SUN in its Spanish acronym) or in the Remission Document for the Transport of Forest Products from Agro-forest or Tree Crops Systems (FRMPF in its Spanish acronym), with nearly 704.85 m<sup>3</sup> of confiscated timber.</li> <li>• With the support of expert consultation and information received, it was noted that due to the lack of training to identify the species subject to confiscation and information gaps in the records sent by the Regional Autonomous Corporations to be included in the national statistics, it is very difficult to identify vulnerable routes and species. Among the most confiscated timberspecies in Colombia, there is a remarkable group of mixed species (nearly 1,442.62 m<sup>3</sup>): cedar (<i>Cedrela odorata</i> L., 336.04 m<sup>3</sup>), sajo (<i>Camposperma panamensis</i> Standl, 213.12 m<sup>3</sup>), a group of undetermined species (212.27 m<sup>3</sup>) and Guadua bamboo (<i>Guadua angustifolia</i> Kunth, 144.78 m<sup>3</sup>).</li> <li>• Some remarks made by the consulted experts state difficulties in this aspect caused by different factors: the forestry surveillance and control staff and the road patrols have a lack of training and information regarding Regional Environmental Authority; this</li> </ul>

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
			<p>makes more difficult to check the species and volume of the specimens with the legal document related to the shipment. In addition, there are different criteria to measure the load, so the document states an estimated value, the roadside measurement a different one and the final measure at the destination made by the buyer of the raw materials another one.</p> <ul style="list-style-type: none"> <li>• Moving forward with the remarks, the experts acknowledge corruption problems in the institutions on charge of issuing the National Sole Safe-conduct, [Salvoconducto Único Nacional para la movilización de especímenes de la diversidad biológica, SUN], in road patrols and within the transporters, resulting in differences with the document such as carrying a higher volume, different species or different origin of the materials.</li> <li>• These differences aren't detected in roadside controls. It is important to mention that the country has made a great improvement in decreasing these aspects by means of the forestry ruling project (led by CARDER and supported with European Union funds); this project has created control protocols, training processes and measurement formulas, although the problem still exists. (experts' interviews, 2016)</li> <li>• In order to control these difficulties, the ICA has developed some ways to avoid the counterfeiting of their documents (QR codes, dry seals, holograms). The ICA and the Regional Environmental Authority have established the handling of the documents directly to the legal representative or the commissioner, the collection of cancelled or unused documents and the collection of used documents every 6 or 12 months, on order to triangulate and control the transport (consultation with experts in 2016).</li> </ul>

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			<ul style="list-style-type: none"> <li>Based on consultation with the authorities in 2016, regarding manufacturing companies, the need to control timber entries by the Forestry Operations Book has been established; this book has to be registered by the Regional Environmental Authority. Additionally, companies have to be registered in the Sole National Manufacturing Register (RUA in its Spanish acronym) and to send an annual report of the quantity of timber delivered, processed and wasted; therefore, companies are forced to an internal monitoring and to control the raw material entries more carefully. A recent article from Mongabay (2018) mentions Illegally-sourced timber from Peru, Bolivia, Brazil, Ecuador, and Colombia are incorporated into the international market with falsified official documents that are almost never verified. False documents in the Amazon: The system that permits illegally sourced timber to be sold and exported legitimately is prevalent in all of the Amazonian countries covered in the investigation. The official documents, which don't always consider the verification processes used by officials in each country, allow the indiscriminate looting of forest resources from the Amazon. In the reported cases and interviews conducted for this investigative piece, authorities confirmed that timber traffickers often provided false information on official documents. In the majority of cases, the timber of illegal origin is sold with papers that falsely declare that the trees came from an authorized zone, when in reality they were taken from forests where logging is prohibited, such as natural protected areas or indigenous lands. Colombian news publications Semana and El Espectador (mentioned in Mongabay 2018) report that up to 47 percent of the timber sold in the country is illegal, based on data from the Ministry of the Environment.</li> </ul>

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			<p>They estimate the timber trafficking industry there may involve about \$750 million per year, almost a third of the money involved in the country's more notorious and high-profile drug trafficking industry.</p> <ul style="list-style-type: none"> <li>• Colombia scores 37 points on the Corruption Perceptions Index 2017 on a scale from 0 (highly corrupt) to 100 (very clean). Colombia ranks 96 out of 180 (rank no. 1 is the cleanest country) (CPI, 2017). In the Worldwide Governance Indicators 2017 (latest available year), Colombia scores 44 for indicator Control of Corruption, and 40 for indicator on Rule of Law (the scores range from 0 (lowest rank) to 100 (highest rank) with higher values corresponding to better outcomes).</li> <li>• The Colombian Agricultural Institute has in place a strategy for fighting corruption and citizen information, in accordance with that which is stated in article 73 of Act 1474 of 2011 (Colombian Agricultural Institute, 2015). Among other tools they have the institutional map of risks for corruption and the control mechanisms to mitigate it. In terms of the results for 2019, in the operational process of "permits" an extreme risk is noted, but with the implementation of mitigation measures the risk is reduced to moderate (Colombian Agricultural Institute, 2019).</li> <li>• Information from the 2015/16 National Index of Transparency ranks (Transparency for Colombia, 2016) the Colombian Agricultural Institute (ICA) at number 68 out of 75, with a high risk.</li> </ul> <p><b>Risk conclusion</b></p> <p>This indicator has been evaluated as specified risk. Threshold (2) is met: (2) identified laws are not upheld consistently by all entities and/ or are often ignored, and/ or are not enforced by relevant authorities.</p>

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
1.17 Trade and transport	<p><b>Applicable laws and regulations</b></p> <p>ON WILD FLORA TRANSPORT</p> <ul style="list-style-type: none"> <li>Decree 1791/1996, by which the forestry exploitation system is established. Chapter XII. Transport of wild flora and forest products. Date of publication: October 4<sup>th</sup> 1996: <a href="http://www.minambiente.gov.co/images/BosquesBiodiversidad/ServiciosEcosistemas/pdf/Ordenaci%C3%B3n-y-Manejo-de-Bosques/dec_1791_041096.pdf">http://www.minambiente.gov.co/images/BosquesBiodiversidad/ServiciosEcosistemas/pdf/Ordenaci%C3%B3n-y-Manejo-de-Bosques/dec_1791_041096.pdf</a></li> <li>Resolution no. 438/2001 (National Sole Safe-conduct, SUN in its Spanish acronym). "Establishment of the National Sole Safe-conduct for the transport of timber". Articles 3 and 5. Date of publication: May 23<sup>rd</sup> 2001: <a href="http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=45556">http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=45556</a></li> </ul> <p>ON THE TRANSPORT OF TREE CROPS PRODUCTS</p> <ul style="list-style-type: none"> <li>Resolution 401/2011(MADR), by which the new remission document is approved and other directives about the registration are issued. Article 1: Adoption of the document. Date of publication: December 29<sup>th</sup> 2011: <a href="https://vuf.minagricultura.gov.co/Documents/2.%20Normatividad%20registro%20y%20Movilizaci%C3%B3n%20ICA/4.%20Resoluci%C3%B3n%20401%20de%202011.pdf">https://vuf.minagricultura.gov.co/Documents/2.%20Normatividad%20registro%20y%20Movilizaci%C3%B3n%20ICA/4.%20Resoluci%C3%B3n%20401%20de%202011.pdf</a></li> <li>Decree 1498/2008, Article 6: Transport of timber or forest products from agroforest or tree crops systems. Date of publication: May 7 2008: <a href="http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=30098">http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=30098</a></li> </ul> <p>ON INLAND TRANSPORT</p>	<p><b>Government sources</b></p> <ul style="list-style-type: none"> <li>IDEAM (2011) Forestry bulletin [Boletines informacón forestal]. Institute of Hydrology, Meteorology and Environmental Studies of Colombia (IDEAM in its Spanish acronym). Consulted on 25<sup>th</sup> September 2016: <a href="http://www.ideam.gov.co/web/ecosistemas/boletines-informacion-forestal">http://www.ideam.gov.co/web/ecosistemas/boletines-informacion-forestal</a></li> <li>Colombian Agricultural Institute, 2015. Anti-corruption and citizen information plan [Plan Anticorrupción y de atención al ciudadano]. Consulted on 23<sup>rd</sup> September 2016: <a href="http://www.ica.gov.co/Modulo-de-P-y-G/Transparencia-Participacion-y-Servicio-al-Ciudadano/Plan-Anticorrupcion-y-de-atencion-al-ciudadano.aspx">http://www.ica.gov.co/Modulo-de-P-y-G/Transparencia-Participacion-y-Servicio-al-Ciudadano/Plan-Anticorrupcion-y-de-atencion-al-ciudadano.aspx</a></li> <li>Colombian Agricultural Institute, 2019. Anti-corruption plan – 2019 [Plan Anticorrupción]. Consulted on 29<sup>th</sup> January 2019:</li> </ul>	<p><b>Overview of Legal Requirements</b></p> <p>ON THE TRANSPORT OF WILD FLORA PRODUCTS</p> <p>Decree 1791 devotes the whole Chapter XII to describe the transport of forest products and wild flora products, pointing out that all the primary forest products that enter or is transported through the national territory shall have the corresponding safe-conduct covering the transport all the way from the exploitation place to the transformation, industrialization or commercialization place.</p> <p>The National Sole Safe-conduct, (Salvoconducto Único Nacional para la movilización de especímenes de la diversidad biológica, SUN in its Spanish acronym) for natural woods, wild flora, tree crops, life fence trees, windbreaker barriers, shade trees or forest plantations associated to agricultural crops shall contain, in compliance with Article 75:</p> <ol style="list-style-type: none"> <li>Safe-conduct category (transport, renewal or re-transport).</li> <li>Name of the regional environmental authority which grants it.</li> <li>Name of the exploitation title holder.</li> <li>Expedition and expiry date.</li> <li>Origin and final destination of the products.</li> <li>Number and date of the Resolution granting the exploitation.</li> <li>Exploitation category.</li> <li>Species (scientific and common name), volume in cubic meters (m<sup>3</sup>), quantity (units) and weight in kilograms or tonnes (Kgs or Tons) of the forest and/or wild flora products covered by the safe-conduct.</li> <li>Transport means and identification of the same.</li> <li>Signatures of the public servant granting the safe-conduct and the title holder.</li> </ol>

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
	<ul style="list-style-type: none"> <li>Decree 948/1995, related to the prevention and control of the pollution and the protection of the air quality. Article 60: Restrictions for heavy traffic. Date of publication: June 5<sup>th</sup> 1995: <a href="http://www.minambiente.gov.co/images/normativa/app/decretos/54-dec_0948_1995.pdf">http://www.minambiente.gov.co/images/normativa/app/decretos/54-dec_0948_1995.pdf</a></li> <li>Act 769/2002 [Ley 769 De 2002], by which the Ground Transport National Code is approved, and other directives are issued. Date of publication: August 6<sup>th</sup>, 2002: <a href="http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=5557">http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=5557</a></li> <li>Resolution no. 4100/2004, by which the weight and size limits for ground transport cargo vehicles are set, applying in the national road network. Date of publication: December 28<sup>th</sup>, 2004: <a href="http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=15600">http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=15600</a></li> <li>Decree 2376/2012, which establishes a restriction about forest product transport in the Antioquia department. Date of publication: September 21<sup>st</sup>, 2012: <a href="http://corpouraba.gov.co/sites/default/files/decreto2376-2012.pdf">http://corpouraba.gov.co/sites/default/files/decreto2376-2012.pdf</a></li> <li>Decree 3457/2012, which modifies Decree 2376/2012. Restrictions for native species transport in Antioquia department. Date of publication: December 21<sup>st</sup>, 2012: <a href="https://www.forestalmaderero.com/articulos/item/decreto-3457-sobre-movilizacion-de-madera-en-horario-nocturno-y-fines-de-semana.html">https://www.forestalmaderero.com/articulos/item/decreto-3457-sobre-movilizacion-de-madera-en-horario-nocturno-y-fines-de-semana.html</a></li> <li>Department Decree 20/2013, which establishes restrictions for forest product transport in the department (Caldas). Date of publication: February 20<sup>th</sup>, 2013: <a href="http://www.corpocaldas.gov.co/prensa.aspx?Noti_ID=402">http://www.corpocaldas.gov.co/prensa.aspx?Noti_ID=402</a></li> <li>Decree 0206/2014, which partially modifies Department Decree 0206/2013, Article 1. Article 2: Restrictions for forest product transport concerning primary transformation in Cundinamarca jurisdiction. Date of publication: August 15<sup>th</sup> 2014:</li> </ul>	<p><a href="https://www.ica.gov.co/mo-del-de-p-y-g/transparencia-participacion-y-servicio-al-ciudadano/plan-anticorrupcion-y-de-atencion-al-ciudadano/2019">https://www.ica.gov.co/mo-del-de-p-y-g/transparencia-participacion-y-servicio-al-ciudadano/plan-anticorrupcion-y-de-atencion-al-ciudadano/2019</a></p> <p><b>Non-Government sources</b></p> <ul style="list-style-type: none"> <li>RCN Radio, 2016. A raise of 400% in illegal wood confiscations has been noticed in 2016 so far [Aumentó en un 400% el decomiso de madera ilegal en lo corrido de 2016]. Online newspaper March 2016. Consulted on 25<sup>th</sup> September 2016: <a href="http://www.rcnradio.com/medioambiente/aumento-en-un-400-el-decomiso-de-madera-ilegal-en-lo-corrido-de-2016/">http://www.rcnradio.com/medioambiente/aumento-en-un-400-el-decomiso-de-madera-ilegal-en-lo-corrido-de-2016/</a></li> <li>El Tiempo, 2016. This is how illegal timbertraffic confiscated in Bogota works [Así funciona el tráfico ilegal de madera que se incauta en Bogotá]. Online newspaper September 2016. Consulted on 25<sup>th</sup> September 2016: <a href="http://www.eltiempo.com/b">http://www.eltiempo.com/b</a></li> </ul>	<p>Each transport safe-conduct will be used to transport once the product amount granted on the same. In case the transport safe-conduct is not used, it can be renewed with a new one after cancellation of previous original one; the same procedure shall be followed in case there is any change in the original destination. The document shall be issued by the Autonomous Corporation of the jurisdiction in which the exploitation is located; in addition, it shall be carried by the transporter to be exhibited whenever required by the authorities.</p> <p>The document is non-negotiable and non-transferrable; in case this happens, it may lead to fines and administrative penalties for the person responsible for the document.</p> <p>Based on the Decree 2788 from 2004 which regulates the Unified Tax Register, it mentions: Article 1. The Unified Tax Register, RUT, established by article 555-2 of the Tax Statute, constitutes the new and unique mechanism to identify, locate and classify the subjects of obligations administered and controlled by the National Tax and Customs Directorate.</p> <p>Article 4. The elements that integrate the Unified Tax Register – RUT are:</p> <ol style="list-style-type: none"> <li>The identification. Corresponds to the name of the natural persons or to the corporate name of the legal entities and other subjects of obligations administered by the Directorate of National Taxes and Customs, added in turn by a numerical code called Tax Identification Number - NIT, allowing its individualization in an unequivocal way for all the tax effects, customs and foreign exchange, and especially for the fulfillment of the obligations of</li> </ol>



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	<p><a href="http://cundinet.cundinamarca.gov.co:8080/Aplicaciones/Gobernacion/CentroDocumental/documental.nsf/f375a708cedbc70105257c17001d5485/6f32825f00f67fc405257d5c004dd137/\$FILE/15143%20Agosto%2026%20de%202014.pdf">http://cundinet.cundinamarca.gov.co:8080/Aplicaciones/Gobernacion/CentroDocumental/documental.nsf/f375a708cedbc70105257c17001d5485/6f32825f00f67fc405257d5c004dd137/\$FILE/15143%20Agosto%2026%20de%202014.pdf</a></p> <ul style="list-style-type: none"> <li>Act 1333 from 2009 By which the sanction procedure is established environmental and other provisions are dictated – article 38 and 47. Date of publication: July 21th 2009: <a href="http://parquearvi.org/wp-content/uploads/2016/11/Ley-1333-de-2009.pdf">http://parquearvi.org/wp-content/uploads/2016/11/Ley-1333-de-2009.pdf</a></li> </ul> <p><b>Legal Authority</b></p> <ul style="list-style-type: none"> <li>Ministry of Agriculture and Rural Development (MADR)</li> <li>Colombian Agricultural Institute [Instituto Colombiano Agropecuario (ICA)]</li> <li>Regional Autonomous Corporation of the Administrative Area [Corporación Autónoma Regional de la Jurisdicción]</li> <li>Environmental and Ecological Police [Policía Ambiental y Ecológica]</li> </ul> <p><b>Legally required documents or records</b></p> <p>For tree crops forest products (primary transformation) from productive forest plantations (including agroforestry systems):</p> <ul style="list-style-type: none"> <li>Copy of the forest plantation (or agroforestry system) registration.</li> <li>Original document of transport remission.</li> </ul> <p>For wild flora forest products (primary transformation) from productive-protective forest plantations and natural forests:</p> <ul style="list-style-type: none"> <li>Copy of the Corporation's Resolution.</li> <li>Original transport safe-conduct (National Sole Safe-conduct, SUN in its Spanish acronym) or Remission Document for the Transport of Forest Products from Agro-forest or Tree Crops Systems (FRMPF in its Spanish acronym) [Formato de Remisión para la Movilización de Productos Forestales provenientes de Sistemas Agroforestales o Cultivos]</li> </ul>	<p><a href="http://ogota/trafico-ilegal-de-madera-en-colombia/16705253">ogota/trafico-ilegal-de-madera-en-colombia/16705253</a></p> <ul style="list-style-type: none"> <li>Vanguardia, 2013. Three vehicles have been arrested for illegal timber transport [Detenidos tres vehículos por transporte ilegal de madera]. Online newspaper February 2013. Consulted on 25<sup>th</sup> September 2016: <a href="http://www.vanguardia.com/santander/bucaramanga/195520-detenidos-tres-vehiculos-por-transporte-ilegal-de-madera">http://www.vanguardia.com/santander/bucaramanga/195520-detenidos-tres-vehiculos-por-transporte-ilegal-de-madera</a></li> <li>El Universal, 2015. Illegally transported timber confiscated in Bolivar [Se decomisó madera que era transportada ilegalmente en Bolívar]. Online newspaper. Consulted on 25<sup>th</sup> September 2016: <a href="http://www.eluniversal.com.co/sucesos/se-decomiso-madera-que-era-transportada-ilegalmente-en-bolivar-208893">http://www.eluniversal.com.co/sucesos/se-decomiso-madera-que-era-transportada-ilegalmente-en-bolivar-208893</a></li> <li>Transparency International, 2019. Corruption perceptions index 2017. Consulted on 28<sup>th</sup> January 2019:</li> </ul>	<p>said nature. The conformation of the tax identification code - NIT, is the responsibility of the Directorate of National Taxes and Customs.</p> <ol style="list-style-type: none"> <li>The location. Corresponds to the place where the Directorate of Taxes and National Customs may contact officially and for all purposes, the respective registered, without prejudice to other places authorized by law.</li> <li>The classification. Corresponds to nature, activities, functions, characteristics, attributes, regimes, obligations, authorizations and other elements owned by each subject of the obligations administered by the Tax Office and National Customs.</li> </ol> <p>Article 5. It is required to be registered in the Unified Tax Register - RUT (which is a requirement to receive the SUN):</p> <ol style="list-style-type: none"> <li>Individuals and entities that have the status of taxpayers' declarant of the income tax,</li> <li>individuals and entities that are not taxpayers, declare income and assets,</li> <li>those responsible for sales tax belonging to the schemes common or simplified,</li> <li>the withholding agents, and. Importers and exporters,</li> <li>professionals in buying and selling currencies, and</li> <li>international freight forwarders, maritime agents, authorized depots, public and private companies, international traders (C.I.), merchants of the zones of special customs regime, the merchants of the free port of San Andrés, Providencia and Santa Catalina, the intermediaries of postal traffic and shipments urgent, multimodal transport operators, intermediation companies, customs, holders of ports and docks for public or private service, transporters in the import or export regime, carriers</li> </ol>

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	<p>Forestales, con fines Comerciales]) (when the document is presented online is called: National Sole Safe-conduct on line, SUNL).</p> <p>Inland transport</p> <ul style="list-style-type: none"> <li>• Technical-mechanical inspection about CO<sub>2</sub> emissions.</li> </ul>	<p><a href="http://www.transparency.org/country/CO">http://www.transparency.org/country/CO</a> World Bank, undated. Worldwide Governance Indicators, interactive data access. Consulted on 28<sup>th</sup> January 2019: <a href="http://info.worldbank.org/governance/wgi/#reports">http://info.worldbank.org/governance/wgi/#reports</a></p> <ul style="list-style-type: none"> <li>• Transparency for Colombia, 2016. Final results report. National Transparency Index 2015-2016. Consulted on 28<sup>th</sup> January 2019: <a href="http://indicedetransparencia.org.co/portals/0/Documentos/2017/Nacionales/Ministerio%20de%20Agricultura%20y%20Desarrollo%20Rural%20%20FICHA.pdf">http://indicedetransparencia.org.co/portals/0/Documentos/2017/Nacionales/Ministerio%20de%20Agricultura%20y%20Desarrollo%20Rural%20%20FICHA.pdf</a></li> <li>• Mongabay, 2018. The last trees of the Amazon. Consulted on 6<sup>th</sup> March 2019: <a href="https://news.mongabay.com/2018/11/the-last-trees-of-the-amazon/">https://news.mongabay.com/2018/11/the-last-trees-of-the-amazon/</a></li> </ul> <p>Interviews with experts: Conversations with various experts from the public and private sector and civil society in Colombia (here anonymous) carried out during October 2016, helped the authors of this report to better understand</p>	<p>for Customs transit regime operations, user operators free zones, users of export processing zones for goods and services, permanent customs users, highly exporting users, users of special economic zones of export and other customs users.</p> <p>Based on Resolution no. 438/2001 (National Sole Safe-conduct, SUN in its Spanish acronym). "Establishment of the National Sole Safe-conduct for the transport of timber". Article 3: the SUN is established for all transport of specimens of biological diversity that takes place within the territory of the country, in accordance with the format attached to the resolution.</p> <p>Resolution no. 438/2001 establishes the use of one sole transport safe-conduct for flora products, considering that the diversity in the transport, re-transport and renewal documents issued by the different regional environmental authorities has made very difficult to control and monitor them. Article 5 of this Resolution details the content of the safe-conduct:</p> <ol style="list-style-type: none"> <li>1. Safe-conduct category</li> <li>2. Safe-conduct validity</li> <li>3. Safe-conduct title holder</li> <li>4. Resource category</li> <li>5. Information about the exploitation or legal extraction of the specimens</li> <li>6. Forestry exploitation category (flora resource)</li> <li>7. Legal origin of the specimens</li> <li>8. Transport route</li> <li>9. Transport means</li> <li>10. Transporter</li> <li>11. Scientific name</li> <li>12. Common name</li> <li>13. Description</li> <li>14. Identification</li> <li>15. Quantity (in numbers and letters)</li> </ol>

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		<p>the applicable legislation and the risks associated with each indicator of legislation.</p>	<p>16. Measurement unit  17. Size  18. Remarks  19. Granter of the safe-conduct  20. Name, position and signature of the authorized public servant  21. Name, signature and ID of the applicant.</p> <p><b>ON THE TRANSPORT OF TREE CROPS PRODUCTS</b></p> <p>In the case of timber from tree crops and agroforest crops, Decree 1791 Article 76 states the following: Whenever tree crops, life fence trees, windbreaker barriers, shade trees or tree crops associated to agricultural crops are intended to be commercially exploited, the title holder of the forest plantation registration or his/her legal representative will be able to apply in writing to the corresponding Corporation for the necessary amount of safe-conducts in order to transport the products.</p> <p>This is ratified in Decree 1498/2008 Article 6, in which the parts of the transport registration are listed. In order to transport timber without bark or primary transformation forest products from agroforest systems or tree crops for commercial purposes, transporters will only have to carry with themselves a copy of the registration and the original Remission Document for the Transport of Forest Products from Agro-forest or Tree Crops Systems, FRMPF in its Spanish acronym [Formato de Remisión para la Movilización de Productos Forestales provenientes de Sistemas Agroforestales o Cultivos Forestales, con fines Comerciales],.</p> <p>The transport remission will consist on a document designed by the Ministry of Agriculture and Rural Development. It must be issued and subscribed by the</p>

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			<p>title holder of the agroforest systems or tree crops for commercial purposes registration, or by the person designated by him/her. The transport remission being addressed in this Article will contain at least the following information:</p> <ol style="list-style-type: none"> <li>1. Expedition date and place.</li> <li>2. Serial number of the transport remission.</li> <li>3. Tree crops or agroforest system category.</li> <li>4. Title holder of the registration.</li> <li>5. Registration number of the crops or agroforest system.</li> <li>6. Species identification (scientific and common name).</li> <li>7. Volume and description of the products.</li> <li>8. Origin, route and destination.</li> <li>9. Transport means and identification of the vehicle and the transporter.</li> <li>10. Name and signature of the registration title holder or the person designated by him/ her.</li> <li>11. Stamp identifying the ownership of the tree crops or the agroforest system for commercial purposes.</li> </ol> <p>Paragraph 1: the transport remission will be used to transport the primary products from the agroforest systems or the tree crops for commercial purposes only once, and it will be valid throughout the whole national territory. A transport remission lacking any requirement before mentioned will be not valid.</p> <p>Paragraph 2: The Ministry of Agriculture and Rural Development or the designated entity will be performing the required monitoring and controlling actions in order to comply with what is stated in this document, notwithstanding the evaluation, monitoring and controlling roles assigned to other public entities.</p>

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			<p>Resolution no. 401/2011 establishes the transport remission document for primary transformation products coming from tree crops and/or agroforest systems for registered commercial purposes and mentions the entity responsible for issuing the remission documents designated by the Ministry of Agriculture and Rural Development.</p> <p>ON INLAND TRANSPORT</p> <p>Weight limits: provided in resolution 4100 of 2004 (resolución 4100 of 2004) for the purposes of regulating the classification of goods vehicles for inland transportation, alongside requirements related with dimensions, maximum gross weight in the vehicles and maximum allowable mass (weight) by axle. For their normal operation on the roads of the entire national territory. Sections 7-10 of this rule (artículos 7-10), list the approved weights and dimensions for the country.</p> <p>As regards prohibitions, the country has the following in place for transportation in heavy load vehicles.</p> <p>Decree N° 948 of 1995 (Decreto 948 De 1995): Section 60 (Artículo 60): Heavy load restrictions. The transit of heavy load vehicles such as trucks, tippers and tractors shall be forbidden in the public roads of all A sectors, in accordance with the local or district rules that are passed for this purpose.</p> <p>Decree N° 2376 of 2012 (Decreto 2376 de 2012) Lying down the limitations to the transport of forest products in the Antioquia department. Amended by virtue of Decree 2457 of 2012 (Decreto 2457 of 2012). Article first: transporting native species of timbershall be forbidden within the Antioquia department, from</p>

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			<p>Monday to Friday, between 6:00pm and 6:00am and 24 hours per day on the weekends and holidays.</p> <p>Departmental Decree 20 of 2013 (Decreto departamental 20 de 2013), stipulating the limitation to the transport of forest products in the Caldas department, by virtue of which it is prohibited to transport timberand/or forest species from natural forests, forest plantations and agro-forestry systems, from Monday to Sunday, including holidays, between 6:00 p.m. and 6:00 a.m.</p> <p>Decree N° 0206 of 2014 (Decreto 0206 of 2014) Partically amending Section first of Departmental Decree 0206 of September 9 2013. Section first: The transport of forest products of primary transformation (such as logs, panels, benches, boards and other sheets and hogged timber) and other wild flora products (non-wood products obtained directly from wild species of flora such as rubber, resins, latex, lacquers, fruits, barks, strains, seeds and flowers amongst others), Guadua bamboo, bamboo and wild palms, shall be prohibited in the Cundinamarca department from Monday to Friday, from 7:00 p. m. to 5:00 a. m. and 24 hours a day on Saturdays, Sundays and holidays. Based on the Act 1333 from 2009, it states: Art 38. It consists in the material and temporal apprehension of specimens of fauna, flora, hydrobiological resources and other exotic wild species and that of products, elements, means, equipment, vehicles, raw materials or implements used to commit the environmental infraction or produced as a result of the same.</p> <p>When the elements apprehended represent a danger to human, plant or animal health, the regional environmental authority shall immediately proceed with</p>

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			<p>its use, destruction or incineration at the expense of the offender.</p> <p>Exotic species is defined as the species or taxonomic subspecies, breed or variety whose natural area of geographical dispersion does not extend to the national territory or to jurisdictional waters and if it is found in the country, it is as a voluntary or involuntary result of human activity.</p> <p>Art. 47: It consists of the material and definitive apprehension of the products, elements, means and implements used to violate environmental regulations. Once the definitive forfeiture is decreed, the regional environmental authority may dispose of the assets for the use of the entity or deliver them to public entities to facilitate the fulfillment of their functions, through Interinstitutional Agreements that allow to verify the correct use.</p> <p><b>Description of risk</b></p> <ul style="list-style-type: none"> <li>• The Ministry of the Environment (Ministerio de Ambiente) announced that so far in 2016, 62 thousand m<sup>3</sup> of wild timber had been seized, all coming from the Chocó department and considered to be illegal. This figure represents a 400% increase in comparison with 2015. The timber discovered was estimated at 2350 million Colombian pesos.</li> <li>• Between 2011 and 2015, the environmental authorities in Bogotá seized 333.26 m<sup>3</sup> of timber from illegal trafficking (District Secretariat for the Environment - Secretaría Distrital de Ambiente – SDA-, cited by El Tiempo, 2016). That amount is approximately equivalent to 32 trucks filled with this natural resource. By August 2016, 35.46 m<sup>3</sup> of timber had been seized in the city. According to the environmental police, most illegal timber comes from Chocó and the South of the country.</li> </ul>

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			<ul style="list-style-type: none"> <li>• In 2011, the total volume seized in the country was 12.180.41 m<sup>3</sup>; at the regional level, the Pacific zone, with a 24.53% figure, is where the biggest volume was seized. Codechocó (17.36%) has the greatest volume of seized timber, followed by Corpourabá (16.03%) and CAS (9.65%), while, at the city level, Quibdó (Chocó) is in first place with the biggest volume of seized timber. According to information reported, the Pacific region has the biggest volume of seized timber, with 2,987.73 m<sup>3</sup>. The city of Quibdó (Chocó) is the place with the highest rate of seized timber for this region (IDEAM, 2011).</li> <li>• In accordance with current applicable legislation, namely Act 1333 of 2009 (ley 1333 de 2009) which establishes penalties for environmental offences, there are two types of seizure: Precautionary and final. Around 37.29% of seizures in Colombia are precautionary seizures, while 13.53% of them are final. The main reason for this on the national level is the following: not having a laissez-passer or a transfer form (salvoconducto o formato de remisión) with around 6,661.55 m<sup>3</sup> in seized volume, followed by having species other than those listed in the National Sole Safe-conduct, (Salvoconducto Único Nacional para la movilización de especímenes de la diversidad biológica, SUN in its Spanish acronym) or transfer form for transportation of Forest Products from Agro-forestry systems or forest plantations (Formato de Remisión para la Movilización de Productos Forestales Provenientes de Sistemas Agroforestales o Cultivos Forestales [FRMPF]), with around 704.85 m<sup>3</sup> (IDEAM,2011: expert consultation 2016).</li> <li>• Experts consultation in 2016 revealed the importance for this indicator of the efforts made within the framework of the Intersectorial Covenant for Legal Timber in Colombia (Pacto Intersectorial</li> </ul>



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			<p>por la Madera Legal en Colombia), such as the creation of two digital applications for forestry control and monitoring to support the regional environmental authorities and supporting institutions such as law enforcement institutions: “cubimadera” reduces technical differences when it comes to gauge timber and “especies maderables” features 100 forest species of registered timber, which allows for a better identification of timber in control and inspection procedures. A protocol has been created as well for the follow-up and monitoring of the transportation of timber products and non-wood products from forests.</p> <ul style="list-style-type: none"> <li>• The Colombian Agricultural Institute has in place a strategy for fighting corruption and citizen information, in accordance with that which is stated in article 73 of Act 1474 of 2011 (Colombian Agricultural Institute, 2015). Among other tools they have the institutional map of risks for corruption and the control mechanisms to mitigate it. In terms of the results for 2019, in the operational process of “permits” an extreme risk is noted, but with the implementation of mitigation measures the risk is reduced to moderate (Colombian Agricultural Institute, 2019).</li> <li>• Information from the 2015/16 National Index of Transparency ranks (Transparency for Colombia, 2016) the Colombian Agricultural Institute (ICA) at number 68 out of 75, with a high risk. The Ministry of Agriculture and Rural Development (MADR) is ranked 36, medium risk.</li> <li>• Colombia scores 37 points on the Corruption Perceptions Index 2017 on a scale from 0 (highly corrupt) to 100 (very clean). Colombia ranks 96 out of 180 (rank no. 1 being the cleanest country) (CPI, 2019). In the Worldwide Governance Indicators 2017 (latest available year), Colombia scores 44 for</li> </ul>

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			<p>indicator Control of Corruption, and 40 for indicator on Rule of Law (the scores range from 0 (lowest rank) to 100 (highest rank) with higher values corresponding to better outcomes).</p> <ul style="list-style-type: none"> <li>A recent article from Mongabay (2018) mentions Illegally-sourced timber from Peru, Bolivia, Brazil, Ecuador, and Colombia are incorporated into the international market with falsified official documents that are almost never verified. False documents in the Amazon: The system that permits illegally sourced timber to be sold and exported legitimately is prevalent in all of the Amazonian countries covered in the investigation. The official documents, which don't always consider the verification processes used by officials in each country, allow the indiscriminate looting of forest resources from the Amazon. In the reported cases and interviews conducted for this investigative piece, authorities confirmed that timber traffickers often provided false information on official documents. In the majority of cases, the timber of illegal origin is sold with papers that falsely declare that the trees came from an authorized zone, when in reality they were taken from forests where logging is prohibited, such as natural protected areas or indigenous lands. Colombian news publications Semana and El Espectador (mentioned in Mongabay 2018) report that up to 47 percent of the timber sold in the country is illegal, based on data from the Ministry of the Environment. They estimate the timber trafficking industry there may involve about \$750 million per year, almost a third of the money involved in the country's more notorious and high-profile drug trafficking industry.</li> </ul> <p><b>Risk conclusion</b></p>

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
			This indicator has been evaluated as specified risk. Threshold (2) is met: (2) identified laws are not upheld consistently by all entities and/or are often ignored, and/or are not enforced by relevant authorities.
1.18 Offshore trading and transfer pricing	<p><b>Applicable laws and regulations</b></p> <p>GENERAL LEGISLATION</p> <ul style="list-style-type: none"> <li>Decree N° 624 of 1989 [Decreto 624 De 1989]: Issuing the Tax Statute on the Taxes Managed by the Directorate-General for National Taxes. Chapter XI added by virtue of Section 28 of Act 788 of 2002 [Capítulo XI adicionado por el artículo 28 de la ley 788 de 2002]. Sections 260-1 to 260-5 of the Tax Statute on related parties and trade relations [Artículo 260-1 al 260-5 del Estatuto Tributario por vinculación económica o partes relacionadas]. Date of publication: 30<sup>th</sup> March 1989: <a href="http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=6533">http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=6533</a></li> <li>Act N° 788 of 2002: Which established tax and criminal regulations of national and territorial scope, amongst other provisions [Por La Cual Se Expiden Normas En Materia Tributaria y Penal del Orden Nacional y Territorial; y se dictan otras Disposiciones]. Section 28 [Artículo 28] Adding Chapter XI on transfer pricing to the Tax Statute. Date of publication: 27<sup>th</sup> December 2002: <a href="http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=7260">http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=7260</a></li> <li>Decree N° 1791 of 2007 [Decreto 1791 of 2007]. By virtue of which Section 579-2 of the Tax Statute is regulated [Por medio del cual se reglamenta el artículo 579-2 del Estatuto Tributario]. Section 1 [Artículo 1] Paperless submission of statements. Date of publication: 23<sup>rd</sup> May 2007: <a href="http://www.dian.gov.co/dian/13Normatividad.nsf/e9f4a60f9d1ed93a05256f8800650b07/280f6c01519cc596052572e6007d32d5?OpenDocument">http://www.dian.gov.co/dian/13Normatividad.nsf/e9f4a60f9d1ed93a05256f8800650b07/280f6c01519cc596052572e6007d32d5?OpenDocument</a></li> </ul>	<p><b>Government sources</b></p> <ul style="list-style-type: none"> <li>DIAN, 2015. Transfer pricing. Official obligations. Directorate for National Taxes and Customs' leaflet [Precios de Transferencia. Dirección de Impuestos y Aduanas Nacionales (DIAN)]. Consulted on 25<sup>th</sup> September 2016: <a href="http://www.dian.gov.co/des/cargas/capacitacion/2015/precios_transferencia/documentos/Folleto_precios_transferencia.pdf">http://www.dian.gov.co/des/cargas/capacitacion/2015/precios_transferencia/documentos/Folleto_precios_transferencia.pdf</a></li> <li>DIAN, undated. Transfer pricing. Transfer pricing services guidelines [Los precios de transferencia. Pautas de servicios de precios de transferencia]. Directorate for National Taxes and Customs' leaflet [Dirección de Impuestos y Aduanas Nacionales (DIAN)]. Consulted on 21<sup>st</sup> December 2018: <a href="https://www.dian.gov.co/Trasaccional/GuaServiciosLinea/Cartilla_Diligenciamiento.pdf">https://www.dian.gov.co/Trasaccional/GuaServiciosLinea/Cartilla_Diligenciamiento.pdf</a></li> </ul>	<p><b>Overview of Legal Requirements</b></p> <p>The matter of transfer pricing was added to the Tax Statute (Decree 624 of 1989, Decreto 624 de 1989) with Act 788 of 2002 in its Section 28 and then regulated by Decree 3030 of 2013 (Ley 788 de 2002 en su artículo 28, decreto 3030 de 2013). Thus, Section 260-1 in the Tax Statute (artículo 260-1 del estatuto tributario) provides for transfer pricing as follows: (source OECD, 2013 and KPMG, 2014 for the description)</p> <p>“Section 260-1 (Artículo 260-1). Operations with related economic parties and other related parties (Operaciones con vinculados económicos y partes relacionadas). Income taxpayers who hold operations with related economic parties and other related parties shall declare, for the purposes of income taxes and other complementary taxes, their ordinary and extraordinary income and their expenses and deductions, considering for these operations prices and utility margins that may have been used for similar operations with or between independent parties.”</p> <p>“Tax administration, in the exercise of its monitoring and verification powers, shall be entitled to determine ordinary and extraordinary income and costs and deductions of operations conducted by income taxpayers and taxpayers of other complementary taxes with related economic parties and other related parties, by determining pricing and utility margins in similar operations with or between independent parties in Colombia or overseas” (Section 260-1 (Artículo 260-1) from Decree N° 624 of 1989)”</p>

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
	<ul style="list-style-type: none"> <li>Decree N° 3030 of 2013 [Decreto 3030 of 2013]. Which regulates sections 260-1, 260-2, 260-3, 260-4, 260-5, paragraphs 2 and 3 of section 260-7, sections 260-9, 260-10, 260-11 and 319-2 of the Tax Statute. Sections 2 to 4 on transfer pricing. Date of publication: 27<sup>th</sup> December 2013: <a href="http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=56249#0">http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=56249#0</a></li> </ul> <p><b>Legal Authority</b></p> <ul style="list-style-type: none"> <li>Directorate for National Taxes and Customs [Dirección de Impuestos y Aduanas Nacionales (DIAN)]</li> </ul> <p><b>Legally required documents or records</b></p> <ul style="list-style-type: none"> <li>Informative statement on transfer pricing (annual) [declaración informativa de precios de transferencia]</li> <li>Supporting documents.</li> <li>Early pricing agreement [Acuerdo anticipado de precios], when required by the taxpayer.</li> <li>Custom Transit Declaration.</li> </ul>	<p><b>Non-Government sources</b></p> <ul style="list-style-type: none"> <li>Juan David Barbosa, 2006. Universidad Javeriana Journal. Transfer pricing in Colombia ["El régimen de precios de transferencia en Colombia"]. An analysis of their development, the arm's length principle and the economic relation [Un análisis de su desarrollo, del principio de plena competencia y de la vinculación económica]. Consulted on 25<sup>th</sup> September 2016: <a href="http://revistas.javeriana.edu.co/index.php/vnijuri/articloe/viewFile/14657/11825">http://revistas.javeriana.edu.co/index.php/vnijuri/articloe/viewFile/14657/11825</a></li> <li>Accounter, 2009. Transfer pricing related penalties ["Sanciones relacionadas con precios de transferencia"]. Consulted on 25<sup>th</sup> September 2016: <a href="http://www.accounter.co/boletines/35-boletines/278-sanciones-relacionadas-con-precios-de-transferencia.htm">http://www.accounter.co/boletines/35-boletines/278-sanciones-relacionadas-con-precios-de-transferencia.htm</a>  </li> <li>OECD, 2017. Transfer Pricing Colombian Profile, Updated October 2017. Consulted on 2<sup>nd</sup> February</li> </ul>	<p>Section 260-4 (artículo 260-4) mentions the requirement of having supporting documents available (that taxpayers shall prepare and keep for five years after the date when the documents are issued) on each type of operation conducted with related economic parties or related parties to prove that their ordinary and extraordinary income and their expenses and deductions meet the comparability criteria therein defined for pricing and utility margins used by independent parties in comparable operations. This section was elaborated on in the Regulating Decree where the following is stated:</p> <p>4th Section (Artículo 4°). Content of supporting documents. The supporting documents mentioned in Section 260-5 of the Tax Statute shall include studies, documents and other evidence with which income taxpayers and taxpayers of other complementary taxes can prove that their income, costs, deductions, assets and liabilities during the corresponding fiscal year, in operations conducted with related parties overseas or related parties located in Free Trade zones, or with people, corporations, entities or companies located, residing or domiciled in tax havens, were determined applying for those operations the arm's length principle, meaning that principle by virtue of which operations between related parties meet the criteria applied in comparable operations with or between independent parties.</p> <p>Supporting documents are evidence that the taxpayers provide to inform the tax office that the operations conducted with their related parties overseas, related parties in Free Trade zones and people, corporations, entities or companies located, residing or domiciled in tax havens were agreed on in compliance with the arm's length principle.</p>

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
		<p>2019:  <a href="http://www.oecd.org/tax/transfer-pricing/transfer-pricing-country-profile-colombia.pdf">http://www.oecd.org/tax/transfer-pricing/transfer-pricing-country-profile-colombia.pdf</a></p> <ul style="list-style-type: none"> <li>• EY, 2013. 2013 Transfer pricing global reference guide – Colombia. Consulted on 6<sup>th</sup> February 2017:  <a href="http://www.ey.com/gl/en/services/tax/international-tax/transfer-pricing-and-tax-effective-supply-chain-management/2013-transfer-pricing-global-reference-guide---colombia">http://www.ey.com/gl/en/services/tax/international-tax/transfer-pricing-and-tax-effective-supply-chain-management/2013-transfer-pricing-global-reference-guide---colombia</a></li> <li>• EY, 2014. Global Tax Alert (News from Transfer Pricing and Americas Tax Center) - Colombia modifies transfer pricing regulations. Consulted on 6<sup>th</sup> February 2017:  <a href="http://www.ey.com/gl/en/services/tax/international-tax/alert--colombia-modifies-transfer-pricing-regulations">http://www.ey.com/gl/en/services/tax/international-tax/alert--colombia-modifies-transfer-pricing-regulations</a> .</li> <li>• KPMG, 2014. International Transfer Pricing 2013/14 – Colombia. Consulted on 6<sup>th</sup> February 2017:  <a href="http://www.pwc.com/gx/en/international-transfer-pricing/assets/colombia.pdf">http://www.pwc.com/gx/en/international-transfer-pricing/assets/colombia.pdf</a></li> </ul>	<p>The supporting documents shall include the contents mentioned in Chapter II of Regulating Decree 3030 of 2013 (capítulo II del Decreto Reglamentario 3030 de 2013.)</p> <ol style="list-style-type: none"> <li>1. Executive analysis.</li> <li>2. Functional analysis.</li> <li>3. Market analysis.</li> <li>4. Economic analysis.</li> </ol> <p>Section 260-8 (artículo 260-8) makes it mandatory to file an informative tax statement:  “Income taxpayers and taxpayers of other complementary taxes, who are required to comply with the rules for transfer pricing, shall file every year an informative tax statement about their operations with related economic parties or related parties”.</p> <p>The rules included in Book V of this Statute shall be applicable, whenever relevant, in this statement. Additionally, they shall duly file all information that the national government may require by virtue of any regulation.</p> <p>Paragraph. “As for subordinated or controlled companies or groups of companies, in accordance with those cases provided for in Sections 260 and 261 of the Tax Statute, the Controlling Entity or parent company shall file a statement and include all related operation for the corresponding fiscal period.”</p> <p>The contents of the informative statement are detailed in Section 10 of the regulating decree (artículo 10 del decreto reglamentario), as follows:</p> <ol style="list-style-type: none"> <li>a) Duly completed form that is required for these purposes by the Directorate for National Taxes and Customs (Dirección de Impuestos y Aduanas Nacionales);</li> </ol>

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
		<ul style="list-style-type: none"> <li>• Transparency International, 2019. Corruption perceptions index 2017. Consulted on 28<sup>th</sup> January 2019. <a href="http://www.transparency.org/country/COL">http://www.transparency.org/country/COL</a></li> <li>• World Bank, undated. Worldwide Governance Indicators, interactive data access. Consulted on 28<sup>th</sup> January 2019: <a href="http://info.worldbank.org/governance/wgi/#reports">http://info.worldbank.org/governance/wgi/#reports</a></li> <li>• Transparency for Colombia, 2016. Final results report. National Transparency Index 2015-2016. Consulted on 28<sup>th</sup> January 2019: <a href="http://indicedetransparencia.org.co/portals/0/Documentos/2017/Nacionales/Ministerio%20de%20Agricultura%20y%20Desarrollo%20Rural%20%20FICHA.pdf">http://indicedetransparencia.org.co/portals/0/Documentos/2017/Nacionales/Ministerio%20de%20Agricultura%20y%20Desarrollo%20Rural%20%20FICHA.pdf</a></li> </ul> <p>Interviews with experts: Conversations with various experts from the public and private sector and civil society in Colombia (here anonymous) carried out during October 2016, helped the authors of this report to better understand the applicable legislation and</p>	<ul style="list-style-type: none"> <li>b) All information necessary to identify the taxpayer;</li> <li>c) All information necessary to identify the related parties overseas, related parties in Free Trade zones, or people, corporations, entities or companies located, residing or domiciled in tax havens (as relevant), with whom operations were conducted;</li> <li>d) All information necessary to identify the type of operations conducted by the taxpayer during the corresponding fiscal year with related parties overseas, related parties in Free Trade zones, or people, corporations, entities or companies located, residing or domiciled in tax havens (as relevant);</li> <li>e) Information on the methodology applied and other elements involved in determining pricing and utility margins;</li> <li>f) Information on Cost Sharing Agreements and business restructuring;</li> <li>g) Payment of fines, when applicable;</li> <li>h) Signature of whomever is legally required to file the statement.</li> </ul> <p>1<sup>st</sup> paragraph. The informative statement of transfer pricing shall be signed by:</p> <ul style="list-style-type: none"> <li>a) The taxpayer or his legal representative as mentioned in Section 572 of the Tax Statute (artículo 572 del Estatuto Tributario);</li> <li>b) Representatives by power of attorney or special representatives who are not lawyers as mentioned in Section 572-1 of the Tax Statute (artículo 572-1 del Estatuto Tributario). In such case, a power of attorney formalised in public affidavit shall be required.</li> </ul> <p>2<sup>nd</sup> Paragraph. In accordance with Section 576 (artículo 576) of the Tax Statute, the informative statement on</p>

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
		<p>the risks associated with each indicator of legislation.</p>	<p>transfer pricing of taxpayers living overseas shall be filed by:</p> <ul style="list-style-type: none"> <li>a) Foreign companies' branches;</li> <li>b) Permanent establishments of non-residents or foreign legal persons or entities, as relevant in each case.</li> </ul> <p>Those eventually required to file the informative statement of transfer pricing shall be held responsible for any potential related punishments, if they fail to do so.</p> <p>Transfer pricing could be defined as those prices charged by companies for goods or services supplied to related parties overseas, related parties located in Free Trade zones or people, corporations, entities or companies located, residing or domiciled in tax havens. They must be complied with by taxpayers who conduct transactions with overseas operators and/or operators located in Free Trade zones or people, corporations, entities or companies located, residing or domiciled in tax havens (Barbosa, J. D., 2006).</p> <p>Penalties related with transfer pricing are regulated by the article 260-10 from the Tax Estatute (Accounter, 2009).</p> <p>Oficial and updated information about transfer pricing can be found online (source DIAN, undated and DIAN 2015) The process of exporting goods starts with the filing and approval of a shipping authorisation through the customs office computer system. Then, the steps detailed below on indicator 1.19 must be followed, to turn this shipping application into a custom transit declaration. Finally, the goods are shipped (decree 390 of 2016 (decreto 390 de 2016)).</p>

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
			<p><b>Description of risk</b></p> <ul style="list-style-type: none"> <li>• In consultation with experts in 2016, it was concluded that legal instruments and governmental institutions guarantee compliance with transfer pricing and that those who wish to conduct trade transactions overseas must comply with the applicable regulations. If this was not the case, during expert consultation in 2016 it was mentioned that “the interested person would not be granted the corresponding supporting documents (e.g. custom transit declaration)” (custom procedures to export the timber).</li> <li>• According to EY (2013 and 2014), since 2004, the tax authorities have improved their audit processes, focusing on the hydrocarbon and mining industries. The improvement of the control system (as mentioned on the EY, 2013 and 2014) is an improvement for the country and all sectors, enter on the compatibilisation for audit plannings and control.</li> <li>• Information from the 2015/16 National Index of Transparency ranks (Transparency for Colombia, 2016) the Directorate for National Taxes and Customs (DIAN) is ranked 31 out of 75, under a medium risk.</li> <li>• Colombia scores 37 points on the Corruption Perceptions Index 2017 on a scale from 0 (highly corrupt) to 100 (very clean). Colombia ranks 96 out of 180 (rank no. 1 being the cleanest country) (CPI, 2019). In the Worldwide Governance Indicators 2017 (latest available year), Colombia scores 44 for indicator Control of Corruption, and 40 for indicator on Rule of Law (the scores range from 0 (lowest rank) to 100 (highest rank) with higher values corresponding to better outcomes).</li> </ul>



Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
			<ul style="list-style-type: none"> <li>Based on lack of evidence supporting the elements of the threshold for low risk, and due to the high level of corruption reported for the country (CPI less than 50), precautionary approach is considered.</li> </ul> <p><b>Risk conclusion</b></p> <p>Following the precautionary approach, this indicator has been evaluated as specified risk. Threshold (2) is met: (2) Identified laws are not upheld consistently by all entities and/or are often ignored, and/or are not enforced by relevant authorities.</p>
1.19 Custom regulations	<p><b>Applicable laws and regulations</b></p> <p>GENERAL LEGISLATION</p> <ul style="list-style-type: none"> <li>Act 7 of 1991 [Ley 7 de 1991]: Colombian Overseas Trade Framework Law [Ley Marco del Comercio Exterior Colombiano]. Chapter III-Section 17 Ministry of Overseas Trade, in its capacity as entity responsible for overseas trade [Capitulo III-Artículo 17 Ministerio de Comercio Exterior]. Date of publication: 16<sup>th</sup> January 1991: <a href="https://www.cancilleria.gov.co/sites/default/files/Normograma/docs/ley_0007_1991.htm">https://www.cancilleria.gov.co/sites/default/files/Normograma/docs/ley_0007_1991.htm</a></li> <li>Resolution 4240 of June 2<sup>nd</sup>, 2000 [Resolución 4240 de junio 2 de 2000] by virtue of which decree 2685 of 1999 [Decreto 2685 de 1999] is regulated. Colombian customs law. Section 2 [Artículo 2]. Registration in the computer system for customs [Registro en el sistema informático aduanero]. Heading V (Título V). Taxes on imports [Régimen de importación] and Heading VII Taxes on Exports [Título VII Régimen de Exportación]. Date of publication: 2<sup>nd</sup> June 2000: <a href="http://www.icbf.gov.co/cargues/avance/docs/resolucion_dian_rd424000.htm">http://www.icbf.gov.co/cargues/avance/docs/resolucion_dian_rd424000.htm</a></li> <li>Decree 1232 of 2001 [Decreto 1232 de 2001]. Under which Decree 2685 of 28 December 1999 [Decreto 2685 del 28 de diciembre de 1999] is partially amended and other additional</li> </ul>	<p><b>Government sources</b></p> <ul style="list-style-type: none"> <li>DIAN, undated. Export and import procedure [Procedimiento de exportación e importación]. Consulted on 21<sup>st</sup> December 2018: <a href="http://www.minambiente.gov.co/images/BosquesBiodiversidadyServiciosEcosistemas/pdf/gobernanza_forestal/Cartilla_Export_e_Importacion_Productos_Maderables.pdf">http://www.minambiente.gov.co/images/BosquesBiodiversidadyServiciosEcosistemas/pdf/gobernanza_forestal/Cartilla_Export_e_Importacion_Productos_Maderables.pdf</a></li> <li>Daniel Cuero, 2012. Directorate for National Taxes and Customs (DIAN) – Custom procedures for imports and exports [Dirección de Impuestos y Aduanas Nacionales (DIAN) - Procedimientos de aduana para importaciones y</li> </ul>	<p><b>Overview of Legal Requirements</b></p> <p>GENERAL LEGISLATION</p> <p>The Ministry of Overseas Trade (Ministerio de Comercio Exterior) is the institution responsible for overseas trade policy direction, coordination, application and overseeing, in accordance with the development plans and schemes established by Act 7 of 1991.</p> <p>The most recent legislation on customs is decree 390 of 2016 (decreto 390 de 2016) on the establishment of customs regulations, applicable in the national customs territory and regulation on the legal relationship between customs and those who participate in the entering, keeping, transportation and exit of goods. According to DIAN, these are some of the tariff item numbers in overseas trade in Colombia.</p> <p>Tariff item-Product description 44-Timber and its manufactured products, wood charcoal 4407- Sawn timber, planed or unplaned, with a width of more than 6mm</p>

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
	<p>provisions come into force. Section 4 [Artículo 4] documents to submit to custom authorities. Date of publication: 20<sup>th</sup> June 2001:  <a href="http://www.icbf.gov.co/cargues/avance/docs/decreto_1232_2001.htm">http://www.icbf.gov.co/cargues/avance/docs/decreto_1232_2001.htm</a></p> <ul style="list-style-type: none"> <li>Decree 390 of 2016 [Decreto 390 de 2016]: Under which customs regulations are laid out. Section 215 [Artículo 215]. Documents to support the customs statement. Date of publication: 7<sup>th</sup> March 2016:  <a href="http://www.mintic.gov.co/portal/604/articles-14747_documento.pdf">http://www.mintic.gov.co/portal/604/articles-14747_documento.pdf</a></li> <li>Resolution 70 of 2014 by the Ministry of Industry, Trade and Tourism [Resolucion 70 de 2014 del Ministerio de Industria, Comercio y Turismo]. Antidumping duties [derechos antidumping]. Date of publication: 10<sup>th</sup> April 2014:  <a href="http://fedemaderas.org.co/wp-content/uploads/2012/04/VER18.pdf">http://fedemaderas.org.co/wp-content/uploads/2012/04/VER18.pdf</a></li> <li>Decree 2788 from 2004 which regulates the single Tax Registry referred to in Article 555-2 of the Tax Statute. Article 1. Unified Tax Registry - RUT; Article 4. Elements of the Unified Tax Registry; Article 5. Required to register in the Unified Tax Registry – RUT [Decreto 2788 de 2004 por el cual se reglamenta el Registro Único Tributario de que trata el artículo 555-2 del Estatuto Tributario. Artículo 1. Registro Único Tributario – RUT; Artículo 4. Elementos del Registro Único Tributario; Artículo 5. Obligados a inscribirse en el Registro Único Tributario – RUT]. Date of publication: 31<sup>th</sup> August 2004: <a href="https://www.mintic.gov.co/portal/604/articles-3589_documento.pdf">https://www.mintic.gov.co/portal/604/articles-3589_documento.pdf</a></li> <li>Act N° 17 of 1981 [Ley 17 de 1981]: Approving the “Convention on International Trade in Endangered Species of Wild Fauna and Flora”, signed in Washington, D.C. on 3<sup>rd</sup> March 1973. Sections 3, 4 and 5 [artículos 3, 4 and 5]. Regulations for trade with specimens included under appendixes I, II and III respectively. Date of publication: 22<sup>nd</sup> January 1981:</li> </ul>	<p>exportaciones]. Consulted on 31<sup>st</sup> August 2016:  <a href="http://es.slideshare.net/DanielCueroCastro/dian-procesos-aduaneros-importacion-y-exportacion">http://es.slideshare.net/DanielCueroCastro/dian-procesos-aduaneros-importacion-y-exportacion</a></p> <ul style="list-style-type: none"> <li>IDEAM, 2009. Characterization and dimensioning of the forest sub-registry in Colombia. Design and implementation of the data capture instrument (underreporting) and information generated by informal activities in the extraction, transformation and trade of forest products. [Caracterización y dimensionamiento del subregistro forestal en Colombia. Diseño y puesta en marcha del instrumento de captura de datos (subregistro) e información generada por actividades informales en los procesos de extracción, transformación y comercio de productos forestales]. Consulted on 31<sup>st</sup> August 2016:  <a href="http://www.ideam.gov.co/documentos/13257/14105/Subregistro_Forestal.pdf/53ed1b9f-98d4-48a4-9462-7f5a05ad9db9">http://www.ideam.gov.co/documentos/13257/14105/Subregistro_Forestal.pdf/53ed1b9f-98d4-48a4-9462-7f5a05ad9db9</a></li> </ul>	<p>4410-Strand boards (panels), oriented strand board (OSB) and other similar boards such as waferboards  4411-Wood fiberboards, such as middle density boards  MDF  4412-Plywood boards and laminated timber boards  47-Wood pulp in the mechanical pulp and chemical pulp subdivisions (DIAN – Harmonised system of goods naming and certification (Sistema armonizado de designación y certificación de mercancías [SADCM])). Common Tariff Nomenclature of the Andean Group (Nomenclatura arancelaria del grupo andino [NANDINA]), DIAN, Decree 4927 of 2011 (decreto 4927 de 2011). Quoted by MADS &amp; ONF Andina, 2016).</p> <p>On exports  In Colombia, the Ministry of Trade, Industry and Tourism (Ministerio de Comercio, Industria y Turismo) is the authority competent for issuing Certificates of Origin of national products to be exported which are wanted to benefit from preferential tariffs at the importer country, as long as Colombia and the country of destination are signatory to trade agreements on the matter and as long as the product complies with the origin requirements established in said agreement.</p> <p>The process of exporting goods starts with the filing and approval of a shipping authorisation through the customs office computer system. Then, the steps detailed below must be followed, to turn this shipping application into a custom transit declaration. Finally, the goods are shipped.</p> <ul style="list-style-type: none"> <li>Filing the shipping application through the customs office computer system.</li> <li>Submitting the supporting documents for the shipping authorisation application: approvals (check the Ministry of Trade, Industry and Tourism’s website) or authorisations when appropriate, power</li> </ul>

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	<p><a href="http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=45530">http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=45530</a></p> <ul style="list-style-type: none"> <li>• Certificate of Permit no CITES-(undated) administrative procedure: <a href="http://visor.suit.gov.co/VisorSUIT/index.jsf?FI=605">http://visor.suit.gov.co/VisorSUIT/index.jsf?FI=605</a></li> </ul> <p><b>Legal Authority</b></p> <ul style="list-style-type: none"> <li>• Directorate for National Taxes and Customs [Dirección de Impuestos y Aduanas Nacionales (DIAN)].</li> <li>• Ministry of Trade, Industry and Tourism [Ministerio de Comercio, Industria y Turismo, MinCIT].</li> <li>• Colombian Agricultural Institute [Instituto Colombiano Agropecuario (ICA)] (phytosanitary approval [visto bueno de control fitosanitario]) <ul style="list-style-type: none"> <li>• Ministry of the Environment and Sustainable Development [Ministerio de Ambiente y Desarrollo Sostenible, MADS) (CITES approval)].</li> </ul> </li> </ul> <p><b>Legally required documents or records</b></p> <p>By virtue of Decree 390 of 2016 on imports [Decreto 390 de 2016 para importación]</p> <ul style="list-style-type: none"> <li>• Imports register or licence [Registro o Licencia de Importación].</li> <li>• Commercial invoice [Factura comercial].</li> <li>• Andean Custom Value Declaration [Declaración Andina del Valor].</li> <li>• Transport document (bill of landing, airway bill or transport bill) [conocimiento de embarque, guía aérea o carta de porte].</li> <li>• Certificate of Origin when required [Certificado de origen].</li> <li>• Health certificate [Certificado de sanidad].</li> <li>• Packing list [Listado de empaque].</li> <li>• Power of attorney (when the declaration is filed through a Customs Brokerage Agent) [Mandato cuando la declaración se presente a través de un SIA].</li> </ul>	<ul style="list-style-type: none"> <li>• Ministry of Agriculture and Rural Development, 2016. Consumer study (provide physically during the consultation in 2016)</li> <li>• Colombian Agricultural Institute, 2015. Anti-corruption and citizen information plan [Plan anticorrupción e información ciudadana]. Consulted on 23<sup>rd</sup> September 2016: <a href="http://www.ica.gov.co/Modulo-de-P-y-G/Transparencia-Participacion-y-Servicio-al-Ciudadano/Plan-Anticorrupcion-y-de-atencion-al-ciudadano.aspx">http://www.ica.gov.co/Modulo-de-P-y-G/Transparencia-Participacion-y-Servicio-al-Ciudadano/Plan-Anticorrupcion-y-de-atencion-al-ciudadano.aspx</a></li> <li>• Colombian Agricultural Institute, 2019. Anti-corruption plan – 2019 [Plan Anticorrupción]. Consulted on 29<sup>th</sup> January 2019: <a href="https://www.ica.gov.co/modulo-de-p-y-g/transparencia-participacion-y-servicio-al-ciudadano/plan-anticorrupcion-y-de-atencion-al-ciudadano/2019">https://www.ica.gov.co/modulo-de-p-y-g/transparencia-participacion-y-servicio-al-ciudadano/plan-anticorrupcion-y-de-atencion-al-ciudadano/2019</a></li> <li>• MADS &amp; ONF Andina, 2016. Ministry of the</li> </ul>	<p>of attorney if the declaration is being made by a Customs Brokerage Agent or a proxy and documents that make the export official (vistos buenos [consultar página web del Ministerio de Comercio, Industria y Turismo] o autorizaciones cuando a ello hubiere lugar, mandato cuando se actúe a través de una sociedad de intermediación aduanera o apoderado, y los documentos que acrediten la operación de exportación).</p> <ul style="list-style-type: none"> <li>• Validation and approval of the shipping authorization</li> <li>• Entry of goods into the customs main area or the shipper's hold, for preparation before being loaded for export, and for selection or random distribution of the freight or for its physical or documents inspection.</li> <li>• Customs authorities conduct the inspection of the documents or the physical inspection of the freight.</li> <li>• Origin of the shipping (load) of the goods on the respective transportation means, prior authorisation by the customs authorities [procedencia del embarque (cargue) de la mercancía en el medio de transporte respectivo, previa autorización de la autoridad aduanera].</li> <li>• Shipping certification and provision of number and date of the shipping confirmation [fecha del manifiesto de carga].</li> <li>• Once followed these steps, the shipping authorisation, with the given number of shipping confirmation, becomes a final exports declaration [declaración de exportación definitiva].</li> </ul> <p>Section 397 [artículo 397] lies down the documents to support the customs declaration:</p> <ul style="list-style-type: none"> <li>• International transport document</li> </ul>

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
	<ul style="list-style-type: none"> <li>Approval by competent entities [Visto bueno de entidades con jurisdicción].</li> <li>Certificate permit CITES (or certificate permit alternative to CITES permit, for plantations and agroforestry systems).</li> </ul> <p>In accordance with Decree 390 of 2016 [Decreto 390 de 2016] on exports</p> <ul style="list-style-type: none"> <li>Commercial invoice [Factura comercial].</li> <li>International Transport Document.</li> <li>Customs Transit Declaration [Declaración de Transito Aduanero].</li> <li>Power of attorney (if the declaration is being made by a Customs Brokerage Agent or a proxy) [Mandato cuando actúe como declarante una Sociedad de Intermediación Aduanera –SIA- o un apoderado].</li> <li>Goods Transport Form [Formulario de Movimiento de Mercancías].</li> <li>Health and Phytosanitary inspection certificates.</li> <li>Certificate permit CITES (or certificate permit alternative to CITES permit, for plantations and agroforestry systems).</li> </ul>	<p>Environment and Sustainable Development and ONF Andina, 2016. Colombia-Overseas trade of timber-yielding forest products [Ministerio de Ambiente y Desarrollo Sostenible Colombia-Comercio exterior de productos forestales maderables] [PFM]). 2011-2015 period. Consulted on 11<sup>th</sup> November 2016: <a href="http://documentacion.idea.m.gov.co/cgi-bin/koha/opac-detail.pl?biblionumber=37986">http://documentacion.idea.m.gov.co/cgi-bin/koha/opac-detail.pl?biblionumber=37986</a></p> <p><b>Non-Governmental sources</b></p> <ul style="list-style-type: none"> <li>WWF, 2015. Causes of timber-related illegalities in Colombia [Causas de la ilegalidad de la madera en Colombia]. A study on the trade flows of timber and the actors and impacts of illegal felling [estudio sobre los flujos del comercio de la madera, los actores y los impactos de la tala ilegal]. Consulted on 24<sup>th</sup> September 2016: <a href="http://d2ouvy59p0dg6k.cloudfront.net/downloads/ileg">http://d2ouvy59p0dg6k.cloudfront.net/downloads/ileg</a></li> </ul>	<ul style="list-style-type: none"> <li>Commercial trade or document accrediting the commercial transaction for the event where the goods were not sold.</li> <li>Health and Phytosanitary Certificates issued by the National Institute for the Control of Medicines and Food [Certificados de inspección sanitarios y fitosanitarios expedidos por el Instituto Nacional de Vigilancia de Medicamentos y Alimentos (NIVIMA)] or the Colombian Agricultural Institute [Instituto Colombiano Agropecuario (ICA)] and other documents required by special regulations, in accordance with currently applicable legislation.</li> <li>Order (if the declaration is being made by a Customs Brokerage Agent) [Mandato, cuando la declaración la presente una agencia de aduanas].</li> </ul> <p>Paragraph. The certificates of health and phytosanitary inspection issued by the Colombian Agricultural Institute [Instituto Colombiano Agropecuario (ICA)] and National Institute for the Control of Medicines and Food [Instituto Nacional de Vigilancia de Medicamentos y Alimentos (INIVIMA)] and other inspection certificates or documents issued by other control bodies required as supporting documents, shall be obtained during inspection procedures or, in any case, before authorisation in those cases where inspection procedures are not deemed necessary, and shall be kept for the period established in Section 147 of this decree.</p> <p>Decree 1791 of 1996 [Decreto 1791 de 1996] in its Section 82 [artículo 82] establishes CITES-related matters on export, import or re-export of species or specimens which require so:</p> <ul style="list-style-type: none"> <li>Section 82 [Artículo 82]. Import or introduction in the country of wild flora or forest specimens or products shall be governed by legal documents</li> </ul>

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		<p><a href="#">alidadmadera_m3_b18_c5_web.pdf</a></p> <ul style="list-style-type: none"> <li data-bbox="1066 229 1442 533">• Nuñez, G., 2014. Timber, a challenged industry [Madera un sector contra las tablas]. Confidencial newspaper, Colombia. Consulted on 24<sup>th</sup> September 2016: <a href="http://www.ferremad.com.co/noticias/madera-un-sector-contra-las-tablas/">http://www.ferremad.com.co/noticias/madera-un-sector-contra-las-tablas/</a></li> <li data-bbox="1066 539 1442 906">• Transparency for Colombia, 2016. Final results report. National Transparency Index 2015-2016. Consulted on 28<sup>th</sup> January 2019: <a href="http://indicedetransparencia.org.co/portals/0/Documentos/2017/Nacionales/Ministerio%20de%20Agricultura%20y%20Desarrollo%20Rural%20%20FICHA.pdf">http://indicedetransparencia.org.co/portals/0/Documentos/2017/Nacionales/Ministerio%20de%20Agricultura%20y%20Desarrollo%20Rural%20%20FICHA.pdf</a></li> <li data-bbox="1066 912 1442 1120">• Transparency International 2019 Corruption perceptions index 2017. Consulted on 28<sup>th</sup> January 2019: <a href="http://www.transparency.org/country/COL">http://www.transparency.org/country/COL</a></li> <li data-bbox="1066 1142 1442 1289">• World Bank, undated. Worldwide Governance Indicators, interactive data access. Consulted on 28<sup>th</sup> January 2019:</li> </ul>	<p>issued by the country of origin and requires that such specimens or products have not been subject to prohibition or ban. In order to achieve this, the certification or permits established under the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) if applicable for the species in question.</p> <p>Paragraph. The Ministry of the Environment [Ministerio del Medio Ambiente] is responsible for issuing CITES certifications or permits for the export, import and re-export of species or specimens which require so.</p> <p>Based on the Decree 2788 from 2004 which regulates the Unified Tax Register, it mentions:</p> <p>Article 1. The Unified Tax Register, RUT, established by article 555-2 of the Tax Statute, constitutes the new and unique mechanism to identify, locate and classify the subjects of obligations administered and controlled by the National Tax and Customs Directorate.</p> <p>Article 4. The elements that integrate the Unified Tax Register – RUT are:</p> <ol style="list-style-type: none"> <li data-bbox="1464 874 2114 1241">1. The identification. Corresponds to the name of the natural persons or to the corporate name of the legal entities and other subjects of obligations administered by the Directorate of National Taxes and Customs, added in turn by a numerical code called Tax Identification Number - NIT, allowing its individualization in an unequivocal way for all the tax effects, customs and foreign exchange, and especially for the fulfillment of the obligations of said nature. The conformation of the tax identification code - NIT, is the responsibility of the Directorate of National Taxes and Customs.</li> <li data-bbox="1464 1248 2114 1297">2. The location. Corresponds to the place where the Directorate of Taxes and National Customs may</li> </ol>

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		<p><a href="http://info.worldbank.org/governance/wgi/#reports">http://info.worldbank.org/governance/wgi/#reports</a></p> <ul style="list-style-type: none"> <li>• Mongabay, 2018. The last trees of the Amazon. Consulted on 6<sup>th</sup> March 2019: <a href="https://news.mongabay.com/2018/11/the-last-trees-of-the-amazon/">https://news.mongabay.com/2018/11/the-last-trees-of-the-amazon/</a></li> <li>• ITTO, 2016. Biennial review statistics. Consulted on 6<sup>th</sup> March 2019: <a href="https://www.itto.int/biennial_review/">https://www.itto.int/biennial_review/</a></li> </ul> <p>Interviews with experts: Conversations with various experts from the public and private sector and civil society in Colombia (here anonymous) carried out during October 2016, helped the authors of this report to better understand the applicable legislation and the risks associated with each indicator of legislation.</p>	<p>contact officially and for all purposes, the respective registered, without prejudice to other places authorized by law.</p> <p>3. The classification. Corresponds to nature, activities, functions, characteristics, attributes, regimes, obligations, authorizations and other elements owned by each subject of the obligations administered by the Tax Office and National Customs.</p> <p>Article 5. It is required to be registered in the Unified Tax Register - RUT:</p> <ol style="list-style-type: none"> <li>a) Individuals and entities that have the status of taxpayers' declarant of the income tax,</li> <li>b) individuals and entities that are not taxpayers, declare income and assets,</li> <li>c) those responsible for sales tax belonging to the schemes common or simplified,</li> <li>d) the withholding agents, and. Importers and exporters,</li> <li>e) professionals in buying and selling currencies, and</li> <li>f) international freight forwarders, maritime agents, authorized depots, public and private companies, international traders (C.I.), merchants of the zones of special customs regime, the merchants of the free port of San Andrés, Providencia and Santa Catalina, the intermediaries of postal traffic and shipments urgent, multimodal transport operators, intermediation companies, customs, holders of ports and docks for public or private service, transporters in the import or export regime, carriers for Customs transit regime operations, user operators free zones, users of export processing zones for goods and services, permanent customs users, highly exporting users, users of special economic zones of export and other customs users.</li> </ol>

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			<p>Based on the Act N° 17 of 1981 [Ley 17 de 1981]: Approving the “Convention on International Trade in Endangered Species of Wild Fauna and Flora”, signed in Washington, D.C. on 3<sup>rd</sup> March 1973. On section VII (7) Exemptions and other special provisions related to trade.</p> <p>Point 4 mentions that Specimens of a plant species included in Appendix I and artificially propagated for commercial purposes (understanding this as forest plantation or agroforestry system), shall be considered specimens of the species included in Appendix II.</p> <p>Point 5 mentions that when an administrative authority of the exporting State has verified that any specimen of a plant species has been artificially propagated, a certificate from that administrative authority to that effect will be accepted in substitution of the permits required by virtue of the provisions of articles III, IV or V.</p> <p>For these cases is necessary a Certificate of Permit no CITES (Certificate of Permit no CITES-(undated))</p> <p><b>Description of risk</b></p> <ul style="list-style-type: none"> <li>• One of the most enlightening references for the study of the scale of illegal felling of natural forests is the survey commissioned by IDEAM and conducted by ECOFOREST in 2009 (IDEAM, 2009), where authorised volumes of timber felling — as registered by the Regional Autonomous Corporation (CAR) in charge— are compared against volumes of timber consumption, based on estimates obtained from interviews and the set-up of extensive systems. The study concluded that the percentage of unregistered timber was between 33% and 55%, depending on the model being used. Illegal felling concentrates mainly in natural forest areas, with a higher occurrence rate in the Pacific region (Chocó- Darién) and the Amazon. Recent</li> </ul>

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			<p>article (Mongabay 2018) mentions that the evidence of illegal timber trafficking is scattered throughout Colombia. Along the Atrato and Putumayo rivers, in the heart of the Colombian Amazon, barges drag large sections of trees cut down from protected forests in the Amazon or from Darién National Park. Trucks transport huge logs along main roads while avoiding the controls set up by environmental authorities. Many citizens unknowingly buy these timber products for their homes. They may not know the illegal origins of these products, but they play a part in the chain of actions destroying Colombia's forests. Timber trafficking is a multimillion-dollar industry. Its horrific force is concentrated on the world's greatest jewels of diversity: on the most valuable and rarest species of trees. Selective logging devastates specific ecosystems and finishes off certain species of plants. According to IDEAM, illegal logging in Colombia accounts for 10 percent of all deforestation. The same article (Mongabay 2018) mentions that Colombian news publications Semana and El Espectador report that up to 47 percent of the timber sold in the country is illegal, based on data from the Ministry of the Environment. They estimate the timber trafficking industry there may involve about \$750 million per year, almost a third of the money involved in the country's more notorious and high-profile drug trafficking industry.</p> <ul style="list-style-type: none"> <li>• Another trend that has been confirmed is the fact that illegal timber is commercialised exclusively in the national market. Its absence in overseas trade is largely due to the national legal framework, by virtue of which only timber products that have undergone second grade transformations can be exported (if they come from a natural forest). The informal sector is not sufficiently organised and</li> </ul>



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			<p>structured nowadays to supply such great amount of timber products. However, at least two illegal cases have been reported, where big private companies who also supply overseas were involved (WWF, 2015).</p> <ul style="list-style-type: none"> <li>• According to data from the International Tropical Timber Organization (ITTO, 2016), most timber production in Colombia is sold at the national level. More specifically, home consumption amounts to 99% of timber production for the whole period since records on the matter started being kept. In other words, the exported volumes of timber are trifling, in comparison with those produced.</li> <li>• According to MADS-ONF Andina (2016), since 2008 Colombia has shifted from its previous role as an exporter of forestry products to its new role as an importer. Between 2011 and 2015, the trade balance deficit rose by 45.5% for products within tariff item number 44 (sawn timber and its manufactured products), going from 132USD to 192USD million.</li> <li>• Colombia is a net importer of timber products (except for 2009, when total exports exceeded the imported volume by 3.000 m<sup>3</sup>). Imported products are essentially sawn timber and non-tropical plywood (According to data from the International Tropical Timber Organization - ITTO, 2016).</li> <li>• The latest consumption survey by the Ministry of Agriculture and Rural Development (Ministerio de Agricultura y Desarrollo Rural, 2016) proves that the country uses 4,000 m<sup>3</sup> of timber per year for industrial purposes. According to this study, 84.1% of this volume comes from natural forests, 12.4 % comes from forest plantations and the remaining 3.5% comes from imports.</li> <li>• During consultation with experts in 2016, it was confirmed that there are control and legal</li> </ul>

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			<p>mechanisms in place to guarantee that imports and exports conducted and registered with the public institutions comply with all the legal requirements. However, it was also highlighted that there is an informal market through which timber enters and leaves the country (particularly in the Amazonian and Panama's borders) which is practically impossible to quantify, and which caters at national consumption information from the 2015/16 National Index of Transparency ranks (Transparency for Colombia, 2016) the Colombian Agricultural Institute (ICA) at number 68 out of 75, with a high risk. The Ministry of the Environment and Sustainable Development (MADS) is ranked 47, medium risk; Directorate for National Taxes and Customs (DIAN) is ranked 31, medium risk; Ministry of Trade, Industry and Tourism (MinCIT) is ranked 15 under medium risk.</p> <ul style="list-style-type: none"> <li>• The Colombian Agricultural Institute has in place a strategy for fighting corruption and citizen information, in accordance with that which is stated in article 73 of Act 1474 of 2011 (Colombian Agricultural Institute, 2015). Among other tools they have the institutional map of risks for corruption and the control mechanisms to mitigate it. In terms of the results for 2019, in the operational process of "permits" an extreme risk is noted, but with the implementation of mitigation measures the risk is reduced to moderate (Colombian Agricultural Institute, 2019).</li> <li>• Colombia scores 37 points on the Corruption Perceptions Index 2017 on a scale from 0 (highly corrupt) to 100 (very clean). Colombia ranks 96 out of 180 (rank no. 1 being the cleanest country) (CPI, 2019). In the Worldwide Governance Indicators 2017 (latest available year), Colombia scores 44 for indicator Control of Corruption, and 40 for indicator</li> </ul>

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
			<p>on Rule of Law (the scores range from 0 (lowest rank) to 100 (highest rank) with higher values corresponding to better outcomes).</p> <p><b>Risk conclusion</b></p> <p>This indicator has been evaluated as specified risk. Threshold (2) is met: (2) identified laws are not upheld consistently by all entities and/or are often ignored, and/or are not enforced by relevant authorities.</p>
1.20 CITES	<p><b>Applicable laws and regulations</b></p> <ul style="list-style-type: none"> <li>Act N° 17 of 1981 [Ley 17 de 1981]: Approving the “Convention on International Trade in Endangered Species of Wild Fauna and Flora”, signed in Washington, D.C. on 3<sup>rd</sup> March 1973. Sections 3, 4, 5 and 7 [artículos 3, 4 and 5]. Regulations for trade with specimens included under appendixes I, II and III respectively. Date of publication: 22<sup>nd</sup> January 1981: <a href="http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=45530">http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=45530</a></li> <li>Act N° 165 of 1994 [Ley 165 de 1994]: UN Convention on Biological Diversity. Date of publication: 1994: <a href="http://www.humboldt.org.co/images/documentos/pdf/Normativo/1994-ley165-1994.pdf">http://www.humboldt.org.co/images/documentos/pdf/Normativo/1994-ley165-1994.pdf</a></li> <li>Decree 1791 of 1996 [Decreto 1791 de 1996]. Chapter XII - Section 82 [Capítulo XII - Artículo 82] Certification or permits established by the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), if it is required for the species in question. Date of publication: 4<sup>th</sup> October 1996: <a href="http://www.minambiente.gov.co/images/BosquesBiodiversidadyServiciosEcosistemas/pdf/Ordenaci%C3%B3n-y-Manejo-de-Bosques/dec_1791_041096.pdf">http://www.minambiente.gov.co/images/BosquesBiodiversidadyServiciosEcosistemas/pdf/Ordenaci%C3%B3n-y-Manejo-de-Bosques/dec_1791_041096.pdf</a></li> <li>Decree 1401 of 1997 [Decreto 1401 de 1997]. By virtue of which the Colombian Administrative Authority before the Convention on International Trade in Endangered Species of</li> </ul>	<p><b>Government sources</b></p> <ul style="list-style-type: none"> <li>Minambiente, 2015. Procedure for obtaining CITES permit [Procedimiento para obtener el permiso CITES]. Consulted on 24<sup>th</sup> September 2016: <a href="http://www.minambiente.gov.co/images/BosquesBiodiversidadyServiciosEcosistemas/pdf/permiso_sites/CITES.pdf">http://www.minambiente.gov.co/images/BosquesBiodiversidadyServiciosEcosistemas/pdf/permiso_sites/CITES.pdf</a></li> <li>MADS, 2012. Ministry of the Environment and Sustainable Development [Ministerio de Ambiente y Desarrollo Sostenible] National Strategy for prevention and control on Illegal Trafficking in Wild Species [Estrategia Nacional para la prevención y control al Tráfico Ilegal de Especies Silvestres]: Conclusion and</li> </ul>	<p><b>Overview of Legal Requirements</b></p> <p>Colombia approved the Convention on International Trade in Endangered Species of Wild Fauna and Flora on 3 March 1973 and it became enforceable on 1 July 1975. It was approved by Act 17 of 1981 (ley 17 de 1981), which in its Sections (Artículos) III, IV y V, established regulations for trade with specimens of species included in appendixes I, II and III respectively. The most relevant contents hereto in said sections are:</p> <ol style="list-style-type: none"> <li>The export of any specimen of a species featured in CITES in any of the three appendixes, requires that an export permit be granted and submitted. This permit shall be granted once proven that the requirements established under the aforementioned sections are met.</li> <li>In the case of imports, there are differences in wording depending on the appendix where the species are featured: <ol style="list-style-type: none"> <li>Imports of any specimen of a species included in Appendix I require that an import permit be granted and submitted, as well as an export permit or a re-export certificate.</li> <li>Imports of any specimen of a species included in Appendix II require that an export permit or a re-export certificate be submitted.</li> </ol> </li> </ol>

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
	<p>Wild Fauna and Flora -CITES- and the mandate thereof are established. Section 1 [Artículo 1]. The Ministry of the Environment [Ministerio de Medio Ambiente] is the Colombian administrative authority before the Convention on International Trade in Endangered Species of Wild Fauna and Flora -CITES-. Date of publication: 27<sup>th</sup> May 1997: <a href="https://encolombia.com/medio-ambiente/normas-a/hume-decreto140197/#sthash.G8ROGa6o.dpuf">https://encolombia.com/medio-ambiente/normas-a/hume-decreto140197/#sthash.G8ROGa6o.dpuf</a></p> <ul style="list-style-type: none"> <li>Decree 1909 of 2000 (Decreto 1909 de 2000). “Por el cual se designan los puertos marítimos y fluviales, los aeropuertos y otros lugares para el comercio internacional de especímenes de fauna y flora silvestre” “Appointing maritime and river ports, airports and other locations for the international trade of wild specimens of fauna and flora”. Date of publication: 26<sup>th</sup> September 2000: <a href="http://www.minambiente.gov.co/images/BosquesBiodiversidadyServiciosEcosistemicos/pdf/Normativa/Decretos/dec_1909_260900.pdf">http://www.minambiente.gov.co/images/BosquesBiodiversidadyServiciosEcosistemicos/pdf/Normativa/Decretos/dec_1909_260900.pdf</a></li> <li>Resolution 438 of 2001 by the Ministry of the Environment [Resolución 438 de 2001 del Ministerio de Medio Ambiente]. Providing for the single national laissez-passer document for transporting species important for biological diversity [Por el cual se establece el salvoconducto único nacional para la movilización de especímenes de diversidad biológica]. Date of publication: 23<sup>rd</sup> May 2001: <a href="http://www.minambiente.gov.co/images/BosquesBiodiversidadyServiciosEcosistemicos/pdf/permiso_sites/Res_438_2001_establece_SUN.pd">http://www.minambiente.gov.co/images/BosquesBiodiversidadyServiciosEcosistemicos/pdf/permiso_sites/Res_438_2001_establece_SUN.pd</a></li> <li>Resolution No. 1263 of 2006 [Resolución 1263 de 2006]: Setting up the procedure and fixed value for permits mentioned in CITES, amongst other provisions [Por la cual se establece el procedimiento y se fija el valor para expedir los permisos a que se refiere la Convención sobre el Comercio Internacional de Especies Amenazadas de Fauna y Flora Silvestres -CITES-, y se dictan otras disposiciones]. Section 4 [Artículo 4]. Procedure. Date of publication: 30<sup>th</sup> June 2006:</li> </ul>	<p>adjusted Action Plan [Diagnóstico y Plan de Acción ajustado]; Colombia. Ministry of the Environment and Sustainable Development [Ministerio de Ambiente y Desarrollo Sostenible, 2012. 100 p. Consulted on 24<sup>th</sup> September 2016: <a href="http://www.minambiente.gov.co/images/BosquesBiodiversidadyServiciosEcosistemicos/pdf/Planes-para-la-conservacion-y-uso-de-la-biodiversidad/ESTRATEGIA_NACIONAL_PARA_LA_PREVENCION_Y_CONTROL_DEL_TR%C3%81FICO_ILLEGAL_DE_ESPECIES_SILVESTRES.pdf">http://www.minambiente.gov.co/images/BosquesBiodiversidadyServiciosEcosistemicos/pdf/Planes-para-la-conservacion-y-uso-de-la-biodiversidad/ESTRATEGIA_NACIONAL_PARA_LA_PREVENCION_Y_CONTROL_DEL_TR%C3%81FICO_ILLEGAL_DE_ESPECIES_SILVESTRES.pdf</a></p> <ul style="list-style-type: none"> <li>Minambiente and IDEAM, 2017. Forest Life Territory: Integral Strategy for the Control of Deforestation and Forest Management [Bosques Territorios de Vida: Estrategia Integral de Control a la Deforestación y Gestión de los Bosques]. Consulted on 4<sup>th</sup> February 2019: <a href="https://redd.unfccc.int/files/eicdgb_bosques_territorios_de_vida_web.pdf">https://redd.unfccc.int/files/eicdgb_bosques_territorios_de_vida_web.pdf</a></li> <li>National Police of Colombia, 2015. Trafficking</li> </ul>	<p>c) Imports of any specimen of a species included in Appendix III require, except for those cases described under paragraph 4 herein, that a Certificate of Origin and an export permit (in the event of imports from any of the countries which have included said species under Appendix III) be submitted.</p> <p>In Section 6 (artículo 6) on permits and certificates, the guidelines for issuing permits are mentioned, which are then elaborated on in Resolution 1263 of 2006 (Resolución 1263 de 2006), Sections 3 and 4 (artículos 3 y 4) and where the requirements for application and the procedure to obtain the import/export/re-export permit are laid down.</p> <p>Section four (artículo cuarto): procedure- To obtain one of the import/export/re-export permits that this administrative document is about, the person shall be subject to the following procedure:</p> <ol style="list-style-type: none"> <li>The user shall submit the duly completed, signed application form at the one-stop point of contact at the Ministry of the Environment, Housing and Territorial Development (Ventanilla Única del Ministerio de Ambiente, Vivienda y Desarrollo Territorial) addressed to the Directorate for Environmental Licences, Permits and Procedures (Dirección de Licencias, Permisos y Trámites Ambientales), attaching the documents listed in the previous section.</li> <li>Once the application is filed, the Directorate for Environmental Licences, Permits and Procedures (Dirección de Licencias, Permisos y Trámites Ambientales) shall proceed to verify the application is valid. In the event of an invalid application, the applicant shall be informed and given back the application alongside the attached documents so</li> </ol>

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
	<p><a href="http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=45536">http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=45536</a></p> <ul style="list-style-type: none"> <li>• Certificate of Permit no CITES- administrative procedure: <a href="http://visor.suit.gov.co/VisorSUIT/index.jsf?FI=605">http://visor.suit.gov.co/VisorSUIT/index.jsf?FI=605</a></li> </ul> <p><b>Legal Authority</b></p> <ul style="list-style-type: none"> <li>• CITES administrative authority Ministry of the Environment and Sustainable Development [Ministerio de Ambiente y Desarrollo Sostenible (MADS)]</li> <li>• CITES scientific authority Alexander von Humboldt Institute of Research on Biological Resources [Instituto de Investigación de Recursos Biológicos Alexander von Humboldt]</li> <li>• Regional Environmental authority: Regional Autonomous Corporation of the Administrative Area [Corporación Autónoma Regional de la Jurisdicción] or, in big cities, District Secretariat for the Environment [Secretaría Distrital de Ambiente]: supporting control and follow-up operations</li> <li>• Health authority: Colombian Agricultural Institute [Instituto Colombiano Agropecuario (ICA)]: verify health aspects of the specimens</li> <li>• Customs authority: Directorate for National Taxes and Customs [Dirección de Impuestos y Aduanas Nacionales (DIAN)]: verify customs issues to do with exports, imports and re-exports</li> <li>• National Security Control authority: Tax and customs police: Verify issues to do with national security and introduction and exit of products to or from the country.</li> </ul> <p><b>Legally required documents or records</b></p> <ul style="list-style-type: none"> <li>• Legal origin and obtaining of the species.</li> <li>• Valid certification by the competent environmental authority that proves that the user is registered within the registry of activities and transactions [libro de actividades y operaciones] in all cases where trade operations are to be conducted.</li> </ul>	<p>in wild species as a business of organised crime [El tráfico de especies silvestres como empresa del crimen organizado]. Consulted on 24<sup>th</sup> September 2016: <a href="https://webcache.googleusercontent.com/search?q=cache:O-Flv0v8XSIJ:https://www.policia.gov.co/file/6537/download%3Ftoken%3DO1CZh3nX+&amp;cd=1&amp;hl=es&amp;ct=clnk&amp;gl=es">https://webcache.googleusercontent.com/search?q=cache:O-Flv0v8XSIJ:https://www.policia.gov.co/file/6537/download%3Ftoken%3DO1CZh3nX+&amp;cd=1&amp;hl=es&amp;ct=clnk&amp;gl=es</a></p> <ul style="list-style-type: none"> <li>• SUIT (Sistema Único de Información de Trámites- Unique Procedures Information System) (undated). Certificate no CITES. Consulted on 3 April 2019 <a href="http://visor.suit.gov.co/VisorSUIT/index.jsf?FI=605">http://visor.suit.gov.co/VisorSUIT/index.jsf?FI=605</a></li> </ul> <p><b>Non-Governmental sources</b></p> <ul style="list-style-type: none"> <li>• CITES, 2017. Appendices I, II and III valid from 4<sup>th</sup> October 2017. Consulted on 1<sup>st</sup> February 2019: <a href="https://www.cites.org/eng/app/appendices.php">https://www.cites.org/eng/app/appendices.php</a></li> <li>• CITES, 2018. Specific questions about species Species of Neotropical Trees: Report of the</li> </ul>	<p>that he can complete it with the remaining documents or so that he can duly re-submit.</p> <ol style="list-style-type: none"> <li>3. Once verified that the information is complete, the application shall be sent to the corresponding Directorate so that the technical concept is elaborated.</li> <li>4. If the application for the permit is about species listed under Resolution 1660 of 04 November 2005 (Resolución 1660 de 04 de noviembre) issued by this Ministry, the technical concept shall also deal with the assessment of the administrative document by virtue of which the corresponding environmental authority determined the number of specimens to be utilised in the corresponding year, in order to ensure that the requirements listed in Section sixth and seventh in the aforementioned Resolution are met.</li> <li>5. If the process of technical evaluation requires technical information to be provided, the Directorate for Environmental Licences, Permits and Procedures (Dirección de Licencias, Permisos y Trámites Ambientales) shall create and send the corresponding information request. The procedure shall recess after this information request is issued, until the user submits the requested information.</li> <li>6. On the basis of the outcome of the technical assessment, the corresponding permit shall be issued and signed by the corresponding public officer.</li> <li>7. The CITES permit's original document and a copy thereto shall be sent to the competent regional environmental authority with jurisdiction in the port of shipment or unload. Additionally, a copy of the permit shall be sent to the permit's holder.</li> <li>8. Copies of the permit shall be sent to ICA, DAS and DIAN control authorities in the port or to the entities acting on their behalf.</li> </ol>

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	<ul style="list-style-type: none"> <li>• Laissez-passer for transportation (if required) [Salvoconducto de movilización (si lo requiere)].</li> <li>• Invoice and/ or bill of sale [Factura de compra y/o carta de venta].</li> <li>• Proof of payment for permit application [Comprobante de pago solicitud del permiso].</li> <li>• Certificate permit CITES (or certificate permit alternative to CITES permit for forest plantations and agroforestry systems).</li> </ul>	<p>working group between periods of sessions. 24<sup>th</sup> reunion of the Flora Committee, July 2018. Consulted on 1<sup>st</sup> February 2019:  <a href="https://cites.org/sites/default/files/esp/com/pc/24/S-PC24-22-R1.pdf">https://cites.org/sites/default/files/esp/com/pc/24/S-PC24-22-R1.pdf</a></p> <ul style="list-style-type: none"> <li>• El Universal newspaper, 2011. The Ministry of the Environment asks not to contribute to illegal traffickin in wild species [Minambiente pide no contribuir con el tráfico ilegal de especies silvestres]. January 2011. Consulted on 24<sup>th</sup> September 2016:  <a href="https://www.eluniversal.com.co/ambiente/minambiente-pide-no-contribuir-con-el-trafico-ilegal-de-especies-silvestres-2982-HQEU79854">https://www.eluniversal.com.co/ambiente/minambiente-pide-no-contribuir-con-el-trafico-ilegal-de-especies-silvestres-2982-HQEU79854</a></li> <li>• El Tiempo, 2015. The five timber trees with the highest risk of extinction [Los cinco árboles maderables con más riesgo de extinción]. Online Newspaper. Consulted on 31<sup>st</sup> January 2019:  <a href="https://m.eltiempo.com/archivo/documento/CMS-16195856">https://m.eltiempo.com/archivo/documento/CMS-16195856</a></li> </ul>	<p>9. The competent regional environmental authority at the port shall file the detachable part of the CITES permit, stating for the record on the detachable part of the form that the evaluation has been conducted. The duly completed permit shall be sent to the Directorate for Environmental Licences, Permits and Procedures (Dirección de Licencias, Permisos y Trámites Ambientales) at the Ministry of the Environment, Housing and Territorial Development (Ministerio de Ambiente, Vivienda y Desarrollo Territorial).</p> <p>10. Whenever there are grounds for denying the CITES permit, the decision shall be made through a sufficiently grounded administrative process.</p> <p>Paragraph- The request for additional information shall temporarily recess the term established for the assessment and issuing of the permit. On section VII (7) of Act 17 of 1981, Exemptions and other special provisions related to trade. Point 4 mentions that Specimens of a plant species included in Appendix I and artificially propagated for commercial purposes (understanding this as forest plantation or agroforestry system), shall be considered specimens of the species included in Appendix II. Point 5 mentions that when an administrative authority of the exporting State has verified that any specimen of a plant species has been artificially propagated, a certificate from that administrative authority to that effect will be accepted in substitution of the permits required by virtue of the provisions of articles III, IV or V. For these cases it is necessary a Certificate from the Customs authority, which acts as an alternative permit (because it is not a CITES permit itself) to report compliance with CITES convention (SUIT, undated).</p>

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		<p>Interviews with experts: Conversations with various experts from the public and private sector and civil society in Colombia (here anonymous) carried out during October 2016, helped the authors of this report to better understand the applicable legislation and the risks associated with each indicator of legislation.</p>	<p>As for the responsible governmental institution, Decree 1401 of 1997 (Decreto 1401 de 1997) appoints in its Section 1 (Artículo 1) the Ministry of the Environment as the Colombian administrative authority that shall be responsible before the Convention on International Trade in Endangered Species of Wild Fauna and Flora-CITES-, and which is moreover left in charge of issuing the permits, upon submission of the application at the one-stop point of contact (Ventanilla Única).</p> <p>The permit shall be denied when the legal origin of the species is not proven and when the sizes of the specimens to be utilised do not duly correspond to the year of production. As an additional control measure, a list of issued CITES permits shall be sent to the administrative authorities of the member states of destination who are signatory to the Convention.</p> <p>Penalties Illegal trafficking in wild species is the illicit use, trade, transport and exploitation of wild species fauna and flora and the products or derivatives thereof. For this offence, Act 1333 of 2009 (ley 1333 de 2009) stipulates penalties that range from warnings, seizure of goods, precautionary seizure of specimens, products and sub-products of wild flora and fauna, fines of up to 5,000 minimum monthly salaries according to current legislation, and proceedings involving custodial sentences for the carrier of the animals. In the event of illegal trafficking in wild threatened species, the Colombian Criminal Code in its Act 599 of 2000 (Ley 599 de 2000) lies down penalties that, depending on the impact of the offence, may involve custodial sentences.</p>

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			<p>In the notes from the 24<sup>th</sup> meeting of the CITES Flora Committee (CITES, 2018) it was reported that in regard to cedar, Colombia declared this species as threatened at the national level through Resolution 1912 of 2017. Through regional legislation, in some cases it is prohibited to take advantage of the species of the Cedrela genus (the only CITES tree species listed in 2017 and it is under the Annex III according to CITES 2017), however, its exploitation is allowed in agroforestry systems duly registered.</p> <p>In some regions of Colombia whose natural populations are well, the Environmental Authorities grant permits of use on management plans that are not going to put in risk the population that are taking advantage of (CITES, 2018).</p> <p><u>Note.</u> During the assessment it was not found any official agreement between CITES Convention and Colombia on that forest plantation and agroforestry systems will have potentially a variation on the legal requirements for trading with CITES.</p> <p>Decree 1791 of 1996 [Decreto 1791 de 1996] in its Section 82 [artículo 82] establishes CITES-related matters on export, import or re-export of species or specimens which require so:</p> <ul style="list-style-type: none"> <li>• Section 82 [Artículo 82]. Import or introduction in the country of wild flora or forest specimens or products shall be governed by legal documents issued by the country of origin and requires that such specimens or products have not been subject to prohibition or ban. In order to achieve this, the certification or permits established under the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) if applicable for the species in question.</li> </ul> <p>The Ministry of the Environment [Ministro del Medio Ambiente] is responsible for issuing CITES certifications</p>



Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
			<p>or permits for the export, import and re-export of species or specimens which require so.</p> <p><b>Description of risk</b></p> <ul style="list-style-type: none"> <li>• In 2010, the Unit for National Nature Parks reported 18 open criminal procedures for environmental offences perpetrated within Protected Areas. All of the following were seized during the investigation: 62 bodies of sharpnose tiger shark (572 k), 118 units of shark fin, 5 hawksbill sea turtles, 1 nurse shark and 6 starfish, as well as orchid seedlings and other elements such as: trucks, chainsaws and 651 wooden benches (El Universal, 2011).</li> <li>• Out of the three main routes of illegal trade discovered by national police, the third one is that bound for the Asian continent (Malaysia, Indonesia, Japan, Taiwan, Singapore, Korea and Thailand) and Finland, in Europe, used primarily for trafficking in reptiles, amphibians, insects and wild species of flora. Three Bogotá-bound routes have been identified at the national level A Northern route (Córdoba and César), a Southern route (Amazonas Vaupés, Guaviare, Putumayo and Meta) and a Chocó and Antioquia route (National Police of Colombia, 2015).</li> <li>• For the period 2000-2004, the country reported a total of 1,612 seizures of timber amounting to 32,293.8m<sup>3</sup> of timber. For the period 2005 and 2009, the figures rose to 66,485.39m<sup>3</sup> of seized timber in 5,072 operations with 499 species involved. The most widely reported species are <i>Tabebuia rosea</i> and <i>Prioria copaifera</i>. However, the bigger group is that made up of unidentified species, which could suggest institutional weakness in terms of technical skill at the level of the authorities in charge of monitoring the process</li> </ul>

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			<p>(MADS 2012). More recent statics do not appear to be available.</p> <ul style="list-style-type: none"> <li>• MADS and the Amazonic Research Institute (SINCHI) announced the Management and Conservation Plan for the species Cedar, Mahogany, Paloosa, Abarco and Canelo de los Andaquíes, in order to identify existing populations, create a distribution map, generate DNA barcode codes and footprint genetics of the species using molecular tools to identify the species and control the illegal traffic of them (El Tiempo 2015). Later on, during a meeting of the CITES Flora Committee (CITES, 2018) it was stated that Brazil, Peru, Guatemala and Colombia have carried out population studies of the Cedrela species, in order to know the current situation of these species and adopt measures to promote their forest management. More information on the implementation or progress of this plan was not found available online nor commented by the experts in 2016.</li> <li>• By 2015 it was acknowledged a high rate of illegal timber traffic, which by the year 2010 was estimated at 42 percent. This has contributed to a drastic reduction in the natural habitat of many species, including some fine timber species such as Abarco (in critical danger), Mahogany (in critical danger) and Cedar (in danger); species which have seen their populations reduced by almost 80 percent in the last 100 years (El Tiempo, 2015).</li> <li>• Among the species of plants that are of concern due to deforestation, there are the ones with low population density and that are used for timber, as the mantle (<i>Cariniana pyriformis</i>), the almond tree (<i>Dipteryx oleifera</i>), the laurels almanegra (<i>Magnolia</i> spp.), cumin (<i>Aniba perutilis</i>) and cedars (<i>Cedrela</i> spp.). (Minambiente &amp; IDEAM, 2017).</li> </ul>

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
			<ul style="list-style-type: none"> <li>• As for trafficking in wild species of flora, the Group of Environmental Offences (Grupo de Delitos Contra el Medio Ambiente) at the DIJIN ( Directorate of Criminal Investigation and Interpol, formerly the Central Directorate of the Judicial Police and Intelligence or DIJIN in its Spanish acronym), in coordination with the Environmental Department (DAMA), is constantly carrying out inspection operations at the industrial timber warehouses, particularly at those in downtown Bogotá, to prevent the commercialisation of unique species and verify that transportation and storage are conducted according to legal requirements (based on expert consultation 2016).</li> <li>• After consulting with experts in 2016 it was found out that the Ministry of the Environment and Sustainable Development (Ministerio de Ambiente y Desarrollo Sostenible) has not issued any CITES permit so far for the commercialisation of timber and has only received two applications of this type, both of which have been refused after evaluation. The country has sufficient legal instruments and governmental institutions to duly process CITES permits and to refuse/ award a CITES permit.</li> <li>• In 2018, Colombia reported that 8,021.10 ha of forest plantations are registered with <i>Cedrela odorata</i> (CITES, 2018). During expert consultation it was mentioned that this alternative permit (Certificate, no CITES) from the customs authority for forest plantations with CITES Species is hard to comply with.</li> <li>• In the notes from the 24<sup>th</sup> meeting of the CITES Flora Committee Colombia did not report export data (CITES, 2018).</li> </ul> <p>Regardless the progress in the identification of populations and individuals of the relevant species and</p>

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
			<p>the fact that no CITES permits has been issued by 2016, the national trend of illegal timber harvesting and traffic and the fact that the second most common reason for confiscation is the practice of having differences in the species mentioned in the transport safe-conduct for wild flora products and in the transport remission for tree crops (see indicator 1.16 Classification of species, quantities, qualities), plus the lack of information and data on effective law enforcement of CITES related legislation (no updated figures on seizures, including the implementation on the agroforestry/ forest plantation side, etc.), the specified risk identified in indicator 1.19 Customs regulation and the generally high level of corruption reported for the country, precautionary approach is applied to this indicator.</p> <p><b>Risk conclusion</b></p> <p>Following the precautionary approach, this indicator has been evaluated as specified risk. Threshold (2) is met: (2) Identified laws are not upheld consistently by all entities and/or are often ignored, and/or are not enforced by relevant authorities.</p>
<b>Diligence/due care procedures</b>			
1.21 Legislation requiring due diligence/ due care procedures	<p><b>Applicable laws and regulations</b></p> <p>By 2016, Colombia does not have any duly applied legal framework in place. This indicator is not applicable.</p> <p><b>Legal Authority</b></p> <p>N/A</p> <p><b>Legally required documents or records</b></p> <p>N/A</p>	N/A	N/A

## Recommended control measures

The recommended control measures here are only indicative in nature and are not mandatory. Recommended control measures might not have been provided for all the risks that have been identified in this risk assessment. Organizations shall evaluate and devise appropriate control measures to mitigate the risks identified in this risk assessment as applicable.

Indicator	Recommended control measures
1.1 Land tenure and management rights	<ul style="list-style-type: none"> <li>In forest plantations: request the record of the forest plantation before the ICA if it is a commercial forest plantation, or the Administrative Deed (Acto Administrativo) from the Regional Autonomous Corporation of the Administrative Area if it is a protective-productive area.</li> <li>The owner of the property should hold a Certificate of Freedom and Tradition for the property, and if s/he is the holder, should have a document that certifies him/her as such (rental contract, joint venture accounts, loan agreement, etc).</li> <li>If necessary (e.g. in private lands), a copy of the property's public deed (escritura pública).</li> <li>If necessary, consult the Colombian Agricultural Institute (ICA) regarding the validity of the Record of registration of the forest plantation.</li> <li>In the case of collective lands: ruling number or Home Office Administrative Order that declares the Town Council (indigenous community) of Community Council (Afro-descendent community).</li> </ul>
1.2 Concession licenses	N/A
1.3 Management and harvesting planning	<ul style="list-style-type: none"> <li>In forest plantations: request to register the forest plantation with the ICA if they are commercial, or with the Regional Autonomous Corporation of the administrative area if they are productive-protective, revise the approved species and special measures are in order with the Administrative Act.</li> <li>In forest plantations that have a CIF, approved forest establishment and management plan shall exist for the FMU where the harvesting is taking place.</li> <li>Forestry land-use in natural forest: forest management plan if this activity is ongoing and according to the Administrative Act that grants permission for the land-use for the FMU where the harvesting is taking place.</li> <li>Forest management plans shall contain all legally required information and procedures (for natural forest as well as plantation- be aware requirement may vary).</li> </ul> <p><b>Note:</b> For agroforestry systems and commercial forestry plantations not under CIF, productive-protective plantations not under harvesting and protective plantations: N/A</p>
1.4 Harvesting permits	<p>For small commercial forest plantations</p> <ul style="list-style-type: none"> <li>Check whether the forest plantation is registered with the Colombian Agricultural Institute (Instituto Colombiano Agropecuario - ICA).</li> <li>Check whether the ICA transport permit (remisión de movilización del ICA) is valid (check QR code, hologram and embossed stamp).</li> <li>Conduct a field visit to check that the area and species stated in the register match those of the harvesting site.</li> <li>When necessary, consult the ICA.</li> </ul> <p>For natural forest and protector producer forest plantations</p> <ul style="list-style-type: none"> <li>Check the harvesting permit (permiso de aprovechamiento forestal) is in order with the administrative act granting it.</li> <li>Check the National Sole Safe-conduct, (Salvoconducto Único Nacional para la movilización de especímenes de la diversidad biológica, SUN in its Spanish acronym) and check whether they are valid (printed on original, sequentially numbered paper; free of corrections or amendments; stating the common and scientific names of the species, volume, the driver's details and the number of the permit-granting administrative act).</li> <li>Conduct a field visit to check that the area and species stated in the Administrative Act match those of the harvesting site.</li> <li>When necessary, consult the permit-granting Regional Environmental Authority.</li> </ul>
1.5 Payment of royalties and harvesting fees	<ul style="list-style-type: none"> <li>For natural forests in public and private lands: Check annual report shall exist for payments of the Compensatory Fee for Timber Forest Use ("Tasa Compensatoria por Aprovechamiento Forestal Maderable en Bosques Naturales (TCAFMM)" or prove of.</li> <li>Review the Administrative Act granting natural forest harvesting rights. If it states that a forest harvesting fee must be charged, request and check proof of payment of said fee.</li> </ul>

Indicator	Recommended control measures
	<ul style="list-style-type: none"> <li>When necessary, consult with the competent Regional Environmental Authority.</li> </ul> <p>Note: For forest plantations and agroforestry systems: N/A</p>
1.6 Value added taxes and other sales taxes	<ul style="list-style-type: none"> <li>Check the Organisation's Unified Tax Register (Registro Único Tributario, RUT) to verify which taxes apply depending on its business activity.</li> <li>Check that tax has been paid to the Directorate for National Taxes and Customs (Dirección de Impuestos y Aduanas Nacionales, DIAN) in accordance with the RUT.</li> <li>Check the timber-product sales invoices and verify VAT has been charged in accordance with the product group.</li> <li>Consultation with financial authority to verify that all required income and profit taxes have been paid.</li> </ul>
1.7 Income and profit taxes	<ul style="list-style-type: none"> <li>Check the Organisation's Unified Tax Register (Registro Único Tributario, RUT) to verify which taxes it is subject to depending on its business activity.</li> <li>Check that tax has been paid to the DIAN in accordance with the RUT.</li> <li>Consultation with financial authority to verify that all required income and profit taxes have been paid.</li> </ul> <p>Note: For natural forest and agroforestry systems: N/A</p>
1.8 Timber harvesting regulations	<ul style="list-style-type: none"> <li>If the company has a forest management plan, conduct a field visit to check that it is being implemented and monitored.</li> <li>Conduct a field visit to check that the harvesting site matches the site stated on the forest plantation registry.</li> <li>If the Administrative Act on the harvesting of natural forest and protective-productive forest plantations states any restrictions, conduct a field visit to check they are being respected.</li> <li>Check with the owner whether any riverbed occupation or natural forest harvesting permits were requested; if so, check for any resolutions and conduct a field visit.</li> </ul>
1.9 Protected sites and species	<ul style="list-style-type: none"> <li>Check with the administration and on maps whether there are any legally declared protected areas in, or adjacent to, the forestry project under assessment.</li> <li>Conduct a field visit to check whether there are area indicator species potentially subject to conservation for their environmental value, supporting any decision with Resolution N° 192 of 2014 of the Ministry of the Environment (Resolución N° 192 de 2014 del Ministerio de Ambiente.)</li> <li>Conduct a field visit to check environmental restrictions are being complied with when the forest plantation or natural forest is subject to usage and harvesting restrictions (as outlined in the Regional Environmental Authority's Administrative Act.) When necessary, consult stakeholders on protected areas, reservations, protected species and hunting.</li> </ul>
1.10 Environmental requirements	<ul style="list-style-type: none"> <li>Administrative document checks to identify the Organisation's permits (water concession, single forest harvesting, discharge permit, quarrying permit, riverbed occupation permit).</li> <li>Administrative and on-site checks of environmental restrictions and protected areas around water sources. Check the Administrative Act by the competent Regional Environmental Authority for natural forests and protective-productive forest plantations.</li> <li>Check whether the Organisation is listed in the Unified Register of Environmental Offenders (Registro Único de Infractores Ambientales, RUIA). If so, request documents proving the status of the sanction and consult the Regional Environmental Authority. For queries, see the following link <a href="http://vital.anla.gov.co/SILPA_UT_PRE/RUIA/ConsultarSancion.aspx?Ubic=ext">http://vital.anla.gov.co/SILPA_UT_PRE/RUIA/ConsultarSancion.aspx?Ubic=ext</a></li> <li>When necessary, consultation with stakeholders shall confirm compliance with applicable laws.</li> </ul>
1.11 Health and safety	<ul style="list-style-type: none"> <li>Verify that the company has developed and implemented the Workplace Safety and Health System and the complementary plans.</li> <li>Verify the workers' payment form to confirm the status of the contributions to the social security system up to date.</li> <li>Check the workplace safety and health indicators of the organization.</li> <li>Carry out visual inspections of personal protection equipment, safety signals and working areas of the organization.</li> <li>Check the existence of a Working Relations Coimmittee following the legislation on the Working Relations Committee (Comité de Convivencia Laboral).</li> </ul>

Indicator	Recommended control measures
	<ul style="list-style-type: none"> <li>• If required, consult the Occupational Hazards Insurer about the status of the Workplace Safety and Health System Management.</li> <li>• If required, to consult the Ministry of Labour about complaints or infractions.</li> </ul>
1.12 Legal employment	<ul style="list-style-type: none"> <li>• All workers are employed according to the regulation and required contracts are in place.</li> <li>• To verify that all the organisation's workers are occupied in compliance with Colombian legislation by means of the observation of administrative information.</li> <li>• To verify the existence of payment receipts for the salaries and that these receipts comply with the Colombian regulations (current legal minimum wage).</li> <li>• To check SIRITI website regarding the area in which the Organization is established. <a href="http://apps.mintrabajo.gov.co/siriti/display.aspx">http://apps.mintrabajo.gov.co/siriti/display.aspx</a></li> <li>• To check the existence of a Working Relations Coimmittee following the legislation on Working Relations Committee (Comité de Convivencia Laboral).</li> <li>• If required, to consult the Ministry of Labour about complaints or infractions.</li> </ul>
1.13 Customary rights	<ul style="list-style-type: none"> <li>• In cases where there is a presence of indigenous communities (both indigenous and African-descendant) within the exploitation area, the certification documents on the existence of ethnic communities issued by the Home Office shall be checked.</li> <li>• In case there is a presence of indigenous communities (both indigenous and African-descendant) in the borders of the exploitation area, it is necessary to check with the community representatives and interested parties to identify possible impairments to the communities' rights.</li> <li>• The communication of the community representative that approves the forestry exploitation in the collective territory shall be requested.</li> <li>• If necessary, the Home Office shall be consulted about possible complaints or claims related to violations of the communities' rights by the forestry project subject to evaluation.</li> <li>• If necessary, the Indigenous Organization of Colombia or the Black Community Process shall be consulted about possible complaints or claims related to violations of the communities' rights by the forestry project subject to evaluation.</li> </ul>
1.14 Free prior and informed consent	<ul style="list-style-type: none"> <li>• In case of forestry exploitation in collective territories, the person to whom the exploitation rights have been granted has to be verified in the Administrative Act of approval, as well as the means being used in the exploitation (in accordance to what is stated by the Administrative Act).</li> <li>• The communication of the community representative that approves the forestry exploitation in the collective territory shall be requested.</li> <li>• The interested parties shall be consulted to identify possible impairments to the communities' rights.</li> <li>• In case of complaints or claims related to violations of the communities' rights by the forestry project subject to evaluation, it is necessary to check with the community representatives to clarify the measures being taken to avoid the conflict</li> <li>• If necessary, the Indigenous Organization of Colombia or the Black Community Process shall be consulted about possible complaints or claims related to violations of the communities' rights by the forestry project subject to evaluation.</li> <li>• In case the forestry exploitation has undergone a Prior Consultation, it is necessary to check it with the Home Office in order to verify the supporting documents related to the Prior Consultation as well as the agreements made by the responsible person and their compliance.</li> </ul>
1.15 Indigenous peoples' rights	<ul style="list-style-type: none"> <li>• Where there is a presence of indigenous communities (both indigenous and African-descendant) within the exploitation area, the certification documents on the existence of ethnic communities issued by the Home Office shall be checked.</li> <li>• Where there is a presence of indigenous communities (both indigenous and African-descendant) in the borders of the exploitation area, it is necessary to check with the community representatives to identify any possible impairments to the communities' rights.</li> <li>• The communication of the community representative that approves the forestry exploitation in the collective territory shall be requested.</li> <li>• The interested parties shall be consulted to identify possible impairments to the communities' rights.</li> <li>• If necessary, the Home Office shall be consulted about possible complaints or claims related to violations of the communities' rights by the forestry project subject to evaluation.</li> <li>• If necessary, the Indigenous Organization of Colombia or the Black Community Process shall be consulted about possible complaints or claims related to violations of the communities' rights by the forestry project subject to evaluation.</li> </ul>

Indicator	Recommended control measures
1.16 Classification of species, quantities, qualities	<ul style="list-style-type: none"> <li>Evidence shall be provided upon request (photographs of labelling)</li> <li>Physical control where it should be verified that the present material equals what has been invoices and marked</li> <li>To perform a systematic control of the National Sole Safe-conduct, (Salvoconducto Único Nacional para la movilización de especímenes de la diversidad biológica, SUN in its Spanish acronym) <del>Single National Laissez-Passer (SUN in its Spanish acronym)</del> or the transport remissions of the ICA (if applicable) concerning the project being evaluated, together with supporting documents such as the invoice; this will allow to identify species, origin, volumes and destinations.</li> <li>To verify the monitoring and control instruments about official documents (e.g.: remission and invoice) and their submission that the forestry Project has, so that the shipment of the volumes and species required by the customer are guaranteed.</li> <li>To verify the monitoring and control instruments of the manufacturing centre related to the receipt of timber and the verification of its origin, volume and legal status.</li> <li>Supporting instruments that the organization may be able to use: formulas to measure the cubic meters of the timber (<a href="http://www.bosquesflegt.gov.co/?q=download/file/fid/557">http://www.bosquesflegt.gov.co/?q=download/file/fid/557</a>) and “Species suitable for timber exploitation”, with 100 forest wooden registered species, which may help to identify the timber in surveillance and controlling processes. ( <a href="http://www.bosquesflegt.gov.co/sites/default/files/publicaciones/Especiesmaderables.pdf">http://www.bosquesflegt.gov.co/sites/default/files/publicaciones/Especiesmaderables.pdf</a>)</li> </ul>
1.17 Trade and transport	<ul style="list-style-type: none"> <li>Requirements related to transport means (e.g. trucks) shall always be followed</li> <li>Documents related to transportation, trade or export shall be clearly linked to the specific material in question.</li> <li>Review systematically the Single National Laissez-Passer form (Salvoconducto Único Nacional) to transport biodiversity specimens.</li> <li>Verify the forestry project’s monitoring and control instruments for filling-in forms, for instance the transport permit and invoice (remisión y factura) to guarantee the shipment of species and volumes required by the client</li> <li>Volumes and species in the customer order shall correlate with actual deliveries.</li> <li>Verify the monitoring and control instruments at the centre where the timber shall be received and for verifying its origin, volume and legality. Supporting tools, to help companies to check type of timber species and how to calculate volumes during the due diligence process, that may be being used by the entity: “cubimaderas” <a href="http://www.bosquesflegt.gov.co/?q=download/file/fid/557">http://www.bosquesflegt.gov.co/?q=download/file/fid/557</a> and “especies maderables”, 100 forestry species of registered timber, which allows for the identification of timber in inspection and surveillance procedures. (<a href="http://www.bosquesflegt.gov.co/sites/default/files/publicaciones/Especiesmaderables.pdf">http://www.bosquesflegt.gov.co/sites/default/files/publicaciones/Especiesmaderables.pdf</a>)</li> </ul>
1.18 Offshore trading and transfer pricing	Intentionally left blank - Organizations shall evaluate and devise appropriate control measures to mitigate the risks identified in this risk assessment as applicable.
1.19 Custom regulations	<ul style="list-style-type: none"> <li>Review the timber purchase documents (commercial invoice) (in the case of manufactures and agents) and ICA forest plantation registry, in order to verify the timber’s supplier and origin. In the case of imported timber, besides the invoice, the transport document and packing list shall be verified (documento de transporte y lista de empaque) if the species is listed in CITES, and certificate of origin (certificado de origen).</li> <li>For timber exports, verify the international transport document, commercial invoice and health and phytosanitary inspection certificates issued by the National Institute for the Control of Medicines and Food (Certificados de inspección sanitarios y fitosanitarios expedidos por el Instituto Nacional de Vigilancia de Medicamentos y Alimentos –INIVIMA) or the Colombian Agricultural Institute (Instituto Colombiano Agropecuario -ICA-) and any other documents required in accordance with any special regulations.</li> </ul>
1.20 CITES	<ul style="list-style-type: none"> <li>Review the list of commercialised species to be exported and imported and compare with CITES list.</li> <li>In the event of finding CITES species, check the valid certification with the regional environmental authority that proves that the user has been registered at the register of activities and operations (libro de actividades y operaciones), laissez-passer, invoice and valid CITES permit (salvoconducto, factura y permiso CITES vigente). If the commercialised timber has been awarded CITES certification, verify the aforementioned via CITES <a href="https://trade.cites.org/">https://trade.cites.org/</a></li> </ul>
1.21 Legislation requiring due diligence/ due care procedures	N/A



## Controlled wood category 2: Wood harvested in violation of traditional and human rights

### Risk assessment

Indicator	Sources of Information	Functional scale	Risk designation and determination
2.1. The forest sector is not associated with violent armed conflict, including that which threatens national or regional security and/or linked to military control.	See detailed analysis below.	Country	Low risk  Justification: 'Low risk' thresholds (1), (2), (3), (4) and (5) apply.
2.2. Labour rights are respected including rights as specified in ILO Fundamental Principles and Rights at Work.	See detailed analysis below.	Country	Specified risk for the rights to freedom of association and the right to organize and collective bargaining  Justification: 'Specified risk' thresholds (13), (14) and (15) apply.  Specified risk for discrimination, child labour and forced labour  Justification: 'Specified risk' thresholds (13) and (15) apply.
2.3. The rights of Indigenous and Traditional Peoples are upheld.	See detailed analysis below.	Country (occupied or claimed IP/TP territories)	Specified risk  Justification: 'Specified risk' thresholds (22), (24), (25) and (26) apply.

### Recommended control measures

The recommended control measures here are only indicative in nature and are not mandatory. Recommended control measures might not have been provided for all the risks that have been identified in this risk assessment. Organizations shall evaluate and devise appropriate control measures to mitigate the risks identified in this risk assessment as applicable.

Indicator	Recommended control measures
2.1	Not applicable.
2.2	CM should be based on clear evidence that the Organization has policies in place that guarantee core labour rights, especially rights to freedom of association and collective bargaining, on equal payment of women and the guarantee that child labour or forced labour is not used.
2.3	Clear and unchallenged evidence that a forest operation is not taking place in traditional territories of indigenous or traditional peoples. Or, Clear and unchallenged evidence that the FMU is managed by the governance structures of indigenous or traditional peoples, Or, Clear and unchallenged evidence that the involved indigenous or traditional peoples have freely ceded their territorial and/or use rights in an agreement or settlement with the government, And an (FPIC) agreement with the involved indigenous or traditional peoples with customary forest rights in the forest management unit, after a fair, transparent, cultural appropriate and inclusive procedure.  Note: Any evidence of any challenge by any IP/TP, their representatives or any other knowledgeable CSO or NGO regarding any of these control measures must immediately lead to the conclusion that these control measures are not met and that the forest operation included specified risk of violating IP/TP rights.

## Detailed analysis

Sources of information	Evidence	Scale of risk assessment	Risk indication <sup>72</sup>
<b>Context</b> (the following are indicators that help to contextualize the information from other sources) <ul style="list-style-type: none"> <li>Searching for data on: level of corruption, governance, lawlessness, fragility of the State, freedom of journalism, freedom of speech, peace, human rights, armed or violent conflicts by or in the country, etc.</li> </ul>			
World Bank: Worldwide Governance Indicators - the WGIs report aggregate and individual governance indicators for 215 countries (most recently for 1996–2014), for six dimensions of governance: Voice and Accountability; Political Stability and Absence of Violence; Government Effectiveness; Regulatory Quality; Rule of Law; Control of Corruption <a href="http://info.worldbank.org/governance/wqi/index.aspx#home">http://info.worldbank.org/governance/wqi/index.aspx#home</a>	<a href="http://info.worldbank.org/governance/wqi/index.aspx#reports">http://info.worldbank.org/governance/wqi/index.aspx#reports</a> (click on table view tab and select Country) In 2017 (latest available year) Colombia scores between 44 (Control of Corruption) and 66 (Regulatory Quality) on the percentile rank among all countries for five of the six dimensions. The sixth dimension scores 18 (Political Stability and absence of Violence/Terrorism) (the scores range from 0 (lowest rank) to 100 (highest rank) with higher values corresponding to better outcomes).	Country	
World Bank Harmonized List of Fragile Situations	<a href="http://siteresources.worldbank.org/EXTLICUS/Resources/511777-1269623894864/FY15FragileSituationList.pdf">http://siteresources.worldbank.org/EXTLICUS/Resources/511777-1269623894864/FY15FragileSituationList.pdf</a>  Colombia does not feature in this list.	Country	
Committee to Protect Journalists: Impunity Index CPJ's Impunity Index calculates the number of unsolved journalist murders as a percentage of each country's population. For this index, CPJ examined journalist murders that occurred between January 1, 2004, and December 31, 2013, and that remain unsolved. Only those nations with five or more unsolved cases are included on this index.	<a href="http://cpj.org/reports/2014/04/impunity-index-getting-away-with-murder.php">http://cpj.org/reports/2014/04/impunity-index-getting-away-with-murder.php</a> 8 Colombia "Colombia moved from fifth to eighth place on CPJ's Index. This progress has less to do with justice—no one has been convicted of killing a journalist since 2009, when three former public officials were sentenced for plotting the 2003 murder of Colombian radio commentator José Emeterio Rivas—than with an overall decline in fatal anti-press violence. Problems such as overburdened prosecutors, a lack of information sharing, mishandling of evidence, and malfeasance by judicial officials can delay criminal investigations for years, leaving many families in despair as cases reach their 20-year statute of limitations. Failure to prosecute is proving a threat to the country's fragile improvement in security. The 2013 murder of Édison Alberto Molina broke a three-year hiatus in journalist murders. Molina was shot dead as he headed home from the radio station where he worked. A week before he was killed, Molina, who often took government officials to task for corruption on his radio program, received a plastic bag filled with black dirt and unidentified bones."	Country	
Carleton University: Country Indicators for Foreign Policy: the Failed and Fragile States project of Carleton University examines state fragility using a combination of structural	<a href="https://carleton.ca/cifp/wp-content/uploads/State-Fragility-Map.pdf">https://carleton.ca/cifp/wp-content/uploads/State-Fragility-Map.pdf</a> Colombia scores 'medium-low' on State fragility map 2011.	Country	

<sup>72</sup> A risk indication is provided for each source analyzed, except in the first part that addresses the general country context as that is not a risk indicator. A cumulative risk assessment for each risk indicator is provided in the row with the conclusion on each risk indicator, based on all the sources analyzed and evidence found.

<p>data and current event monitoring  <a href="https://carleton.ca/cifp/failed-fragile-states/">https://carleton.ca/cifp/failed-fragile-states/</a></p>	<p><a href="https://carleton.ca/cifp/wp-content/uploads/CIFP-2017-Fragility-Report.pdf">https://carleton.ca/cifp/wp-content/uploads/CIFP-2017-Fragility-Report.pdf</a>  <i>The CIFP Fragility Index: New Trends and Categorizations</i>  <i>A 2017 Country Indicators for Foreign Policy Report</i>  In this 2017-report Colombia is ranked as “Moderately Functional states”.</p>		
<p>Human Rights Watch: <a href="http://www.hrw.org">http://www.hrw.org</a></p>	<p><a href="https://www.hrw.org/world-report/2016">https://www.hrw.org/world-report/2016</a>  <i>World Report 2016</i>  <i>Chapter on Colombia (pages 188-201)</i>  “<b>Civilians in Colombia continue to suffer serious abuses perpetrated by guerrillas, as well as by successor groups to paramilitaries that emerged after an official paramilitary demobilization process a decade ago. Violence associated with Colombia’s internal armed conflict has forcibly displaced more than 6.8 million Colombians, generating the world’s second largest population of internally displaced persons (IDPs) after Syria. Human rights defenders, trade unionists, journalists, indigenous and Afro-Colombian leaders, and other community activists face death threats and violence, but perpetrators are rarely held accountable.</b>”</p> <p>Guerrilla Abuses  “<b>FARC guerrillas continue to attack civilians</b>, although credible evidence suggests that abuses decreased during two unilateral ceasefires agreed on with the government starting in late 2014. <b>There are credible reports that FARC continued to engage in serious abuses, including killings, forced displacement, and threats against civilians in the municipality of Tumaco in 2015.</b> In June, an attack on an oil pipeline in Tumaco left almost 200,000 people with limited access to water for several days and led to complaints of lingering health problems.  <b>The ELN also continues to commit serious abuses against civilians. In the province of Chocó, for example, the ELN has been responsible for kidnappings, killings, forced displacement, and child recruitment.</b> In March, ELN guerrillas released a mayor from that province whom they had kidnapped in December 2014.  The FARC and ELN continued to use antipersonnel landmines in 2015. The government reported that landmines and unexploded ordnances killed 17 people and injured 113 between January and July 2015. In May, after an agreement reached in Cuba, members of FARC and the army started demining the El Orejón zone in Antioquia.”</p> <p>Paramilitaries and their Successors  “Between 2003 and 2006, right-wing paramilitary organizations with close ties to security forces and politicians underwent a deeply flawed government demobilization process in which many members remained active and reorganized into new groups.  <b>Successor groups, often led by members of demobilized paramilitary organizations, continue to commit such widespread abuses as killings, disappearances, and sexual violence.</b>”</p> <p>Abuses by Public Security Forces</p>	<p>Country</p> <p>Tumaco municipality</p> <p>Chocó province</p>	

	<p>“Between 2002 and 2008, army brigades across Colombia routinely executed civilians. Under pressure from superiors to show “positive” results and boost body counts in their war against guerrillas, soldiers and officers abducted victims or lured them to remote locations under false pretenses—such as with promises of work—and killed them, placed weapons on their lifeless bodies, and then reported them as enemy combatants killed in action. There has been a dramatic reduction in cases of alleged unlawful killings attributed to security forces since 2009, though credible reports of some new cases continue to emerge.</p> <p>The government does not keep statistics for “false-positives” as a category of crime distinct from other types of unlawful killings. However, as of May 2015, the Attorney General’s Office was investigating more than 3,700 unlawful killings allegedly committed by state agents between 2002 and 2008 and had obtained convictions for over 800 of them. Authorities have failed to prosecute senior army officers involved in the killings and instead have promoted many of them through the military ranks.”</p> <p>Internal Displacement and Land Restitution  “More than 6.8 million Colombians have been internally displaced since 1985, government figures reveal. <b>The government registered more than 180,000 newly displaced people in 2014, and over 37,000 from January to October 2015. The government’s implementation of land restitution under the Victims’ Law continues to move slowly. The law was enacted in 2011 to restore millions of hectares of abandoned land and land stolen by armed groups and civilians to internally displaced Colombians. At the time, the government estimated that more than 150,000 land restitution cases would be settled by the end of 2015, but as of November, the government had obtained rulings in just 2,983 of the nearly 85,000 claims it had received. Dozens of land restitution claimants have been murdered, and no one has been held accountable for the majority of those killings.”</b></p> <p>Human Rights Defenders, Journalists, and Trade Unionists  <b>“Rights advocates and journalists continue to be targeted with threats and attacks. Despite an Interior Ministry program that assigns guards to protect human rights defenders, trade unionists, and journalists, local groups report that dozens of rights advocates and community activists were killed in 2015. The Foundation for Free Press (FLIP), a respected Colombian NGO that monitors press freedoms, reported that two journalists were killed and 60 were threatened between January and October 2015. As of August, no one had been charged in the 2013 shooting attack against investigative journalist Ricardo Calderón.”</b></p> <p><a href="https://www.hrw.org/sites/default/files/world_report_download/201801world_report_web.pdf">https://www.hrw.org/sites/default/files/world_report_download/201801world_report_web.pdf</a>  <i>World Report 2018</i>  <i>Chapter on Colombia (pages 152-159)</i></p>	<p>Land restitution areas</p> <p>Country</p>	
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	<p>“The government and the Revolutionary Armed Forces of Colombia (FARC) reached an agreement in 2016 to end their 52-year armed conflict. The agreement provides a historic opportunity to curb human rights abuses, but its justice component contains serious shortcomings that risk letting war criminals escape justice. At time of writing, the Special Jurisdiction for Peace, the judicial system the parties created to try wartime abuses, had yet to be put in place. In June 2017, the United Nations mission in Colombia verified that the FARC had handed over its weapons and demobilized. However, civilians continue to suffer serious abuses by the National Liberation Army (ELN) guerrillas and paramilitary successor groups that emerged after a demobilization process a decade ago. Violence associated with the conflict has forcibly displaced more than 7.7 million Colombians since 1985, generating the world’s largest population of internally displaced persons (IDPs). Human rights defenders, trade unionists, journalists, indigenous and Afro-Colombian leaders, and other community activists face death threats and violence, mostly from guerrillas and successor groups. Perpetrators of these abuses are rarely held accountable. In February 2017, the government and the ELN started peace talks in Quito, Ecuador, after more than two years of exploratory negotiations. In September, days before Pope Francis’ visit to Colombia, the parties agreed to hold a bilateral ceasefire between October 2017 and January 2018. The ELN also agreed to stop certain abuses, including recruiting children under 15 and using antipersonnel landmines. Also, in September, “Otoniel,” leader of the Gaitanist Self-Defenses of Colombia (AGC), the country’s largest paramilitary successor group, said he was willing to negotiate ending the groups’ crimes. The reported negotiations remained confidential at time of writing.”</p> <p>“In June 2017, the United Nations mission in Colombia verified that the FARC had handed over its weapons and demobilized. However, civilians continue to suffer serious abuses by the National Liberation Army (ELN) guerrillas and paramilitary successor groups that emerged after a demobilization process a decade ago....Human rights defenders, trade unionists, journalists, indigenous and Afro-Colombian leaders, and other community activists face death threats and violence, mostly from guerrillas and successor groups. Perpetrators of these abuses are rarely held accountable.</p> <p>...Also in September, “Otoniel,” leader of the Gaitanist Self-Defenses of Colombia (AGC), the country’s largest paramilitary successor group, said he was willing to negotiate ending the groups’ crimes. The reported negotiations remained confidential at time of writing.</p> <p>... However, a minority of dissident guerrilla fighters rejected the terms of the peace agreement, have not disarmed, and continue to commit abuses. In May, guerrillas of the FARC’s dissident First Front kidnapped a consultant of the UN Office on Drugs and Crime (UNODC) in Guaviare province. They released him in July. The ELN continued in 2017 to commit serious abuses against civilians, including, for example, killings, forced displacement, and child recruitment in the province of Chocó. On October 25, ELN guerrillas reportedly killed an indigenous leader in</p>	Country	
		Country	
		Country	



	<p>With a limited source of animal protein and an almost complete lack of fruits, vegetables, tubers and dairy, she was struggling to meet her family's food and water needs, and resorted to reducing the frequency and portion sizes of meals. Sadly, her story is not unique.</p> <p>Viviana's community, like most in La Guajira, is comprised of mainly indigenous people living in poverty and working to survive in conditions beyond their control. Internal conflict and territorial fighting among illegal armed groups, combined with severe effects from the drought, have exacerbated food insecurity and worsened living conditions in this northernmost area of the country.</p> <p>Food shortages in 2013 affected nearly 510,000 people, and at least 20,000 cattle died. But with assistance from USAID and its partner the U.N. World Food Program (WFP), hope is beginning to return to La Guajira."</p>		
<p>Global Witness: <a href="http://www.globalwitness.org">www.globalwitness.org</a> Search on website for [country] + 'human rights'</p>	<p><a href="https://www.globalwitness.org/en/archive/major-breakthrough-fight-end-illegal-logging-interpol-arrests-200-across-12-countries/">https://www.globalwitness.org/en/archive/major-breakthrough-fight-end-illegal-logging-interpol-arrests-200-across-12-countries/</a> <i>MAJOR BREAKTHROUGH IN FIGHT TO END ILLEGAL LOGGING AS INTERPOL ARRESTS 200 ACROSS 12 COUNTRIES</i></p> <p>"Global Witness welcomes Interpol's announcement that it has arrested nearly 200 people and seized around US\$8 million worth of illegal timber in a major international crackdown on illegal logging and timber trafficking in Central and South America. This is a significant breakthrough in efforts to control a deadly trade valued at up to US\$100billion, which is destroying the forests the planet needs to survive and leaving the people who live in them stranded.</p> <p>"This is a major development in the fight against illegal logging, which is a much bigger global problem than most of us realise," said Billy Kyte, forest campaigner at Global Witness. "Local people often get the blame, but they are usually not the real problem. Much more damage is done by big companies connected to business, political and criminal elites, who systematically skirt laws and regulations in order to destroy forests at an industrial scale. This is a disaster for the people who live in the forest and for the planet as a whole."</p> <p>The Interpol investigation called "Operation Leaf", covered 12 countries and lasted three months in late 2012. It brought together law enforcement agencies to combat forestry crime in Bolivia, Brazil, Chile, Colombia, Costa Rica, Dominican Republic, Ecuador, Guatemala, Honduras, Paraguay, Peru, and Venezuela. The investigation pointed to the social impacts of the illegal logging, highlighting damaging impacts on forest-dependent communities and increases in murders and corruption as criminal groups move into remote forest areas.</p> <p>The logging trade is widely recognised as one of the most corrupt on the planet, and this illegality facilitates and accelerates the destruction of the world's forests and all that they house. For nearly two decades, Global Witness has consistently shown how deals struck behind closed doors too often allow powerful elites to cash in with</p>	<p>Country</p>	

	scant regard for the human or environmental cost, while the local population sees none of the supposed benefits from logging.”		
Chatham House Illegal Logging Indicators Country Report Card <a href="http://www.illegal-logging.info">http://www.illegal-logging.info</a>	<a href="http://www.illegal-logging.info/regions/colombia">http://www.illegal-logging.info/regions/colombia</a> <i>Colombia</i> “Over half of Colombia’s land area is covered by forests. The annual rate of deforestation was 0.4% between 1990 and 2015 (FAO, 2015). <b>Illegal logging is a serious problem in Colombia.</b> An ‘Intersectoral Pact for Legal Timber’ was established in 2009 between the government, NGOs and the private sector, with the aim of promoting legal and sustainable forest management (Corzo Garcia, 2014). The country is a member of the Amazon Cooperation Treaty Organization (ACTO) and has worked with the other seven member countries to develop strategies aimed at curbing illegal logging in the Amazon (IISD, 2012).”	Country	
Transparency International Corruption Perceptions Index	<a href="https://www.transparency.org/country/COL">https://www.transparency.org/country/COL</a> <b>Colombia</b> scores <b>36 points</b> on the Corruption Perceptions Index 2018 on a scale from 0 (highly corrupt) to 100 (very clean). <b>Colombia ranks 99 out of 180</b> , with rank no. 1 being the most clean country.	Country	
Amnesty International Annual Report: The state of the world’s human rights -information on key human rights issues, including: freedom of expression; international justice; corporate accountability; the death penalty; and reproductive rights	<a href="https://www.amnesty.org/en/latest/research/2016/02/annual-report-201516/">https://www.amnesty.org/en/latest/research/2016/02/annual-report-201516/</a> <i>State of the Human Rights Report 2015/16</i> <i>Chapter on Colombia (pages 122-127)</i> “Peace talks between the government and the Revolutionary Armed Forces of Colombia (Fuerzas Armadas Revolucionarias de Colombia, FARC) made significant progress. The two sides announced that an agreement had been reached on transitional justice and that a peace deal would be signed in 2016. <b>The agreement appeared to fall short of international law standards on victims’ right to truth, justice and reparation.</b> The FARC’s unilateral ceasefire and the government’s suspension of aerial bombardments on FARC positions reduced the intensity of hostilities. <b>However, the conflict continued to have a negative impact on the human rights of the civilian population, especially Indigenous Peoples, Afro-descendant and peasant farmer communities, and human rights defenders. The security forces, guerrilla groups and paramilitaries were responsible for crimes under international law.</b> <b>Congress approved legislation that threatened to exacerbate the already high levels of impunity, especially for members of the security forces implicated in human rights violations, including unlawful killings, torture, enforced disappearances, death threats, forced displacement and rape.</b> <b>Hundreds of candidates in the October regional elections were threatened and some killed, mainly by paramilitaries, but in fewer numbers than in previous polls.”</b>  PEACE PROCESS “On 23 September, the government and the FARC announced an agreement on transitional justice – made public on 15 December – and that a peace deal would be signed by 23 March 2016. Its central component was a Special Jurisdiction for Peace, which would consist of a tribunal and special courts with jurisdiction over	Country	



	<p>those directly or indirectly involved in the conflict implicated in “serious human rights violations and breaches of international humanitarian law”.</p> <p>Those who deny responsibility for grave crimes, if found guilty, would face up to 20 years in prison. Those who admit responsibility would receive non-custodial sentences of between five and eight years’ “effective restriction of freedoms”.</p> <p>By proposing sanctions that do not appear to be proportionate to the severity of crimes under international law, Colombia may be failing to comply with its obligation under international law to prevent and punish such crimes.</p> <p>An Amnesty Law that would benefit those accused of “political and related crimes” was proposed. Although a definition of what constitutes “related crimes” had yet to be agreed, those convicted of grave crimes would be excluded.</p> <p>On 4 June, the two sides announced plans for a truth commission, although the courts would not be able to use any information uncovered by the commission. This could undermine the ability of the judiciary to prosecute crimes under international law.</p> <p>On 17 October, the two sides reached agreement on a mechanism to locate and recover the remains of many of those – both civilians and combatants – still missing as a result of the conflict.”</p> <p><b>INTERNAL ARMED CONFLICT</b></p> <p>“The armed conflict continued to have a significant human rights impact on civilians, especially those living in rural areas.<sup>1</sup></p> <p>Many communities living in poor urban areas, including Afro-descendants in the Pacific city of Buenaventura, were also affected.<sup>2</sup></p> <p>All the parties to the conflict were responsible for crimes under international law, including unlawful killings, forced displacement, enforced disappearances, death threats and crimes of sexual violence. Children continued to be recruited as combatants by guerrilla groups and paramilitaries.</p> <p>By 1 December, the Victims’ Unit had registered 7.8 million victims of the conflict, including almost 6.6 million victims of forced displacement, more than 45,000 enforced disappearances and around 263,000 conflict- related killings; the vast majority of victims were civilians.</p> <p>According to figures from the Colombian NGO CODHES (Consultoría para los Derechos Humanos y el Desplazamiento), more than 204,000 people were forcibly displaced in 2014, compared to almost 220,000 in the previous year.</p> <p>The National Indigenous Organization of Colombia recorded 35 killings and 3,481 forced displacements in 2015. The situation of Indigenous communities in Cauca Department, many of which were campaigning for recognition of their territorial rights, was particularly acute.”</p> <p><b>SECURITY FORCES</b></p> <p>“Reports of extrajudicial executions by the security forces, a widespread and systematic practice during the conflict, continued to fall. Such practices included “false positives”: unlawful killings by the security forces – in return for benefits such</p>		
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as bonuses, additional leave or promotions – in which the victims, usually poor young men, were falsely presented as combat kills. “False positives” were prevalent during the administration of President Álvaro Uribe (2002-2010). Although the latest report of the UN High Commissioner for Human Rights, published in January, did not record any “false positives”, it did include cases “in which the armed forces attempted to disguise victims of arbitrary killings as enemy combat casualties or rearranged the crime scene to make it appear as self-defence”.

Little progress was made in investigating those suspected of criminal responsibility for such crimes, especially high-ranking officers. The Office of the Attorney General registered more than 4,000 reported extrajudicial executions over recent decades.”

#### GUERRILLA GROUPS

“Guerrilla groups were responsible for crimes under international law and human rights abuses, including unlawful killings and indiscriminate attacks that placed civilians at risk. Afro-descendant community leader Genaro García of the Alto Mira y Frontera Community Council was shot dead by the FARC on 3 August in Tumaco Municipality, Nariño Department. The FARC had threatened in October 2014 that they would kill him if he remained leader of the Council, which had been seeking the restitution of territory since 2012.

According to the NGO País Libre, there were 182 kidnappings in January-November. The ELN accounted for 23 of these, the FARC for seven and paramilitaries for 24. However, most kidnappings (123) were attributed to common delinquency. Landmines, mostly laid by the FARC, continued to kill and maim civilians and members of the security forces.”

#### PARAMILITARIES

“Paramilitary groups, which the government referred to as criminal gangs (bandas criminales, bacrim), continued to commit crimes under international law and serious human rights violations, despite their supposed demobilization in the government-sponsored Justice and Peace process that began in 2005. Paramilitaries – sometimes acting with the support or acquiescence of state actors, including members of the security forces – threatened and killed, among others, human rights defenders.

On 11 January, a pamphlet from the Black Eagles Northern Bloc Atlantic Coast (Bloque Norte Costa Atlántica Águilas Negras) was circulated in Atlántico Department. The death threat named around 40 individuals, including human rights defenders, trade unionists, land claimants, and a state official working on land restitution. Those named in the death threat had been involved in the land restitution process and issues relating to the peace process.

Only 122 of the more than 30,000 paramilitaries who supposedly laid down their arms in the demobilization process had been convicted of human rights-related crimes by the end of the year. Some 120 paramilitaries were released after serving the maximum eight years in prison stipulated in the Justice and Peace process.

	<p>Legal proceedings against most of them were ongoing. Concerns remained about the security risks the paramilitaries posed to the communities to which they returned after their release. Most paramilitaries, however, did not submit themselves to the Justice and Peace process and received de facto amnesties without any effective investigations to determine their possible role, or that of those who colluded with them, in human rights violations.”</p> <p><b>IMPUNITY</b>  “The state continued to fail to bring to justice the vast majority of those suspected of individual criminal responsibility for crimes under international law. The government also steered through approval of legislation – such as Legislative Act No 1 amending Article 221 of the Constitution and Law 1765 – that threatened to increase the already high levels of impunity.  The military justice system continued to claim jurisdiction over and subsequently close investigations into alleged human rights violations by members of the security forces, without holding to account those allegedly implicated.  Relatives of victims of human rights violations who campaigned for justice, as well as members of human rights organizations helping them, faced death threats and other serious human rights violations from paramilitaries and members of the security forces.”<sup>3</sup>”</p> <p><b>LAND RIGHTS</b>  “The land restitution process, which began in 2012 with the aim of returning to their rightful occupants some of the millions of hectares of land illegally acquired or forcibly abandoned during the conflict, continued to make slow progress. By the end of 2015, only 58,500 hectares of land claimed by peasant farmers, one 50,000-hectare Indigenous territory and one 71,000-hectare Afro-descendant territory were subject to judicial rulings ordering their return. The main stumbling blocks included the failure to guarantee the security of those wishing to return, and the lack of effective social and economic measures to ensure any returns were sustainable. Leaders of displaced communities and those seeking the return of their lands were threatened or killed. Members of Indigenous and Afro-descendant communities seeking to defend their territorial rights, including by denouncing the presence of illegal mining or opposing the development of outside mining interests on their collective territories, were also targeted.  There were concerns that Law 1753, approved by Congress on 9 June, could enable mining and other economic sectors to gain control over illegally acquired lands. This could undermine the right of many of these lands’ legitimate occupants, especially on Indigenous and Afro-descendant territories, to claim ownership over them.”</p> <p><b>HUMAN RIGHTS DEFENDERS</b>  “Human rights defenders – including Indigenous, Afro-descendant and peasant farmer community leaders, trade unionists, journalists, land activists and those</p>		
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campaigning for justice – were at risk of attack, mainly by paramilitaries. There were also reports of thefts of sensitive information held by human rights organizations. Some criminal investigations into human rights defenders continued to raise concerns that the legal system was being misused in an attempt to undermine their work. In September, Indigenous leader Feliciano Valencia was sentenced to 18 years' imprisonment for illegally holding captive a member of the security forces who had infiltrated an Indigenous protest in Cauca Department. Feliciano Valencia, who had long been the target of harassment by civilian and military officials for his defence of Indigenous Peoples' territorial rights, denied the charges. According to the NGO *We Are Defenders* (Somos Defensores), 51 human rights defenders were killed in January-September, compared to 45 during the same period in 2014. According to provisional figures from the NGO National Trade Union School (Escuela Nacional Sindical), 18 members of trade unions were killed in 2015, compared to 21 in 2014. The number of death threats against human rights defenders again increased. An email sent on 9 March by the Black Eagles South Bloc (Águilas Negras Bloque Sur) threatened 14 individuals, including politicians active on human rights and peace-related issues, and two human rights NGOs. The threat read: "Communist guerrillas... your days are numbered; your blood will be as fertilizer for the fatherland... this message is also for your children and women."

#### INTERNATIONAL SCRUTINY

"In his January report, the UN High Commissioner for Human Rights welcomed progress in the peace talks but expressed concern about impunity and the human rights impact of the conflict, especially on Indigenous and Afro-descendant communities and human rights defenders.

Although the report noted that all the warring parties were responsible for human rights abuses and violations, it stated that paramilitaries (referred to as "post-demobilization armed groups linked to organized crime") represented "the main public security challenge".

In August, the CERD Committee noted that the armed conflict continued to have a disproportionate impact on Indigenous Peoples and Afro-descendant communities and criticized the failure to ensure the effective participation of these communities in the peace process.

The UN Committee against Torture expressed concern over "the persistence of grave human rights violations, including extrajudicial killings and enforced disappearances in the State party" and the fact that "it has not received information concerning criminal trials or convictions for the offence of enforced disappearance".

<https://www.amnesty.org/download/Documents/POL1067002018ENGLISH.PDF>

*State of the Human Rights Report 2017/18*

*AMERICAS REGIONAL OVERVIEW (pages 27-35)*

"Indigenous Peoples' rights continued to be violated in countries including... Colombia... In Colombia, a wave of killings of Indigenous people from

	<p>communities historically affected by the armed conflict highlighted shortcomings in the implementation of the peace agreement.”</p> <p>“There was an increase in the number of attacks against human rights defenders in Colombia, especially community leaders, defenders of land, territory and the environment, and those campaigning in favour of the peace agreement. According to the Office of the UN High Commissioner for Human Rights, almost 100 human rights defenders were killed during the year. Many death threats against activists were attributed to paramilitary groups, but in most cases the authorities failed to identify who was responsible for the killings that resulted from the threats.”</p> <p>“There was an increase in the number of killings of women in leadership roles in Colombia, and no clear progress in ensuring access to justice for women survivors of sexual violence. However, women’s organizations ensured that the Peace Agreement established that people suspected of having committed crimes of sexual violence would be required to appear before transitional justice tribunals.”</p> <p>“Indigenous Peoples’ rights continued to be violated in countries including... Colombia... In Colombia, a wave of killings of Indigenous people from communities historically affected by the armed conflict highlighted shortcomings in the implementation of the peace agreement... There was an increase in the number of attacks against human rights defenders in Colombia, especially community leaders, defenders of land, territory and the environment, and those campaigning in favour of the peace agreement. According to the Office of the UN High Commissioner for Human Rights, almost 100 human rights defenders were killed during the year. Many death threats against activists were attributed to paramilitary groups, but in most cases the authorities failed to identify who was responsible for the killings that resulted from the threats... There was an increase in the number of killings of women in leadership roles in Colombia, and no clear progress in ensuring access to justice for women survivors of sexual violence. However, women’s organizations ensured that the Peace Agreement established that people suspected of having committed crimes of sexual violence would be required to appear before transitional justice tribunals.”</p> <p><i>Chapter on Colombia (pages 130-135)</i></p> <p>“The civilian population, especially Indigenous Peoples, Afro-descendant and peasant farmer communities, and human rights defenders, continued to be the main victims of the ongoing armed conflict.</p> <p>Although official figures indicated that there was a decrease in the number of civilians killed in military actions involving the Revolutionary Armed Forces of Colombia (FARC) and the Colombian security forces from the start of the negotiations to signing of the Peace Agreement in 2016, the armed conflict persisted in 2017 and in some parts of the country it seemed to have intensified. Concerns remained about impunity for crimes committed during the armed conflict. Security forces used excessive force, sometimes causing civilian deaths. Violence against women, particularly sexual violence, persisted.”</p>	Country	
Freedom House	<a href="https://freedomhouse.org/report/freedom-world/2018/colombia">https://freedomhouse.org/report/freedom-world/2018/colombia</a>	Country	

<a href="http://www.freedomhouse.org/">http://www.freedomhouse.org/</a>	<p>The status of Colombia on the <b>Freedom in the World 2018</b> index is 'Partly free'.  <a href="https://freedomhouse.org/report/freedom-net/freedom-net-2018/map">https://freedomhouse.org/report/freedom-net/freedom-net-2018/map</a>  The status of Colombia on the <b>Freedom on the Net 2018</b> index is 'Partly free'.  <a href="https://freedomhouse.org/report/freedom-press/2017/colombia">https://freedomhouse.org/report/freedom-press/2017/colombia</a> The status of Colombia on the <b>Freedom of the Press 2017</b> index is 'Partly free'.</p>		
<p>Reporters without Borders: Press Freedom Index  <a href="https://rsf.org/ranking">https://rsf.org/ranking</a></p>	<p><a href="https://rsf.org/en/ranking/2018">https://rsf.org/en/ranking/2018</a>  <i>2018 World Press Freedom Index</i>  In 2018, Colombia <b>ranked 130 out of 180 countries</b> on World Press Freedom Index with a score of 41.031. (the most free country is ranked no. 1).</p>	Country	
<p>Fund for Peace - Fragile States Index - the Fund for Peace is a US-based non-profit research and educational organization that works to prevent violent conflict and promote security. The Fragile States Index is an annual ranking, first published in 2005 with the name Failed States Index, of 177 nations based on their levels of stability and capacity  <a href="http://fsi.fundforpeace.org/">http://fsi.fundforpeace.org/</a></p>	<p><a href="http://fsi.fundforpeace.org/">http://fsi.fundforpeace.org/</a>  <i>Fragile States Index 2018</i>  <b>Colombia ranked 71 out of 178 countries</b> on the Fragile States Index 2018. (No. 1 being the most failed state). <b>This ranks Colombia in the category 'Middle Warning'</b>.</p>	Country	
<p>The Global Peace Index. Published by the Institute for Economics &amp; Peace, This index is the world's leading measure of national peacefulness. It ranks 162 nations according to their absence of violence. It's made up of 23 indicators, ranging from a nation's level of military expenditure to its relations with neighbouring countries and the level of respect for human rights.</p>	<p><a href="http://visionofhumanity.org/app/uploads/2018/06/Global-Peace-Index-2018-2.pdf">http://visionofhumanity.org/app/uploads/2018/06/Global-Peace-Index-2018-2.pdf</a>  <i>2018 Global Peace Index</i>  <b>The state of Peace in Colombia is labeled 'low'</b> with Colombia ranking number 145 out of 163 countries (rank no. 1 being the most peaceful country) with a score of 2.729.</p>	Country	
<p>UN Human Rights Council Universal Periodic Review  <a href="http://www.ohchr.org/EN/HRBodies/UPR/Pages/Documentation.aspx">http://www.ohchr.org/EN/HRBodies/UPR/Pages/Documentation.aspx</a></p>	<p><a href="https://documents-dds-ny.un.org/doc/UNDOC/GEN/G18/208/44/pdf/G1820844.pdf?OpenElement">https://documents-dds-ny.un.org/doc/UNDOC/GEN/G18/208/44/pdf/G1820844.pdf?OpenElement</a>  <i>Report of the Working Group on the Universal Periodic Review* Colombia</i>  6 July 2018  <b>B. Interactive dialogue and responses by the State under review</b>  "93. Since 2015, the education sector had ranked first in terms of national budget allocation. As at March 2018, some 95 per cent of the population was covered by health system affiliation. <b>Although achievements had been made in terms of reducing maternal mortality, there was a disparity between urban and rural areas, which mostly affected indigenous and Afrodescendent communities.</b> In order to improve quality of life, 1.5 million homes had been built, half of which had been provided free of charge or subsidized.   <b>II. Conclusions and/or recommendations</b>  120.14 Continue to implement the peace agreement with particular focus on transitional justice, truth and reconciliation, the rights of victims, the needs of indigenous and Afro-Colombian communities and the reintegration of former combatants (Canada);  120.52 Take further measures to guarantee reparations for child victims of</p>	Country	

	<p>the conflict and ensure access to justice for victims of sexual violence, including indigenous and Afro-Colombian women, and women living in rural areas (Australia);</p> <p>120.81 Implement a comprehensive protection system for human rights defenders, especially for Afro-Colombian and indigenous communities, backed by public statements that promote the role of human rights defenders (United Kingdom of Great Britain and Northern Ireland);</p> <p>120.110 Redouble efforts to provide access to health care in rural areas, especially areas with indigenous and Afro-Colombian populations (Honduras);</p> <p>120.173 Ensure that indigenous and rural communities can express their free and informed consent prior to any measure that may affect their lives and their ancestral land (Holy See);</p> <p>120.174 Continue strengthening the mechanisms for prior consultation with indigenous and Afrodescendent peoples, as well as popular consultations, in the light of the peace agreement (Peru);</p> <p>120.175 Guarantee timely access to justice for indigenous peoples, AfroColombians and Romani people, as well as redouble efforts to ensure the full participation of the Afro-Colombians in institutions and decision-making (State of Palestine);</p> <p>120.176 Review mechanisms enabling effective participation in decisions of the State, particularly for indigenous and Afro-Colombian communities (Switzerland)”</p>		
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Additional sources of information (These sources were partly found by Googling the terms '[country]', 'timber', or 'conflict', 'illegal logging')	Evidence	Scale of risk assessment	Risk indication
<p>Mongabay Mongabay.com is a web site that publishes news on environmental science, energy, and green design, and features extensive information on tropical rainforests, including pictures and deforestation statistics for countries of the world.</p>	<p><a href="https://news.mongabay.com/2015/11/deforestation-in-colombia-up-nearly-20-percent-last-year-but-down-in-the-colombian-amazon/">https://news.mongabay.com/2015/11/deforestation-in-colombia-up-nearly-20-percent-last-year-but-down-in-the-colombian-amazon/</a> 26 November 2015 <i>Deforestation in Colombia up nearly 20 percent last year, but down in the Colombian Amazon</i> “Deforestation in Colombia increased by 16 percent last year according to an annual report prepared by the country’s Institute of Hydrology, Meteorology and Environmental Studies (IDEAM). A total of 140,356 hectares (346,827 acres) of forest cover was lost in Colombia in 2014 versus 120,934 hectares (298,834 acres) in 2013, per IDEAM, a division of Colombia’s Ministry of Environment and Sustainable Development. Illegal logging, mining, and coca cultivation, as well as conversion for other agricultural purposes and ranching, were reported to be the largest drivers of deforestation in Colombia last year. Some 45 percent of 2014 deforestation occurred in the Amazon, IDEAM found, while another 24 percent was in the Andes region. Caqueta, a Colombian province (or department, as they’re known in Colombia) in the Amazon, and Antioquia, much of which is in the Andes, had the highest rates of deforestation. Putumayo and Norte de Santander provinces, both major coca growing regions, also saw big increases in deforestation rates.</p>	<p>Country</p> <p>Country</p> <p>Amazon Andes</p>	

	IDEAM noted that despite comprising nearly half of deforestation last year, deforestation in the Amazon was actually down 8 percent over 2013 rates.”		
Huffington Post HuffPost is an American news and opinion website and blog that has localized and international editions. The magazine employs a liberal political stance.	<a href="http://www.huffingtonpost.com/dan-kovalik/human-rights-nightmare-colombia_b_6799986.html">http://www.huffingtonpost.com/dan-kovalik/human-rights-nightmare-colombia_b_6799986.html</a> <i>Human Rights Nightmare Continues in Silence in Colombia. 03/05/2015</i> “The Office of the UN High Commissioner for Refugees (UNHCR) just released its 2015 annual report on the refugee crisis world-wide. While Syria came in first in this report with 6.5 million internally displaced peoples (IDPs), <b>Colombia came in a close second with more than 5.7 IDPs.</b> And, as the UNHCR explains, the treatment of these Colombian IDPs is horrifying: <b>“Despite government efforts to improve its response to forced displacement and to implement the Law on Victims and Land Restitution (Victims Law), widespread security risks and violence involving the forced recruitment of children and youth, sexual and gender-based violence (SGBV), threats, disappearances and murders, continue to occur.”</b> <b>In the first half of 2014 alone, “64,500 people were officially declared displaced... and were awaiting registration; and almost 24,000 people were officially registered by the national Victims unit.”</b> As the report explains, these displacements, and the human rights violations which go along with them, are occurring as the Colombian government is negotiating a peace accord in Havana, Cuba with the left-wing FARC and ELN guerillas. <b>However, as the UNHCR explains, it is not the left-wing guerrillas who are responsible for vast majority of these displacements, but rather, the right-wing paramilitary groups which were supposed to have demobilized in 2006 and 2007.</b> As the report states: Areas such as Córdoba reported high levels of pressure by armed groups, especially post-demobilization armed groups, in actions affecting land occupation and land restitution processes. Conflict continues in strategically important areas of Colombia, particularly in the coastal and border departments of Arauca, Chocó, Nariño, Norte de Santander, and Putumayo. The Pacific region of the country continues to generate most large-group displacements affecting four departments, with the highest concentration in Cauca followed by Valle del Cauca. <b>These areas most affected by the paramilitary displacements are ones with large numbers of Afro-Colombians and indigenous groups — two groups which have borne the brunt of the human rights abuses in recent years.</b> While both the U.S. and the Colombian governments have attempted to downplay the activities and indeed the very existence of the right-wing paramilitaries (the largest grouping known as the Colombian United Self-Defense Forces (AUC)) since the “demobilization,” <b>they continue to plague Colombia. As an excellent report by Insight Crime explains, the “demobilization” of these paramilitaries was choreographed with the connivance of Colombian officials:”</b>	Country	
WOLA Colombia Peace Monitoring Progress in Peace Dialogue	<a href="http://colombiapeace.org/2016/08/24/colombias-52-year-old-conflict-with-the-farc-comes-to-an-end/">http://colombiapeace.org/2016/08/24/colombias-52-year-old-conflict-with-the-farc-comes-to-an-end/</a> <i>Colombia’s 52-Year-Old Conflict with the FARC Comes to an End</i>		



<p>The Washington Office on Latin America (WOLA) is a leading research and advocacy organization advancing human rights and social justice in the Americas. WOLA's Colombia Peace blog is a unique resource for journalists, policymakers, scholars, activists and others interested in understanding the peace process in Colombia.</p>	<p><i>August 24, 2016</i></p> <p><b>“Negotiators from the Colombian government and the Revolutionary Armed Forces of Colombia (FARC) guerrilla group are to make a historic announcement on the evening of Wednesday, August 24. After 54 months of exploratory and formal negotiations in Havana, Cuba, they have reached an agreement to end an armed conflict that began in 1964.</b></p> <p>That conflict has killed over 220,000 Colombians, more than 80 percent of them non-combatants. The 7,000-member FARC, the largest leftist insurgency during that period, is responsible for roughly one-fifth to one-third of these killings. (Colombia’s security forces and pro-government paramilitary groups committed most of the rest.) The FARC carried out the majority of kidnappings, use of anti-personnel mines, attacks on population centers, and attacks on infrastructure, and a significant share of forced displacement, recruitment of minors, and sexual violence. It has supported itself financially through extortion and an ever deeper involvement in cocaine production.</p> <p>Once this accord is implemented, for the first time in most Colombians’ lives, much of this activity will end, and Latin America’s third most-populous country will no longer face an armed group capable of generating violence on a national scale. Though regional challenges will persist, this peace accord is worthy of worldwide celebration.”</p> <p><b>“The agreement to be revealed today is hundreds of pages long (it is not public yet, but earlier drafts in Spanish are here). It will include commitments on five substantive agenda points.</b></p> <ul style="list-style-type: none"> <li>- Colombia’s government has committed to making substantive investments in the rural small-landowner economy.</li> <li>- Reforms will ease the participation of political movements that have been excluded or even exterminated in the past.</li> <li>- A new approach to illicit coca cultivation will be based on governance and assistance, with forced eradication a last resort.</li> <li>- Colombia will launch a truth commission and a transitional justice arrangement that will grant alternative punishments to those who confess their involvement in war crimes.</li> <li>- Through an agreed process, guerrillas will turn over weapons to a UN mission and begin their reintegration into society.</li> </ul> <p>We do not know yet how the negotiators defined some of the accord’s difficult remaining questions. It is possible that some elements, especially transitional justice, could be troubling and require revision by Colombia’s high courts. What is happening today is just an announcement and (probably) the publication of the accords’ text. The parties will not be signing any documents yet, and it will be a while before the FARC begins turning in its weapons. Several steps remain, as WOLA described in a commentary published last week.</p> <p>The FARC leadership will meet somewhere for its “10th Conference” to approve the accord. This is a necessary step for top leaders’ buy-in. It could also be a moment</p>	<p>Country</p>	
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	<p>when internal dissent about the agreement manifests itself among guerrilla units. This is unlikely to be a big issue—FARC leaders have been informally discussing the accords for years, and many of them have spent time at the table in Havana—but it could be a hurdle on the way to demobilization.</p> <p>Colombians will approve or disapprove the accord in a plebiscite to be held at least a month after President Santos sends the accord text to Congress (which could happen as soon as next week). The outcome of this vote is not certain, as the negotiations’ political opponents, like former President Álvaro Uribe, have garnered heavy news coverage. Though some polls show more than 60 percent of Colombians inclined to vote “Yes,” others show the two options in a virtual tie. Our guess is that, if the plebiscite is held in the afterglow of a final accord, a majority of Colombians will vote “Yes.” If Colombians should vote “No,” however, the peace accord may not go forward. President Santos and his negotiating team have said that they would not try to negotiate a new agreement.</p> <p>Colombia’s Congress must approve a law that will amnesty guerrilla fighters accused of the political crime of “sedition” (not war crimes). The FARC have made clear that its members will not turn in weapons without a legal guarantee that they will not be arrested. Passage of an amnesty law (or a similar non-arrest guarantee) may hinge on the definition of “connected” political crimes: for instance, if guerrillas used the proceeds of drug trafficking to fund their “sedition,” can the drug trafficking be amnestied? (The answer will probably be “yes,” but some debate is likely.)</p> <p>Once these issues are settled, we can expect a big, celebratory accord-signing ceremony, probably in Colombia. (This ceremony might occur shortly before the plebiscite.)</p> <p>The day the final accord is formally signed is a watershed moment that the peace accords call “D-Day.” It formalizes a full, bilateral cessation of hostilities, and sets in motion a 180-day timetable for the FARC membership’s concentration in 31 gathering points around the country (23 village-sized zones and 8 encampments), at which they will gradually turn over weapons to a UN monitoring and verification mechanism. The FARC’s 7,000 members (plus an undetermined number of militia members and support personnel) will then enter into reintegration programs and convert to a political movement, while guerrillas and soldiers accused of war crimes will enter the transitional justice process.</p> <p>The timetable for these steps is anyone’s guess, though sources are telling Colombian journalists that it could be completed very quickly—by early October. Deadlines and target dates have slipped before, though, so this process could take longer.</p> <p>Once these steps are finished, Colombia will face serious challenges in the post-accord period. The FARC’s exit from the drug trade will not mean the end of the drug trade or the powerful, violent organized crime groups that participate in it. The 2,000-member, 52-year-old National Liberation Army (ELN) guerrilla group remains active in some regions and has not yet begun formal peace talks. And strong doubts surround the Colombian government’s ability to fill the security vacuum and implement accords in at least 281 of the most poorly governed of the country’s</p>		
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	<p>1,100 counties (the number comes from Colombia’s Peace and Reconciliation Foundation).”</p> <p><a href="http://colombiapeace.org/2018/10/13/last-week-in-colombias-peace-process-week-of-september-30-october-6/">http://colombiapeace.org/2018/10/13/last-week-in-colombias-peace-process-week-of-september-30-october-6/</a>  <i>Last Week in Colombia’s Peace Process: Week of September 30-October 6 October 13, 2018</i>  “Prosecutor’s Office Raids Transitional Justice System Headquarters  On the afternoon of October 4 agents of Colombia’s Chief Prosecutor’s Office (Fiscalía, which investigates and prosecutes crimes in the regular criminal justice system) showed up at the offices of the new, separate transitional justice system created by the peace accords (Special Peace Jurisdiction or JEP, which investigates and prosecutes war crimes committed during the armed conflict). The agents, sent by the Fiscalía, <b>demanded to be allowed to carry out a “judicial inspection” of the files in the new justice system’s first and largest case so far, numbered “case 001”: charges of mass kidnapping against 31 FARC leaders.</b></p> <p>This action, which appeared to be a blatant interference in the new justice system’s workings, generated expressions of outrage against Prosecutor-General Néstor Humberto Martínez, a frequent critic of the JEP and other aspects of the FARC peace accord. Though Martínez quickly rescinded the order and called back the agents, JEP President Patricia Linares declared, “the Prosecutor’s Office obtained a digital copy of the casefile, due to the hasty manner in which the procedure was carried out.”</p> <p>Linares “strongly and emphatically reject[ed]” what she called “the Fiscalía’s undue interference with the autonomy and judicial independence” of the JEP, adding that it was “openly violative of the judicial reserve that covers the investigations carried out by JEP judges.”</p> <p>The UN Verification Mission and Office of the High Commissioner for Human Rights in Colombia issued a joint declaration following the incident:</p> <p>The rights of victims and the legal security of participants in the armed conflict depend on strict respect of all public powers for the independence and autonomy of the Special Jurisdiction for Peace. We underline the importance that collaboration between jurisdictions be harmonious and fully respectful of their respective competences.</p> <p>What Colombian media called a <b>“train crash” between the old and new judicial bodies could have consequences for the peace process. It appeared to be a political move seeking to intimidate the JEP and demonstrate the Fiscalía’s relative power. It may have increased former FARC leaders’ fear of being arrested in a similar future</b></p>	Country	
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	<p>show of political power, which risks causing more of them to abandon the process, either going into hiding or taking up arms again.</p> <p>Missing FARC Leaders Send a Harshly Worded Letter Two of the most prominent leaders who have already gone clandestine surfaced in a letter sent to the Peace Committee of Colombia's Congress. Iván Márquez, the FARC's chief negotiator during the Havana peace talks, and Óscar Montero alias "El Paisa," once head of a powerful FARC mobile column, have been missing since June or July. Their letter, the first communication from them in months, had some very harsh words for a process they view as failing.</p> <p>"The peace accord has been betrayed," reads the letter, which laments having agreed to turn in weapons before reaching more specific agreement on the terms of ex-combatants' reintegration. The letter outlines what, in the missing leaders' view, are three "structural flaws" in the November 2016 accord.</p> <p>First, they cite "judicial insecurity," believing themselves vulnerable to arbitrary arrest and possible extradition...the "judicial insecurity" argument has served "hundreds of ex-guerrillas" as a pretext for exiting the process and joining armed dissident groups...The second "flaw" noted in the letter are the changes made to the accord after it was narrowly rejected in an October 2016 plebiscite, which in their words "transfigured the Havana Accord into a horrific Frankenstein." Third, they cite the Colombian Congress's failure to pass all the legislation needed to implement the accord, especially reforms to the political system and the failure to create special temporary congressional districts to represent victims' groups."</p>		
<p>BBC The British Broadcasting Corporation is a British public service broadcaster</p>	<p><a href="http://www.bbc.com/news/world-latin-america-37477202">http://www.bbc.com/news/world-latin-america-37477202</a> <i>Colombia peace deal: Historic agreement is signed 27 September 2016</i> "The Colombian government and left-wing Farc rebels have signed a historic agreement that formally brings an end to 52 years of armed conflict. The rebel leader Timoleon Jimenez, known as Timochenko, apologised to "all the victims of the conflict" and was greeted by cheers and applause. He said: "I would like to ask for forgiveness for all the pain that we have caused during this war." Guests dressed in white at the ceremony in Cartagena, to symbolise peace. President Juan Manuel Santos said: "Colombia celebrates, the planet celebrates because there is one less war in the world. We will achieve any goal, overcome any hurdle and turn our nation into a country we've always dreamed of - a country in peace."</p> <p><a href="https://www.bbc.com/news/world-latin-america-46726118">https://www.bbc.com/news/world-latin-america-46726118</a> <i>Colombia Farc: 85 ex-rebels killed since peace deal 1 January 2019</i></p>	<p>Country</p>	

	<p>“The United Nations says 85 former Farc rebels have been killed in Colombia since the group signed a peace accord with the government two years ago.</p> <p>Most of the murders were by illegal armed groups and drug gangs fighting over former Farc territories, UN chief Antonio Guterres said in a report.</p> <p>Mr Guterres urged Colombian President Ivan Duque, a vocal critic of the peace deal, to do more to protect ex-rebels.</p> <p>Colombia suffered 52 years of conflict until peace was reached in 2016.</p> <p>What does the UN say? In the last three months alone, "14 ex-members of Farc were murdered", Secretary-General Guterres said in his quarterly report on the UN's mission to Colombia.</p> <p>He also said he was "hugely" concerned that more than 400 social leaders and human rights activists had been killed in Colombia since 2016.</p> <p>"Most of the murders were in zones abandoned by former Farc (fighters) and where there is limited state presence," the UN report said.</p> <p>Since the peace accord, Colombia's weak state apparatus has been unable to take control of these isolated regions.</p> <p>Instead, illegal armed groups have taken over and the security forces and president are increasingly coming under fire for not stemming the violence.”</p>	Country	
<p>The Guardian The Guardian is a British daily newspaper.</p>	<p><a href="https://www.theguardian.com/world/2016/oct/02/colombia-referendum-rejects-peace-deal-with-farc">https://www.theguardian.com/world/2016/oct/02/colombia-referendum-rejects-peace-deal-with-farc</a> <i>Colombia referendum: voters reject peace deal with Farc guerrillas President Juan Manuel Santos fails to win approval as voters balk at an agreement that included amnesty for war crimes 3 October 2016</i></p> <p>“Colombians have rejected a peace deal to end 52 years of war with Farc guerrillas, throwing the country into confusion about its future. With counting completed from 98.98% of polling stations, the no vote led by 50.2% to 49.8%, a difference of fewer than 54,000 votes out of almost 13 million cast. Turnout was low, with less than 38% of the electorate casting a vote. The verdict on the deal between the government of Juan Manuel Santos and the Farc, reached after four years of intense negotiations, means it cannot now be implemented. Polls before the vote predicted that the yes camp would win with a comfortable 66% share. Santos had been confident of a yes result and said during the campaign that he did not have a plan B and that Colombia would return to war if the no vote won.</p>	Country	

	<p>His opponents, led by former president Álvaro Uribe, said a win for their side would be a mandate for the government and rebels to negotiate a “better agreement”. Both government and rebels have repeatedly said that the deal was the best they could achieve and a renegotiation would not be possible.</p> <p>Santos, who watched the results come in at the presidential palace in Bogotá, said he would send his negotiators back to Havana to meet with Farc leaders on Monday. “I will not give up,” he said in a televised address. “I will continue seeking peace until the last day of my presidency.”</p> <p>He added that the bilateral ceasefire that has been in place since 29 August would continue.”</p>		
From national CW RA: Info on illegal logging	Not applicable	-	
<p><b>Conclusion on country context:</b>  Colombia scores medium to low on all indices assessed in this country context analysis, with some of the World Bank Governance indicators being very low. The rule of law is under great pressure and important human and civil rights are not well protected, for example the rights of protesters in general.</p> <p>Deforestation is a major issue in Colombia. Based on the available data, illegal logging seems to be a serious problem. The same goes for displacements, land rights issues, rights of indigenous peoples and rural communities and violence against human rights defenders. A land restitution process, which began in 2012 with the aim of returning to their rightful occupants some of the millions of hectares of land illegally acquired or forcibly abandoned during the conflict, continued to make slow progress.</p> <p>At the time the assessment of indicators 2.1, 2.2 and 2.3 was developed, the government of Colombia and the FARC have just signed the peace agreement that aims to bring an end to the 52 years armed conflict. Nevertheless, this is an ongoing and dynamic process. Since the peace accord, the government has been unable to take control of some of the isolated regions, which have been reported taken over by armed groups and dissident guerrilla fighters. It is also concluded that the future most likely will lead to changes in this country context for CW Category 2 for Colombia.</p> <p>The above section is the only section of this category 2 assessment that contains information about the country context after the peace agreement. The national trend on violation of traditional and human rights does not seem to have changed after the peace agreement, therefore, this supports the validity of the assessment of indicators 2.1, 2.2 and 2.3.</p>		Country	
<p><b>Indicator 2.1. The forest sector is not associated with violent armed conflict, including that which threatens national or regional security and/or linked to military control.</b></p>			
<p><b>Guidance</b></p> <ul style="list-style-type: none"> <li>• Is the country covered by a UN security ban on exporting timber?</li> <li>• Is the country covered by any other international ban on timber export?</li> <li>• Are there individuals or entities involved in the forest sector that are facing UN sanctions?</li> </ul>			
Compendium of United Nations Security Council Sanctions Lists: <a href="http://www.un.org">www.un.org</a>	<a href="https://scsanctions.un.org/consolidated/">https://scsanctions.un.org/consolidated/</a>	Country	Low risk
US AID: <a href="http://www.usaid.gov">www.usaid.gov</a>	There is <b>no UN Security Council ban</b> on timber exports from Colombia.		
Global Witness: <a href="http://www.globalwitness.org">www.globalwitness.org</a>	Colombia is <b>not covered by any other international ban on timber export</b> .		
	There are <b>no individuals or entities involved in the forest sector in Colombia that are facing UN sanctions</b> .		
From national CW RA	Not applicable	-	-
<p><b>Guidance</b></p> <ul style="list-style-type: none"> <li>• Is the country a source of conflict timber? If so, is it at the country level or only an issue in specific regions? If so – which regions?</li> </ul>			

• Is the conflict timber related to specific entities? If so, which entities or types of entities?			
<a href="http://www.usaid.gov">www.usaid.gov</a> Conflict Timber is defined by US AID as: - conflict financed or sustained through the harvest and sale of timber (Type 1), - conflict emerging as a result of competition over timber or other forest resources (Type 2) Also check overlap with indicator 2.3	This source contains no information that leads to a 'specified risk' indication after searching Colombia + 'conflict timber'	Country	Low risk
<a href="http://www.globalwitness.org/campaigns/environment/forests">www.globalwitness.org/campaigns/environment/forests</a>	This source contains no information that leads to a 'specified risk' indication after searching Colombia + 'conflict timber'	Country	Low risk
Human Rights Watch: <a href="http://www.hrw.org/">http://www.hrw.org/</a>	This source contains no information that leads to a 'specified risk' indication after searching Colombia + 'conflict timber'	Country	Low risk
World Resources Institute: Governance of Forests Initiative Indicator Framework (Version 1) <a href="http://pdf.wri.org/working_papers/gfi_tenure_indicators_sep09.pdf">http://pdf.wri.org/working_papers/gfi_tenure_indicators_sep09.pdf</a> Now: PROFOR <a href="http://www.profor.info/node/1998">http://www.profor.info/node/1998</a>	This source contains no information that leads to a 'specified risk' indication after searching Colombia + 'conflict timber'	Country	Low risk
Amnesty International Annual Report: The state of the world's human rights -information on key human rights issues, including: freedom of expression; international justice; corporate accountability; the death penalty; and reproductive rights <a href="http://www.amnesty.org">http://www.amnesty.org</a>	The Amnesty International Report 2015-16 contains no information that leads to a 'specified risk' indication for conflict timber.	Country	Low risk
World Bank: Worldwide Governance Indicators - the WGI report aggregate and individual governance indicators for 213 economies (most recently for 1996–2014), for six dimensions of governance: Voice and Accountability; Political Stability and Absence of Violence; Government Effectiveness; Regulatory Quality; Rule of Law; Control of Corruption <a href="http://info.worldbank.org/governance/wgi/index.aspx#home">http://info.worldbank.org/governance/wgi/index.aspx#home</a> Use indicator 'Political stability and Absence of violence' specific for indicator 2.1	<a href="http://info.worldbank.org/governance/wgi/index.aspx#reports">http://info.worldbank.org/governance/wgi/index.aspx#reports</a> In 2017 (latest available year) Colombia scores on the indicator <i>Political Stability and Absence of Violence/Terrorism</i> 18 on the percentile rank among all countries (ranges from 0 (lowest) to 100 (highest rank) with higher values corresponding to better outcomes).	Country	Specified risk
Greenpeace: <a href="http://www.greenpeace.org">www.greenpeace.org</a> Search for 'conflict timber [country]'	This source contains no information that leads to a 'specified risk' indication after searching Colombia + 'conflict timber'	Country	Low risk
CIFOR: <a href="http://www.cifor.org/">http://www.cifor.org/</a> <a href="http://www.cifor.org/publications/Corporate/FactSheet/forests_conflict.htm">http://www.cifor.org/publications/Corporate/FactSheet/forests_conflict.htm</a>	<a href="http://www.cifor.org/publications/Corporate/FactSheet/forests_conflict.htm">http://www.cifor.org/publications/Corporate/FactSheet/forests_conflict.htm</a> "There are currently violent conflicts in forested regions in Colombia ... Illicit drugs are widespread in the forested regions of ... Colombia..."	Country	Specified risk
Google the terms '[country]' and one of following terms or in combination 'conflict timber', 'illegal logging'	This source contains no information that leads to a 'specified risk' indication after searching Colombia + 'conflict timber'	Country	Low risk

From national CW RA	Not applicable	-	-
<b>Conclusion on indicator 2.1:</b> No information was found on Colombia as a source of conflict timber and the forest sector is not associated with any violent armed conflict. Having this said, it is recognized that violent conflicts have been reported in forested areas in Colombia. However, the sources that were included in this assessment (English language, publically available) did not contain evidence that revenues from timber harvests were used by armed forces, and no evidence was found on the forest sector being associated in general with violent armed conflict. There is no UN security ban, other ban or UN sanction.  <b>The following 'low risk' thresholds apply:</b> (1) The area under assessment is not a source of conflict timber <sup>73</sup> ; AND (2) The country is not covered by a UN security ban on exporting timber; AND (3) The country is not covered by any other international ban on timber export; AND (4) Operators in the area under assessment are not involved in conflict timber supply/trade; AND (5) Other available evidence does not challenge 'low risk' designation.		Country	Low risk
<b>Indicator 2.2. Labour rights are respected including rights as specified in ILO Fundamental Principles and Rights at work.</b>  <b>Guidance</b> <ul style="list-style-type: none"> <li>• Are the social rights covered by the relevant legislation and enforced in the country or area concerned? (refer to category 1)</li> <li>• Are rights like freedom of association and collective bargaining upheld?</li> <li>• Is there evidence confirming absence of compulsory and/or forced labour?</li> <li>• Is there evidence confirming absence of discrimination in respect of employment and/or occupation, and/or gender?</li> <li>• Is there evidence confirming absence of child labour?</li> <li>• Is the country signatory to the relevant ILO Conventions?</li> <li>• Is there evidence that any groups (including women) feel adequately protected related to the rights mentioned above?</li> <li>• Are any violations of labour rights limited to specific sectors?</li> </ul>			
<b>general sources from FSC-PRO-60-002a V1-0 EN</b>	<b>information found and specific sources</b>	<b>scale of risk assessment</b>	<b>risk indication</b>
Status of ratification of fundamental ILO conventions: <a href="http://www.ilo.org/dyn/normlex/en/f?p=1000:11001:0::NO">http://www.ilo.org/dyn/normlex/en/f?p=1000:11001:0::NO</a>  C29 Forced Labour Convention, 1930 C87 Freedom of Association and Protection of the Right to Organise Convention, 1948 C98 Right to Organise and Collective Bargaining Convention, 1949 C100 Equal Remuneration Convention, 1951 C105 Abolition of Forced Labour Convention, 1957	<a href="http://www.ilo.org/dyn/normlex/en/f?p=1000:11200:0::NO:11200:P11200_COUNTRY_ID:102595">http://www.ilo.org/dyn/normlex/en/f?p=1000:11200:0::NO:11200:P11200_COUNTRY_ID:102595</a> <b>Colombia ratified all eight ILO Core Conventions.</b>  <a href="https://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID.P11110_COUNTRY_ID.P11110_COUNTRY_NAME.P11110_COMMENT_YEAR:3278320,102595,Colombia,2016">https://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID.P11110_COUNTRY_ID.P11110_COUNTRY_NAME.P11110_COMMENT_YEAR:3278320,102595,Colombia,2016</a> <i>Observation (CEACR) - adopted 2016, published 106th ILC session (2017)</i> <i>Discrimination (Employment and Occupation) Convention, 1958 (No. 111)</i>	Country	Low risk

<sup>73</sup> "Conflict timber" limited to include "timber that has been traded at some point in the chain of custody by armed groups, be they rebel factions or regular soldiers, or by a civilian administration involved in armed conflict or its representatives, either to perpetuate conflict or take advantage of conflict situations for personal gain - conflict timber is not necessarily illegal. Please refer to FSC-PRO-60-002a V1-0.





	<p>indigenous workers. The Committee requests the Government to indicate whether the strategies and measures referred to in its previous report are still in force.”</p> <p><a href="https://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID,P11110_COUNTRY_ID,P11110_COUNTRY_NAME,P11110_COMMENT_YEAR:3300832,102595,Colombia,2016">https://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID,P11110_COUNTRY_ID,P11110_COUNTRY_NAME,P11110_COMMENT_YEAR:3300832,102595,Colombia,2016</a></p> <p><i>Direct Request (CEACR) - adopted 2016, published 106th ILC session (2017) Right to Organise and Collective Bargaining Convention, 1949 (No. 98)</i></p> <p>“Exclusion of the remuneration of apprentices. The Committee notes that the Confederation of Workers of Colombia (CTC), the Single Confederation of Workers of Colombia (CUT) and the General Confederation of Labour (CGT) indicate that, under the terms of section 30 of Act No. 789 of 2002, the determination of the remuneration of apprentices (the monthly support subsidy) through collective agreements and accords is prohibited, and that this restriction was considered acceptable by the Constitutional Court in a 2004 ruling. The Committee emphasizes that the Convention does not exclude apprentices from its scope of application and that the parties to bargaining should therefore be able to decide to include the subject of their remuneration in their collective agreements. The Committee therefore requests the Government to take the necessary measures to ensure that the remuneration of apprentices is not excluded by law from the scope of collective bargaining.</p> <p>Arbitration tribunals. The Committee takes due note of the adoption of Decree No. 017 of 2016 to optimize procedures for the establishment of labour arbitration tribunals. The Committee notes in this regard the indications of the CUT, CTC and CGT that: (i) the proper application of this Decree would contribute to reducing in part the time required for the settlement of collective disputes; (ii) the Decree should regulate other aspects of the arbitration procedure; and (iii) an earlier mediation stage should be established with a view to avoiding a high number of bargaining processes ending up before arbitration tribunals. The Committee requests the Government to provide information on the impact in practice of the application of Decree No. 017 and to provide its comments on the proposals made by the trade union confederations.”</p> <p><a href="https://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID,P11110_COUNTRY_ID,P11110_COUNTRY_NAME,P11110_COMMENT_YEAR:3300820,102595,Colombia,2016">https://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID,P11110_COUNTRY_ID,P11110_COUNTRY_NAME,P11110_COMMENT_YEAR:3300820,102595,Colombia,2016</a></p> <p><i>Observation (CEACR) - adopted 2016, published 106th ILC session (2017) Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)</i></p> <p>“Articles 2 and 10 of the Convention. Trade union contracts. The Committee notes that the CUT and CTC continue to denounce the practice of trade union contracts, as envisaged in the Colombian legislation, under the terms of which an enterprise may conclude a contract with a workers’ organization providing that this organization, through its affiliates or members, performs the work of the enterprise,</p>	Country	Specified risk for collective bargaining
		Country	Low risk for collective bargaining
		Country	Specified risk for freedom of association

	<p>an arrangement which thoroughly undermines the application of the Convention as a whole. The CUT and CTC allege more specifically that: (i) by converting trade unions into employers of their members and into employment intermediaries, trade union contracts undermine the role of trade unions, as demonstrated by the establishment of thousands of false unions, and endanger the legitimacy of the trade union movement as a whole; (ii) the legislation applicable to trade union contracts does not contain provisions guaranteeing the exercise of freedom of association by their members; and (iii) the adoption of Decree No. 36 of 2016 by the Ministry of Labour does not resolve these problems satisfactorily. In this regard, the Committee notes the Government's indication, in its report on the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), that: (i) trade union contracts are a legal concept governed by the Substantive Labour Code (CST); (ii) the Constitutional Court has ruled on the provisions of the CST respecting trade union contracts, finding them constitutional; and (iii) with a view to resolving abuses, Decree No. 036 of January 2016 reinforces the regulations governing trade union contracts and ensures that a trade union which has concluded a contract is liable for the direct obligations arising out of the contract. While taking due note of the adoption of Decree No. 36 of 2016 to prevent trade union contracts being used to undermine the application of the labour legislation, the Committee requests the Government to provide its comments concerning the allegations made by the CUT and CTC respecting the impact of trade union contracts on the application of the Convention.</p> <p>Article 3. Right of trade unions to organize their activities. In their joint observations, the CGT, CUT and CTC denounce the absence of legal regulations respecting the trade union guarantees and facilities that should be enjoyed by trade unions in the enterprise (free time, trade union leave, right of access to workplaces, the right to communicate with the workers and to disseminate information). The trade union confederations indicate that, in the absence of legislative provisions, trade union organizations have to engage in arduous action to obtain recognition of these facilities in collective agreements. They add that the difficulties relating to the exercise of the right of collective bargaining result in many trade unions not being able to establish these facilities, which is accelerating their disappearance. The Committee invites the Government to provide its comments on the observations of the trade union confederations and to provide information on the number of collective agreements by sector which provide for facilities for the exercise of freedom of association, the nature of the facilities provided and the number of workers covered by these agreements.”</p> <p><a href="https://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID,P11110_COUNTRY_ID,P11110_COUNTRY_NAME,P11110_COMMENT_YEAR:3298492,102595,Colombia,2016">https://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID,P11110_COUNTRY_ID,P11110_COUNTRY_NAME,P11110_COMMENT_YEAR:3298492,102595,Colombia,2016</a>  <i>Observation (CEACR) - adopted 2016, published 106th ILC session (2017)  Equal Remuneration Convention, 1951 (No. 100) – Colombia</i></p>	Country	and collective bargaining  Specified risk for the freedom of association
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	<p>“Articles 1 and 2 of the Convention. <b>Gender pay gap.</b> The Committee notes the Government’s indication in its report that <b>the gap in average monthly income from labour in Colombia fell from 21.4 per cent in 2013 to 20.8 per cent in 2014.</b> The Government has also provided statistical data on: the number of employed persons by sector and by sex at the national level; the number of employed persons by branch of economic activity, <b>showing the persistence of significant occupational segregation (women are concentrated in services and commerce); and the number of employed persons by educational level and by sector, showing that the lower the education level of women, the lower their integration into the labour market.</b> In this regard, the Committee notes the indication by the CGT <b>that the higher the levels within an occupation, the greater the wage gap.</b> The Government also provides information on the implementation of the <b>National Plan for Labour Equity with a Gender Differential Approach for Women, which includes action on three levels: the Equipares labour equity label, the strengthening of inspection and monitoring to identify cases of gender discrimination, including wage discrimination, and awareness-raising measures on wage discrimination and the dissemination of the National Plan among the social partners.</b> The Committee, however, notes that information has not been provided on the specific measures adopted within the <b>framework of the National Plan to reduce the existing pay gap.</b> The Committee further notes that, according to the Government, section 5 of Act No. 1496 of 2011 guaranteeing equal wages for men and women establishes the requirement to keep records of the profile and allocation of positions by sex, functions and remuneration in enterprises with over 200 workers. In this regard, taking into account that a significant number of enterprises have fewer than 200 employed persons, the Committee considers that this measure does not enable adequate monitoring of trends in the labour market participation of men and women and does not provide a basis for promoting equal remuneration for men and women in enterprises with fewer than 200 employed persons. The Committee requests the Government to take specific measures with a view to increasing the labour market participation of women and reducing the significant occupational segregation between men and women, including through the diversification of the vocational training and education provided for women to careers and occupations traditionally occupied by men. <i>The Committee requests the Government to provide information on the measures adopted in the context of the National Plan for Labour Equity with a Gender Differential Approach for Women and their impact in terms of reducing the pay gap at all occupational levels. The Committee further requests the Government to continue providing statistical information on the labour market participation of men and women by sector, economic branch and educational level, disaggregated by gender, in the public and private sectors, including in enterprises with fewer than 200 workers.</i>”</p> <p><a href="http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3188569:NO">http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3188569:NO</a>  <i>Observation (CEACR) - adopted 2014, published 104th ILC session (2015)</i></p>	<p>Country</p> <p>Country</p>	<p>Specified risk for gender wage gap</p> <p>Specified risk for occupational segregation of women</p>
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<p><i>Forced Labour Convention, 1930 (No. 29) - Colombia</i></p> <p>“Articles 1(1), 2(1) and 25 of the Convention. <b>Trafficking in persons.</b> The Committee noted previously that trafficking in persons remains a major problem in Colombia despite the Government’s commitment to combat this scourge and the establishment of a comprehensive legislative and institutional framework. The Committee referred to Act No. 985 of 2005 setting forth measures to combat trafficking in persons and protect victims, and the comprehensive national strategy against trafficking in persons (2007–12), covering prevention, victim protection, international cooperation, and police and judicial investigation.</p> <p>The Committee notes the comprehensive and detailed information provided by the Government on the measures taken to implement the national strategy. In the area of prevention, the Government refers to the numerous awareness-raising campaigns undertaken by all public authorities involved in combating trafficking. Within the Ministry of the Interior, 32 departmental committees and 48 municipal committees have been established to coordinate activities in this area. The Ministry of Labour has carried out training activities for labour inspectors in order to facilitate their intervention in cases of trafficking for purposes of labour exploitation. The police have established a group to investigate trafficking in persons and the Colombian Family Welfare Institute (ICBF) has set up a free telephone helpline to receive complaints from victims and provide them with assistance. Regarding the protection of victims, the Ministry of the Interior has established an operational anti-trafficking centre which, in 2013, took in 60 victims from other countries who all received assistance before being, for the most part, repatriated. The Government also refers to the efforts made by the Inter-institutional Committee to Combat Trafficking in Persons to encourage bilateral and regional cooperation mechanisms, and refers to bilateral agreements signed with Argentina, Chile, El Salvador, Ecuador and Honduras. Lastly, in relation to the judiciary, training activities have been carried out by the Ministry of the Interior for justice officials to ensure a better understanding of trafficking and to improve surveys and judicial procedures. The Ministry of Labour has also carried out activities to study the concept of labour exploitation in order to determine its basic components. Intervention procedures in cases of suspected trafficking have been put in place by the Special Administrative Unit on Migration of Colombia and by the national police. <b>As a result of those actions, in 2013, the police dismantled seven transnational criminal networks and one national network; 28 people were arrested, and 11 court decisions were handed down, sentencing the perpetrators to prison terms of between eight and ten years. In addition, according to a report of the Public Prosecutor, as at 31 December 2013, 143 judicial inquiries had been launched, 87 of which were for sexual exploitation and 21 for labour exploitation.</b></p> <p>In their observations, all the social partners recognize the measures taken by the various competent bodies in the framework of the national strategy. The OIE and the ANDI emphasize the results achieved at the judicial level to protect victims and strengthen labour inspection. <b>However, the CUT considers that the effectiveness of the strategy is insubstantial, since figures show that the phenomenon is not</b></p>	Country	Specified risk for trafficking in persons
	Country	Low risk for trafficking in persons
	Country	Low risk for trafficking in persons
	Country	Specified risk for

	<p><b>decreasing but indeed is persisting.</b> Among the causes of trafficking, the CUT refers to the impact of internal armed conflict on the trafficking of women and forced prostitution, as well as the difficulty of gaining access to the formal labour market. <b>Emphasizing that the overwhelming majority of victims of trafficking are women, the CGT refers to the historical discrimination of which they have been victims and emphasizes the need for a genuine public policy that takes into account the issues of gender and territory.</b> The CTC highlights the shortcomings of the labour inspectorate, which is not in a position to access rural areas or mining sites. Lastly, both the CUT and the CTC emphasize the need to strengthen the protection of vulnerable workers (women, children, indigenous workers).</p> <p>The Committee also notes that, in its concluding observations of May 2013, the United Nations Committee on the Protection of the Rights of All Migrant Workers and Members of their Families notes the steadfast efforts of Colombia to combat the crime of trafficking in persons. <b>It nevertheless states its concern at the fact that the State party is one of the primary countries of origin of victims of trafficking in the region, especially women and girls (CMW/C/COL/CO/2).</b></p> <p><i>The Committee notes all this information and encourages the Government to continue its efforts to combat this complex phenomenon, which is further complicated by the fact that Colombia is a departure, transit and destination country for trafficking and that a large number of persons have been displaced as a consequence of the internal armed conflict. The Committee requests the Government to indicate how the implementation and impact of measures taken in the four areas of the national strategy are evaluated and what measures have been taken to overcome the obstacles identified and to adapt the national strategy accordingly. Emphasizing that the coordination of actors is essential in order to identify situations of trafficking in persons and gather the evidence to institute appropriate legal proceedings, the Committee requests the Government to continue to take the necessary measures to that end and to provide information on this subject. Please also provide information on the legal proceedings initiated against perpetrators of trafficking in persons, specifying the penalties imposed. Lastly, the Committee requests the Government to indicate the measures taken to strengthen cooperation with countries in which its citizens are victims of trafficking and to ensure their protection, particularly on their return to Colombia.</i></p> <p><a href="http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3141192:NO">http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3141192:NO</a></p> <p><i>Observation (CEACR) - adopted 2013, published 103rd ILC session (2014) Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) - Colombia</i></p> <p><b>“Trade union rights and civil liberties.</b> For a number of years, the Committee, like the Committee on Freedom of Association, has been dealing with allegations of violence against trade unionists and with the situation of impunity. The Committee notes with <b>concern</b> that the ITUC, CUT and CTC allege that although the number of murders of trade unionists has decreased (according to the figures quoted, 20 trade</p>	<p>Country</p> <p>Country</p> <p>Country</p>	<p>trafficking in persons</p> <p>Specified risk for trafficking in persons</p> <p>Specified risk for trafficking in persons</p> <p>Specified risk for trade union rights</p>
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	<p>unionists were killed in 2012 and four in 2013; the comparative table attached by the trade unions shows that these figures are the lowest since 1986), the general situation of violence has become more complex since there has been an increase in the number of death threats, cases of harassment and forced displacement and the situation of impunity continues (the trade union federations do point out that the Office of the Prosecutor-General adopted measures to strengthen its capacity for investigation, but since these are recent measures they do not yet make a substantial difference to the impunity figures).</p> <p>The Committee also notes that the IOE and the ANDI state that the judicial programme for dealing with acts of violence continues to be reinforced (in 2012 a total of US\$111 million were assigned, while in 2011 a total of US\$79 million were assigned; more than 600 trade unionists receive protection; and there are 25 special prosecutors, three specialist courts, and 100 investigators in the national police) and that in order to combat impunity, the Office of the Prosecutor-General adopted a new criminal investigation policy with regard to human rights violations.</p> <p>The Committee notes the Government's statement that: (i) as a result of the efforts made by the State, the number of murders of Colombian civilians and of trade unionists fell, as did the number of assaults, and there was an increase in the number of convictions for perpetrators of violence against trade unionists (as of June 2013, 579 rulings had been handed down and 599 persons had been convicted); (ii) the National Protection Unit is implementing protection measures for 632 trade unionists, and the total budget assigned to the protection of trade unionists in 2012 was 91,512,898,462 Colombian pesos (COP); and (iii) in the context of the Memorandum of Understanding signed between the Office of the Prosecutor-General and the International Labour Standards Department of the ILO, capacity-building workshops have been held for the judiciary in the cities of Cali and Arauca and, in the context of the project to promote compliance with international labour standards in Colombia, a training programme was launched for investigators, prosecutors and judges with regard to prevention, investigation and court proceedings concerning human rights violations in which the victims were trade union leaders and unionized workers.</p> <p><i>The Committee duly notes the results of the action being taken against impunity and expresses the hope that the new investigation policy adopted by the Office of the Prosecutor-General referred to by the social partners will enable even more progress in shedding light on the acts of violence affecting the trade union movement, determining responsibility and imposing penalties on the perpetrators. The Committee notes with interest the initiatives taken for the protection of trade union leaders and members and hopes that these measures will enable to effectively tackle the threats and harassment referred to by the trade unions.</i></p> <p><b>Legislative issues.</b> Articles 3 and 6 of the Convention. <b>Right of workers' organizations to organize their activities and to formulate their programmes.</b> For a number of years, the Committee has been referring to the need to take steps to amend the legislation in relation to: (i) the prohibition of strikes for federations and confederations (section 417(i) of the Labour Code) and within a wider range of</p>	Country	Specified risk for trade union rights (trade unionists being murdered and assaulted)
	<p><i>The Committee duly notes the results of the action being taken against impunity and expresses the hope that the new investigation policy adopted by the Office of the Prosecutor-General referred to by the social partners will enable even more progress in shedding light on the acts of violence affecting the trade union movement, determining responsibility and imposing penalties on the perpetrators. The Committee notes with interest the initiatives taken for the protection of trade union leaders and members and hopes that these measures will enable to effectively tackle the threats and harassment referred to by the trade unions.</i></p> <p><b>Legislative issues.</b> Articles 3 and 6 of the Convention. <b>Right of workers' organizations to organize their activities and to formulate their programmes.</b> For a number of years, the Committee has been referring to the need to take steps to amend the legislation in relation to: (i) the prohibition of strikes for federations and confederations (section 417(i) of the Labour Code) and within a wider range of</p>	Country	Specified risk for the right to strike

	<p>services that are not necessarily essential in the strict sense of the term (section 430(b), (d), (f), (g) and (h); and section 450(1)(a) of the Labour Code; Taxation Act No. 633-00; and Decrees Nos 414 and 437 of 1952, No. 1543 of 1955, No. 1593 of 1959, No. 1167 of 1963 and Nos 57 and 534 of 1967); and (ii) the possibility to dismiss workers who have intervened or participated in an unlawful strike (section 450(2) of the Labour Code), even where the unlawful nature of the strike is a result of requirements that are contrary to the provisions of the Convention.</p> <p>In this regard, the Committee notes the Government's statement that the Standing Committee for Dialogue on Wage and Labour Policies (a tripartite body established under the terms of the Political Constitution) approved in May 2012 the setting up of the Tripartite Subcommittee on International Labour Affairs, whose agenda includes a review of areas where progress is needed in the legislation with a view to continuing improvements in both law and practice with regard to ratified Conventions. <i>The Committee requests the Government to provide information in its next report on any progress made in relation to these issues and reminds the Government that it may avail itself of technical assistance from the Office, if it so wishes.</i>"</p> <p><a href="http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:13100:0::NO::P13100_COMMENT_ID:3142153">http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:13100:0::NO::P13100_COMMENT_ID:3142153</a></p> <p><i>Observation (CEACR) - adopted 2013, published 103rd ILC session (2014) Right to Organise and Collective Bargaining Convention, 1949 (No. 98) - Colombia</i></p> <p><i>"The Committee notes the comments from the International Organisation of Employers (IOE) and the National Association of Employers of Colombia (ANDI) confirming the adequate functioning of the Standing Committee for Dialogue on Wage and Labour Policies or the Special Committee for the Handling of Conflicts Referred to the ILO (CETCOIT).</i></p> <p><i>The Committee also notes the comments submitted by the International Trade Union Confederation (ITUC), the World Federation of Trade Unions (WFTU), the Single Confederation of Workers of Colombia (CUT), the Confederation of Workers of Colombia (CTC), and other national workers' organizations in 2012 and 2013, referring to issues previously examined by the Committee and to the use of legal formulas (such as "trade union accords"), which obstruct the exercise of the right to collective bargaining, as well as to various acts of anti-union discrimination in the public and private sectors. The Committee notes the Government's reply to these comments, particularly its statement that the purpose of trade union accords is that trade unions may participate in the management of enterprises and also represent self-employed workers (the trade union becomes the employer of its affiliated workers), and also the fact that in some specific cases unwarranted use of this concept has been detected and the corresponding measures have been taken (a tripartite working group was set up which agreed on specific measures to resolve the issue in the health sector). <i>The Committee hopes that the reported cases of discrimination will be discussed within the CETCOIT.</i>"</i></p>	Country	Low risk for the right to organize
		Country	Specified risk for the right to collective bargaining



	<p><b>“Collective accords with non-unionized workers.</b> The Committee notes the Government’s statement that from 2012 to the present time, 626 collective labour agreements and 345 collective accords were concluded. <i>While noting the Government’s repeated statement that Act No. 1453 of 2011 establishes the penalty of up to two years’ imprisonment and/or fines for anyone concluding collective accords that grant better conditions to non-unionized workers, the Committee recalls that collective accords with non-unionized workers should only be possible in the absence of trade unions.</i></p> <p><b>Coverage of collective bargaining in the private sector.</b> <i>The Committee requests the Government to send observations on the statement by the CUT that less than 4 per cent of workers are covered by a collective agreement.”</i></p> <p><a href="http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3077947:NO">http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3077947:NO</a></p> <p><i>Observation (CEACR) - adopted 2012, published 102nd ILC session (2013)</i>  <i>Equal Remuneration Convention, 1951 (No. 100) - Colombia</i></p> <p>“Article 1 of the Convention. <b>Work of equal value. Legislation.</b> The Committee notes that the Government reports on <b>the adoption of Act No. 1496 of 29 December 2011, which guarantees equality of pay and remuneration between men and women.</b> The Government states that the Act establishes wage assessment factors such as the nature of the work to be performed, the conditions for admission to the job and conditions of work. The Act provides that enterprises, both public and private, shall keep a register recording profile tasks assigned and remuneration by sex. The Ministry of Labour shall carry out audits for the purpose of assessing the enterprise’s equal wage practices and procedures are established to apply sanctions for breach of wage equality. <b>The Government indicates that there are not as yet any implementing regulations. The Committee notes that the CUT refers to the Act indicating that it was not the subject of consultation with the trade unions and that there is no mechanism for an objective evaluation of jobs. The Committee notes in this connection that although section 7 of Act No. 1496, which amends section 143 of the Labour Code, is entitled “Equal pay for work of equal value”, it provides (first paragraph) that “there shall be equal pay for equal work performed in equal posts with equal hours of work and equal conditions of efficiency ...”. The Committee notes that this is narrower than the principle of the Convention because it does not capture the concept of “work of equal value”: “equal value” goes beyond equal remuneration for “equal”, “the same” or “similar” work and encompasses in addition jobs that are of an entirely different nature, but which are nevertheless of equal value. The Committee considers that insistence on factors such as “equal conditions of work, skill and output” can be used as a pretext for paying women lower wages than men (see General Survey on the fundamental Conventions, 2012, paragraphs 673 and 677). <i>The Committee asks the Government to take the necessary steps to ensure that the principle enshrined in the Convention, namely equal remuneration for work of equal value, is fully reflected in the legislation, and asks it to take the principle into account when the regulations to implement Act No.</i></b></p>	Country	Low risk for gender wage discrimination
		Country	Specified risk for gender wage discrimination

	<p>1496 are being drafted. The Committee asks the Government to provide information on the progress made in this regard. While noting that according to section 4 of the Act, the Ministry of Labour and the Standing Committee for consultation on wage and labour policies are to determine by agreement the criteria for applying the wage assessment factors to be used by employers in determining remuneration, the Committee asks the Government to provide information on the effect given to section 4 of the Act and on the manner in which this provision promotes objective job evaluation, as envisaged in Article 3 of the Convention.” (..)</p> <p>“<b>Article 2.</b> The Committee notes that, according to the Government, Decree No. 4463 of 25 November 2011 was adopted to regulate Act No. 1257 setting out rules on awareness raising, prevention and punishment relating to forms of violence and discrimination against women. An objective of the Decree is to define the actions needed to promote social and economic recognition of the work of women and establish mechanisms to make equal remuneration for men and women effective. The Committee notes that according to the CUT, there are no reports on the results of the implementation of these provisions. The Government reports on the drafting of the Ministry of Labour’s national plan for employment equity with a differential gender focus for women, which provides for the development of preventive measures and the reduction of unemployment and informal employment among women, and the design of a monitoring system. The plan also provides for strategies to eliminate the pay gap between men and women which include the redistribution of social roles, recognition of the care economy and the incorporation of women in sectors of economic activity which are predominantly male. Furthermore, pursuant to Resolution No. 404 of 22 March 2012, internal working groups were set up in the various territorial departments of the Ministry of Labour to develop strategies for the dissemination of women’s rights at work and for the preventive inspection of workplaces with a view to avoiding all violations of equal remuneration. <i>The Committee asks the Government to provide information on the practical results obtained through the implementation of the national plan for employment equity with a differential gender focus for women in terms of the effect given to the principle of equal remuneration for men and women for work of equal value, laid down in the Convention, and its impact in terms of reducing the gender pay gap. Please provide information on the establishment of the monitoring system envisaged in the plan and on the preventive inspection visits to workplaces carried out with a view to ensuring equal remuneration.</i>” (..)</p> <p>“<b>Articles 3 and 4.</b> The Government states that in accordance with section 6 of Act No. 1496, work has been undertaken jointly with the Standing Committee for consultation on wage and labour policies to draft a decree regulating the Act. Work is also under way in conjunction with the United Nations Development Programme (UNDP) to develop an equity seal for the certification of private companies and public institutions that undertake systemic changes and adopt new attitudes with a view to incorporating gender equity. The Committee notes that in its observations the CUT states that the Act was not submitted for consultation and that the Standing Committee met only once – unsuccessfully – to draft the regulatory decree and</p>		
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	<p>determine criteria for applying the assessment factors provided for in section 4 of the Act. <i>The Committee asks the Government to continue to provide information on the implementation of these measures and on the measures adopted under the Agenda for Equality at Work and the Inter-Union Gender Committee, to which the Government referred in its previous report.</i></p> <p><b>Statistical information.</b> The Committee notes the information provided by the Government to the effect that, out of a total of 7,785,503 workers in the public and private sectors, 3,148,805 are women (40 per cent). In the public sector, women account for 51 per cent of the workforce. <i>These statistics show that occupational segregation persists, since women are still poorly represented in sectors where men predominate traditionally, such as construction, electricity, agriculture and mining. The Committee notes that with the implementation of the recently adopted Act No. 1496, the Government plans to develop training programmes for women in the construction sector as a way of combating occupational segregation. The Committee observes, however, that the Government provides no information on the remuneration rates of men and women. It notes that according to the CUT, there was a 17.7 per cent wage gap between men and women in 2011, which rose to 20.2 per cent in the first quarter of 2012. The Committee asks the Government to provide information on the implementation of the women's training programme in the construction sector, indicating whether it is to be extended to other sectors, and to continue to provide statistical information on the status of men and women in the labour market and on their distribution in the various occupations, jobs and economic sectors. Please also provide statistical information on the remuneration rates of men and women in the public and private sectors disaggregated by occupation and on measures taken to address the gender pay gap."</i></p> <p><i>No report is available with regard to C105 – Abolition of Forced Labour Convention.</i></p> <p><a href="http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3077913:NO">http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3077913:NO</a>  <i>Observation (CEACR) - adopted 2012, published 102nd ILC session (2013)  Discrimination (Employment and Occupation) Convention, 1958 (No. 111) - Colombia</i></p> <p><b>“Discrimination on the basis of race, colour and social origin.</b> In its previous comments, the Committee asked the Government to provide specific information on various measures to promote fundamental rights and to prevent discrimination based on race, colour and social origin, such as the strategy “Towards a national decent work policy in the framework of fundamental rights” and the “Strategy to promote dignified and decent work, from a corporate social responsibility perspective, for vulnerable population groups in Colombia”. The Committee notes that the Government indicates that under the Directorate of Fundamental Rights at Work two sub-directorates have been established, one for the protection of labour rights and the other to promote social organization, with a view to intensifying</p>	Country	Specified risk for women discrimination at work
		Country	Low risk for forced labour

	<p>measures to prevent discrimination against Afro-Colombians and indigenous peoples. Two forums have also been held for the benefit of these two groups in order to ascertain the work-related problems they face and to establish the policy guidelines to be followed by the Ministry of Labour. <b>The Government states that it knows of no complaints of discrimination based on social origin. The Committee observes that the Government provides no specific information on the results of the strategies it referred to previously, nor any particulars regarding the new measures or decisions taken to eliminate or prevent discrimination based on race, colour and social origin. While noting the importance of adopting long-term measures to combat discrimination, the Committee asks the Government to provide specific information on the impact of the measures adopted and the results achieved with a view to addressing discrimination based on race, colour and social origin.</b></p> <p>In its previous observation, the Committee took note of a report produced by the National Council for Economic and Social Policy (CONPES, No. 3660) <b>on the policy to promote equality of opportunity for the black, Afro-Colombian, Raizal and Palenquero communities (2010–14).</b> The Committee notes that <b>according to the CUT, Afro-Colombians have the highest poverty rate (82.12 per cent), have less access to formal employment and are generally concentrated in low-ranking jobs, earning 71 per cent of the pay of a mestizo.</b> The Committee notes that according to the Government, a new CONPES report is being produced with information from all the national entities. The Government refers to a <b>programme set up by the Office of the President to design strategies and action for the development of the Afro-Colombian people,</b> which is divided into five strategic axes: addressing the institutional lag, the creation of human capital, economic development, institutional reinforcement and the Millennium Development Goals. The Committee notes that in the context of these strategies <b>a number of practical measures have already been adopted including the award of collective land titles, measures to set up a Pacific university system, assistance to basic and higher education, improvement of the educational availability, arrangements with employers to conclude agreements with the communities and measures to include these peoples in formal employment. With regard to the specific measures for the education and training of indigenous peoples, the Government states that under the 2010–14 National Development Plan, several measures have been taken, ensuring their autonomy, for the establishment of an indigenous education system, policy guidelines for higher education have been laid down and an intercultural public universities project has been developed. The Committee also notes the measures adopted, including training, to integrate women belonging to these groupings in the labour market. The Committee asks the Government to continue to provide information on the measures taken in the context of CONPES No. 3660, the programme for Afro-Colombians set up by the President’s Office and the National Development Plan for Indigenous Peoples 2010–14. It also asks the Government to provide information on the impact of each of the measures adopted in terms of improving access of Afro-Colombians and indigenous peoples to the education system and the labour market and ensuring their traditional occupations. The Government is also asked to provide</b></p>	Country	Low risk for discriminati on based on social origin
		Country	Specified risk for discriminati on based on social origin
		Country	Low risk for discriminati on based on social origin

	<p><i>information on the measures aimed specifically at women belonging to these groups and the impact of such measures. Please also provide relevant statistical information disaggregated by sex.</i></p> <p><b>Discrimination based on sex.</b> The Committee notes that in its observations the CUT refers in general terms to the persistence of discrimination against women in the labour market, as reported in its previous comments. <b>The Committee notes that the Government refers to the adoption of Act No. 1496 of 2011 to guarantee equality of wages and remuneration for men and women and to establish mechanisms for the elimination of all forms of discrimination.</b> According to the Government, the purpose of the law is to establish mechanisms to bring about real and effective equality in both the public and the private sectors. The Act supplements and amends the Equality Opportunities Act, No. 823, and provides for the development of women's training programmes that are free from stereotyping, for technological and organizational support for small and medium-sized enterprises managed by women or employing a majority of women, and for rural women's access to landownership or tenure. The Government indicates that consultations are under way on draft implementing regulations for the Act. Furthermore, Ministry of Labour Resolution No. 162 of 2012 establishes a Gender Equity Group with responsibility for ensuring gender mainstreaming in the Ministry. Work is also under way on an equity seal to be used as a means of certifying private companies and public institutions that apply gender equality measures. The Government further indicates that in accordance with the recent regulations on teleworking, enterprises will be encouraged to adopt teleworking contracts for women prior to their maternity leave and during the period of breastfeeding. The Government has also developed a programme for rural women under which measures have been adopted in the areas of production and public and social policy with a view to improving the living conditions of rural women. While noting all these measures, the Committee notes that the Government provides no information on the impact of the measures and programmes it referred to in its previous observation. The Committee stresses the importance of continuity in the activities undertaken and of reporting on their effects and outcomes with a view to determining the extent to which they contribute to the achievement of gender equality, as foreseen in Article 3(f) of the Convention. <i>The Committee requests the Government to provide information on the impact and outcome of the programmes and measures referred to in the present report and previously, including those adopted under Act No. 1496 of 2011 and the programme for rural women. Please provide information on the measures taken to improve women's education and training with a view to improved access to employment and occupation.</i></p> <p><b>Sexual harassment.</b> The Committee notes that according to the Government, Ministry of Labour Resolution No. 2646 of July 2008 requires public and private enterprises to establish a committee on coexistence in the workplace, with responsibility for establishing a confidential internal conciliation procedure to prevent harassment at work. These committees are to be established before 20 October 2012. The Government states that complaints of quid pro quo sexual harassment</p>	Country	Low risk for gender wage discrimination
	<p><b>Sexual harassment.</b> The Committee notes that according to the Government, Ministry of Labour Resolution No. 2646 of July 2008 requires public and private enterprises to establish a committee on coexistence in the workplace, with responsibility for establishing a confidential internal conciliation procedure to prevent harassment at work. These committees are to be established before 20 October 2012. The Government states that complaints of quid pro quo sexual harassment</p>	Country	Low risk for sexual harassment at work

	<p>are filed not with the Ministry of Labour but with the criminal courts, as a mechanism for protecting women against violence. The Government states, however, that a system to follow up cases of sexual harassment at the workplace has been developed consisting of a compendium of information and complaints, which will enable labour inspectors to intervene, together with a protocol for receiving sexual harassment complaints for the purpose of providing legal advice and informing labour inspectors and public prosecutors. The Committee recalls that addressing sexual harassment only through criminal proceedings is not sufficient due to the sensitivity of the issue, the higher burden of proof which is harder to meet and the fact that criminal law does not address the wide spectrum of behaviours constituting sexual harassment in employment and occupation. <i>The Committee, therefore, requests the Government to provide further information on sexual harassment measures taken by the labour inspectorate and the Ministry of Labour, and on the number of complaints filed and the outcome thereof. The Committee also asks the Government to provide information on the application of section 3 of Act No. 1010 of 2006 on harassment at work (which provides for compensatory measures), and the manner in which adequate protection is secured for victims of harassment. Please indicate whether the abovementioned Act applies to associated work cooperatives.</i></p> <p><a href="http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3184712:NO">http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3184712:NO</a></p> <p><i>Direct Request (CEACR) - adopted 2014, published 104th ILC session (2015)</i>  <i>Minimum Age Convention, 1973 (No. 138) - Colombia</i>  “Article 2(3) of the Convention. <b>Compulsory education.</b> In its previous comment, the Committee noted the measures taken by the Government towards attaining its goal of universal primary education for all by 2015, but nevertheless noted the gender disparity in secondary education, to the detriment of boys.  The Committee notes the Government’s reference to the National Development Plan 2010–14, which includes among its objectives a cross-cutting educational policy. The Government indicates that it has assigned 94 Secretaries of Education for the implementation of this policy. The Government further refers to the Ministry of Education, as an integral part of the Committee on the Eradication of Child, which has promulgated various measures to reduce child labour through the education sector, including a 2012–13 pilot programme in the mining sector which links children to educational programmes and identifies those children who are otherwise outside of the education system. The Government further indicates that, along with the National Agency for Overcoming Extreme Poverty, it has taken action to identify and educate the entire population, including working with families to identify children otherwise left outside of the education system. The Committee further notes the Government’s reference to Decree 4807 of 2012 which regulates a system of free education for all students through the eleventh grade.  The Committee takes due note of the Government’s measures to increase school attendance under the “National strategy to prevent and eliminate the worst forms of child labour and protect young workers (2008–15)” (ENETI 2008 15). It also notes,</p>	Country	Specified risk for sexual harassment at work
		Country	Specified risk for child labour

	<p>however, that according to the 2012 data from the UNESCO Institute of Statistics, the primary-school enrolment rate is over 90 per cent both for girls and boys and the secondary-school enrolment rate is 78.7 per cent for girls and 73.3 per cent for boys. <i>Noting that the attendance rate for both boys and girls remains higher in primary education than in secondary education, the Committee requests the Government to continue to strengthen its efforts to ensure that children attend compulsory education, particularly in secondary education, at least until the age of 14 years.</i>"</p> <p><a href="http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3184716:NO">http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3184716:NO</a>  <i>Observation (CEACR) - adopted 2014, published 104th ILC session (2015)</i>  <i>Minimum Age Convention, 1973 (No. 138) - Colombia</i>  "Article 1 of the Convention. <b>National policy and application of the Convention in practice.</b> In its previous comment, the Committee noted the <b>adoption of the "National strategy to prevent and eliminate the worst forms of child labour and protect young workers (2008–15)" (ENETI 2008–15), drawn up in cooperation with ILO–IPEC and UNICEF. It also noted the CTC's and CUT's observations that the national policy to eliminate child labour is not effective, because the subsidies offered in the policy are not sufficient to remove these families from poverty.</b> The Committee noted the Government's information that, under the National Development Plan 2010–14, regional competent authorities committed themselves to giving priority to projects targeting children and adolescents involved in child labour. Finally, it noted the Government's indication that the next statistics on child labour would be included in the household-based survey of the fourth trimester of 2009 and results would be available in the second trimester of 2010.</p> <p>The Committee notes the <b>recent observations submitted by the CUT and the CGT, which allege that child labour remains a serious problem in practice in the country, in particular in areas of poverty and in the informal economy.</b> In addition, the Committee notes the CUT's reference to the results of the national child labour statistics (ENTI) of 2013 which, the CUT indicates, do not capture the real measure of child labour in the country because certain <b>sectors of the economy in which child labour is the most prevalent, such as agriculture, mining and commerce,</b> were not properly measured. Finally, the Committee notes the observations of the IOE and ANDI, which reference the statistics provided in the ENTI and indicate: (i) that <b>child labour has diminished from 13 per cent in 2011 to 9.7 per cent in 2013,</b> (ii) that the Government has identified and removed 445,994 children from child labour, ahead of its goal of 304,500 children, and (iii) that it had increased the capacity of its officials and committees on the eradication of child labour.</p> <p>The Committee notes the information in the Government's report concerning measures it has taken to ensure the effective application and implementation of the ENETI 2008–15, including the training of 2,700 officials in 2013 and, thus far, 590 officials in 2014, as well as the establishment of 514 committees on the eradication of child labour (CETI), covering over 50 per cent of the national territory. Further, in</p>	Country	Specified risk for child labour in agriculture
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	<p>view of the impending termination of the ENETI 2008–15, the Government indicates that the National Planning Department (DNP) had conducted an evaluation of the strategy’s implementation to be considered in redesigning a national policy for the next ten years. The Committee further notes the Government’s reference to the Network for a Child Labour Free Colombia, which involves ILO assistance and works with the Ministry of Labour to contribute to the prevention and eradication of child labour in enterprises.</p> <p>The Committee also notes the Government’s statistical information concerning child labour, as well as its information concerning the new methods of measuring child labour, which were developed in 2011 and which have been incorporated into the integrated household surveys carried out by the National Administrative Department of Statistics (DANE). <b>The Government indicates that, owing to this new methodology, it is not accurate to compare the child labour statistics contained in the 2009 household survey (1,050,147 children, or 9.2 per cent) to the results contained in the 2011 household surveys (1,465,031 children, or 13 per cent). Rather, the Government indicates that the results of the 2011 through 2013 household surveys, utilizing the same methodology, demonstrate that child labour has decreased from 1,465,031 children (13 per cent) in 2011 to 1,160,000 (10.2 per cent) in 2012 and to 1,091,000 (9.7 per cent) in 2013. The Committee also notes the Government’s indication that it intends to further reduce child labour to 6.2 per cent by 2014.</b> The Committee takes due note of the Government’s efforts to reduce child labour progressively. <i>Noting the Government’s indication that the ENETI 2008–15 will be redesigned to formulate a new ten-year national policy, the Committee requests the Government to take the necessary measures to ensure that the new policy is adopted. The Committee also requests the Government to continue to provide updated statistical information on the employment of children and young persons, as well as any labour inspection reports.”</i></p> <p><a href="http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3184779:NO">http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3184779:NO</a></p> <p><i>Direct Request (CEACR) - adopted 2014, published 104th ILC session (2015)</i>  <i>Worst Forms of Child Labour Convention, 1999 (No. 182) - Colombia</i>  “Article 7(2). Effective and time-bound measures. Clause (b). <b>Direct assistance for the removal of children from the worst forms of child labour. Child labour in small-scale mining.</b> Further to its previous comment, the Committee notes the observations of <b>the CUT and the CGT which allege that children in the mining sector remain victims of exploitation and sexual abuse.</b></p> <p>The Committee notes the Government’s information concerning the national mining policy under the Ministry of Mines, which aims to eradicate child labour in the mining sector by 2019. The Government also indicates that the Colombian Institute of Familiar Well-Being (ICBF) has taken several measures concerning children in the mining sector throughout the country. Finally, the Committee notes the Government’s reference to the collaborative project “We are Treasure” (Proyecto Somos Tesoro), 2013–17, with the US Department of Labor and the Ministry of</p>	Country	Specified risk for child labour
	<p>Country</p> <p>Specified risk for worst forms of child labour in the mining sector</p>	Country	Specified risk for worst forms of child labour in the mining sector



	<p>Labour, Mines and Energy, which aims to reduce child labour in the mining industry and to generate public policies to combat child labour in the formal and informal mining sectors by, among others, enhancing the capacity of labour inspectors. <i>The Committee requests the Government to continue to strengthen its efforts to combat child labour in the mining sector and to provide information on the number of children removed from work in mines, rehabilitated and socially integrated pursuant to the Proyecto Somos Tesoro.</i></p> <p>Clause (d). <b>Identifying and reaching out to children at special risk. Children belonging to indigenous and minority groups.</b> In its previous comments, <b>the Committee noted with concern that, despite positive measures provided for in the legislation, children of ethnic minorities are victims of social exclusion and racial discrimination.</b> The Committee notes, in this respect, the Government's indication that the National Strategy to prevent and eradicate the worst forms of child labour (ENETI 2008–15) is being modified to reflect the results of a 2013 study and proposed protection plan concerning the labour market for afro-Colombian, indigenous and native islanders (raizales). <i>The Committee requests the Government to provide information on the results of the ENETI 2008–15 modifications, including statistical information concerning the number of children of ethnic minorities who have been removed from the worst forms of child labour under the strategy.</i></p> <p><a href="http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3184772:NO">http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3184772:NO</a>  <i>Observation (CEACR) - adopted 2014, published 104th ILC session (2015) Worst Forms of Child Labour Convention, 1999 (No. 182) - Colombia</i>  <b>This report discusses issues around children in armed conflicts.</b> This document contains no information that indicates a specified risk in relation to child labour.</p>	Country	Specified risk for child labour especially indigenous and minority groups.
<p>ILO Declaration on Fundamental Principles and Rights at Work. Country reports.  <a href="http://www.ilo.org/declaration/lang--en/index.htm">http://www.ilo.org/declaration/lang--en/index.htm</a>  Source of several reports. Search for 'racial discrimination', 'child labour', 'forced labour', 'gender equality', 'freedom of association'</p>	<p><a href="http://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/---ilo-manila/documents/publication/wcms_231646.pdf">http://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/---ilo-manila/documents/publication/wcms_231646.pdf</a>  <i>International Labour Organization 2013</i>  <i>Freedom of association and the right to collective bargaining: training guide and materials for military, police and security forces in the Philippines</i>  "Standard lecture 13. Avoiding a climate of violence and impunity  So, what can be done to respect and protect rights to freedom of association and collective bargaining while at the same time fighting insurgency?  It may be good to think in terms of immediate and longer-term objectives. The longer-term objectives are certainly to maintain or re-establish in insurgency areas a climate free of violence and avoid an atmosphere of impunity in infringement of civil liberties and freedom of association rights. In the shorter term, immediate objectives may be taking measures aimed at building confidence by showing a commitment to rights and being seen to actually take action that is consistent by respecting rights.  <b>The long-standing case of respect for freedom of association in Colombia can be drawn upon for ideas.</b> The challenges faced in that country, like those faced in all,</p>	Country	Low risk for child labour
		Country	Low risk for freedom of association

	<p>are unique. A review of the situation there can nevertheless give some ideas to improve the respect for freedom of association rights in difficult circumstances.”</p> <p><a href="http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_424082.pdf">http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_424082.pdf</a></p> <p><b>Reports of the Committee on Freedom of Association</b></p> <p>In the past five years, each annual report of this Committee contains cases against the government of Colombia (mostly presented by a trade union), including definitive reports (final conclusions) and new cases. For example, the most recent report: <i>376th Report of the Committee on Freedom of Association. ILO 2015</i></p> <p>“Case No. 3027 (Colombia): Interim report Complaint against the Government of Colombia presented by the General Confederation of Labour (CGT) and the Pricol Alimentos SA Workers’ Union (SINTRAPRICOL)..... 276–300  The Committee’s conclusions.....289–299  The Committee’s recommendations..... 300</p> <p>Case No. 3087 (Colombia): Report in which the Committee requests to be kept informed of developments Complaint against the Government of Colombia presented by the Confederation of Workers of Colombia (CTC) and the Union of Workers of Financial Entities (SINTRAENFI) ..... 301–320  The Committee’s conclusions..... 314–319 The  Committee’s recommendations..... 320</p> <p>Case No. 3088 (Colombia): Definitive report Complaint against the Government of Colombia presented by the Union of Cali Municipal Enterprises Workers (SINTRAEMCALI) ..... 321–337  The Committee’s conclusions..... 332–336 The  Committee’s recommendation ..... 337”</p> <p><b>“New cases</b></p> <p>8. The Committee adjourned until its next meeting the examination of the following cases: 3119 (Philippines), 3120 (Argentina), 3121 (Cambodia), 3122 (Costa Rica), 3123 (Paraguay), 3124 (Indonesia), 3125 (India), 3126 (Malaysia), 3127 (Paraguay), 3130 (Croatia), <b>3131 (Colombia), 3133 (Colombia), 3137 (Colombia),</b> 3138 (Republic of Korea), 3139 (Guatemala), 3141 (Argentina), 3142 (Cameroon), 3143 (Canada), <b>3144 (Colombia),</b> 3145 (Russian Federation), 3146 (Paraguay), 3147 (Norway), 3148 (Ecuador), <b>3149 (Colombia), 3150 (Colombia),</b> 3151 (Canada), 3152 (Honduras), 3154 (El Salvador), 3155 (Bosnia and Herzegovina), 3156 (Mexico), <b>3157 (Colombia),</b> 3158 (Paraguay), 3159 (Philippines), 3160 (Peru), 3161 (El Salvador), 3162 (Costa Rica), 3163 (Mexico), 3164 (Thailand), 3165 (Argentina), 3166 (Panama), 3167 (El Salvador), 3168 (Peru), 3169 (Guinea) and 3170 (Peru), since it is awaiting information and observations from the governments concerned. <b>All these cases relate to complaints submitted since the last meeting of the Committee.”</b></p>	Country	Specified risk for freedom of association
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<p>ILO Child Labour Country Dashboard:  <a href="http://www.ilo.org/ipecc/Regionsandcountries/lang-en/index.htm">http://www.ilo.org/ipecc/Regionsandcountries/lang-en/index.htm</a></p>	<p>No additional information found on child labour in Colombia.</p>	<p>Country</p>	<p>Low risk for child labour</p>
<p>Global March Against Child Labour:  <a href="http://www.globalmarch.org/">http://www.globalmarch.org/</a></p>	<p><a href="https://globalmarch.org/signs-of-growth-in-child-labour-emerge-in-colombia/">https://globalmarch.org/signs-of-growth-in-child-labour-emerge-in-colombia/</a>  <i>Signs Of Growth In Child Labour Emerge In Colombia</i>      “2 May 2011: According to a report by the non-profit communications agency PANDI in Colombia, the country experienced a sharp rise in the volume of child workers between 2007 and 2009, with a growth of around 35 per cent. The report cites figures issued by DANE, the national statistics agency, indicating that in 2009 Colombia had at least just over 1 million working children, compared to around 787,000 in 2007.      To this figure is also added the nearly 800,000 children, especially girls, who have to work more than 15 hours a week on household chores, contributing to an overall total of nearly 1.85 million working children. The PANDI report noted the apparent discrepancy in a country where the 4.3 per cent rise in domestic GDP has been heralded with pride alongside a simultaneously burgeoning underage workforce, questioning the usefulness of such economic growth in the eradication of poverty. Mr Camilo Dominguez, programme manager of the social action group Fundación Telefonica, said: “In a country with a growing economy and an unemployment rate that remains around 12 per cent, you have to ask why children are increasingly being exposed to work ... Approximately one in 10 children work in Colombia. That amounts to twice the population of Manizales [in the department of Caldas] ... It must be a priority in this country to restore the rights of these children immediately and mobilise ourselves to discourage our society from allowing them to continue working.”      As in many countries around, rural areas constitute the highest proportion of child workers in Colombia, as well as the most significant increase, with 37.3 per cent of the child workforce associated with some form of agricultural work. However, around 0.5 per cent of working children can be found toiling in mines – over 5,000 children risk their lives daily to work in these hazardous conditions. Currently, legislation permits children to carry out “light work” (as defined by ILO Convention No. 138 on Minimum Age of Employment) for up to 14 hours per week, although this regulation is often flouted. Around 58 per cent of child labourers work more than the allocated daily maximum for adult workers, while 11 per cent work more than 48 hours a week.      The rise in the underage workforce in Colombia has been primarily attributed to the global economic crisis, although Mr Dominguez drew attention to the fact that it is not the most impoverished families that typically send their children to work, saying: “Interestingly, it is not the poorest families who put their children to work. As we noted in a study last year, it is in the middle-income deciles where most child labour is concentrated and not the lowest.”      Meanwhile, Ms Melba Diaz, the government’s director of labour protection, cautioned that even the high figures cited by DANE do not identify every child labourer, saying that “the capacity to identify where children are working failed.” She</p>	<p>Country</p> <p>Country</p> <p>Rural areas</p> <p>Country</p>	<p>Specified risk for child labour</p> <p>Specified risk for child labour in household chores</p> <p>Specified risk for child labour in agriculture and mining sectors</p>

	<p>went on to state: “There is hidden child labour, including sexual exploitation of children or in the marketplaces that we could not detect.”</p> <p>Reflecting on the indications in this report, Global March Chairperson Kailash Satyarthi commented: “Global March expressed its concerns in 2010 about the impact of the global financial crisis, pointing out the strong likelihood that this would lead to increases in the incidence of child labour around the world and also roll back some of the progress made through programmes and projects. The PANDI report points to a significant rise in child labour in Colombia in the period just before the financial crisis hit to just after. This is just one country that has had the benefit to draw on government statistics – but what about those countries where these statistics are not yet available? The ILO’s 2010 Global Child Labour Report drew on statistics prior to the crisis and we do not believe that the bigger picture has yet emerged. If the situation in Colombia is anything to go by, the problem is probably much worse than imagined.”</p> <p>Source: Colombia Reports and UPI”</p>		Specified risk for worst forms of child labour
<p>Office of the United Nations High Commissioner for Human Rights (OHCHR), Committee on Rights of the Child:  <a href="http://www.ohchr.org/EN/HRBodies/CRC/Pages/CRCIndex.aspx">http://www.ohchr.org/EN/HRBodies/CRC/Pages/CRCIndex.aspx</a></p>	<p><a href="http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fCOL%2fCO%2f4-5&amp;Lang=en">http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fCOL%2fCO%2f4-5&amp;Lang=en</a></p> <p><i>UN Convention on the Rights of the Child Committee on the Rights of the Child Concluding observations on the combined fourth and fifth periodic reports of Colombia. 6 March 2015</i></p> <p><b>C. Main areas of concern and recommendations</b></p> <p><b>“The Committee’s previous recommendations</b></p> <p>6. The Committee recommends that the State party take the necessary measures to address its <b>previous recommendations (CRC/C/COL/CO/3) that have not been implemented or have not been sufficiently implemented</b>, and particularly those relating to independent monitoring (para. 19), data collection (para. 27), training, and dissemination of the Convention (paras. 29-30), and standard of living (para. 66).”</p> <p><b>“Legislation</b></p> <p>7. <b>The Committee welcomes the adoption of the Children and Adolescents’ Code. It is concerned, however, about its effective implementation, for the following reasons:</b></p> <p>(a) The lack of some of the required regulations;</p> <p>(b) The deficiencies in the functioning of the administrative process for re-establishing rights, as set out in the Code;</p> <p>(c) The insufficient resources allocated for this purpose;</p> <p>(d) Accountability for children’s rights, including effective access to justice, is not systematically ensured.”</p> <p><b>“Cooperation with civil society</b></p> <p>15. <b>While the Committee notes that the State party has condemned attacks against human rights defenders, it is concerned that defenders involved in the</b></p>	<p>Country</p> <p>-</p> <p>Country</p> <p>Country</p>	<p>Specified risk for child labour</p> <p>Specified risk for child labour (attacks against human</p>

	<p>promotion of children's rights continue to suffer violence and that extensive impunity persists in this regard. It is also concerned that women human rights defenders are the victims of attacks or threats of attack against themselves or against their children or are the victims of sexual violence. It is further concerned that protection measures for defenders are not sufficient and lack a differentiated approach.”</p> <p><b>“Economic exploitation, including child labour</b></p> <p>59. The Committee notes the legal and policy measures taken by the State party to protect children from economic exploitation. However, it is concerned about the high number of children involved in child labour. In particular, it remains deeply concerned about the persistent involvement of children in dangerous and/or degrading work such as agricultural labour in illegal crops, drug dealing, illegal mining and bullfighting.</p> <p>60. The Committee urges the State party to:</p> <p>(a) Enhance its efforts to eliminate child labour, including by ensuring that legal proceedings are taken against those who exploit children economically and that the child victims are provided with adequate compensation;</p> <p>(b) Evaluate the results of the National Strategy for the Prevention and Eradication of the Worst Forms of Child Labour (2008-2015) and, on the basis of the lessons learned, review the Strategy and allocate adequate resources for its effective implementation. A monitoring mechanism and a gender perspective should be included in the Strategy;</p> <p>(c) Seek technical assistance in this regard from the ILO International Programme on the Elimination of Child Labour.”</p>	Country	rights defenders involved in the promotion of children's rights)  Specified risk for child labour (a.o. in agriculture)
<p>Committee on the Elimination of Discrimination against Women  <a href="http://www.ohchr.org/en/hrbodies/cedaw/pages/cedawindex.aspx">http://www.ohchr.org/en/hrbodies/cedaw/pages/cedawindex.aspx</a>          (Use the link to 'Key documents' on the left-hand side. Go to "observations" and search for country.) (Refer to CW Cat. 1)          Or:          Right top select country click on CEDAW treaty, click on latest reporting period and select concluding observations</p>	<p><a href="http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fCOL%2fCO%2f7-8&amp;Lang=en">http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fCOL%2fCO%2f7-8&amp;Lang=en</a>          Committee on the Elimination of Discrimination against Women          Concluding observations on the combined seventh and eighth periodic reports of Colombia          29 October 2013</p> <p><b>C. Principal areas of concern and recommendations</b></p> <p><b>“Legislative and institutional framework</b></p> <p>9. The Committee acknowledges the State party's comprehensive legal, policy and institutional framework on women's rights; however, it is deeply concerned that the framework stands in sharp contrast to the situation of women across the territory of the State party, as its implementation is highly ineffective. It welcomes the various Constitutional Court rulings which guarantee the protection of human rights, in particular women's rights. However, it is seriously concerned that opposing views at the executive decision-making level, as well as within the judiciary, with respect to the Court's rulings have resulted in inconsistencies in governance and the rule of law due to their limited implementation.”</p> <p><b>“Employment</b></p> <p>27. The Committee takes note of Law No. 1429 (2010), which incorporates temporary special measures by way of tax deductions to private companies</p>	Country	Specified risk for women's rights



	<p>(b) Ensure the effective implementation of Constitutional Court ruling 092 (2008) regarding the situation of internally displaced women, in particular the 13 programmes aimed at addressing the specific needs and risks faced by this group of women;</p> <p>(c) Take effective protection measures for women who are victims of threats and violence by armed groups, including post-demobilization armed groups, in relation to land restitution;</p> <p>(d) Fully acknowledge the link between gender-based violence, including sexual violence, and forced displacement and ensure the prompt investigation and prosecution of perpetrators, including post-demobilization armed groups;</p> <p>(e) Develop sustainable solutions for women to whom their land has been returned which, inter alia, incorporate women's right to have access to productive resources, such as seeds, water and credit, and foster their capacity to earn a living and produce their own food; ensure that the protection of these rights prevails over the profit interests of third parties involved in agricultural and mining mega-projects by, inter alia, promoting public-private partnerships; and ensure that adequate compensation is provided when land is requisitioned."</p>		
Human Rights Watch: <a href="http://www.hrw.org/">http://www.hrw.org/</a>	No information found that indicates a specified risk in relation to labour rights.	Country	Low risk for labour rights
Child Labour Index 2014 produced by Maplecroft. <a href="http://maplecroft.com/portfolio/new-analysis/2013/10/15/child-labour-risks-increase-china-and-russia-most-progress-shown-south-america-maplecroft-index/">http://maplecroft.com/portfolio/new-analysis/2013/10/15/child-labour-risks-increase-china-and-russia-most-progress-shown-south-america-maplecroft-index/</a>	Colombia is labeled between 'high risk' and 'extreme risk' on the Child Labour Index 2014, with 'extreme risk' as the worst category of this list.	Country	Specified risk for child labour
<a href="https://www.verite.org/africa/explore-by-commodity/wood/">https://www.verite.org/africa/explore-by-commodity/wood/</a>  (useful, specific on timber)	Colombia does not feature on this site.	Country	Low risk for forced labour
The ITUC Global Rights Index ranks 139 countries against 97 internationally recognised indicators to assess where workers' rights are best protected, in law and in practice. The Survey provides information on violations of the rights to freedom of association, collective bargaining and strike as defined by ILO Conventions, in particular ILO Convention Nos. 87 and 98 as well as jurisprudence developed by the ILO supervisory mechanisms. There are 5 ratings with 1 being the best rating and 5 being the worst rating a country could get. <a href="http://survey.ituc-csi.org/ITUC-Global-Rights-Index.html">http://survey.ituc-csi.org/ITUC-Global-Rights-Index.html</a>	<p><a href="http://survey.ituc-csi.org/Colombia.html">http://survey.ituc-csi.org/Colombia.html</a></p> <p><a href="https://www.ituc-csi.org/IMG/pdf/ituc-global-rights-index-map2018-en.pdf">https://www.ituc-csi.org/IMG/pdf/ituc-global-rights-index-map2018-en.pdf</a></p> <p>Colombia is classified in 2018 under the category 5: "No guarantee of rights"</p> <p><a href="http://survey.ituc-csi.org/Colombia.html#tabs-3">http://survey.ituc-csi.org/Colombia.html#tabs-3</a></p> <p><b>In practice</b>  <i>Anti-union policy at Postobon. 01-08-2016</i>  "Postobon, which belongs to the conglomerate Organización Ardila Lulle, in association with multinational PepsiCo, is operating a policy aimed at eradicating trade union organisations. By August 2016, the company had dismissed over three million unionised workers from 27 production centres across the country. After having eliminated the collective agreements and done away with the trade unions, the company restructured, establishing four large "inter-companies", enabling it to</p>	Country  Postobon	Specified risk for freedom of association, collective bargaining and strike  Specified risk for freedom of association

	<p>continue with its operations, employing workers through employment agencies, without social protection and under poor health and safety conditions.”</p> <p><i>Collective bargaining violations. 20-01-2014</i>          “In 2012, workers at Dimantec and Trateccol, companies subcontracted by Gecolsa, which is, in turn, a contractor for the mining multinational Drummond, formed a branch of the SINTRAIMEM union in Valledupar, as show in the registration filed with the Labour Ministry on 28 March 2012. On reaching the deadline set for the first collective bargaining agreement (2012 – 2013), the union presented its list of demands, in November 2013. Negotiations were initiated but no agreement was reached. The union decided in a general meeting that arbitration would not take place and consequently decided to convene its members to vote on strike action. The list of demands had been presented to Trateccol and Dimantec, which were working for Gecolsa as subcontractors. Gecolsa went on to absorb Trateccol, prompting the union to withdraw its initial list of demands and to present it to Dimantec alone, so that the negotiations would be held with a single company. Dimantec responded by saying that the union’s action was “an abuse of the right” and used this argument to delay the start of collective bargaining throughout 2013. These incidents took place during 2013, and at the beginning of 2014 Dimantec arbitrarily decided that since no collective agreement was in place, the pay rise for the 2014/2015 period would not be the same for unionised and non-unionised workers. The pay rise for the former was set at 3.6% while the non-unionised employees would receive the 4.5% rise stipulated by the national government. This clear and open act of discrimination against unionised workers is a blatant violation of the most basic trade union and labour rights, as well as the right to “equal pay for work of equal value”.</p> <p><i>Violations of freedom of association: anti-union dismissals. 30-06-2014</i>          “In December 2014, William de Jesús Muñoz Zea and Lina Marcela González López, members of the trade union ASOTRAEMTELCO, representing workers at Emtelco S.A., applied for protection under the constitution after being dismissed by the company without due process. Protection was not granted and the union had to appeal against the dismissals through the ordinary channels. On 29 June 2014, the SINTRATABLEMAC trade union was formed and on 1 July its president and several of its founding members were unfairly dismissed. The company, Tablemac MDF S.A.S., claimed it was unaware that a union had been formed. It was ruled that the dismissed workers were entitled to constitutional protection and should be reinstated. In June 2014, an application for protection was filed against Sodimac Colombia S.A., on grounds of anti-union persecution, following the pressure placed on Juliana Ramírez after she joined the trade union SINTRASODIMAC.”</p> <p><i>Arrests. 31-07-2014</i>          “Rafael Rodríguez, branch treasurer of the Unión Sindical Obrera (USO) and the union’s representative in the negotiations being held with the oil company Ecopetrol,</p>	Country	Specified risk for right to collective bargaining
	<p><i>Arrests. 31-07-2014</i>          “Rafael Rodríguez, branch treasurer of the Unión Sindical Obrera (USO) and the union’s representative in the negotiations being held with the oil company Ecopetrol,</p>	Country	Specified risk for freedom of association



	<p>was arrested on 21 July 2014, at Yariguíes airport in the city of Barrancabermeja. Rafael Rodríguez explained that when going through airport security before taking the plane to Bogotá, where he was going to take part in negotiations, a hand grenade was found in his hand luggage. He had no idea how the device found its way into his luggage. He claimed that it was placed in his luggage to frame him. Rafael Rodríguez had been the victim of an attack by hired assassins in 2013. Having failed to meet their objective on that occasion, this criminal ploy is another attempt to harm him and his reputation by trying to make him look like a criminal, to delegitimise his trade union work and to obstruct the progress of the collective bargaining process underway.”</p> <p><i>Health sector trade unionist murdered. 12-04-2016</i>  “On 12 April 2016, the Central Unitaria de Trabajadores (CUT) denounced the killing of Oswaldo Hernández Gutiérrez, president of the San Sebastián de Buenavista branch of the Sindicato Nacional de la Salud y Seguridad Social (SINDESS), in the department of Magdalena.  The attack took place on the night of Thursday 7 April when the trade unionist was about to enter his home. He was shot several times in the head and neck. Seriously wounded, he was taken to a hospital in the city of Valledupar, where he received surgery but subsequently died from his injuries in the early hours of Sunday 10 April. The trade unionist worked as a sanitation technician at the E.S.E. Hospital Rafael Paba Manjarrez in the municipality of San Sebastián. He worked relentlessly, in his capacity as a trade union leader, to defend the rights and interests of the health sector workers in Magdalena.”</p> <p><i>Violent repression of court workers’ protestes judiciales. 01-02-2016</i>  “On 1 February 2016, about 300 men from the Mobile Anti-riot Squad (Esmad) violently attacked judicial workers who were protesting outside the the civil and family courts in central Bogotá.  The civil servants were protesting against Agreement 10445 of the Higher Council of the Judiciary (CSJ) which created Service Centres for for civil and family courts. During Esmad’s attack, blows were struck, and electric pistols were used, leaving several people injured, including a pregnant woman.”</p> <p><i>Murder of ADES trade union leader. 25-11-2015</i>  “On 20 November 2015, the Colombian trade union centre Central Unitaria de Trabajadores (CUT) denounced the murder of Marcell Méndez Bertel, president of the Sincelejo branch of the teachers’ union Asociación de Educadores de Sucre (ADES). The incident took place in the afternoon of 17 November when the union leader was entering her home in the municipality of Sincelejo. She was attacked by armed individuals, who shot her several times.”</p>	Country	Specified risk for violence against trade unionists
		Country	Specified risk for violence against trade unionists
		Country	Specified risk for violence against trade unionists
		Country	Specified risk for violence against trade unionists
Gender wage gap (in OECD countries) <a href="http://www.oecd.org/gender/data/genderwagegap.htm">http://www.oecd.org/gender/data/genderwagegap.htm</a>	Not applicable	-	-



	<p>be reviewed to explore further the rule of law and labour rights situation in Colombia and their impact on public governance and effective quality regulation. In our view, neither report (hereafter “RPC report” and “PGC report”) places sufficient attention on the impact of collective insecurity and of recurrent failures to meet internationally recognised labour standards on public governance and regulatory quality in Colombia, including:</p> <ul style="list-style-type: none"> <li>- the exceptional severity of the human rights risks to trade unionists and other human rights defenders in Colombia, including assassination;</li> <li>- the violation of freedom of association and collective bargaining, which are essential forms of regulation of the labour markets,</li> <li>- the weak enforcement of labour law,</li> <li>- the defect in the police, public prosecution and judiciary leading to high levels of impunity in cases related to violence against trade union members,</li> <li>- the absence of substantive social dialogue between government and trade unions.”</li> </ul> <p><b>Killings and death threats</b>  “Anti-union violence still remains at alarming levels. In 2012, 20 trade unionists were murdered and 4 have been murdered so far in 2013.”</p> <p><b>Workers’ right of association limited</b>  “The right of association can be exercised by a very limited number of workers. Of about 18 million, less than 3 million have the right to join a union because the law establishes that only those workers hired through employment contracts can exercise that right, excluding workers hired under service, civil, or commercial contracts, workers in cooperatives, apprentices, selfemployed and the unemployed, who constitute the majority of the workforce. Indeed, the majority of workers in Colombia are employed in the informal sector. The ILO has noted that, “the concept of worker means not only salaried worker, but also independent or autonomous worker” and that all workers should have the right to establish and join organizations of their own choosing.”</p> <p><b>Collective bargaining undermined</b>  “Article 481 of the Labour Code permits collective agreements (“pactos colectivos”) to be directly negotiated with non-unionized workers where the union represents less than one-third of the workforce. In reality, they usually are contracting that workers are unable to negotiate and are forced to accept under threat of dismissal. In some cases, the employer will use the promise of an agreement to entice workers to resign from the union, leaving membership below the one-third threshold, making such agreements legal. The ILO Committee of Experts has repeatedly voiced its concern that the negotiation of collective accords could undermine the position of trade union organizations and called on the government to amend the legislation so that direct negotiations with workers should only be possible in the absence of</p>	<p>Country</p> <p>Country</p> <p>Country</p> <p>Country</p>	<p>Specified risk for trade union rights, rule of law, freedom of association and collective bargaining</p> <p>Specified risk for trade union rights</p> <p>Specified risk for freedom of association</p> <p>Specified risk for the right on collective bargaining</p>
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	<p>trade union organizations. In effect the practice of collective pacts has greatly weakened trade union membership in Colombia<sup>5</sup>.</p> <p>The labour code also does not explicitly provide for industry-wide collective bargaining, only bargaining at the company level. In practice, the government does not recognize the right of unions to bargain on an industry basis or on some social rights such as pensions. In 2005, Colombia reformed its Constitution to eliminate collective bargaining on the subject of pensions<sup>6</sup>.”</p> <p><a href="https://www.wola.org/2013/10/labor-rights-violations-persist-in-colombia/">https://www.wola.org/2013/10/labor-rights-violations-persist-in-colombia/</a>  WOLA. <i>Advocacy for Human Rights</i>  29 OCT 2013   NEWS  <i>Labor Rights Violations Persist in Colombia</i>  “Today, Congressmen George Miller (D-CA) and James P. McGovern (D-Mass) released a report highlighting continued labor abuses in Colombia. The report comes one year after the implementation of the U.S.-Colombia Free Trade Agreement and two years after the approval of the U.S.-Colombia Labor Action Plan (LAP). The LAP, which sought to address labor rights violations in advance of a bilateral free trade agreement, has yet to be successfully implemented, the report concludes.  “Despite lofty rhetoric and extensive plans for reform from the Colombian and United States governments, this report illustrates how Colombia has demonstrably failed to implement the commitments it made in the LAP,” said WOLA Senior Associate Gimena Sánchez. “Basic labor protections, including the right to freedom of association and collective bargaining, continue to be violated on a national scale.”  According to the new report, the vast majority of labor rights violations and anti-union violence go unpunished.”</p> <p><a href="http://www.europarl.europa.eu/RegData/bibliotheque/briefing/2012/120312/LDM_BRI(2012)120312_REV1_EN.pdf">http://www.europarl.europa.eu/RegData/bibliotheque/briefing/2012/120312/LDM_BRI(2012)120312_REV1_EN.pdf</a>  Library Briefing  Library of the European Parliament 13/09/2012  <i>Labour rights in Colombia in the perspective of a Free Trade Agreement with the EU</i>  “Therefore, the situation of trade unions’ and workers’ rights is one of the major points of concern with the FTA. Indeed, Colombia is one of the most dangerous countries in which to exercise one’s labour rights, with huge numbers of trade-unionist workers harassed and even killed over recent decades.”</p> <p>“One of the major issues in the human-rights fields is the deficit in labour rights and the persecution of trade-union activists, which occurs in Colombia at unprecedented levels.”</p> <p>“One indicator of the labour-rights deficit is the decline in union membership in Colombia: from 13% of the formal labour force in 1965 to 4.4% in 2010.2”</p>	Country	Specified risk for the right to freedom of association and collective bargaining
		Country	Specified risk for labour rights

	<p><a href="http://www.reuters.com/article/us-usa-colombia-trade-labor-idUSKCN0Y71G8">http://www.reuters.com/article/us-usa-colombia-trade-labor-idUSKCN0Y71G8</a>  REUTERS. BUSINESS NEWS   Tue May 17, 2016  Colombia not enforcing U.S. trade deal labor standards -unions  “Colombia has failed to enforce worker protections in a free trade agreement with the United States, U.S. and Colombian labor unions said on Monday, raising questions about similar provisions in the massive Trans-Pacific Partnership trade deal.  In a complaint filed with a division of the U.S. Labor Department, the unions said threats and acts of violence against trade unionists in Colombia were neither properly investigated nor prosecuted.  The AFL-CIO and four Colombian unions said in the complaint that since the U.S.-Colombian trade deal took effect in 2011, some 99 Colombian workers and worker advocates were killed as they tried to exercise their rights. Six workers were kidnapped, and 955 death threats were received, the complaint said.  The unions, including those representing many of Colombia’s oil workers and farm workers, also said the Colombian government ignored protections for workers who want to unionize and allowed the rampant use of subcontractors in violation of union contracts.  The complaint said the oil and sugar sectors were among the businesses where workers remain oppressed.  “The failure to enforce fundamental labor rights artificially distorts the cost of labor in the oil sector because Colombian companies face different conditions of competition than they would face were the laws effectively enforced,” the unions said in the complaint filed with the Labor Department’s Office of Trade and Labor Affairs.”</p> <p><a href="https://www.dol.gov/sites/default/files/documents/ilab/Colombia%20Final%20Word%20version%20%2800000002%29.pdf">https://www.dol.gov/sites/default/files/documents/ilab/Colombia%20Final%20Word%20version%20%2800000002%29.pdf</a>  “PUBLIC SUBMISSION TO THE OFFICE OF TRADE &amp; LABOR AFFAIRS (OTLA) UNDER CHAPTERS 17 (LABOR) AND 21 (DISPUTE SETTLEMENT) OF THE COLOMBIA UNITED STATES TRADE PROMOTION AGREEMENT CONCERNING THE FAILURE OF THE GOVERNMENT OF COLOMBIA TO COMPLY WITH CHAPTER 17 OF THE COLOMBIA-UNITED STATES TRADE PROMOTION AGREEMENT  SUBMITTED BY:  THE AMERICAN FEDERATION OF LABOR AND CONGRESS OF INDUSTRIAL ORGANIZATIONS (AFL-CIO)  CENTRAL UNITARIA DE TRABAJADORES (CUT)  CONFEDERACIÓN DE TRABAJADORES DE COLOMBIA (CTC)  CORPORACIÓN COLOMBIANA PARA LA JUSTICIA Y EL TRABAJO (COLJUSTICIA)  SINDICATO NACIONAL DE TRABAJADORES DE LA INDUSTRIA AGROPECUARIA (SINTRAINAGRO)  UNIÓN SINDICAL OBRERA (USO)”</p>	Country	Specified risk for (all) labour rights
		Country	Specified risk for (all) labour rights

	<p><a href="http://pulitzercenter.org/projects/south-america-colombia-labor-union-human-rights-judicial-government-corruption-paramilitary-drug-violence-education">http://pulitzercenter.org/projects/south-america-colombia-labor-union-human-rights-judicial-government-corruption-paramilitary-drug-violence-education</a></p> <p><b>Pulitzer Center on Crisis Reporting</b>  <i>Death Stalks Colombia's Unions. July 14, 2013</i></p> <p>“As Colombia struggles to free itself from a vortex of violence, union members, human rights activists and others still feel threatened by criminal elements—and their own government.”</p> <p>“Since 1986, more than 2,800 labor leaders and union members have been killed in Colombia. In recent years this South American nation has led the world in this grim statistic. And more than 9 out of 10 of these cases remain unsolved. Colombia’s failure to protect workers was a key reason for the five-year delay in U.S. congressional approval of a free trade agreement with it. It was finally approved in 2011. Amid protests from human rights and labor groups, U.S. officials said Colombia had taken steps to protect workers and their labor rights. Unions, human rights activists and others say the abuses and dangers persist, and in some case have grown. As a result of attacks on unions and other pressures, the percentage of unionized workers in Colombia has dropped from 15 percent 20 years ago to about 4 percent today.</p> <p>Teachers have suffered along with others largely because they were seen as social activists and community organizers.</p> <p>The dangers faced by union members and human rights activists mirror a long-lasting vortex of violence propelled by guerrillas, right-wing paramilitaries, drug cartels, criminals, and, according to human rights groups and others, military and government officials as well.</p> <p>The State Department’s 2013 report on human rights in Colombia described a nation plagued by “an inefficient judiciary and corruption” that limit its ability to prosecute human rights violators.”</p> <p><a href="http://pulitzercenter.org/reporting/south-america-colombia-flower-workers-free-trade-agreement">http://pulitzercenter.org/reporting/south-america-colombia-flower-workers-free-trade-agreement</a></p> <p><b>Pulitzer Center on Crisis Reporting</b>  <i>Colombia's Flower Workers Do Not Celebrate the Free Trade Agreement with the US. December 18, 2013</i></p> <p><a href="http://pulitzercenter.org/reporting/south-america-colombia-union-workers-sugar-cane-cutters-poverty-struggle">http://pulitzercenter.org/reporting/south-america-colombia-union-workers-sugar-cane-cutters-poverty-struggle</a></p> <p><b>Pulitzer Center on Crisis Reporting</b>  <i>The Fight for Labor Rights in Colombia. October 21, 2013.</i></p> <p>“Omar Serrano, the president of the Colombian sugarcane cutters, has high hopes that the fight for worker’s rights will reverberate throughout Colombia. The workers in El Cerrito are just struggling to survive—living off beans, coffee and bread. With little help from the outside world they sometimes have to resort to eating worms and drinking water from a creek that runs through the crops. This article is in Spanish. To read the full text, please visit LaRaza’s website.”</p>	Country	Specified risk for (all) labour rights
		Country	Specified risk for labour rights in the flower sector
		Country	Specified risk for labour rights in the sugar sector



	<p>“It remains difficult to know how women fare in the workforce as compared to men: while most Colombian women have informal jobs, the National Statistics Office and Labour Ministry only monitor the salaries and work conditions of formal employment. <b>Academic research, however, finds that the gender wage gap is slightly higher in Colombia (14%) than on average across Latin America (10%).</b>”</p> <p><a href="http://www.solidaritycenter.org/afro-colombians-fighting-against-discrimination-at-work/">http://www.solidaritycenter.org/afro-colombians-fighting-against-discrimination-at-work/</a></p> <p><b>Solidarity Center</b>  <i>AFRO-COLOMBIANS FIGHTING AGAINST DISCRIMINATION AT WORK</i>  MARCH 12, 2013</p> <p>“<b>Afro-Colombians are far likelier than other Colombian workers to earn less than the minimum wage and to be employed in jobs where they cannot form unions to improve their working conditions. And all of this exclusion “has a strong current of racial discrimination under it,”</b> said Agripina Hurtado, the newly elected president of the Afro-Colombian Labor Council (Consejo Labor Afrocolombiano). A quarter of Colombia’s population is Afro-descendant, yet Afro-Colombians comprise more than three-quarters of the country’s poor.</p> <p><b>Many Colombians neither recognize nor acknowledge discrimination against Afro-descendants,</b> Hurtado said, and the council is working to raise awareness among lawmakers and the public about their working conditions. <b>For instance, roughly 75 percent of the workforce in Colombia’s ports—primarily Afro-descendent—is employed under flexible non-labor contracts and consequently not allowed to join unions or bargain collectively.</b></p> <p><b>Further, threats and violence against Afro-Colombian leaders and communities are causing high levels of forced displacement, especially along the Pacific Coast where large numbers of Afro-descendants live.</b> Colombia is the deadliest country in the world for union activists, with 4,000 trade unionists murdered in the past 20 years, many of them Afro-Colombian. “The selective killing of union members is spreading fear” throughout the Afro-Colombian community, she said.” (..)</p> <p>“Hurtado said <b>one of the council’s big goals is to ensure that port workers, sugarcane cutters and other workers who are currently hired casually or under subcontracting arrangements are hired under the formal labor contracts that the law requires.</b> That way, they will be covered by the nation’s labor laws and allowed to collectively bargain with their employers. Some 65 percent of Afro-Colombians in the informal sector and 29 percent in the formal sector make less than the minimum wage, according to an in-depth study of the Afro-Colombian labor situation in four major Colombian cities by the National Union School (ENS), a Solidarity Center partner.</p> <p>Speaking through a translator at the Solidarity Center in Washington, D.C., Monday, Hurtado said the government is taking steps to acknowledge the needs of Afro-</p>	Country	<p>wage discrimination</p> <p>Specified risk on discrimination of Afro-descendants for work opportunities, as well as violence against leaders and communities</p>
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	<p>Colombians, but only because of pressure from the international community. Overall, the government “doesn’t really take these issues seriously.” The council is working at the national and local levels of government to “insert the issue of racial discrimination into the discussion on wages and worker issues,” she said.” (..)</p> <p><a href="http://colombiareports.com/more-than-1-million-children-in-colombia-subjected-to-child-labor/">http://colombiareports.com/more-than-1-million-children-in-colombia-subjected-to-child-labor/</a></p> <p><b>Colombia Reports</b>  <i>More than 1 million children in Colombia subjected to child labor written by Adriaan Alsema June 11, 2013</i>  “More than one million children, almost 10% of all minors in Colombia, work to sustain themselves or their families, the country’s Ministry of Labor revealed Tuesday.  In a report on domestic labor by minors, the Ministry said that of the 11.3 million minors in Colombia, 1.1 million is working illegally.  The latest figures show a 3.2% drop in child labor compared to late 2011 when the government estimated the number of children working at 1.4 million.  According to the Ministry, 35% of the working minors do so out of poverty and try to support the basic needs of their families. However, another 35% of interviewed working minors said their main objective was to have money to spend.  Colombian law allows no labor by children under 15. Minors between 15 and 17 are allowed to work but need a permission from authorities that check whether a minor isn’t subjected to dangerous working conditions.  According to Labor Minister Rafael Pardo, people who subject children to labor “violate the rights to education, health, time and personal development.”  The Colombian government, together with the International Labour Organisation (ILO), vowed to combat child labor, particularly those who work as domestic helpers. To do so, the ministry and the ILO announced to join hands in a campaign to diminish the number of children working in people’s homes.  According to the ministry, some 17,000 Colombian children — 94% of which are girls — are illegally employed as domestic helpers. Some thousand girls between 10 and 14 are estimated to work in return for food and shelter.”</p> <p><a href="http://www.humanrightsfirst.org/blog/forced-labor-and-blood-gold-colombia">http://www.humanrightsfirst.org/blog/forced-labor-and-blood-gold-colombia</a></p> <p><b>human rights first</b>  <i>Forced Labor and "Blood Gold" in Colombia. December 02, 2015</i>  “In film and television, Colombia is virtually synonymous with drug trafficking. But for all of Hollywood’s work to shine a light on the Medellin Cartel, another form of trafficking has steadily grown in the country’s gold mining industry: labor trafficking.  The Colombian government revealed earlier this year that illegal mining operations are present in 233 municipalities, yielding 80 percent of the gold produced in the country.”  “<b>Forced labor in the gold mining industry is not the only kind of human trafficking in Colombia.</b> Sex trafficking, forced begging, and indentured servitude in the domestic</p>	Country	Specified risk for child labour
	<p><b>human rights first</b>  <i>Forced Labor and "Blood Gold" in Colombia. December 02, 2015</i>  “In film and television, Colombia is virtually synonymous with drug trafficking. But for all of Hollywood’s work to shine a light on the Medellin Cartel, another form of trafficking has steadily grown in the country’s gold mining industry: labor trafficking.  The Colombian government revealed earlier this year that illegal mining operations are present in 233 municipalities, yielding 80 percent of the gold produced in the country.”  “<b>Forced labor in the gold mining industry is not the only kind of human trafficking in Colombia.</b> Sex trafficking, forced begging, and indentured servitude in the domestic</p>	Country	Specified risk for forced labour in gold mining



	<p>signed one-year agreements with the National Federation of Coffee Growers and the Federation of Cargo Transporters and Logistics to prevent and eliminate child labor in the coffee and transport sectors, respectively. However, children in Colombia are engaged in the worst forms of child labor, including in street work and in commercial sexual exploitation sometimes as a result of human trafficking. The Government does not employ a sufficient number of labor inspectors to adequately enforce child labor laws across the country, and challenges in coordination on child labor issues remain.”</p> <p><b>“Table 2. Overview of Children’s Work by Sector and Activity</b></p> <table border="1"> <thead> <tr> <th data-bbox="837 379 943 437">Sector/ Industry</th> <th data-bbox="981 411 1077 437">Activity</th> </tr> </thead> <tbody> <tr> <td data-bbox="837 491 943 549">Agriculture</td> <td data-bbox="981 453 1653 549">Production of coffee, † cotton,* † rice,* † sugarcane, † and unrefined brown sugar (<i>panela</i>)* † (11-16) Hunting* † and fishing,* † activities unknown (17)</td> </tr> <tr> <td data-bbox="837 628 943 654">Industry</td> <td data-bbox="981 558 1653 654">Mining coal, † emeralds, † gold, † and clay to make bricks † (15, 18-21) Construction,* † activities unknown (22)</td> </tr> <tr> <td data-bbox="837 877 943 903">Services</td> <td data-bbox="981 663 1653 903">Street work, † including vending, begging, and guarding or washing cars and motorcycles (1, 2, 23-26) Recycling* † and garbage scavenging* † (2, 27) Selling imported gasoline* † (11, 15) Domestic work † (15, 28) Working in retail establishments, hotels, and restaurants, activities unknown (4, 17)</td> </tr> <tr> <td data-bbox="837 1155 943 1289">Categorical Worst Forms of Child Labor †</td> <td data-bbox="981 919 1653 1289">Commercial sexual exploitation sometimes as a result of human trafficking (3, 24, 29-31) Use in the production of pornography (2, 29) Use in armed conflict, sometimes as a result of force, in illegal armed groups, to perform intelligence and logistical activities, store and transport weapons, and engage in commercial sexual exploitation (32-35) Use in illicit activities, including in the production of marijuana* and poppies*, in the production of coca (stimulant plant) sometimes as a result of human trafficking, in forced begging, and by gangs to commit homicides and traffic drugs (2,3, 11, 15, 25, 30, 36-38)</td> </tr> </tbody> </table>	Sector/ Industry	Activity	Agriculture	Production of coffee, † cotton,* † rice,* † sugarcane, † and unrefined brown sugar ( <i>panela</i> )* † (11-16) Hunting* † and fishing,* † activities unknown (17)	Industry	Mining coal, † emeralds, † gold, † and clay to make bricks † (15, 18-21) Construction,* † activities unknown (22)	Services	Street work, † including vending, begging, and guarding or washing cars and motorcycles (1, 2, 23-26) Recycling* † and garbage scavenging* † (2, 27) Selling imported gasoline* † (11, 15) Domestic work † (15, 28) Working in retail establishments, hotels, and restaurants, activities unknown (4, 17)	Categorical Worst Forms of Child Labor †	Commercial sexual exploitation sometimes as a result of human trafficking (3, 24, 29-31) Use in the production of pornography (2, 29) Use in armed conflict, sometimes as a result of force, in illegal armed groups, to perform intelligence and logistical activities, store and transport weapons, and engage in commercial sexual exploitation (32-35) Use in illicit activities, including in the production of marijuana* and poppies*, in the production of coca (stimulant plant) sometimes as a result of human trafficking, in forced begging, and by gangs to commit homicides and traffic drugs (2,3, 11, 15, 25, 30, 36-38)	Country	Specified risk for child labour (forestry not mentioned but “activities unknown” can point to forestry)
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	<p>* Evidence of this activity is limited, and/or the extent of the problem is unknown.  † Determined by national law or regulation as hazardous and, as such, relevant to Article 3(d) of ILO C. 182.  ‡ Child labor understood as the worst forms of child labor <i>per se</i> under Article 3(a) – (c) of ILO C. 182.”</p> <p>The website/report mentions coca production as the only sector in which forced labour and forced child labour is used.</p>	Country	Low risk for forced labour
US Department of State	<p><a href="http://www.state.gov/j/tip/rls/tiprpt/countries/2014/226701.htm">http://www.state.gov/j/tip/rls/tiprpt/countries/2014/226701.htm</a>  <b>Colombia</b>  Office To Monitor And Combat Trafficking In Persons  <b>2014 Trafficking in Persons Report: Tier 2</b>  “Colombia is a source country for men, women, and children subjected to sex trafficking, and a source and destination country for men, women, and children subjected to forced labor. Groups at high risk for internal trafficking include internally displaced persons, Afro-Colombians, indigenous Colombians, Colombians with disabilities, and Colombians living in areas where armed criminal groups are active. Sex trafficking of Colombian women and children occurs within the country. Authorities reported high rates of child prostitution in areas with tourism and large extractive industries, and NGOs reported that sex trafficking in mining areas sometimes involves organized criminal groups. NGOs reported that transgender Colombians and Colombian men in prostitution are exploited in sex trafficking in Colombia. Colombian labor trafficking victims are found in mining, agriculture, and domestic service. Colombian children working in the informal sector, including as street vendors, are also vulnerable to labor trafficking. Colombian children and adults are exploited in forced begging in urban areas. Illegal armed groups forcibly recruit children to serve as combatants and informants, to cultivate illegal narcotics, or to be exploited in prostitution. Organized criminal groups force vulnerable Colombians, including displaced persons, into sex trafficking and forced criminal activity—particularly to sell and transport illegal narcotics and serve as lookouts or assassins.  (..)  The Government of Colombia does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Authorities continued to undertake awareness campaigns and investigate and prosecute transnational trafficking cases. Authorities increased the number of labor trafficking investigations and reported six convictions related to child recruitment by illegal armed groups in 2013, some of which may have involved forcible child recruitment. The government offered victims of transnational trafficking repatriation and short-term emergency assistance and provided services to child victims of sex trafficking and of forcible recruitment by illegal armed groups. The government did not demonstrate concrete progress in identifying victims from vulnerable populations, providing specialized services to victims, and prosecuting and convicting perpetrators of internal trafficking. Authorities did not treat all internal sex</p>	Country	Specified risk for forced labour
		Country	Specified risk for forced labour in agriculture

	trafficking cases and recruitment of children by illegal armed groups as human trafficking, which hindered efforts to accurately assess government efforts to identify and assist victims and to investigate and prosecute trafficking cases. Departmental governments lacked sufficient funding, staff, or interagency coordination to provide adequate specialized services to victims of trafficking. The government's victim assistance decree, required by the 2005 trafficking law and initially drafted in 2008, remained pending."		
From national CW RA	Not applicable	-	-
<b>Conclusion on Indicator 2.2:</b>		Country	Specified risk
<ul style="list-style-type: none"> <li>Colombia is signatory to all eight fundamental ILO Conventions and the labour rights are to a large extent, although not fully, covered by the relevant legislation. Enforcement of existing laws, however, is in many cases inadequate, especially for the issues of trade union rights and child labour. It is noted that CW assessment of indicator 1.12 on legal employment has been evaluated as specified risk. Identified laws are not upheld consistently by all entities and/or are often ignored, and/or are not enforced by relevant authorities.</li> <li>There is a lot of evidence that the rights to freedom of association, to collective bargaining and to strike are not upheld. The ITUC categorizes Colombia in the worst category 5: "No guarantee of rights". ITUC's explanation is that "Countries with the rating of 5 are the worst countries in the world to work in. While the legislation may spell out certain rights workers have effectively no access to these rights and are therefore exposed to autocratic regimes and unfair labour practices." A large number of sources report on these violations. According to the Pulitzer Center, "since 1986, more than 2,800 labor leaders and union members have been killed in Colombia. In recent years this South American nation has led the world in this grim statistic. And more than 9 out of 10 of these cases remain unsolved." The Trade Union Advisory Committee to the OECD summarizes the specified risks as follows: "the exceptional severity of the human rights risks to trade unionists and other human rights defenders in Colombia, including assassination; the violation of freedom of association and collective bargaining, which are essential forms of regulation of the labour markets, the weak enforcement of labour law, the defect in the police, public prosecution and judiciary leading to high levels of impunity in cases related to violence against trade union members, the absence of substantive social dialogue between government and trade unions". Other cases are the apprentices's lack of labour provisions and rights to organize, the trade union contracts that undermine the role of trade unions. This aspect is therefore assessed as a specified risk for the whole country following the precautionary approach.</li> <li>There is strong evidence confirming that child labour is still a widely used practice in Colombia. The ILO notes Colombian trade unions "which allege that child labour remains a serious problem in practice in the country, in particular in areas of poverty and in the informal economy." Colombia scores between 'extreme risk' on the Child Labour Index, which is the worst category of this list and 'high risk'. Several sources mention specific sectors of the economy in which child labour is the most prevalent. Amongst these sectors, agriculture is mentioned by several sources. Global March, for example, says that "rural areas constitute the highest proportion of child workers in Colombia, as well as the most significant increase, with 37.3 per cent of the child workforce associated with some form of agricultural work". It is unclear whether for these sources, forestry is part of the agricultural sector. The US Department of Labour specifies sub-sectors and reports child labour in the production of coffee, cotton, rice, sugarcane and unrefined brown sugar, hunting, fishing and "activities unknown". Considering that (1) child labour in rural areas is a huge problem in Colombia and (2) this last category is unspecified and could include forestry/timber, it is concluded that there is a specified risk for child labour in the forest sector in Colombia. According to figures from UNESCO 2016, 43.9% children working in the agriculture sector and 14.1% in the industry sector, which includes cutting and transporting lumber and creating artisanal woodwork such as handicrafts and decorative items which are determined by national law or regulation as hazardous and, as such, relevant to ILO C.182.</li> <li>There is also evidence for compulsory and/or forced labour in Colombia. The ILO notes that "that trafficking in persons remains a major problem in Colombia despite the Government's commitment to combat this scourge and the establishment of a comprehensive legislative and institutional framework". Other sources such as the US Department of Labour and the Department of State confirm this evidence. Evidence was collected for forced labour in agricultural sectors (not all sources are explicit whether this includes the forest</li> </ul>			

<p>sector or not). Although no explicit link could be found to the forest sector, there is also no evidence that the forest sector is different from the other sectors in Colombia. This aspect is therefore assessed as a specified risk for the whole country following the precautionary approach.</p> <ul style="list-style-type: none"> <li>• Several sources report that Colombia suffers from a persistent gender wage gap, although there is an active policy to reduce the gender pay gap. On the Global Gender Gap Index 2017 from the World Economic Forum, Colombia ranks only number 113 out 144 countries, indicating that gender wage discrimination is a strong factor in the gender pay gap. Other independent sources say that the gender wage gap in 2013 Colombia (14%) is slightly higher than on average across Latin America (10%). There is a National Plan for Labour Equity with a gender Differential Approach for Women, but no specific measures have been reported as adopted within the framework of this plan to reduce the existing gap. It is concluded that gender wage discrimination is a specified risk in all sectors in Colombia.</li> <li>• There is evidence for racial discrimination at work in Colombia. This aspect is therefore assessed as a specified risk for the whole country following the precautionary approach.</li> </ul> <p><b>The following 'specified risk' thresholds apply to the rights to freedom of association and the right to organize and collective bargaining:</b></p> <p>(13) Applicable legislation for the area under assessment covers all ILO Fundamental Principles and Rights at Work but the risk assessment for relevant indicators of Category 1 confirms 'specified risk'; AND</p> <p>(14) The applicable legislation for the area under assessment contradicts indicator requirement(s); AND</p> <p>(15) There is substantial evidence of widespread violation of key provisions of the ILO Fundamental Principles and Rights at work.</p> <p><b>The following 'specified risk' thresholds applies to discrimination, child labour and forced labour:</b></p> <p>(13) Applicable legislation for the area under assessment covers all ILO Fundamental Principles and Rights at Work but the risk assessment for relevant indicators of Category 1 confirms 'specified risk'; AND</p> <p>(15) There is substantial evidence of widespread violation of key provisions of the ILO Fundamental Principles and Rights at work</p>					
<p><b>Indicator 2.3. The rights of Indigenous and Traditional Peoples are upheld.</b></p> <p><b>Guidance:</b></p> <ul style="list-style-type: none"> <li>• Are there Indigenous Peoples (IP), and/or Traditional Peoples (TP) present in the area under assessment?</li> <li>• Are the regulations included in the ILO Convention 169 and is UNDRIP enforced in the area concerned? (refer to category 1)</li> <li>• Is there evidence of violations of legal and customary rights of IP/TP?</li> <li>• Are there any conflicts of substantial magnitude [footnote 6] pertaining to the rights of Indigenous and/or Traditional Peoples and/or local communities with traditional rights?</li> <li>• Are there any recognized laws and/or regulations and/or processes in place to resolve conflicts of substantial magnitude pertaining to TP or IP rights and/or communities with traditional rights?</li> <li>• What evidence can demonstrate the enforcement of the laws and regulations identified above? (refer to category 1)</li> <li>• Is the conflict resolution broadly accepted by affected stakeholders as being fair and equitable?</li> </ul>					
<p><b>general sources from FSC-PRO-60-002a V1-0 EN</b></p>		<p><b>information found and specific sources</b></p>		<p><b>scale of risk assessment</b></p>	<p><b>risk indication</b></p>
<p>ILO Core Conventions Database  <a href="http://www.ilo.org/ilolex/english/docs/declworld.htm">http://www.ilo.org/ilolex/english/docs/declworld.htm</a>          - ILO Convention 169</p>		<p><a href="http://www.ilo.org/dyn/normlex/en/f?p=1000:11200:0::NO:11200:P11200_COUNTRY_ID:102595">http://www.ilo.org/dyn/normlex/en/f?p=1000:11200:0::NO:11200:P11200_COUNTRY_ID:102595</a>          Colombia has ratified ILO Convention 169.</p>		<p>Country</p>	<p>Low risk</p>

	<p><a href="http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3248817:NO">http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3248817:NO</a></p> <p><i>Observation (CEACR) - adopted 2015, published 105th ILC session (2016) Indigenous and Tribal Peoples Convention, 1989 (No. 169) - Colombia</i></p> <p>“Article 4 of the Convention. <b>Human rights. Ethnic protection plans.</b> The Government includes in its report detailed information on the <b>ethnic protection plans for 32 peoples affected by internal armed conflict, adopted to give effect to ruling No. 004 of the Constitutional Court of 2009.</b> The Committee notes that the plans have been submitted for pre-consultation and dialogue with the communities concerned. The CTC and the CUT indicate that indigenous communities are calling for the adoption of protection measures against threats to their life and culture and are expressing concern at the delay in the implementation of the ethnic protection plans. According to the indications of the National Indigenous Organization of Colombia, forwarded by the CTC, <b>the Emberá people in the department of Chocó are still being affected by relocations.</b> The CTC adds that indigenous peoples located in the Pacific corridor are in a situation of extreme vulnerability. In its reply, the Government indicates that the Department of Indigenous, Rom and Minority Affairs of the Ministry of the Interior is taking action to move forward effectively and efficiently with the protection of indigenous peoples. <i>The Committee requests the Government to continue providing information on the implementation of the ethnic protection plans and their impact, particularly for the protection of the most vulnerable indigenous peoples.</i></p> <p><b>Protection of the fundamental rights and restitution of the collective lands of indigenous and Afro-Colombian communities.</b> The Committee notes the updated information provided by the Government on the <b>measures adopted in accordance with ruling T-025 of 2004 of the Constitutional Court for the restitution of the ancestral lands of the Afro-Colombian communities of Curvaradó and Jiguamiandó.</b> The Committee notes the censuses conducted to identify members of the communities affected and the studies that are being undertaken to assess their socio-economic situation. The Committee also <b>notes with interest the two rulings attached to the Government’s report ordering the restitution of lands: the ruling of 23 September 2014 of the Civil Chamber Specialized in Land Restitution of the High Court of Antioquia, ordering the restitution of 56,405 hectares to the Emberá Katío community in the Andágueda reservation (resguardo), and the ruling of 1 July 2015 of the Civil Court of First Instance of the Specialized Land Restitution Circuit in Popayán ordering the restitution of 71,149 hectares located in the municipality of Timbiquí, department of Cauca, to the Renacer Negro Community Council.</b> The Government adds <b>the Comprehensive Victim Care and Compensation Unit has applied for precautionary measures to protect 16 lands belonging to indigenous and Afro-Colombian communities.</b> The CUT and the CTC indicate that disputes are continuing concerning the restitution of lands to the Nasa communities in the north of Cauca. In its reply, the Government indicates that, in accordance with the agreements for the reparation of indigenous communities in the north of Cauca,</p>	<p>Department of Chocó</p> <p>Ancestral lands of the Afro-Colombian communities of Curvaradó and Jiguamiandó</p> <p>Andágueda reservation</p> <p>Municipality of Timbiquí, department of Cauca</p> <p>16 lands of IP and Afro-</p>	<p>Specified risk for relocations of IP</p> <p>Low risk for land rights</p> <p>Low risk for land rights</p> <p>Low risk for land rights</p>
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	<p>lands were acquired for the Canoa, Corinto, Guadualito, Jambaló, Hellas, La Cilia, La Concepción, Las Delicias and Munchique–Los Tigres reservations. The Committee also notes that in February 2015 the Minister of Agriculture and Rural Development presented to the representatives of the indigenous communities of the north of Cauca a proposed project for the construction and improvement of rural housing as compensation for the delay in giving effect to the reparation measures. <i>The Committee requests the Government to continue providing information on progress in the proceedings for the restitution of collective lands to indigenous and Afro-Colombian communities. Please continue providing information on the impact of the measures adopted further to the applications for the restitution of the lands of the Nasa people, and the activities undertaken to protect their physical and cultural integrity.</i></p> <p>Article 5. <b>Protection of Raizal small-scale fishers.</b> The Government indicates that section 131 of <b>the National Development Plan 2014–18 (Act No. 1753 of 2015)</b> provides for the preparation of a Statute for the Raizal People of the Archipelago of San Andrés, Providencia and Santa Catalina in the context of the application of the Convention and the designation of the UNESCO Seaflower Biosphere Reserve. The Government adds that a Support Plan for Small-scale Fishing has been developed with the participation of representatives of fishers' associations of San Andrés. In relation to education, the Government has concluded a contract with the Living in English Corporation for the drawing up of an ethnic educational project intended for Raizal communities which envisages the participation of the representative organizations of the communities in its implementation. The ANDI emphasizes that the Government has been implementing works in the fields of education, infrastructure, transport, provision of public services and the environment in the islands of San Andrés and Providencia, which were designed together with the Raizal communities. The CGT indicates that the consultations held have focused on the Raizal communities of San Andrés and that the participation of the Raizal Peoples of Providencia and Santa Catalina needs to be strengthened. <i>The Committee requests the Government to continue providing information on the impact of the measures adopted to ensure adequate conditions of life and work for the Raizal peoples.</i></p> <p>Articles 6, 7 and 15. <b>Consultation and participation. Natural resources.</b> The Committee notes Conpes Document No. 3762, which was approved on 20 August 2013 by the National Economic and Social Policy Council, and which is referred to by the CGT in its observations. Conpes Document No. 3762 sets out the main features of the policy for the development of projects of national and strategic interest, including participation and dialogue with communities prior to the granting of environmental licences for projects of national and strategic interest. The Government maintains that Conpes Document No. 3762 seeks to improve the efficiency and effectiveness of the exercise of the fundamental right to prior consultation. <i>The Committee requests the Government to provide information on the</i></p>	<p>Colombian communities</p> <p>Nasa communities in the North Cauca</p> <p>North Cauca</p>	<p>Specified risk for land rights</p> <p>Low risk for land rights</p>
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	<p><i>manner in which the consultation and participation of indigenous peoples, as required by the Convention, is ensured in the projects that affect them directly which are presented and supervised by the National Economic and Social Policy Council.</i></p> <p><b>Article 15. Consultation prior to the development of projects.</b> The Committee notes with interest the adoption of Decree No. 2613, of 20 November 2013, issuing the Inter-institutional Coordination Protocol for Prior Consultation. The objective of the Protocol is to facilitate coordination between the competent public bodies and to ensure the circulation of information with a view to certifying the presence of ethnic communities in order to hold prior consultations. The Department of Prior Consultation of the Ministry of the Interior will have sole competence for certifying the presence of ethnic communities. The Colombian Rural Development Institute (INCODER) is responsible for providing the Department of Prior Consultation with information on legally constituted reservations (resguardos) and the process of constituting indigenous communities, and on the collective titles of black communities. The Protocol also provides for the representatives of indigenous communities to be members of the follow-up committee to verify the application of the undertakings made during the consultations. The Committee also notes with interest the adoption of Presidential Directive No. 10 of 7 November 2013, containing the Guide on the holding of prior consultations with ethnic communities. In accordance with Presidential Directive No. 10, the process of consultation includes five stages: (1) certification of the presence of communities based on the criteria of the Convention; (2) coordination and preparation of the consultation, with the participation of the communities; (3) pre-consultation; (4) prior consultation; and (5) follow-up of agreements. During the consultation process, the Department of Prior Consultation receives support from the Office of the Public Prosecutor and the Ombudsman. The Guide also provides that the purpose of consultation is the holding of dialogue between the State, the entity executing the project and ethnic communities on the impact on communities of projects for the exploitation of resources or infrastructure projects with a view to the formulation of measures to prevent, remedy, mitigate and compensate any negative effects which may be caused by a project. The CGT indicates that only communities entered into the database of the Ministry of the Interior are considered for the purpose of consultation. The Government emphasizes that, not only are these communities consulted, but they are also considered as other sources in ascertaining whether or not ethnic communities are present in the project area. The Government indicates that, during the period between 2003 and 2015, a total of 4,891 consultation processes with ethnic communities were conducted, of which 4,198 resulted in agreements. The ANDI indicates that various enterprises and civil society sectors are collaborating through the Regional Centre of the Global Pact Network for the dissemination of the Convention and the establishment of dialogue platforms between the Government, enterprises and indigenous peoples. The CGT considers that the consultation process needs to be adapted to the situation of the community that is to be consulted and emphasizes the importance of ensuring that consultation</p>	Country	Low risk for consultation processes
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	<p>is undertaken prior to the adoption of decisions that may affect indigenous peoples. <i>The Committee requests the Government to continue to provide information on the functioning of the Inter-institutional Coordination Protocol for Prior Consultation and to provide examples so that it can examine the manner in which the Inter-institutional Coordination Protocol for Prior Consultation and the Guide on holding prior consultations ensure that indigenous peoples are consulted before any programmes for the exploration or exploitation of resources pertaining to their lands are undertaken or authorized. Please also indicate the manner in which the participation of ethnic communities is ensured in the benefits accruing from such activities.</i></p> <p><a href="http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3248813:NO">http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3248813:NO</a></p> <p><i>Direct Request (CEACR) - adopted 2015, published 105th ILC session (2016) Indigenous and Tribal Peoples Convention, 1989 (No. 169) – Colombia</i></p> <p>“Article 1 of the Convention. <b>Self-identification.</b> The Government indicates in its report that the Directorate for Indigenous, Roma and Minority Affairs (DAIRM) has registered the existence of 101 peoples. The Committee notes that the DAIRM does not conduct formal recognitions but respects the right of indigenous peoples to self-identification. The Government adds that studies have been initiated for the registration of the Ambalo, Andakies, Cariachiles, Nutabes, Polindara and Quizgo peoples. The Committee notes the Government’s proposal to undertake an indigenous self-census process, with the support of the DAIRM, with a view to determining the social composition of indigenous communities. <i>The Committee requests the Government to continue providing information on the indigenous and Afro-Colombian peoples which receive the protection envisaged by the Convention, including on the self-census process.</i></p> <p>Articles 2 and 33. <b>Coordinated and systematic action.</b> The Committee notes that 33 ethnic peoples and communities are covered by comprehensive compensation plans. The Government has conducted 13 prior consultation processes with communities and peoples which have been victims of armed conflict with a view to determining damages and developing comprehensive collective compensation plans. <i>The Committee requests the Government to continue providing information on the planning, coordination, execution and evaluation of comprehensive compensation measures for indigenous and Afro-Colombian peoples who are victims of armed conflict.</i></p> <p>Article 6. <b>Consultations on legislative measures.</b> The Government describes the consultation processes at the national level held through the Standing Dialogue Forum on draft legislative texts, including the text to reform Act No. 99 of 1993 (the Environmental Act), the Bill on lands and rural development and the reform of the Mining Code. The Government indicates that it submitted for prior consultation the draft decree issued to implement Andean Decision No. 391 of 1996 on access to</p>	Country	IP presence AND Low risk for IP/TP rights for 101 peoples plus potentially for the Ambalo, Andakies, Cariachiles, Nutabes, Polindara and Quizgo peoples
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	<p>and use of genetic resources and related traditional knowledge. The consultations held have included the pre-consultation, socialization and consolidation phases. The Government adds that a legislative proposal has been developed on prior consultation which will be subject to consultations with indigenous and Afro-Colombian communities. <i>The Committee requests the Government to continue providing information on the outcome of the consultations held on legislative measures.</i></p> <p>Article 15. <b>Natural resources.</b> With regard to <b>the Mandé Norte mining project</b>, the Government indicates in its report that the inhabitants of the Chidima reservation (resguardo) were consulted in 2013 and that, as a consequence of the consultation, it was decided to change the route of the road that was to be constructed as part of the project. In accordance with ruling No. T-769 of 2009, the Ministry of the Environment is undertaking environmental impact studies of mining activities in the indigenous communities in the reservations concerned. With regard to the situation of the La Toma community, the Government indicates that in January 2014 a prior consultation workplan was agreed between the Ministry of Mines and Energy and the La Toma Community Council, which is being put into effect. In March 2015, the Prior Consultation Department issued a report containing the results for existing mining concessions, which is being analysed together with the Autonomous Regional Corporation of Cauca. The Single Confederation of Workers of Colombia (CUT) and the Confederation of Workers of Colombia (CTC) express their concern at the limitations on access to natural sources of water of the indigenous communities of Guajira. <i>The Committee requests the Government to continue providing updated information on the consultations held with indigenous communities affected by the mining activities of the Mandé Norte and La Toma projects. Please also indicate the measures adopted to safeguard the access of indigenous peoples to the natural resources pertaining to their lands and which are necessary for their subsistence.</i></p> <p>Article 17. <b>Transmission of land rights.</b> <i>The Committee requests the Government to indicate what procedures are in force for the transmission of the land rights of indigenous and Afro-Colombian peoples among their members.</i></p> <p>Article 19. <b>Agrarian programmes.</b> <i>The Committee requests the Government to indicate the manner in which national agrarian programmes secure to indigenous and Afro-Colombian peoples the means required to promote the development of their lands.</i></p> <p>Article 20. <b>Recruitment and conditions of employment.</b> <i>The Committee requests the Government to provide information on the measures adopted to ensure the effective protection of indigenous and Afro-Colombian peoples with regard to recruitment and conditions of employment, and the measures adopted to ensure adequate labour inspection.</i></p>	<p>Country</p> <p>Country</p>	<p>Specified risk for IP/TP rights to land (procedures are unknown)</p> <p>Specified risk for IP/TP rights to land (procedures are unknown)</p>
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	<p>Articles 21 and 22. <b>Vocational training.</b> <i>The Committee requests the Government to provide information on the vocational programmes that have been adopted taking into account the special needs of indigenous and Afro-Colombian peoples. Please indicate the manner in which such peoples have been consulted on the organization and operation of such programmes.</i></p> <p>Article 24. <b>Social security and health.</b> <i>The Committee requests the Government to indicate the extent to which social security schemes cover the peoples concerned.</i></p> <p>Articles 26 and 27. <b>Education.</b> <i>The Committee requests the Government to indicate the measures adopted with a view to ensuring that the peoples concerned benefit from education at all levels. Please indicate the manner in which indigenous and Afro-Colombian peoples participate in the development and implementation of educational programmes which address their special needs and take into account their social, economic and cultural aspirations.</i></p> <p>Article 32. <b>Contacts and cooperation across borders.</b> <i>The Committee requests the Government to provide information on any international agreements that have been concluded to facilitate contacts and cooperation between indigenous and tribal peoples across borders.”</i></p>		
<p>Survival International:  <a href="http://www.survivalinternational.org/">http://www.survivalinternational.org/</a></p>	<p><a href="https://www.survivalinternational.org/news/10942">https://www.survivalinternational.org/news/10942</a>  <i>Colombian Indians protest against “illegal” imprisonment of leader</i>  20 October 2015  “Prominent Colombian indigenous leader has been jailed for sixteen years, in a move that has been criticized as “a severe blow to Colombia’s democracy”. Feliciano Valencia, a Nasa Indian from Colombia’s conflict-ridden Cauca region, is accused of kidnapping a soldier during an indigenous-led protest in 2008. The soldier was detained by the Nasa Indians’ legally recognized “Indigenous Guard” after he infiltrated a protest undercover. He was sentenced under the Nasa’s own justice system and released a week later. The Nasa say they informed the soldier’s family and superiors of his arrest, and the sentence was carried out in accordance with Colombia’s constitutional law, which upholds indigenous peoples’ right to their own customary legal system. Valencia has been at the forefront of the indigenous rights movement in Colombia. His homeland in the western Cauca province is one of the most violent regions of the country, and has been overrun with guerrillas, paramilitaries and the armed forces.  A lack of evidence supporting the case against Valencia, and his unusually long jail term, have been widely condemned as evidence that his sentence is politically motivated.  National Indigenous Organization ONIC has called Valencia’s arrest: “(part of) the systematic criminalization and persecution of our social movements (and) an attack on peace and social justice.”</p>	<p>Country</p>	<p>Specified risk for IP rights and justice</p>

	<p>Survival International, the global movement for tribal peoples' rights, is urging the Colombian government to release Feliciano Valencia, and uphold indigenous peoples' rights in accordance with Colombian and international law."</p> <p><a href="http://www.survivalinternational.org/news/8279">http://www.survivalinternational.org/news/8279</a> Uncontacted tribe photographed in Colombian Amazon 20 April 2012 "An uncontacted tribe has been photographed from the air in the Colombian Amazon. The Indians, thought to be members of the Yuri tribe, live in the Rio Pure National Park, created in 2002 for their protection. A report by conservation organization ACT Colombia states that there is evidence of another three uncontacted tribes in the area. ACT and the Colombian National Park Service released the photographs to bolster protection for the Indians. The park lies close to the Brazilian border and has been increasingly invaded by illegal gold-miners and loggers in recent years. Illegal armed guerrilla groups are also present in the area, placing the lives of the Indians at extreme risk."</p> <p><a href="http://www.survivalinternational.org/news/7645">http://www.survivalinternational.org/news/7645</a> <i>Anti-extinction campaign launched to protect 35 Colombian tribes</i> 31 August 2011 "The UN has launched a campaign to protect 35 indigenous tribes from extinction in Colombia. Survival works closely with one of tribes, the Nukak, nomadic hunter-gatherers living in the northwest Amazon basin. The campaign responds to a barrage of threats that could wipe out the Indians. These include internal displacement, disappearances, massacres, anti-personnel mines and forced recruitment of youngsters into armed groups. In 2010, a UN article ahead of this campaign, warned that 'the risk of physical or cultural disappearance remains, and in some cases has risen'. The tribes it singled out as being in critical danger included the Nukak-Maku, Guayaberos, Hitnu and Sicuani."</p> <p><a href="http://www.survivalinternational.org/news/5852">http://www.survivalinternational.org/news/5852</a> <i>60% of Colombian tribes at 'risk of extinction'</i> 22 April 2010 "At least 64 out of 102 Colombian tribes are facing 'extinction', says leading indigenous organisation ONIC. This was the conclusion of an ONIC report to mark the launch of its campaign to raise global awareness of the situation in Colombia and to save the threatened tribes from being wiped out. ONIC's own research found that 32 Colombian tribes face extinction, while the country's Constitutional Court has stated that 34 tribes face a similar fate. Only two,</p>	<p>Amazon, Rio Pure National Park</p> <p>Amazon, Rio Pure National Park</p> <p>Country</p> <p>Country</p>	<p>Presence of uncontacted IPs</p> <p>Specified risk for IP rights to land and access to natural sources (uncontacted IPs)</p> <p>Specified risk for tribes (Nukak-Maku, Guayaberos, Hitnu and Sicuani)</p> <p>Specified risk for IP's survival</p>
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	<p>the Nukak and the Guayabero, are considered to be at risk by both ONIC and the court, bringing the total number to 64. According to ONIC, eighteen tribes number less than 200 people and ten less than 100. One, the Makaguaje, numbers fewer than five people.</p> <p>The reasons given for this desperate situation include:</p> <ul style="list-style-type: none"> <li>· Colombia's internal armed conflict which has been going on for more than 50 years and 'disproportionately' affects the indigenous population. Since 2002, more than 1,400 indigenous people have been killed and an estimated 74,000 have been forcibly evicted from their homes.</li> <li>· A 'model of economic development' that ignores indigenous peoples' rights to free, prior and informed consent and leaves them 'more threatened than ever, given the developed world's appetite for natural resources and raw materials.' The biggest threats listed are oil, hydroelectric dams and oil palm plantations.</li> <li>· 'Poverty, neglect by the state and structural discrimination.' The report states that Colombia's indigenous people are the poorest in the country, and that they lack access to adequate health care, education and basic services."</li> </ul> <p>The website further contains a large number of reports of killings of indigenous people or their leaders.</p>	Country	Specified risk for IPs/TPs rights by natural resources extraction
Human Rights Watch: <a href="http://www.hrw.org/">http://www.hrw.org/</a>	<p><a href="https://www.hrw.org/world-report/2016">https://www.hrw.org/world-report/2016</a> <i>World Report 2016</i> <i>Chapter on Colombia (pages 188-194)</i> "Human rights defenders, trade unionists, journalists, indigenous and Afro-Colombian leaders, and other community activists face death threats and violence, but perpetrators are rarely held accountable."</p> <p><b>"Internal Displacement and Land Restitution</b> More than 6.8 million Colombians have been internally displaced since 1985, government figures reveal. The government registered more than 180,000 newly displaced people in 2014, and over 37,000 from January to October 2015. The government's implementation of land restitution under the Victims' Law continues to move slowly. The law was enacted in 2011 to restore millions of hectares of abandoned land and land stolen by armed groups and civilians to internally displaced Colombians. At the time, the government estimated that more than 150,000 land restitution cases would be settled by the end of 2015, but as of November, the government had obtained rulings in just 2,983 of the nearly 85,000 claims it had received. Dozens of land restitution claimants have been murdered, and no one has been held accountable for the majority of those killings."</p> <p><a href="https://www.hrw.org/video-photos/video/2014/04/14/colombia-crisis-buenaventura">https://www.hrw.org/video-photos/video/2014/04/14/colombia-crisis-buenaventura</a></p>	Country	Specified risk for IP/TP rights
		Country	Specified risk for IP/TP rights
		Country	Specified risk for IP/TP land rights
		Country	Specified risk for IP/TP rights

	<p>APRIL 14, 2014. Video.  <i>Colombia: Crisis in Buenaventura</i>  This video discusses the situation in the area in and around the city of Buenaventura. 80% of the inhabitants are Afro-Colombian. The video describes how the city suffers from illegal violence of two former paramilitary groups and general lawlessness.</p>	Buenaventura	Specified risk for TP rights
Amnesty International <a href="http://amnesty.org">http://amnesty.org</a>	<p><a href="https://www.amnesty.org/en/latest/research/2016/02/annual-report-201516/">https://www.amnesty.org/en/latest/research/2016/02/annual-report-201516/</a>  <i>State of the Human Rights Report 2015/16</i>  Chapter on Colombia (pages 122-127)</p> <p>INTERNAL ARMED CONFLICT  “The armed conflict continued to have a significant human rights impact on civilians, especially those living in rural areas.<sup>1</sup>  Many communities living in poor urban areas, including Afro-descendants in the Pacific city of Buenaventura, were also affected.<sup>2</sup>  All the parties to the conflict were responsible for crimes under international law, including unlawful killings, forced displacement, enforced disappearances, death threats and crimes of sexual violence. Children continued to be recruited as combatants by guerrilla groups and paramilitaries.  By 1 December, the Victims’ Unit had registered 7.8 million victims of the conflict, including almost 6.6 million victims of forced displacement, more than 45,000 enforced disappearances and around 263,000 conflict- related killings; the vast majority of victims were civilians.  According to figures from the Colombian NGO CODHES (Consultoría para los Derechos Humanos y el Desplazamiento), more than 204,000 people were forcibly displaced in 2014, compared to almost 220,000 in the previous year.  The National Indigenous Organization of Colombia recorded 35 killings and 3,481 forced displacements in 2015. The situation of Indigenous communities in Cauca Department, many of which were campaigning for recognition of their territorial rights, was particularly acute.  On 6 February, Gerardo Velasco Escue and Emiliano Silva Oteca of the Toéz Indigenous resguardo (reservation) were forcibly disappeared after being stopped by unidentified armed men near the hamlet of La Selva in Caloto Municipality, Cauca Department. Two days later, the community found their bodies bearing signs of torture in the municipality of Guachené. On 5 February, a death threat by the Black Eagles (Águilas Negras) paramilitary group announcing that it was “time for social cleansing in northern Cauca” had been circulated in the area and neighbouring municipalities.”</p> <p>LAND RIGHTS  “The land restitution process, which began in 2012 with the aim of returning to their rightful occupants some of the millions of hectares of land illegally acquired or forcibly abandoned during the conflict, continued to make slow progress. By the end of 2015, only 58,500 hectares of land claimed by peasant farmers, one 50,000-</p>	<p>Buenaventura</p> <p>Conflict areas</p> <p>Country</p> <p>IP/TP territories</p>	<p>Specified risk for IP/TP rights</p> <p>Specified risk for IP/TP rights</p> <p>Specified risk for IP rights</p> <p>Specified risk for right to land</p>

	<p>hectare Indigenous territory and one 71,000-hectare Afro-descendant territory were subject to judicial rulings ordering their return. The main stumbling blocks included the failure to guarantee the security of those wishing to return, and the lack of effective social and economic measures to ensure any returns were sustainable. Leaders of displaced communities and those seeking the return of their lands were threatened or killed. Members of Indigenous and Afro-descendant communities seeking to defend their territorial rights, including by denouncing the presence of illegal mining or opposing the development of outside mining interests on their collective territories, were also targeted.</p> <p>There were concerns that Law 1753, approved by Congress on 9 June, could enable mining and other economic sectors to gain control over illegally acquired lands. This could undermine the right of many of these lands' legitimate occupants, especially on Indigenous and Afro-descendant territories, to claim ownership over them."</p> <p><b>HUMAN RIGHTS DEFENDERS</b>  "Human rights defenders – including Indigenous, Afro-descendant and peasant farmer community leaders, trade unionists, journalists, land activists and those campaigning for justice – were at risk of attack, mainly by paramilitaries. There were also reports of thefts of sensitive information held by human rights organizations. Some criminal investigations into human rights defenders continued to raise concerns that the legal system was being misused in an attempt to undermine their work. In September, Indigenous leader Feliciano Valencia was sentenced to 18 years' imprisonment for illegally holding captive a member of the security forces who had infiltrated an Indigenous protest in Cauca Department. Feliciano Valencia, who had long been the target of harassment by civilian and military officials for his defence of Indigenous Peoples' territorial rights, denied the charges."</p> <p><b>INTERNATIONAL SCRUTINY</b>  "In his January report, the UN High Commissioner for Human Rights welcomed progress in the peace talks but expressed concern about impunity and the human rights impact of the conflict, especially on Indigenous and Afro-descendant communities and human rights defenders."  "In August, the CERD Committee noted that the armed conflict continued to have a disproportionate impact on Indigenous Peoples and Afro-descendant communities and criticized the failure to ensure the effective participation of these communities in the peace process."</p> <p><a href="https://www.amnesty.org/en/latest/campaigns/2015/02/powerless-the-fight-for-land-in-porvenir/">https://www.amnesty.org/en/latest/campaigns/2015/02/powerless-the-fight-for-land-in-porvenir/</a>  <b>Powerless: the fight for land in Porvenir</b>  London, 12 February 2015,  <i>The community of El Porvenir is using the Land Restitution process to fight for the legal rights to their land</i></p>	<p>Country</p> <p>IP/TP territories</p> <p>Country</p> <p>Country</p>	<p>Specified risk on violence against IPs/TPs</p> <p>Specified risk for right to land</p> <p>Specified risk for violence against IPs/TPs</p> <p>Specified risk for IPs/TPs rights and on impunity</p>
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	<p>variety of guerrilla groups. That is equivalent to 13% of the population and gives Colombia one of the highest forced displacement levels in the world.</p> <p>Indeed, the violent struggle for land has been one of the hallmarks of the conflict, and there is much at stake. This struggle has involved not only the security forces, paramilitaries and guerrilla groups, but also a plethora of political and economic actors, from local politicians to international companies, who have used the conflict as a means to advance, consolidate and protect their interests.</p> <p>The “land question” has also been one of the central components in the peace talks between the Colombian government and the FARC guerrillas.</p> <p>Meanwhile the conflict rages on and it is the civilian population that continues to bear the brunt of the violence. Nearly 220,000 people were forced to leave their homes in 2013 alone.</p> <p>Now, many of those forcibly displaced who are trying to return only find danger and death awaiting them.“</p> <p>“Since 2012, the Victims and Land Restitution Law (Law 1448), has, in theory at least, sought to ensure the right of some victims of the conflict to full reparation, including help to reclaim the land that had been stolen from many of them. It was a commendable step. However, the reality is far less impressive. Amnesty International has found that despite the legislation, the government is failing in its duty to protect and support many of those seeking to reclaim the land that rightfully belongs to them. Many people cannot access the mechanisms designed to help them claim land, while many of those that try to return find their farms and homes destroyed or neglected.</p> <p>The authorities are also failing to effectively implement many of the orders issued by restitution judges and magistrates, such as debt and tax relief or subsidies for agricultural projects, to ensure peasant farmers can return and remain on the land in a sustainable manner.</p> <p>Others are welcomed with threats and killings, mostly carried out by a variety of paramilitary groups, some of them with links to the security forces and local and regional political and economic elites.</p> <p>By the end of August 2014, the Office of the Attorney General was investigating 35 killings of individuals who had an apparent association with the land restitution process. The actual number of those killed, however, is likely to be much higher. The lack of security guarantees have meant that few have dared return.“</p> <p>“Added to threats and fear is the grinding tedium of a slow, bureaucratic process. Many people who engage with the government institutions responsible for land restitution are left waiting years for their land to be returned and many do not even get a response. Add to that the fact that many of those whose lands were stolen are not even eligible for land restitution under the provisions of Law 1448. No-one whose land was snatched before 1991 is eligible for land restitution.</p>		
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	<p>Almost three years on from the start of the land restitution process, which is only due to be in force for 10 years, only a fraction of the estimated 8 million hectares that are thought to have been stolen during the course of the armed conflict have actually been subject of restitution rulings.”</p>		
<p>The Indigenous World <a href="http://www.iwgia.org/regions">http://www.iwgia.org/regions</a></p>	<p><a href="http://www.iwgia.org/images/stories/sections/regions/latin-america/documents/IW2016/Colombia_IW2016_web_redu.pdf">http://www.iwgia.org/images/stories/sections/regions/latin-america/documents/IW2016/Colombia_IW2016_web_redu.pdf</a>  <i>2016 Article on indigenous peoples in Colombia</i>          “The National Statistics Department (DANE) puts <b>Colombia's indigenous population at 1,500,000 inhabitants or 3.4% of the national population.</b> The Andean zone and Guajira are home to 80% of this population. Regions such as Amazonía and Orinoquía, where demographic density is very low, are home to the most peoples (70) some of them on the verge of extinction. Sixty-five different Amerindian languages are spoken in the country, with five of them classified as dying (no possibility of revival) and another 19 “in serious danger” of disappearing. Almost a third of the national territory is made up of indigenous reserves, a large proportion of them in conflict with oil and mining companies, banana and oil palm plantations, loggers, livestock rearing and illicit crops. The armed conflict has been the driving force behind the expropriation of the ethno-territorial peoples’ land and has resulted in their marginalisation and exclusion. Over the 1990-2000 period, funds from drugs trafficking were used to grab more than five million hectares of the country’s agricultural land.          Nationally, the indigenous peoples are represented by two organisations: the National Indigenous Organisation of Colombia (Organización Nacional Indígena de Colombia / ONIC) and the Indigenous Authorities of Colombia (Autoridades Indígenas de Colombia / AICO). Regionally, the Amazonian peoples are represented by the Organisation of Indigenous Peoples of the Colombian Amazon (Organización de los Pueblos Indígenas de la Amazonía Colombiana / OPIAC).          The 1991 Political Constitution recognised the fundamental rights of indigenous peoples and ratified ILO Convention No. 169 (now Law 21 of 1991). Colombia supported the UN Declaration on the Rights of Indigenous Peoples in 2009. <b>By means of Order 004 of 2009, the Constitutional Court required the state to protect the fundamental rights of 34 indigenous peoples at risk of disappearance because of the armed conflict, a situation it described as “an unconstitutional state of affairs”.</b> President Santos signed Decree 1953 of 7 October 2014 creating a special system to operationalise the administration of indigenous peoples’ own systems on their territories, until Congress can issue the Organic Law on Territorial Regulation. This will set out the relationships and coordination between the Indigenous Territorial Bodies and the administrative areas of which they form a part (municipalities, departments).”</p>	<p>IP territory</p> <p>IP territory</p> <p>IP territory</p>	<p>IP presence</p> <p>Specified risk for rights to land and access to natural resources including from logging</p> <p>Specified risk (armed conflict and drugs trafficking)</p>

	<p>“2015 saw widespread discontent in Colombia at the contradictory policies of Juan Manuel Santos, who is seeking a favourable vote in the referendum on his peace agreement with the Revolutionary Armed Forces of Colombia (FARC) while simultaneously promoting an economic policy that is damaging vast swathes of the country and peasants, indigenous and Afro-Colombian peoples. This policy involves an extractivist model that includes the privatisation of companies such as ISAGÉN<sup>1</sup> and enactment of the ZIDRES Law,<sup>2</sup> benefiting economic powers that have illegally stockpiled lands declared “empty”, but which are actually part of the ancestral territories of the semi-nomadic indigenous peoples of the Colombian Altillanura. Let us consider the facts in trying to understand this situation.</p> <p><b>Analysis of the country</b></p> <p>The Colombian government’s areas of work are generally agreed via public discussion and opinion polls indicating the people’s main concerns. The role the “peace process” played in the two previous presidential campaigns that brought Juan Manuel Santos to power and kept him there should not be under-estimated. However, while the peace process naturally remains the most important issue for Colombians, particularly now that the negotiations are entering their final stages (barring any unforeseen events, a peace accord is likely to be signed in March 2016), the current employment situation, the lack of security in the towns, the consequences of the extreme drought—caused by the El Niño phenomenon—and the concomitant environmental damage, which has left peasant farmers seriously exposed, are all now gaining greater public traction. And given the future need to accommodate the demands arising from the peace agreement, economic decisions are obviously taking on more importance.</p> <p>Bearing in mind the above, the country’s bankrupt financial state remains a concern, due in large part to the collapse in oil prices: in 2013, the Colombian oil company (Ecopetrol) contributed some 20% of the national budget but this has been declining ever since. This year the figure will be close to zero, without any alternative local production that could offset this deterioration in the state’s finances. The Global Competitiveness Index (GCI), an instrument used to measure key aspects related to growth and development, offers key information with regard to the country’s poor economic situation. According to this index, Colombia comes 61st out of the 140 countries analysed.</p> <p>For the GCI, the worst thing in Colombia is the poor functioning of its institutions: here it falls to 114th position, and this is reflected in the low public trust in its politicians and diversion of public funds, where it is in 131st place, and in favouritism in decisions of government officials (115th). Especially shameful is the place it occupies in relation to the quality and coverage of primary education (10th and 109th place respectively). Not even justice is spared this institutional deterioration, where the country ranks 114th for judicial independence.</p> <p>The area in which Colombia is most overwhelmingly condemned is that of “Goods market efficiency”. <b>The country is suffering from a serious inability to export goods other than commodities<sup>3</sup></b> and has made little progress in reforming the way in</p>		
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	<p>which markets operate or in modernising international trade. According to the GCI, Colombia has one of the most closed economies in the world: in terms of exports as a percentage of Gross Domestic Product, it comes 132nd and in terms of imports as a percentage of GDP, 135th. As was expected, Colombia did not do well in the area of corruption, which is eating away at the country's finances where it took 132nd place.</p> <p>This analysis of the country is, according to experts, due to the high costs that terrorism, organised crime and violence have on its economic development, for which it occupies 135th place, only five countries from the bottom of the scale.”</p> <p><b>“Peace process and post-conflict situation</b></p> <p>There is, however, hope that the peace process with the FARC will significantly reduce terrorism and violence and, although a solution to the problems of the BACRIM4 (criminal gangs), the dissenting guerrillas and other forms of organised crime has yet to be found, it is hoped that the signing of the agreement will create exceptional economic growth sufficient to finance the economic and social reforms resulting from the peace accords. This is all in the realms of futurology, however. In the here and now, the country is facing an alarming financial situation and the government is putting off the necessary structural tax reforms recommended by the advisory commission to fill the holes in the state finances. <b>Most seriously, they do not know where the money will come from to cover the costly demands of the post-conflict situation</b>, although here there is a disproportionate reliance on the belief that friendly countries “will dig deep into their pockets” to help the country. The tax reform has been postponed because of worries it could affect the outcome of the referendum on the Havana accords, given that its impact on ordinary people's incomes is likely to be unpopular.<sup>5</sup> This is Juan Manuel Santos' choice as his neoliberal government is convinced that increasing taxes on big business would put a brake on investment and form an obstacle to the country's competitiveness and economic growth over the coming years.</p> <p><b>Where then is the contradiction that this discontent has caused? It lies in the fact that no-one is taking responsibility for the victims of the armed conflict.</b> The FARC, which have accumulated an enormous fortune as a result of drugs trafficking, acknowledge that their military action has resulted in numerous victims. And yet they have stated that, in addition to “having no money” it is up to the state to compensate the victims. And the paramilitaries, some of whom are in prisons in the United States while others are still profiting from illegal drugs trafficking and <b>land grabbing</b>, declare that they had nothing to do with the political violence. Many even claim that they themselves are victims of the armed conflict. Selfconfessed paramilitaries have reported paltry proceeds from their illegal activities in order to access reduced prison sentences. <b>And so, it is down to the population at large to compensate the victims through the tax system. The tax reform as it stands will therefore legalise the fact that it will be the victims themselves who provide compensation and not the aggressors. A kind of self-compensation, if you will.</b></p> <p>The problem does not stop there, however. The state owes an enormous debt</p>	Conflict areas	Specified risk
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	<p>severely restricted on their current lands. There have been deaths of both individuals and animals, knocked down by the train that transports the coal, and they are suffering detrimental effects to their health. La Guajira has the highest rate of global malnutrition in Colombia and a mortality rate of 32 per thousand (ENSIN 2010).”</p> <p>“In 2011, the El Cerrejón company requested authorisation to divert the Ranchería River, which would have serious impacts given that it is the main source of water for the region and ensures the recharge of the groundwater on which, in the arid and semi-arid areas of their territory, the Wayúu people rely.</p> <p>In the same department, the Afro-descendant community of Tabaco and the communities of Palmarito, Cabezaeperro, La Jamichera, El Espinal and Tamaquito have been displaced from their territories, the former forcibly evicted and the latter obliged to leave because of a serious deterioration in their living conditions.</p> <p>In Cesar, the communities of Hatillo, Plan Bonito and Boquerón have also been displaced by the expansion of mining onto their territories, and this too has been described as involuntary resettlement in both of the Ministry of the Environment’s resolutions. The diversion of the course of the Calenturitas River has resulted in the loss of hydrobiological resources and thereby the disappearance of the fishing communities’ main source of subsistence. The Yukpa people, comprising 5,872 people with recognised territories of 34,156 hectares, live in areas adjacent to the mining activity but the direct impacts on them are not known.”</p> <p>“Rudas (2013) notes that, in Jagua de Ibirico in 2002, there were more than 360 violent deaths and more than 140 people displaced per 100,000 inhabitants. In Becerril, between 2002 and 2003, the indices ranged from 240 to almost 280 violent deaths and between 140 and 180 forced displacements for every 100,000 inhabitants.”</p> <p>“There have been more than 18,000 cases of indigenous displacement across the two departments.”</p> <p><b>“The peace process</b>  The FARC guerrillas have a wide presence in the country’s indigenous territories and, given the negotiations now taking place in Havana to bring the armed conflict to an end, the indigenous organisations have thus been very active in the spaces opened up for reflecting and making proposals on the agenda items. The peoples represented by the national indigenous organisation ONIC have produced a National Peace Agenda that sets out their visions and proposals.  The pre-agreement on the issue of Comprehensive Rural Reform, and more specifically land ownership, focuses on peasant farmers and does not refer to the ethnic communities as such. Nor does it incorporate the historic demands of these</p>	IP/TP territories	Specified risk for land right by the peace agreement
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	<p>communities, such as a ban on land grabs, particularly by foreigners and multinationals, or the suspension of mining/energy activity on their territories until consultations have taken place.</p> <p>The indigenous organisations have expressed their concern at this as well as their disagreement with some of the specific points of the pre-agreement, such as the Land Fund and the Peasant Reserve Zones. They have also objected to the “concentration zones” for demobilisation, the reintegration of demobilised combatants and the cultivation of crops for illicit gain, making their concerns known with regard to the relevant pre-agreements. The indigenous and Afro-Colombian organisations are currently calling for their direct involvement in the Round Table Talks in order to address these issues.”</p> <p><a href="http://www.iwgia.org/iwgia_files_publications_files/0025_Colombia_Report.pdf">http://www.iwgia.org/iwgia_files_publications_files/0025_Colombia_Report.pdf</a>  <i>THE COLOMBIAN PACIFIC. THE CASE OF THE NAYA</i>  <i>Territorial uprooting of indigenous, peasant and Afro-descendent populations as a war objective. December 2008</i></p> <p>“We have become a nuisance for everyone on our own lands; everything points to our having to leave, dead or alive”.</p> <p>This complaint by a member of the Eperara Siapidaara indigenous people on the Naya River reflects the feeling of perplexity among community members in the Colombian Pacific region, who, faced with ever-increasing violence, are being forced to abandon their territories.”</p> <p>“Starting in the 1980s, a new class of entrepreneur began to arrive in the region, anxious to invest resources from drug trafficking in lands, cattle ranching, agribusiness projects, mineral and timber extraction, shrimp farming, fish farming and other modern industries.”</p> <p>“In the northern part of the Pacific region, the timber extraction and cattle-ranching settlements were the factor that connected the Pacific with the dynamics of the conflict afflicting Urabá and the Middle Atrato River region. This situation became increasingly violent with the clearing of territories for planting African palm.”</p> <p>“By the mid 1990s, the Naya had attracted the attention of multiple economic and military interests due to its timber and mining resources along with its strategic geographical location for the armed groups. The living space thus began to be closed up for the native population that has been increasingly affected by the crossfire from confrontations between forces that have their own interests, which were very different from the goals of the inhabitants of the river basin.”</p>	<p>Colombian Pacific</p> <p>Northern part of Colombian Pacific</p> <p>Colombian Pacific</p>	<p>Specified risk (including by forestry)</p> <p>Specified risk (including by forestry)</p> <p>Specified risk (including by forestry)</p>
<p>United Nations Special Rapporteur on the rights of indigenous peoples  <a href="http://www.ohchr.org/en/issues/ipeoples/srindigenouspeoples/pages/sripeoplesindex.aspx">http://www.ohchr.org/en/issues/ipeoples/srindigenouspeoples/pages/sripeoplesindex.aspx</a></p>	<p><a href="https://documents-dds-ny.un.org/doc/UNDOC/GEN/G10/136/69/PDF/G1013669.pdf?OpenElement">https://documents-dds-ny.un.org/doc/UNDOC/GEN/G10/136/69/PDF/G1013669.pdf?OpenElement</a>  <i>Report of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, Mr. James Anaya</i></p>		

	<p><i>Addendum</i>  <i>The situation of indigenous peoples in Colombia: follow-up to the recommendations made by the previous Special Rapporteur*</i>  25 May 2010</p> <p><i>(Note by assessor: Although this report is slightly older than the 5-year limit that is used for sources, this report was used because of its unique importance. Focus was on general analyses, information, dynamics and processes.)</i></p> <p><b>“Summary</b></p> <p>This report presents the findings of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, Mr. James Anaya, on the situation of indigenous peoples in Colombia, as part of the follow-up to the recommendations made in 2004 by the previous Special Rapporteur, Mr. Rodolfo Stavenhagen. These findings are the result of an exchange of information with the Government of Colombia and other interested parties and of the mission carried out by Mr. Anaya between 22 and 27 July 2009.</p> <p>The Special Rapporteur notes the readiness of the Government of Colombia to recognize the rights of indigenous peoples. It is evident that Colombia is engaged in addressing matters concerning indigenous people and in developing plans and proposals in response to the recommendations of the previous Special Rapporteur. Nevertheless, the Special Rapporteur expresses concern over the multiple indications that the grave situation of indigenous peoples in Colombia has not been addressed with the level of urgency it deserves. In general, the laws, programmes and policies of the Government do not ensure effective protection of the human rights of indigenous peoples in Colombia. Also, it is clear that the situation of indigenous people is aggravated by the internal armed conflict currently gripping Colombia. According to most indicators, that armed conflict is having a disproportionate effect on the indigenous peoples. The Special Rapporteur received reports of an increasingly worrying situation of violence and other crimes against indigenous peoples, and also cases of forced displacement and confinement, which threaten the physical and cultural survival of Colombia’s indigenous peoples.</p> <p>There is clearly a high level of engagement in indigenous affairs on the part of the State of Colombia, demonstrated by the development of plans and proposals in response to the recommendations of the previous Special Rapporteur. However, there are still major challenges that the Government must meet if it is to comply with its obligation to protect and effectively promote the human rights and fundamental freedoms of indigenous peoples, including rights to land, natural resources and prior consultation with them on decisions that affect them. Also, there are significant differences generally as regards the enjoyment of economic, social and cultural rights between the indigenous peoples and the population of Colombia as a whole.</p> <p>The Special Rapporteur presents a series of recommendations aimed at addressing those challenges and making real progress in the recognition and</p>	<p>Country</p> <p>Country</p> <p>Country</p>	<p>Low risk for IP rights</p> <p>Specified risk for IP rights</p> <p>Specified risk for IP rights, violence against IP, and forced displacements</p>
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	<p>protection of the human rights of Colombia's indigenous peoples, in accordance with the State's obligations and commitments in this matter.”</p> <p><b>II. Findings of the Special Rapporteur</b></p> <p>“6. In the report on his mission to Colombia in 2004, the previous Special Rapporteur, Mr. Stavenhagen, stated that: “Colombia's indigenous peoples find themselves in a serious, critical and profoundly worrying human rights situation”.<sup>2</sup> The situation as observed by the current Special Rapporteur confirms that this description is still valid. Despite some progress on indigenous issues, in general the laws, programmes and policies of the Government do not result in effective protection of the human rights of the indigenous peoples in Colombia.”</p> <p><b>A. Legal and political framework</b></p> <p>“7. The Colombian Constitution recognizes indigenous peoples and their collective and individual rights. Rulings of the Constitutional Court have built on this institutional framework, creating a world-class model of jurisprudence. In addition, Colombia has ratified Convention No. 169 of the International Labour Organization (ILO), the Convention concerning Indigenous and Tribal Peoples in Independent Countries,<sup>4</sup> and recently declared its support for the United Nations Declaration on the Rights of Indigenous Peoples and for its spirit and guiding principles.”</p> <p>“9. The organs of the Department of Public Prosecution, particularly the Office of the Procurator-General and the Ombudsman's Office, have important powers as regards protection of the country's indigenous peoples. The Special Rapporteur especially notes the preventive functions entrusted to the Early Warning System of the Ombudsman's Office, which is an important mechanism for identifying and preventing human rights violations and breaches of international humanitarian law directed against indigenous peoples. Within the framework of the Early Warning System, the Ombudsman's Office collects, verifies and analyses information relating to situations where the civilian population is vulnerable and at risk as a consequence of the armed conflict and warns the authorities responsible for providing protection so that timely and comprehensive coordinated assistance is provided to the communities affected.</p> <p>10. However, recommendations have not always received proper consideration and response on the part of the organs entrusted with taking protective measures. For example, in February 2009, eight members of the Awa indigenous community were murdered on the Tortugaña-Telebí reserve (in the department of Nariño), which resulted in the displacement of some 400 members of the community. That happened despite repeated warnings given by the leaders of the Awa people, and the issuing of a risk report by the Ombudsman's Office (No. 53 of 5 June 2008), which warned about the dangers to the Awa people in that department. Ultimately, the Government drew up a plan and</p>	Country	Specified risk for IP/TP rights
		Country	Low risk for IP/TP rights
		Country	Low risk for IP/TP rights
		Country	Specified risk for IP/TP rights



	<p><b>2. Military presence in indigenous areas</b>  “25. The indigenous peoples have repeatedly complained about the occupation of schools, council meeting places (“cabildos”), sacred sites and dwellings by members of the Security Forces. <b>The Special Rapporteur received information about the Security Forces establishing a military presence on indigenous reserves without any prior consultation with the affected communities.</b> He also received information about the Security Forces using indigenous persons, including children and adolescents, as informants.”</p> <p>“27. Government initiatives to strengthen respect for human rights in indigenous areas by members of the Security Forces do exist. (..)”</p> <p><b>3. Forced displacement and confinement</b>  “29. <b>The forced displacement of indigenous peoples threatens their cultural and physical survival,</b> as the Constitutional Court has pointed out, and gives rise to critical humanitarian issues such as overcrowding, unsanitary conditions and food shortages. The public authorities are not prepared to respond adequately to the humanitarian needs of the victims and, in particular, the women and children. Of grave concern is the acute impact of forced displacement on indigenous women, who, according to the Constitutional Court, are among those who have been affected most severely by the crimes, injustices and inequities that accompany armed violence and forced displacement.<sup>22</sup></p> <p>30. <b>In the past five years, the displacement of indigenous peoples has increased disproportionately in comparison with the displacement of the rest of the population.</b> According to figures from Acción Social, between 2006 and 2007 the displacement of the rest of the population increased by 16.8 per cent, while the displacement of the indigenous population increased by 23.1 per cent. Furthermore, some indigenous communities are in a situation of confinement and receiving no humanitarian assistance.”</p> <p>“31. In the years following the mission of the previous Special Rapporteur, regulations for better responding to the needs of the displaced population were adopted (..)</p> <p>32. However, as the Constitutional Court concluded in its Decision 004 of 2009, under the prevailing circumstances it is difficult to see how those initiatives have been translated, into practical actions (..)”</p> <p><b>C. Land and natural resources</b>  “36. <b>Respect for and protection of the right to land and territories are a constant demand of the indigenous peoples in Colombia. Over the last decades, Colombia has moved forward in the recognition of the land rights of the country’s indigenous peoples. The number of official indigenous reserves now stands at 710, located in</b></p>	<p>IP/TP territories</p>	<p>IPs/TPs rights</p> <p>Specified risk for right to FPIC</p>
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	<p>27 of the country's departments and in 228 municipalities; according to the Government, they occupy a total of approximately 34 million hectares, equivalent to 29.8 per cent of Colombia's national territory.<sup>25</sup></p> <p>"37. However, some representatives of the indigenous peoples say that much of the land purchased and handed over to indigenous communities is unproductive or not suited to their cultural needs. A mere 7.68 per cent of the indigenous reserves (covering an area of 1,290,000 hectares) are situated in agricultural areas, and they are inhabited by approximately 65 per cent of Colombia's total indigenous population. The other reserves are situated in the Amazon forest, the Orinoquía savanna and the Guajira desert.<sup>26</sup> The territorial crisis is evident in the Caño Mochuelo reserve, located in the Casanare department (Orinoquía region). According to information received by the Special Rapporteur, the reserve is not sufficiently large to ensure the physical and cultural survival of the peoples living there. The soil is of low fertility and between May and November more than 65 per cent of this land is subject to flooding. As a result, there is concern that a serious food crisis might impact this reserve.</p> <p>38. In addition, the establishment, expansion and improvement of reserves seem not to be proceeding in a manner consistent with the numerous needs identified. In November 2008, 450 dossiers relating to the establishment, expansion, improvement and restructuring of indigenous reserves were being processed.<sup>27</sup> According to data for 2004 from the Colombian Rural Development Institute (INCODER), the indigenous territories still the subject of dossiers being processed have a total area of 1,627,758 hectares, populated by at least 380,000 indigenous people. The departments with most land to be assigned are Cauca (309,000 hectares), Amazonas (276,000 hectares) and Boyacá (nearly 100,000 hectares). In the departments of Magdalena, Caquetá, Putumayo, Cesar, Tolima, Valle, Arauca and Vaupés, the territories awaiting assignment have a total area of over 50,000 hectares."</p> <p>"40. (...) In Decision 004, the Constitutional Court noted that, in some cases, uncertain tenure arrangements greatly facilitated the invasion and seizure of indigenous lands, so that there was a link between the expansion and improvement of reserves and certain aspects of the armed conflict (such as armed forces, illicit crops, or military activities in areas of expansion)."</p> <p>"41. The Special Rapporteur emphasizes the need to bring Colombia's public policy relating to economic development of the country (particularly as regards natural resource extraction and agro-industry and tourism infrastructure "megaprojects") into line with the indigenous peoples' rights to land and natural resources, in accordance with the provisions of ILO Convention No. 169 and the United Nations Declaration on the Rights of Indigenous Peoples. Between 1993 and 2006, the</p>	<p>Indigenous reserves</p> <p>IP/TP territories</p> <p>Amazon forest, Orinoquía savanna, Guajira desert</p> <p>Cauca, Amazonas, Boyacá</p>	<p>Low risk for IP's right to land</p> <p>Specified risk for right to land</p> <p>Specified risk for IP rights</p> <p>Specified risk for right to land</p>
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	<p>Constitutional Court found approximately 18 times in favour of indigenous peoples in cases where their land rights were being violated by intrusive initiatives or large infrastructure projects. (...) There are many other examples of concessions granted and projects authorized without the necessary prior consultation with the affected communities. (...)"</p> <p>"42. Thus, there is still not full compliance with the recommendation of the former Special Rapporteur, that investment, infrastructure, natural resource extraction and exploitation, industrial production and other major projects should not be promoted without full and genuine prior consultation with and the involvement of the indigenous peoples<sup>34</sup> (see section D below). (...)"</p> <p><b>D. Consultation and agreement</b></p> <p>"44. The lack of prior consultation with the indigenous peoples on decisions that affect them is a persistent problem in Colombia. The Constitutional Court has developed considerable jurisprudence relating to the right to consultation, establishing in the national legislation a framework for promoting the right to consultation as embodied in ILO Convention No. 169 and in the United Nations Declaration on the Rights of Indigenous Peoples.<sup>37</sup> Despite that, violations of the right to consultation have persisted in several contexts, as shown in subsequent years by cases brought before the Court, which has ruled both on draft laws and public policies and on proposals with an impact on the use of land and natural resources.<sup>38</sup></p> <p>45. More recently, the Court declared the General Forestry Act (Law 1021 of 2006) and the Rural Development Statute to be unconstitutional as they had not been the subject of appropriate consultation with the indigenous peoples. On declaring the General Forestry Act to be unconstitutional, the Court stressed that the Constitution provided for special protection of the right of ethnic groups to participate in the taking of decisions that affected them and that such special protection implied a duty to develop processes for consulting with indigenous and tribal communities on the adoption and implementation of decisions that might affect them.<sup>39</sup> (...)"</p> <p>"47. The development of effective consultation procedures that conform to international standards is one of the main challenges facing Colombia. (...)"</p>	<p>IP/TP territories</p> <p>IP/TP territories</p> <p>Country</p> <p>Country</p>	<p>Specified risk for right to land</p> <p>Specified risk for right to FPIC</p> <p>Specified risk for right to FPIC (by forestry)</p> <p>Specified risk for right to FPIC</p>
<p>UN Human Rights Council Universal Periodic Review  <a href="http://www.ohchr.org/EN/HRBodies/UPR/Pages/Documentation.aspx">http://www.ohchr.org/EN/HRBodies/UPR/Pages/Documentation.aspx</a></p>	<p><a href="https://documents-dds-ny.un.org/doc/UNDOC/GEN/G13/154/35/PDF/G1315435.pdf?OpenElement">https://documents-dds-ny.un.org/doc/UNDOC/GEN/G13/154/35/PDF/G1315435.pdf?OpenElement</a>  <i>Report of the Working Group on the Universal Periodic Review*  Colombia  4 July 2013</i>  <b>A. Presentation by the State under review</b></p>		







	<p>vulnerable groups (Niger); (...)</p> <p>116.105. Maximize, through consultation mechanisms, the participation of indigenous peoples in the determination of the public policies that affect them (Peru);</p> <p>116.106. Introduce stronger measures to protect indigenous peoples and AfroColombians from attacks by armed groups and take measures to guarantee their rights (Republic of Korea);</p> <p>116.107. Continue its actions in favour of the improvement of conditions of life of indigenous peoples (Senegal); (...)</p> <p>116.109. Continue to develop and expand programmes for the protection of indigenous peoples (Egypt);</p> <p>116.110. Ensure that the legislation regarding the rights of minorities and indigenous people continue to be fully implemented, paying special attention to the protection of those people most vulnerable to threats and violence, such as human rights defenders (Italy);</p> <p>116.111. Take all necessary measures to ensure the full and sustainable protection of indigenous peoples and peoples of African descent, in terms of both physical security and land rights (New Zealand); (...)</p> <p>116.119. Protect the right to property of the land of the indigenous and traditional peasant communities to prevent the dispossession of land suitable for agriculture in the present context of economic and social development (Mexico); (...)</p>	<p>Country</p> <p>Country</p>	<p>Specified risk for IP/TP participation on decision-making that affects them</p> <p>Specified risk for IP/TP rights</p>
<p>UN Human Rights Committee  <a href="http://www.ohchr.org/EN/HRBodies/CCPR/Pages/CCPRIndex.aspx">http://www.ohchr.org/EN/HRBodies/CCPR/Pages/CCPRIndex.aspx</a>  search for country  Also check: UN Committee on the Elimination of All Forms of Racial Discrimination  <a href="http://www.ohchr.org/EN/HRBodies/CERD/Pages/CERDIndex.aspx">http://www.ohchr.org/EN/HRBodies/CERD/Pages/CERDIndex.aspx</a>  Also checked: Committee on the Rights of the Child (CRC) and Committee on the Elimination of Discrimination against Women (CEDAW)</p>	<p><a href="http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fCOL%2fCO%2f15-16&amp;Lang=en">http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fCOL%2fCO%2f15-16&amp;Lang=en</a>  Committee on the Elimination of Racial Discrimination  Concluding observations on the combined fifteenth and sixteenth periodic reports of Colombia*  25 September 2015</p> <p><b>B. Positive aspects</b>  “3. The Committee welcomes the fact that the State party has developed an extensive legal and institutional framework for the protection of indigenous peoples, Afro-Colombians and Roma. The Committee welcomes in particular:  (a) The adoption of the Victims and Land Restitution Act No. 1448 of 2011 and Legislative Decrees No. 4633, 4634 and 4635 of 2011, which set out differentiated measures to provide support, assistance and comprehensive redress for indigenous peoples, Roma and Afro-Colombian communities that were victims of the armed conflict;”</p> <p><b>C. Concerns and recommendations</b>  Demographic composition of the population  “7. The Committee notes with concern the lack of information appropriately reflecting the demographic composition of the population of the State party, in particular socioeconomic indicators to assess progress towards the equal realization of the rights contained in the Convention. In addition, the Committee notes with</p>	<p>Country</p> <p>Country</p>	<p>Low risk for right to land</p> <p>Specified risk (lack of data about</p>

	<p>concern the discrepancy between the official data of the State party and data provided by other sources on indigenous peoples and the Black, Palenquero and Raizal communities (Afro-Colombian peoples) (art. 2, para. 1).”</p> <p><i>Impact of the armed conflict and peace negotiations</i>  “11. The Committee welcomes the information on progress in the peace negotiations taking place in Havana and the Early Warning System developed by the Ombudsman’s Office to monitor and prevent human rights violations and breaches of international humanitarian law in the context of the internal armed conflict. However, the Committee is concerned that:  (a) <b>The armed conflict continues to disproportionately affect indigenous and Afro-Colombian peoples</b>, owing to such factors as the militarization of their territories, the high incidence of sexual violence against indigenous and Afro - Colombian women, the use of indigenous and Afro-Colombian children by non-State armed groups and extrajudicial executions, including the practice known as “false positives”;  (b) <b>The peace negotiations do not involve the effective participation of indigenous peoples and the Afro-Colombian population;</b>  (c) <b>Risk reports issued by the Early Warning System are not duly considered by the Inter-Agency Early Warning Committee</b> (arts. 5 and 6).”</p> <p><i>Indigenous peoples facing extinction and indigenous peoples living in isolation or at the initial-contact stage</i>  “15. The Committee regrets that <b>the State party has not effectively implemented the decisions of the Constitutional Court, which has ruled that some indigenous peoples are at risk of physical and cultural extinction. The Committee regrets that the State party has not yet finalized the design of ethnic protection plans for the benefit of the majority of these peoples and that the implementation of the plans that have already been designed is still at the initial stage. The Committee is also concerned about the absence of measures for the effective protection of indigenous peoples living in voluntary isolation or at the initial-contact stage</b> (art. 2, para. 2).“</p> <p><i>Forced displacement</i>  “17. Despite the measures taken by the State party for the protection of the displaced population, the Committee reiterates its concern at the persistence of forced displacement, which continues to disproportionately affect indigenous peoples and Afro-Colombian communities (art. 5).”</p> <p><i>Land rights and land restitution</i>  “19. <b>Although the Committee notes with satisfaction the progress made by the State party in recognizing the rights that indigenous and Afro-Colombian peoples have over their territories, and the efforts made to return their lands following forced displacement, the Committee is concerned about:</b></p>	<p>Country</p> <p>Country</p> <p>IP/TP territories</p>	<p>IP/TP presence)</p> <p>Specified risk for IP/TP rights despite the peace process</p> <p>Specified risk for IPs living in isolation (no effective policy implementation)</p> <p>Specified risk for forced</p>
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	<p>(a) The constant threats and violence that prevent indigenous and AfroColombian peoples from effectively exercising their land rights;</p> <p>(b) The failure to adopt the necessary regulations and the lack of effective implementation of Act No. 70 of 1993, which recognizes the right of collective ownership of Afro-Colombians over their territories;</p> <p>(c) The obstacles to the effective implementation of Act No. 1448 of 2011, including a lack of human and material resources, a lack of coordination between the authorities responsible for its implementation and the fact that the right to restitution is restricted to victims displaced from their lands after 1991 (art. 5).”</p>	Country	displacements
		Country	Low risk for right to land (policy progress)
	<p><i>Right to prior consultation</i></p> <p>“21. Although the Committee notes that the State party has recognized the right to consultation as a fundamental right of both indigenous peoples and Afro - Colombians, it is concerned at information about the lack of effective implementation of this right, partly because consultation is carried out without proper information, sometimes hastily, or without due consideration for the concerns of these peoples. In addition, it is concerned that the bill under consideration to regulate the process of prior consultation is not fully in conformity with international standards. The Committee regrets that Afro-Colombian peoples were not consulted about the National</p>	Country	Specified risk for right to land (in practice)
	<p>Development Plan (2014-2018). Lastly, the Committee notes with concern reports of statements made by high-level government officials to the effect that the right to prior consultation is an obstacle to development and infrastructure projects (arts. 2 and 5).”</p>	Country	Low risk for right to FPIC (policy progress)
	<p><i>Impact of projects involving natural resource exploitation</i></p> <p>“23. The Committee notes with concern the reports regarding the negative impact of projects involving the exploitation of natural resources, including illegal mining, on the territories of indigenous and Afro-Colombian peoples, which cause irreparable damage to the environment and affect their traditional forms of subsistence and exploitation of land and resources, such as hunting, fishing, farming and traditional mining. The Committee is also concerned at the tensions between outsiders and the indigenous and Afro-Colombian peoples living in those territories. The Committee is particularly concerned at the situation faced by Afro-Colombian communities in northern Cauca, the Wayúu people in La Guajira and the indigenous peoples in Putumayo and Nariño.”</p>	Country	Specified risk for FPIC (in practice)
<p><i>Human rights defenders and leaders of indigenous and Afro-Colombian peoples</i></p> <p>“27. While it takes note of the work done by the National Protection Unit, the Committee is concerned at the ineffectiveness of the protection measures adopted to provide security and guarantee respect for the lives and personal safety of human rights defenders and leaders of indigenous and Afro-Colombian peoples. In particular, the Committee is deeply alarmed at the constant threats against and the murders of human rights defenders and leaders of indigenous and Afro-Colombian</p>	Especially: TP in northern Cauca, IP in La Guajira and IPs in Putumayo and Nariño	Specified risk for IP/TP rights by natural resource exploitation	
	Country		

	<p>peoples, such as the murder of the Afro-Colombian leader Genaro García the day before the interactive dialogue with the State party (arts. 5 and 6).”</p> <p><i>Access to justice</i>  “39. The Committee is concerned that the mechanisms introduced by the State party to provide access to justice for indigenous, Afro-Colombian and Roma peoples, such as the National Houses of Justice Programme, are not sufficient to ensure timely access to justice, as they are not yet available in all the territories of indigenous and Afro-Colombian peoples. The Committee is also concerned at reports of alleged irregularities in legal proceedings involving indigenous persons (art. 6).”</p> <p><a href="http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=RC%2fC%2fCOL%2fCO%2f4-5&amp;Lang=en">http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=RC%2fC%2fCOL%2fCO%2f4-5&amp;Lang=en</a>  <i>UN Convention on the Rights of the Child</i>  <i>Committee on the Rights of the Child</i>  <i>Concluding observations on the combined fourth and fifth periodic reports of Colombia. 6 March 2015</i></p> <p><b>C. Main areas of concern and recommendations</b>  <b>“Children belonging to minority or indigenous groups</b>  57. The Committee notes the measures taken by the State party to ensure the rights of indigenous and Afro-Colombian children. It nevertheless remains concerned that they continue to face discrimination and numerous challenges in accessing education, health care, civil registration services and justice. It also remains concerned that they are disproportionately affected by violence and the armed conflict and overrepresented among displaced children and children recruited by non-State armed groups.”</p> <p><a href="http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=EDAW%2fC%2fCOL%2fCO%2f7-8&amp;Lang=en">http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=EDAW%2fC%2fCOL%2fCO%2f7-8&amp;Lang=en</a>  <i>Committee on the Elimination of Discrimination against Women</i>  <i>Concluding observations on the combined seventh and eighth periodic reports of Colombia</i>  29 October 2013</p> <p><b>C. Principal areas of concern and recommendations</b>  <b>“Conflict-related gender-based violence</b>  17. The Committee notes the efforts of the State party to address conflict-related gender-based violence, including sexual violence, such as Law No. 1448 (2011). It also notes the measures taken by the Attorney General’s Office to improve the methodology of investigation and treatment of victims of these crimes. However, it expresses its serious concern at the prevalence of sexual violence against women and girls, including rape, by all actors in the armed conflict, including by post demobilization armed groups. It is concerned at the significant underreporting of cases and at the widespread impunity with respect to the investigation, prosecution</p>	<p>Country</p> <p>Country</p>	<p>Specified risk for IP/TP rights (threats and murders)</p> <p>Specified risk for access to justice</p> <p>Specified risk for rights of IP/TP children</p>
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	<p>and punishment of perpetrators of conflict-related sexual violence against women and girls, which contribute to the victims' lack of confidence in the State response. In this context, it is particularly concerned at:</p> <p>(a) The lack of adequate protection measures for women victims of gender-based violence, including sexual violence, as well as for witnesses and their families and communities, and the lack of an effective specific system of protection for Afro Colombian and indigenous women victims of violence;"</p> <p><i>"Rural, indigenous and Afro-Colombian women</i></p> <p>31. The Committee is concerned about the persistent discrimination experienced by rural women, indigenous women and Afro-Colombian women. It is deeply concerned that the disproportionate impact of the armed conflict in conjunction with the negative impact of agricultural and mining mega-projects on these groups of women are deepening the prevailing discrimination, inequalities and poverty which they have long been experiencing, despite the efforts of the State party to improve their situation. It is particularly concerned at:</p> <p>(a) The multiple barriers that women face to access to land restitution in the framework of Law No. 1448 (2011), inter alia, institutional, procedural and social barriers, as well as the lack of sustainable solutions for women to whom their land has been returned or who are claiming their land;</p> <p>(b) The threats and violence, including sexual violence, by armed groups, including post-demobilization armed groups, that women are experiencing when the investment interests of third parties are at odds with their demands for land restitution, which results in the forced displacement of women and their families;</p> <p>(c) The lack of an effective and coordinated institutional response to the specific risks to which internally displaced women and girls are exposed, as well as the fact that gender-based violence, in particular sexual violence, is a cause of forced displacement."</p> <p>“33. The Committee is concerned at:</p> <p>(a) The lack of concise information with respect to the implementation of Law No. 731 (2002) on rural women, including a rural census, of policies and programmes in place aimed at advancing the situation of these women, whether affected or not by the armed conflict, and of results achieved;</p> <p>(b) The lack of adequate protocols to guarantee the participation of indigenous and Afro-Colombian women in decision-making processes which directly affect their economic, social and cultural rights, such as those related to the establishment of development mega-projects in their territories;</p> <p>(c) The inadequate access to health-care services, education and employment opportunities of indigenous and Afro-Colombian women in urban and rural contexts;</p> <p>(d) The lack of adequate responses to indigenous women's demands by both the indigenous justice mechanisms and the formal justice system, as well as</p>	<p>Country</p> <p>Country</p> <p>Country</p> <p>Country</p> <p>Country</p> <p>Country</p>	<p>Specified risk for rights of IP/TP women</p> <p>Specified risk for IP/TP women's rights, including discrimination (by the impact of agricultural and mining mega-projects)</p> <p>Specified risk for access to land for IP/TP women</p> <p>Specified risk for IP/TP women's right to FPIC</p> <p>Specified risk for</p>
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	the persistence of barriers to their effective access to formal justice, such as the absence of interpretation during judicial processes.”		access to justice for IP/TP women
Intercontinental Cry <a href="http://intercontinentalcry.org/">http://intercontinentalcry.org/</a>	<p><a href="http://www.scribd.com/doc/216154458/Indigenous-Struggles-2013">http://www.scribd.com/doc/216154458/Indigenous-Struggles-2013</a>  <i>Indigenous struggles 2013</i>          “In Arauca, Colombia, a series of peaceful community protests against oil exploitation were brutally attacked by the government’s Mobile Anti- Disturbance Squadron, ESMAD.”</p> <p>“In an unprecedented ruling in Colombia, all mining and exploration activities in 49,421 acres of territory belonging to indigenous Embera Katio communities were suspended for up to six months due to a failure to consult and protect the communities in the area. According to the presiding Judge, the six-month period will give the Embera some desperately needed security after being repeatedly attacked by employees of mining companies in the area. The six-month term will also give the courts enough time to hand down a ruling concerning the ‘legality’ of the Embera’s land titles.”</p> <p>“A landmark piece of legislation was passed in Colombia establishing a new category of protected area explicitly for lands held sacred by Indigenous Peoples. After the bill became law, the Colombian government wasted no time putting it to good use, handing over the ceremonial site of Jaba Tañiwashkaka to the Kogi People, making it the first sacred site in Colombia to be listed as an area of “national and cultural interest.” The government further pledged to double the area of Chiribiquete national park in southern Colombia to help protect two indigenous populations who are living in voluntary isolation.”</p> <p>“Indigenous Youths in the Valle de Sibundoy, Colombia, are standing up against a road to Brazil that would cut through their territory, including an ancient pathway used by their ancestors. Some indigenous campaigners in the valley tried to assert their right to be consulted over the project; However, they say that the government responded by claiming that their community did not exist. The valley is home to the Inga and Camentsa Peoples, who do not presently hold any communal title in the area.”</p> <p>“The National Indigenous Organization of Colombia (ONIC) decried an excessive police response to a peaceful protest that left 19 people wounded. The protesters had been casually marching in the Pacific coastal city of Buenaventura as part of a massive national mobilization involving as many as 120,000 Indigenous Peoples. The mobilization or Minga was initiated by ONIC to establish a dialogue with the government in order to address ongoing economic injustices and human rights abuses in the country. During the march, the</p>	<p>Arauca</p> <p>Country</p> <p>Southern Colombia</p> <p>Valle de Sibundoy</p>	<p>Specified risk (oil exploitation )</p> <p>Low risk for IP’s land rights</p> <p>Low risk for IPs living in voluntary isolation</p> <p>Specified risk for right to land and FPIC (by infrastructure)</p>



	<p>protesters were “stopped and threatened” by the riot police and then subsequently fired upon.”</p> <p><a href="http://intercontinentalcry.org/wp-content/uploads/2013/01/Indigenous-Struggles-2012.pdf">http://intercontinentalcry.org/wp-content/uploads/2013/01/Indigenous-Struggles-2012.pdf</a>  <i>Indigenous struggles 2012</i>  <b>No additional information was found that indicates 'specified risks' in relation to IP rights.</b></p>	Country	Low risk
<p>Forest Peoples Programme: <a href="http://www.forestpeoples.org">www.forestpeoples.org</a>  FPP's focus is on Africa, Asia/Pacific and South and Central America.</p>	<p><a href="http://www.forestpeoples.org/sites/fpp/files/news/2016/05/Press%20Release%2004%20May%202016%20IP%20Tour%20Palm%20Oil%20-%20English.pdf">http://www.forestpeoples.org/sites/fpp/files/news/2016/05/Press%20Release%2004%20May%202016%20IP%20Tour%20Palm%20Oil%20-%20English.pdf</a>  <i>Press Release. 4th May 2016.</i>  <b>Indigenous, community and civil society leaders call for action on human rights violations and land grabbing linked to global palm oil supply chains.</b>  “At an event in London, indigenous and civil society leaders call for an end to human rights violations and land grabbing linked to millions of tons of palm oil imported into Europe every year and calls for enforceable standards to stop abuses.”  <b>“Our Mother Earth is weeping for the violation of our peoples' rights and the destruction of our environment.</b> We visited an oil palm refinery on our mission to the EU. The smoke from this refinery represents the blood of our families first spilled at the hands of the paramilitaries and also the suffering that is now being inflicted by the palm oil industry,” stated Willian Aljure, land and human rights defender and representative of Communities Constructing Peace in Territories (CONPAZ) from the Mapiripan area in the plains region of Colombia. <b>“Together we are calling for international solidarity in demanding that harmful investments and plantation operations in the palm oil sector affecting indigenous and local communities are investigated and properly sanctioned, including for historical injustices.</b> You cannot separate human rights from environmental damage.”</p> <p><a href="http://www.forestpeoples.org/topics/agribusiness/news/2016/04/secure-territorial-rights-indigenous-peoples-and-traditional-knowle">http://www.forestpeoples.org/topics/agribusiness/news/2016/04/secure-territorial-rights-indigenous-peoples-and-traditional-knowle</a>  <i>Secure territorial rights of indigenous peoples and traditional knowledge must be central to post-conflict initiatives to save the Colombian Amazon and achieve sustainable development</i>  25 April 2016. Bogotá  “A new report “Deforestation and indigenous peoples rights in the Colombian Amazon” co-published by social justice and environmental NGO DEDISE and Forest Peoples Programme (FPP) underlines <b>the critical role of secure land and territorial rights and traditional knowledge in sustaining one of the most culturally and biologically diverse forests on the planet.</b>  Drawing on grassroots interviews, community workshops and a review of official documents, the study assesses historical and contemporary direct and underlying causes of forest destruction and associated human rights impacts in the region. It</p>	Country	<p>Specified risk for IP rights (by oil palm)</p> <p>Specified risk for IPs rights and IP lands (by cattle, agriculture)</p> <p>Caquetá, Guaviare, Putumayo, Northern and western areas</p>



	<p>privatisation and the enclosure of so-called vacant State lands (baldíos), without adequate protections for the pre-existing customary collective territorial rights of indigenous peoples. Among other consequences, this law could allow companies to obtain legal rights over “baldíos” they had already accumulated through land grabbing in the past.</p> <p>Given these risks, the report concludes that effective interventions to uphold human rights, slow deforestation, maintain biodiversity and achieve the Sustainable Development Goals (SDGs) in the Colombian Amazon <b>must involve reform of the top-down system for land use zoning, concessions and territorial planning that allocates land and minerals to private commercial interests. Crucially, the report emphasises that more effective actions to protect and secure territorial rights are needed alongside reforms to ensure genuine respect for free, prior and informed consent (FPIC).</b> Actions to strengthen self-government of indigenous peoples, apply traditional knowledge and reinforce indigenous agroforestry systems are identified as essential for achieving effective forest and climate policies in the region.”</p> <p><a href="http://www.forestpeoples.org/topics/rights-land-natural-resources/news/2016/03/recognizing-and-expanding-territories-original-peo">http://www.forestpeoples.org/topics/rights-land-natural-resources/news/2016/03/recognizing-and-expanding-territories-original-peo</a>  <b>Recognizing and expanding the territories of original peoples in Colombia is critical for the peace process</b>  2 March 2016. Press Note for the Global call to action on Indigenous and Community Land Rights</p> <p>“In Colombia, over 30% of the national territory has been officially titled to Indigenous Peoples, with some 6 million hectares of collective lands recognized for Afro-Descendant Communities. Nonetheless, in practice these territories are not recognized in the State’s actions, with mining, oil and gas, logging and other concessions issued unilaterally without upholding Indigenous or Afro-Descendant Peoples’ right to free, prior and informed consent.</p> <p>Territorial pressure increases markedly also by groups operating outside of the law who continue to invade ancestral territories to undertake activities such as illegal mining, leaving behind a legacy of environmental and social disaster, violating the territorial rights of the Original Peoples. Ironically, the peace process augments this territorial pressure, in that the FARC and the State are agreeing to actions in these territories without involving Colombia’s Indigenous and Black Communities in decision making.</p> <p>“With the peace process about to conclude with an Accord in Habana at the end of March, the Original Peoples of Colombia fear that our territories will be cut back rather than expanded,” states a member of the Palenke Alto Cauca-PCN, a regional government of Black Communities nationally represented by the Process of Black Communities (Proceso de Comunidades Negras-PCN). “This cutback to enable the reintegration into our territories of ex-combatants of the armed conflict, to implement agreements negotiated around Reserves for the Campesinos (Peasants), foreign investment in megaprojects and climate change mitigation schemes. <b>They are</b></p>	<p>dynamics after peace process)</p> <p>IP/TP territories</p> <p>IP/TP territories</p> <p>IP/TP territories</p>	<p>Specified risk for right to land (by logging (a.o.))</p> <p>Specified risk for right to land (by armed groups)</p> <p>Specified risk for right to land</p>
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	<p>speculating with our territories in a process where we aren't even at the negotiations table!"</p> <p>While there is fear that the territorial needs of Colombia's Original Peoples will not be considered in the negotiation or implementation of the Peace Agreements, those territories that should already be recognized by the State are left unprotected.</p> <p>"The State totally ignores the territory we have as a Resguardo (Reservation) of colonial origins," declares Carlos Gómez Restrepo, Chief Governor of the Resguardo Indígena Cañamomo Lomaprieta (Riosucio, Supía – Caldas), whose territory is criss-crossed with mining concessions issued or requested without the consent of the Cabildo, the Indigenous Authority. "But if the State not fulfilling its obligation to recognize and protect the little amount of territory that we have weren't serious enough, even more grave is that this little bit of land left to us as a result of the process of dispossession that has taken place since the arrival of the Spaniards, is far from sufficient to sustain the Embera Chamí population that live here."</p> <p>In effect, Cañamomo Lomaprieta has a population of 24,315 inhabitants and a total of 8,268 families, living in 4,826 hectares. According to the State Agency INCODER, this population should have some 82,680 hectares if it is to meet with the criterion that each family have a minimum of 10 hectares of 'Agricultural Family Unit'.</p> <p>"In other words, our territory has a deficit of 94.16% hectares," the Chief Governor emphasizes. "And that's following the State's logic, and not our own logic where we know that ancestrally our territory covered far more than that."</p> <p>In northern Cauca, Afro-Descendant Community Councils are assaulted by armed conflict, as well as a massive invasion of illegal/criminal mining, and sugarcane mono-culture for the production of bio-fuel. Community Councils in this area have some 1000 hectares of titled lands (Zanjón de Garrapatero, Cuenca Cauca, La Toma, Pureto, Aires de Garrapatero y Bodega Guali), and aspire to multiply this by 100, to achieve recognition of 100,000 hectares.</p> <p>With this alarming context and current crossroads in Colombia, "the global call for the territorial rights of Indigenous Peoples and Communities has come at a critical time for us," said Armando Caracas of the Palenke Alto Cauca-PCN. "We have much hope that this campaign will not only help peoples globally reach the goal of duplicating our officially recognized territories by 2020; but that in the meantime, we continue joining our efforts and weaving our strategies so that our territorial rights are respected in practice, even if we do not have state recognition. For us, territory is everything; without territory, we are nothing."</p> <p><a href="http://www.forestpeoples.org/region/colombia/news/2015/05/traditional-authorities-condemn-killings-healers-san-lorenzo-reserve-co">http://www.forestpeoples.org/region/colombia/news/2015/05/traditional-authorities-condemn-killings-healers-san-lorenzo-reserve-co</a></p>	<p>IP/TP territories</p> <p>IP/TP territories</p> <p>Northern Cauca</p>	<p>Specified risk for right to land</p> <p>Specified risk for right to land</p> <p>Specified risk for TP rights</p>
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	<p><b>Traditional authorities condemn killings of healers in San Lorenzo Reserve, Colombia.</b>  11 May 2015  “Traditional authorities of Cañamomo Lomaprieta Indigenous Reserve in Colombia condemn <b>killings of two traditional healers</b> of neighbouring San Lorenzo Indigenous Reserve (May 2015): see resolution here (only available in Spanish).”</p> <p><a href="http://www.forestpeoples.org/topics/rights-land-natural-resources/news/2015/03/indigenous-peoples-putumayo-say-no-mining-their-territories">http://www.forestpeoples.org/topics/rights-land-natural-resources/news/2015/03/indigenous-peoples-putumayo-say-no-mining-their-territories</a>  <b>Indigenous peoples of Putumayo say no to mining in their territories</b>  23 March 2015  “<b>Twelve indigenous peoples inhabit the Putumayo region in Colombia. In the last few years, they have tried to be heard through constant demonstrations to say ‘no’ to mining and megaprojects in ancestral territories!</b> They demonstrated once again last Friday the 13 of March in Bogotá through colourful actions, which back in the in the Sibundoy Valley of the Upper Putumayo they call “cultural marches and sit-ins”. The cultural protest in Bogotá took place at the entrance of the Ministry of the Interior.”</p> <p>“<b>Under customary law, their indigenous traditional authorities and communities have rejected the Anglo-American Company plans and also its proposals for community consultation. However, government institutions and companies are determined to ignore them.</b> The government and companies do not respect the decisions made by indigenous peoples and deprive them of their right to act as authorities in their own territories.”</p> <p>“Yet the Anglo-American mining title is not the only mining concession recorded in the Putumayo. In fact, in the last few years nearly forty mining titles has been sought and granted, as licences, authorisations and/or exploitation contracts.”</p>	<p>Cañamomo Lomaprieta Indigenous Reserve</p> <p>Putumayo region</p> <p>Putumayo region</p>	<p>Specified risk for IP rights</p> <p>Specified risk the right to land and FPIC</p> <p>Specified risk for right to land and FPIC</p>
<p>Society for Threatened Peoples:  <a href="http://www.gfbv.de/index.php?change_lang=english">http://www.gfbv.de/index.php?change_lang=english</a></p>	<p><a href="https://www.gfbv.de/en/news/august-9-international-day-of-indigenous-peoples-6836-1/">https://www.gfbv.de/en/news/august-9-international-day-of-indigenous-peoples-6836-1/</a>  <b>August 9: International Day of Indigenous Peoples</b>  08/07/2014  <i>The price the indigenous peoples pay for our energy hunger is too high! Stop the destruction of the environment – federal government must present roadmap for phase out of coal energy!</i>  “All over the world, the price the indigenous peoples have to pay for the insatiable hunger for energy in the industrialized nations is too high – which is what the Society for Threatened Peoples (STP) in Göttingen would like to draw attention to on occasion of the Day of Indigenous Peoples (August 9). "In order to keep our lights burning, the indigenous territories of the Canadian Saskatchewan in Australia are radioactively contaminated due to uranium mining – <b>while the territories of the Wayúu Indians in Colombia or the Shors in Siberia get swallowed by huge surface mining projects of the coal industry,</b>" criticizes the STP. Be it oil production in</p>		

	Nigeria, Siberia or Ecuador; be it dams for hydro-electric power in Brazil, Canada and Scandinavia – the livelihood of the indigenous peoples is destroyed in order to meet the energy needs of our businesses and households.” “Cheap coal for Germany leaves behind devastated land, polluted air, destroyed villages, contaminated water and impoverished native communities in the main supplier countries of coal – Colombia and Siberia.”	Territories of the Wayúu Indians	Specified risk for IP rights
Regional human rights courts and commissions: - Inter-American Court of Human Rights <a href="http://www.corteidh.or.cr/index.php/en">http://www.corteidh.or.cr/index.php/en</a> - Inter-American Commission on Human Rights <a href="http://www.oas.org/en/iachr/">http://www.oas.org/en/iachr/</a> <a href="http://www.oas.org/en/iachr/indigenous/">http://www.oas.org/en/iachr/indigenous/</a>	No additional information found.	-	-
Data provided by National Indigenous Peoples’, Traditional Peoples organizations	<i>IWGIA: Nationally, the indigenous peoples are represented by two organisations: The National Indigenous Organisation of Colombia (Organización Nacional Indígena de Colombia / ONIC) and the Indigenous Authorities of Colombia (Autoridades Indígenas de Colombia / AICO). Regionally, the Amazonian peoples are represented by the Organisation of Indigenous Peoples of the Colombian Amazon (Organización de los Pueblos Indígenas de la Amazonía Colombiana / OPIAC).</i>  See the information collected above and below. No additional information could be found in English.	-	-
Data provided by Governmental institutions in charge of Indigenous Peoples affairs	No information could be found in English.	-	-
Data provided by National NGOs; NGO documentation of cases of IP and TP conflicts (historic or ongoing)	See the information collected above and below.	-	-
National land bureau tenure records, maps, titles and registration (Google)	No information could be found with tenure records, official maps or titles.  <a href="http://www.incoder.gov.co/">http://www.incoder.gov.co/</a> The website of the Colombian Rural Development Institute (INCODER) is not available (visited on 22-10-2016)  <a href="https://documents-dds-ny.un.org/doc/UNDOC/GEN/G10/136/69/PDF/G1013669.pdf?OpenElement">https://documents-dds-ny.un.org/doc/UNDOC/GEN/G10/136/69/PDF/G1013669.pdf?OpenElement</a> <b>UN Special Rapporteur</b> <i>Report of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, Mr. James Anaya</i> <i>Addendum</i> <i>The situation of indigenous peoples in Colombia: follow-up to the recommendations made by the previous Special Rapporteur*</i> <i>25 May 2010</i> “According to data for 2004 from the Colombian Rural Development Institute (INCODER), the indigenous territories still the subject of dossiers being processed have a total area of 1,627,758 hectares, populated by at least 380,000 indigenous people. The departments with most land to be assigned are Cauca (309,000		

	<p>hectares), Amazonas (276,000 hectares) and Boyacá (nearly 100,000 hectares). In the departments of Magdalena, Caquetá, Putumayo, Cesar, Tolima, Valle, Arauca and Vaupés, the territories awaiting assignment have a total area of over 50,000 hectares.”</p> <p>“Prior to 2007, the establishment and expansion of reserves were the responsibility of the Colombian Agrarian Reform Institute (INCORA), which later became the Colombian Rural Development Institute (INCODER).<sup>28</sup> The Rural Development Statute (Law 1152 of 2007) transferred responsibility for the establishment, expansion and improvement of indigenous reserves to the Ethnic Affairs Directorate of the Ministry of the Interior and Justice. <b>In 2009, the Constitutional Court declared the Rural Development Statute to be unconstitutional because it had not been the subject of consultation, so that today there is a need to clarify the responsibilities of public authorities with regard to the various legal processes concerning indigenous reserves.</b>”</p>	Country	Specified risk for the right to FPIC
Relevant census data	<p>Official census data could not be found (in English).</p> <p>See several sources above referencing to census data from the National Statistics Department (DANE). See also other sources giving other data. For example, the UN Special Rapporteur discussing this issue:  <a href="https://documents-dds-ny.un.org/doc/UNDOC/GEN/G10/136/69/PDF/G1013669.pdf?OpenElement">https://documents-dds-ny.un.org/doc/UNDOC/GEN/G10/136/69/PDF/G1013669.pdf?OpenElement</a>  <b>UN Special Rapporteur</b>  <i>Report of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, Mr. James Anaya</i>  Addendum  <i>The situation of indigenous peoples in Colombia: follow-up to the recommendations made by the previous Special Rapporteur*</i>  25 May 2010</p> <p>“It should be mentioned that, for its part, the National Indigenous Organization of Colombia (ONIC) has identified numerous other indigenous groups at risk of extinction because they have fewer than 500 members each, including 18 groups with fewer than 200 members and 10 groups with fewer than 100.”</p> <p><b>“The number of official indigenous reserves now stands at 710, located in 27 of the country’s departments and in 228 municipalities; according to the Government, they occupy a total of approximately 34 million hectares, equivalent to 29.8 per cent of Colombia’s national territory.”</b></p> <p>Further, the UN CERD “<b>notes with concern the lack of information appropriately reflecting the demographic composition of the population of the State party</b>”.</p>	Country	Specified risk (no trustworthy information on IP presence)
- Evidence of participation in decision making; (See info on implementing ILO 169 and protests against new laws) - Evidence of IPs refusing to participate (e.g. on the basis of an unfair process, etc.); (See info on implementing ILO 169 and protests against new laws)	<p>See above and below multiple evidence for participating in decision making as well as claims that participation is not sufficient – regarding legislation process as well as regarding projects that affect IPs/TPs lives.</p> <p>See also multiple reports of protests against laws but mostly against certain practices.</p>	Country	Specified risk

National/regional records of claims on lands, negotiations in progress or concluded etc.	See information above and below on land claims of different IPs and TPs in different areas. No official or otherwise complete information could be found with claims on lands or ongoing negotiations.	Country	Specified risk
Cases of IP and TP conflicts (historic or ongoing). Data about land use conflicts, and disputes (historical / outstanding grievances and legal disputes)	See evidence of cases of conflicts above and below.	-	-
Social Responsibility Contracts ( <i>Cahier des Charges</i> ) established according to FPIC (Free Prior Informed Consent) principles where available	Not applicable	-	-
Google the terms [country] and one of following terms 'indigenous people's organizations', 'traditional peoples organizations', 'land registration office', 'land office', 'indigenous peoples', 'traditional peoples', '[name of IPs]', 'indigenous peoples+conflict', 'indigenous peoples+land rights'	<p><a href="http://www.wwf.org.uk/where_we_work/south_america/colombia_forest/">http://www.wwf.org.uk/where_we_work/south_america/colombia_forest/</a> (This link was viewed and the information below was added in 2016)</p> <p><b>WWF UK</b> Colombia</p> <p>“Colombia is a country of striking contrasts and outstanding natural beauty. Despite covering just 0.7% of the planet’s surface, Colombia is home to more than 10% of the world’s plant and animal species - including more birds (1800 species), more amphibians and more orchids than anywhere else. <b>But the country’s long history of internal conflict has taken its toll on vulnerable communities, and on the environment.</b></p> <p>Latest UN figures show Colombia loses nearly 2,000 sq km of natural forest every year.</p> <p>This is in a country where, incredibly, around a third of the plant species and 12% of land-based vertebrates exist nowhere else in the world.</p> <p>Half of Colombia’s forests are in territories inhabited by indigenous or Afro-Colombian communities. Legally, these communities have the right to manage their own natural resources - <b>but in reality, weak governance means they’re often powerless to stop the destruction of the forests their livelihoods depend on.</b></p> <p>Native Emberá Indians live for the most part along rivers at village sites, etching out a living from subsistence farming, fishing and trading goods, Colombia</p> <p><b>When indigenous people are displaced by conflict, their cultural practices and traditional systems of sustainable cultivation and use of natural resources are often abandoned. In their place come deforestation, illegal or unsustainable logging, single-crop plantations, and illicit crops like coca and marijuana.</b></p> <p>Poor communities are also ill-equipped to defend their territories in the face of road building, mining, oil and gas development, and other infrastructure expansion.”</p> <p><a href="http://www.solidaritycenter.org/afro-colombians-fighting-against-discrimination-at-work/">http://www.solidaritycenter.org/afro-colombians-fighting-against-discrimination-at-work/</a></p> <p><b>Solidarity Center</b> AFRO-COLOMBIANS FIGHTING AGAINST DISCRIMINATION AT WORK MARCH 12, 2013</p> <p>“Afro-Colombians are far likelier than other Colombian workers to earn less than the minimum wage and to be employed in jobs where they cannot form unions to improve their working conditions. And all of this exclusion “has a strong current of</p>	Country	Specified risk for IPs rights (by, a.o., logging)



	<p>racial discrimination under it,” said Agripina Hurtado, the newly elected president of the Afro-Colombian Labor Council (Consejo Labor Afrocolombiano). A quarter of Colombia’s population is Afro-descendant, yet Afro-Colombians comprise more than three-quarters of the country’s poor.</p> <p>Many Colombians neither recognize nor acknowledge discrimination against Afro-descendants, Hurtado said, and the council is working to raise awareness among lawmakers and the public about their working conditions. For instance, roughly 75 percent of the workforce in Colombia’s ports—primarily Afro-descendent—is employed under flexible non-labor contracts and consequently not allowed to join unions or bargain collectively.</p> <p>Further, threats and violence against Afro-Colombian leaders and communities are causing high levels of forced displacement, especially along the Pacific Coast where large numbers of Afro-descendants live. Colombia is the deadliest country in the world for union activists, with 4,000 trade unionists murdered in the past 20 years, many of them Afro-Colombian. “The selective killing of union members is spreading fear” throughout the Afro-Colombian community, she said.</p> <p>Founded in July 2012, the Afro-Colombian Labor Council seeks to promote the rights of Colombia’s Afro-descendent workers. The council includes representatives of the country’s three large trade union federations: the Unitary Workers Center, Central Única dos Trabalhadores (CUT); the Workers’ Confederation of Colombia, Confederación de Trabajadores de Colombia (CTC); and the General Workers Federation, Confederación General del Trabajo (CGT). The federations represent workers in the palm and sugar cane industries, as well as domestic workers, public-sector and port workers.” (..)</p> <p>“Hurtado, a leader of the public sector union USE (Union Sindical de Emcali), said one of the biggest obstacles is getting members of the Afro-Colombian community to self-identify as Afro-Colombians and join together to fight for their rights on the job and in their communities.</p> <p>“We aren’t conscious we have these rights, and we don’t go out and fight for them. The government doesn’t recognize us because we are not organized.”</p> <p>Hurtado and the Afro-Colombian Labor Council are working hard to change that.”</p>	TP territories, esp. Pacific Coast	Specified risk of violence against and forced displacement of Afro-Colombians
<b>Additional general sources for 2.3</b>	<b>Additional specific sources</b>	<b>scale of risk assessment</b>	<b>risk indication</b>
US AID	<a href="https://www.usaid.gov/news-information/congressional-testimony/written-statement-senior-deputy-assistant-administrator">https://www.usaid.gov/news-information/congressional-testimony/written-statement-senior-deputy-assistant-administrator</a> <i>WRITTEN STATEMENT BY SENIOR DEPUTY ASSISTANT ADMINISTRATOR JANET C. BALLANTYNE, BUREAU FOR LATIN AMERICA AND THE CARIBBEAN, BEFORE THE TOM LANTOS HUMAN RIGHTS COMMISSION</i> Thursday, April 29, 2010		

	<p>“Mr. Chairman, Members of the Commission, it is an honor and a privilege to present this testimony to the Tom Lantos Human Rights Commission. I welcome the opportunity to outline how the United States Agency for International Development is helping to address the challenges faced by indigenous peoples in Colombia, Panama, and Peru and throughout Latin America.</p> <p>Over 30 million Latin Americans are indigenous. In countries such as Guatemala, Colombia, Ecuador, and Peru, close to half the population is indigenous. In Latin America, indigenous peoples have, in general, not received the full benefit of development. They suffer from high childhood mortality rates, lack of education, low income levels, and high rates of crime and violence against women. They are often caught in the crossfire between opposing governmental factions and in Andean countries, targeted by narco-traffickers who pressure them to develop coca rather than sustainable licit agricultural products. They are also vulnerable to industries who want to use their territories for extractive industries, often without prior consultation.”</p>	<p>Country</p> <p>Country</p>	<p>IP presence</p> <p>Specified risk for IP rights</p>
<p>Minority Rights Group International World Directory of Minorities and Indigenous Peoples</p>	<p><a href="http://minorityrights.org/country/colombia/">http://minorityrights.org/country/colombia/</a> <b>Colombia</b> “Peoples: Main languages: Spanish, 64 official indigenous languages, Bande, Creole, Palanquero. (..) Main minority groups: 1,378.884 (3,4%) people belonging to various indigenous groups, 4,261,996 (10,5%) Afro-Colombians and 4.832 (0.01%) Roma (gypsies), Mestizo 58%, White 20%, Mulatto 14% (DANE 2005, CIA Factbook 2006) Colombia has more than eighty indigenous peoples living in a variety of ecological zones and the second largest African descendant population in Latin America after Brazil which includes palenqueros, the descendants of maroon communities, and raizales, the English-speaking Caribbean communities, in San Andres and Providencia.”</p> <p><i>Minorities: Afro-Colombians</i> “Profile Colombia has the second largest African descendant population in Latin America. According to the census of 2005, the government estimates that Afro-descendants make up 10.6% of the total population. This is 16% down from the government's previous estimations in 2002, which put the total Afro-descendant population at 26% and which is the figure still currently used by the United Nations. Census figures also continue to be disputed by Afro-descendant leaders such as Luis Giraldo Murillo Urritia, ex governor of the department of Choco, who claims that the Afro-Colombian population is as high as 36-40% (Dollars &amp; Sense, 2007). African descendants are present in every major city in the country. It is thought that there are 1 million living in the capital of Bogota. Coastal regions of Colombia can have Afro-Colombian populations that are as high as 90% as in the case of the Pacific, or 60% on the Atlantic coast. The department of Chocó is the most African</p>	<p>Country</p> <p>Country</p> <p>Pacific and Atlantic coast, Departments of Chocó, Magdalena, Bolivar, Sucre, Southern Valle, northern Cauca, Uraba</p>	<p>IP presence</p> <p>Presence of Afro-Colombians</p> <p>Presence of Afro-Colombians</p>

	<p>descendant state, followed by Magdalena (72%), Bolivar (66%), and Sucre (65%). Southern Valle, northern Cauca and Uraba have 65% black populations. Over 70% of blacks live in urban and peri-urban areas. In this fragile ecosystem Afro-Colombians are peasant farmers (campesinos) and see themselves as the natural custodians of the country's biodiversity on which they depend for their subsistence and the maintenance of their cultural identity. Afro-descendants practice crop diversity while delegating animal husbandry and other agricultural tasks to the indigenous Embera, a relationship which has led to tension as pressure on available land increases.</p> <p>The Colombian Department for National Statistics (DANE) has recognized that there are four distinct Afro-Colombian groups in the country and that two of these speak their own native languages. 'Bande' is spoken by Afro-Colombian communities who live on the islands of the Archipelago of San Andres, Providencia and Santa Catalina, and 'Palenquero', which is spoken by the communities of San Basilio de Palenque, recognized since 1603 as being the first free settlement of the Americas. According to DANE (2005) this first free settlement has also been declared by UNESCO as being an international cultural heritage site.</p> <p>Historical context  Enslaved Africans were first brought by Spanish colonists to Cartagena in the sixteenth century, to replace the lost labour on the plantations and mines which occurred as a result of the decimation of the indigenous population due partly to the harsh working conditions. (DANE 2005).</p> <p>The relative autonomy of Afro-Colombians in the northern region of Chocó came to a violent end in the 1970s when their lands were usurped for cultivation of soya beans. Since then there has been a steady flow of migration by these communities towards the urban city centres as communities attempt to escape poverty and the violence generated by the war. According to UNHCR Afro-Colombians represent 17% of all internally displaced persons in the country and Afro-Colombian women and children are included as some of those worst affected by the war. Afro-Colombian communities and collective territories are mostly concentrated in the resource rich and geopolitically strategic regions of the country that continue to be the scenes of fierce disputes between armed groups. Along the Pacific coast the fight for the control and exploitation of collective lands by armed actors has meant that such communities have found themselves caught up in the cross fire or continuously on the front line of the conflict."</p> <p>"Peace communities'  Today Afro-Colombians have organized into peace communities or community councils and have created black processes which work towards the autonomy/self-determination and empowerment of Afro-descendant communities and propagate the active neutrality of these black communities within the conflict. Some have called for the mass withdrawal of all black people from the conflict since it can be classified as being racist, for the disproportionate suffering it causes to Colombia's</p>	Country	Presence of Afro-Colombians TP presence
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	<p>ethnic minorities. The fact that neither side has ever really fought to defend their interests or improve their quality of life is also seen as justification for advocating the withdrawal of all blacks.</p> <p>Afro-Colombian political consciousness is part of a strong culture of resistance waged by people of African descent in the face of colonial oppression and ethnic discrimination.”</p> <p>“Mega projects Despite the passing of <b>law 70 in 1993 which granted collective land titles for black communities and their right to the management of the resources found within them</b>, Afro-Colombian collective territories are <b>increasingly threatened by the arbitrary implementation of economic development or mega-projects</b>. The implementation of such projects has been associated <b>with brutal forced displacement, mass violence and selected killings of Afro-descendants and their leaders by both legal and illegal armed groups</b> usually at the behest of the government and international and private capital interests.”</p>	<p>Territories of Afro-Colombians</p> <p>Territories of Afro-Colombians</p>	<p>Low risk for TP rights (Recognition of collective land titles)</p> <p>Specified risk for TP rights, forced displacement and violence against TPs</p>
From national CW RA	Not applicable	-	-
<p><b>Conclusion on Indicator 2.3:</b></p> <ul style="list-style-type: none"> <li>Colombia supports UNDRIP since 2009 and it has ratified ILO Convention No. 169. The applicable legislation covers key provisions of ILO governing identification and rights of indigenous and traditional peoples and UNDRIP. Nevertheless, it is noted that CW assessment of relevant the indicators on IP/TPs in Category 1 have been evaluated as specified risk. Identified laws are not upheld consistently by all entities and/or are often ignored, and/or are not enforced by relevant authorities.</li> <li>Official census data (in English) are not available from Colombia. The UN CERD “notes with concern the lack of information appropriately reflecting the demographic composition of the population of the State party.” <ul style="list-style-type: none"> <li>Colombia is home to between 90 and 102 indigenous peoples. Some of these peoples are uncontacted or live in voluntary isolation. According to IWGIA in 2016, the National Statistics Department (DANE) puts Colombia’s indigenous population at 1,500,000 inhabitants or 3.4% of the national population. IWGIA itself says that there are some 1,374,000 inhabitants of indigenous peoples or 3.2% of the national population. The Andean zone and Guajira are home to 80% of this population. Regions such as Amazonía and Orinoquía, where demographic density is very low, are home to the most peoples (70) some of them on the verge of extinction. At least 64 out of 102 Colombian tribes are facing ‘extinction’, says leading indigenous organization ONIC in a note published in 2010. According to a Direct Request of CEACR published in 2016, the Directorate for Indigenous, Roma and Minority Affairs (DAIRM) has registered the existence of 101 peoples. The DAIRM does not conduct formal recognitions but respects the right of indigenous peoples to self-identification. The UN Special Rapporteur states: “Respect for and protection of the right to land and territories are a constant demand of the indigenous peoples in Colombia. Over the last decades, Colombia has moved forward in the recognition of the land rights of the country’s indigenous peoples. The number of official indigenous reserves by 2010 stands at 710, located in 27 of the country’s departments and in 228 municipalities; according to the Government, they occupy a total of approximately 34 million hectares, equivalent to 29.8 per cent of Colombia’s national territory.” No official map or register could be found for recognized indigenous land nor for indigenous land claims.</li> <li>Colombia has the second largest African descendant population in Latin America. According to the census of 2005 (the latest accessible to the public), the government estimates that Afro-descendants make up 10.6% of the total population but the government’s previous estimations in 2002 put the total Afro-descendant population at 26% and which is the figure still currently used by the United Nations. Census figures also continue to be disputed by Afro-descendant leaders. African</li> </ul> </li> </ul>		<p>Country (occupied or claimed IP/TP territories)</p>	<p>Specified risk</p>

descendants are present in every major city in the country. It is thought that there are 1 million living in the capital of Bogota. Coastal regions of Colombia can have Afro-Colombian populations that are as high as 90% as in the case of the Pacific, or 60% on the Atlantic coast. The department of Chocó is the most African descendant state, followed by Magdalena (72%), Bolivar (66%), and Sucre (65%). Southern Valle, northern Cauca and Uraba have 65% black populations. According to FSC, Afro-Colombians are Traditional Peoples (TPs) if they affirm rights to their lands, forests and other resources based on long established custom or traditional occupation and use. Further according to FSC, TPs have the same rights as IPs if their rights are acknowledged in national law to be the equivalent of those of Indigenous Peoples. It is concluded that these conditions are met.

- Land registration exists and continues to be developed but the recognition of land titles is violated in practice by armed groups and by economic activities exploiting IP's/TP's land. The most important sectors that are involved are mining, oil, large-scale agriculture and infrastructure. Logging is also mentioned by different sources. Timber also plays a role in the process of conversion from forest to large-scale agriculture because the (primary) forests contains valuable timber. Records are missing for Colombia but from other countries such as Indonesia and Malaysia, it is well-documented that this timber harvest is one of the drivers behind the forest conversion.
- There is strong evidence that IP's/TP's right to FPIC is sometimes heavily violated and in general not guaranteed. Although the government reports on a growing number of agreements between economic actors and IP/TP communities, it certainly cannot be concluded that these agreements meet FSC's principles for FPIC.
- There is overwhelming evidence that human rights defenders in Colombia are at great risk of being threatened and murdered. This also goes for indigenous peoples and Afro-Colombians and especially for their leaders. These actions are hardly ever punished through the legal system.
- Colombia has been in an armed internal conflict for a long period of time and despite the Peace Agreement, in 2016, the armed conflict persisted in 2017 and in some parts of the country it seemed to have intensified (see context section).The future is most uncertain, especially considering the fact that the conflict takes place in many IP/TP territories and that it has a grave impact on indigenous peoples and Afro-Colombians. Rural communities have suffered, and are still suffering, from the armed conflict and the lawlessness in their areas. According to a World Report 2018 from Human Rights Watch (see context section), violence associated with the conflict has forcibly displaced more than 7.7 million Colombians since 1985, generating the world's largest population of internally displaced persons (IDPs). Forced displacements have been reported in 2017 after the Peace Agreement. The forced displacement of indigenous peoples threatens their cultural and physical survival.
- There is a formal land restitution process, which began in 2012 with the aim of returning to their rightful occupants some of the millions of hectares of land illegally acquired or forcibly abandoned during the conflict. This process continued to make slow progress. There is ample evidence of communities complaining heavily about the speed of this process. Also, the main stumbling blocks included the failure to guarantee the security of those wishing to return, and the lack of effective social and economic measures to ensure any returns were sustainable.
- In sum,
  - Whatever legislation or policy measures the Colombian government has in place to protect the rights of indigenous peoples and Afro-Colombians, its implementation in the practice is in many cases weak and insufficient. In other words, protection of IP/TP rights cannot be concluded from policies or legislation;
  - This assessment can by far not give an analysis of which armed groups, legal or illegal, continue to commit which crimes against IPs or TPs. People and peoples are still being threatened and murdered, including, and especially, their leaders and other human right defenders. Land is taken away from IPs and TPs and their rights are in practice not safe at all. In other words, the rule of law does not count in many rural areas and especially in IP/TP territories;
  - The same goes for the land restitution process which goes slow and does not guarantee the security of those wishing to return;

- The government of Colombia has an economic policy in place that is strongly leaning on natural resource extraction in rural areas and in IP/TP territories. While over 30% of the national territory has been officially titled to Indigenous Peoples, with some 6 million hectares of collective lands recognized for Afro-Descendant Communities, in practice these territories are not recognized in the State's actions, with mining, oil and gas, logging and other concessions issued unilaterally without upholding Indigenous or Afro-Descendant Peoples' right to free, prior and informed consent.
- Therefore, following the precautionary approach, it is concluded that there are specified risk for all IP/TP rights by any logging in Colombia, or, to be more specific, in all areas in Colombia that are occupied or claimed by IPs and/or TPs with their respective rights (IP/TP territories).

**The following 'specified risk' thresholds apply:**

- (22) The presence of indigenous and/or traditional peoples is confirmed or likely within the area. The applicable legislation for the area under assessment covers key provisions of ILO governing identification and rights of indigenous and traditional peoples and UNDRIP but risk assessment for relevant indicators of Category 1 confirms 'specified risk'; AND
- (24) Substantial evidence of widespread violation of indigenous or traditional peoples' rights exists; AND
- (25) Indigenous and/or traditional peoples are not aware of their rights; AND
- (26) There is evidence of conflict(s) of substantial magnitude pertaining to the rights of indigenous and/or traditional peoples. Laws and regulations and/or other legally established processes do not exist that serve to resolve conflicts in the area concerned, or, such processes exist but are not recognized by affected stakeholders as being fair and equitable. Note under threshold No 20 applies.

## Controlled wood category 3: Wood from forests in which high conservation values are threatened by management activities

### Overview

Colombia is located in the northwest of South America, in the intertropical zone, and has a total area of approximately 1.14 million km<sup>2</sup>, of which an estimated 66.2 million hectares or 58.2% was under natural forest cover in 2010, according to the most recent figures available from Global Forest Watch (1). However, estimates vary, with IDEAM (Colombia's *Instituto de Hidrología, Meteorología y Estudios Ambientales*) publishing a figure for 2016 of 59.3 million hectares (52% of total land area) (2) and the Global Forest Resources Assessment 2015 with 58.5 million hectares (FAO, 2015) (3).

The country possesses an extremely high degree of ecological variability, being very diverse in terms of climate, physiography, vegetation, soils, and biota (4). Colombia stretches from the northwest corner of the South American continent to the Amazon, including the Andes mountain chain and the Pacific lowlands, and encompasses both Pacific and Caribbean coastlines. The country shares borders with five Latin American nations: Panama, Venezuela, Brazil, Peru and Ecuador, and possesses a number of small islands in both the Caribbean Sea and the Pacific Ocean. In the Caribbean, off the coast of Nicaragua and 640 kilometers from the Colombian coast, Colombian territory includes an archipelago of thirteen small cays grouped around the Isla de San Andrés and the Isla de Providencia.

Other small islands, cays, and banks in the same area which belong to Colombia but also are claimed by Nicaragua are Isla de Santa Catalina, Cayos de Roncador, Banco de Quita Sueño, Banco de Serrana, and Banco de Serranilla. Several small islands also lie off Colombia's Caribbean coast south of Cartagena. These include the Isla del Rosario, Islas de San Bernardo, and Isla Fuerte. In the Pacific, Colombian territory encompasses Isla de Malpelo, which lies about 430 kilometers west of Buenaventura. Nearer the coast, 35 km off the Pacific coast is located the Isla Gorgona. The island has a total area of 26 km<sup>2</sup> and functioned as a prison from 1959 until 1984 when it was turned into a National Natural Park. Isla Gorgonilla lies off the southern shore of Isla Gorgona.

The division of Colombian national territory by the Andes is one of the key characteristics that define the landscape; the high *Cordillera* (mountain range) of the Andes splits into three separate mountain chains in the South of the country, running almost due South to North and forming the Cordillera highlands, with peaks over 5,000 metres high. Between the Cordilleras, the Magdalena and Cauca rivers flow from south to north to the Caribbean Sea. The country can be roughly divided into four parts, namely the mountain chains described above, the Pacific coast area, the northern plains including the Caribbean coast area, and the vast plains east of the Andes (5).

Colombia's geographical diversity explains the wide range of biomes present, and the country's presence on Conservation International's list of megadiverse countries, identified as such in 1998. At the global level, Colombia harbours the highest number of known bird species, and is second for known plants and amphibians. Colombia has some 12,277 species of animals and 23,036 species of plants according to figures from the SiB, 2017(6). Of these, 1,302 are threatened, according to the criteria of the International Union for Conservation on Nature – IUCN (7).

Colombia has a population projection estimate by 2018 of 47,220,856, making it the second most populous country in South America (after Brazil), with 84,9% of Colombians living in urban areas (8). Colombia officially has 84 ethnic groups or indigenous peoples which represented 3.3% of the national total and most of this population lives in the rural area and includes four officially recognised ethnic groups: the indigenous population, the raizal population, the Afro-Colombian population, and the Rom population (9), and is divided into 32 departments or states (*departamentos*), subdivided in 1,101 municipalities (*municipios*). These are directed by elected officials (governors and mayors respectively). According to WWF, half of Colombia's forests are in territories inhabited by indigenous or Afro-Colombian communities (10).

Colombia is party to the following agreements and conventions (11):  
 Table 1. List of agreements and conventions ratified by Colombia (by 2019)

Convention name	Geographic scope	National Parties / Signatories	Convention Party / Signatory	Range State
African-Eurasian Waterbird Agreement (AEWA)	Regional	75		
Agreement on the Convention of Albatrosses and Petrels (ACAP)	Regional	13		
Barcelona Convention	Regional	20		
Bonn Agreement (environment)	Regional	9		
Convention on Biological Diversity (CBD), Nairobi, 1992	Global	195	✓	✓
Convention for the Conservation of Antarctic Marine Living Resources (CCAMLR), Canberra, 1980	Global	35		N/A
Convention on the Conservation of European Wildlife and Natural Habitats	Regional	50		
Convention on the Conservation of Migratory Species of Wild Animals, (CMS), Bonn, 1979	Global	123		✓
Convention on the International Trade in Endangered Species of Wild Flora and Fauna, (CITES), Washington DC, 1973	Global	182	✓	✓
Framework Convention on Climate Change (UNFCCC), New York, 1992	Global	197	✓	✓
Kyoto Protocol - greenhouse gas emission reductions	Global	192	✓	✓
Memorandum of Understanding on the Conservation of Migratory Birds of Prey in Africa and Eurasia	Regional	55		
Ramsar Convention on Wetlands of International Importance, Ramsar, 1971	Global	169	✓	✓
UNESCO World Heritage Convention	Global	192	✓	✓
United Nations Convention to Combat Desertification (UNCCD)	Global	195	✓	✓

As previously mentioned and according to the IDEAM by 2016 the country had 59.3 million ha of natural forest (52 % of continental land area) distributed in two regions: Amazon and Pacific Region (12) meanwhile there are over 450,000 ha of planted forest with an increasing potential (the country has 24 million ha potential for forest plantations). In total there are five main forest regions in Colombia with forestry potential (plantations and natural forest): The Amazon, Andean, Caribbean, Pacific and Orinoquia regions (13). As such the country is considered to have a strong forestry potential. As at 2009, the country's forestry industry came from natural forests (84,1%), plantations (12.4%) and imports (3.5%) (14).



## *Forest Tenure in Colombia*

Forest ownership in Colombia is both private and public and includes ownership of the surface area and the trees. Private forestland is composed of private property owned by individuals and communal land, which includes indigenous lands, the land of Afro-Colombian communities and rural co-operatives. The collective territories of both indigenous and Afro-Colombian communities are inalienable, protected from seizure, and exempt from statutes of limitations (Political Constitution of 1991, Art. 63; Law 70 of 1993, Art. 7 and Decree 1791 of 1996) (15, 16) .

The Constitution of 1991 establishes the right for its citizens in all types of forest ownership to enjoy healthy and sage environment for that reason, The Colombian National Congress issued Law 99 of 1993, which created the institutional framework for the protection of the environment and the management of natural resources. The National Environmental System (SINA, acronym in Spanish) is a hierarchical structure of the sub-national agencies in charge of the enforcement of environmental legal dispositions and the management of natural resources within the Colombian territory. The Ministry of Environment and Sustainable Development (Ministerio de Ambiente y Desarrollo Sostenible or MADS) is the agency at the apex of the hierarchy, and it is in charge of creating the environmental policies and legal dispositions at a national level (15, 17).

Considering that the Colombia's territorial and administrative organisation includes departments, districts, municipalities, and indigenous entities. The 1991 Constitution identified decentralisation, departmental autonomy, and citizen participation as the three fundamental principles of the administrative organisation of the country. As a result, a number of administrative functions previously controlled by the central government were transferred to the local level. This is the reason why the Constitution sets forth the obligation of the National Congress to create and regulate what in Colombia is known as Autonomous Regional Authorities, the Sustainable Development Authorities, the Large Urban Districts and the Special Caribbean Districts, formally created by this law to manage the protection of the environment and enforce environmental law within the regions of their competent jurisdictions (15, 17).

These Regional Authorities also evaluate, approve, control and issue environmental licences, permits and other environmental management and control instruments within their jurisdictions. Among their functions, the Regional Authorities may also establish environmental policies at the regional level. Likewise, Law 99 of 1993 also attributes judicial functions to departmental, district and municipal authorities (18). The CARs are responsible for all environmental management within their jurisdiction, including managing and harvesting in natural forests (public or private lands) and granting and enforcing environmental licenses. CAR's territorial jurisdictions were initially based on watersheds but later began to reflect administrative boundaries (there are 33 CARs – see Category 1 of this CNRA) (19). In addition, the CARs are the authority in charge of register the productive-protective forest plantations at regional level, while the commercial forest plantations are under the supervision of the Colombian Agricultural Institute (Instituto Colombiano Agropecuario – ICA); both are applicable for public and private lands (20, 21) .

Plantation forest are mainly established on private land for commercial purposes by producers that range from small to large forest companies, but also the forest plantations can be established on private and public land for protecting and recovering micro/watersheds (e.g. protective forest plantations) (20, 22). At the national level, the Ministry for Agriculture and Rural Development (Ministerio de Agricultura y Desarrollo Rural, or MADR, acronym is in Spanish) regulates plantation forests, through the Direction of Agricultural and Forestry Chains. The Direction of Agricultural and Forestry Chains is the only institution at the service of commercial forestry and has limited influence at policy level. Furthermore, the Colombian Agriculture institute (ICA, acronyms in Spanish) implements, operational functions, such as the registration of commercial plantations and control of compliance with the requirements for the mobilization of timber (22).

Since 1994 commercial plantations has been incentivised by the Forest Incentive Certificate (*Certificado de Incentivo Forestal*, or CIF), these incentives were created to promote investment in commercial forest plantations with a protector or producer character. Forest plantations of between 1 and 1,000 hectares are eligible and the level of subsidy is fixed annually by decree (for 2013 at 50% of the cost of installing and maintaining the plantation over a period of five years, paid annually). It subsidised over 230,000 hectares of plantations between 1995 and 2012. The Ministry for Agriculture and Rural Development and the Found for Agricultural Sector Financing (Fondo para el Financiamiento del Sector Agropecuario – FINAGRO) are responsible for the implementation of the CIF funds, they give the user 75% of the installation cost for the forest plantations with native species, and 50% for introduced species. This program also gives 50% of the total net maintenance costs, from the second to the fifth year, for native and introduced species. To complement the activities, it gives 75% of the total costs that are incurred during the first five years corresponding, to maintaining the natural forest areas that are found inside the plantations following the guidelines of the Establishment and Management Plan (23).

In September 2011, Congress issued Law 3573 of 2011, the National Authority for Environmental Licences (ANLA, acronym in Spanish) which was created as an administrative and financially autonomous entity in charge of evaluating, approving and issuing environmental licences, permits and other environmental procedures, as well as enforcing environmental law within such procedures. The enforcement of Colombian environmental law follows the rules of administrative procedural law. The agencies in charge of enforcing these dispositions are the ANLA, the Autonomous Regional Authorities, the Sustainable Development Authorities and the Large Urban Districts. Additionally, Law 1333 of 2009 establishes the environmental sanctions regime by which the environmental authorities may impose preventive measures and / or sanctions on activities alleged to be in violation of the Colombia environmental regime.

Natural forest is found on both private and public land. Public natural forests are managed for conservation purposes, for that reason, there are no forest plantations of any kind of them inside the natural parks. The National Parks Authority (*Parques Naturales Nacionales de Colombia*, or PNNC) is responsible for managing natural forests within the National Protected Areas that conform the National Natural Park System (*Sistema Nacional de Parques Nacionales Naturales*, or SPNN) and the Autonomous Regional Authorities are responsible for managing and protect natural forests outside of National Protected Areas. In relation to the natural forest in private lands (individual or collective property), they are mainly used for timber logging, NTFP collecting and for conservation purposes too, the ownerships are responsible for managing natural forests or forest plantations within their territories (in accordance with the law). Where communal areas overlap with national parks, the community authority jointly administer the area with PNNC under a negotiated Special Management Regime (*Régimen Especial de Manejo*, or REM).

The General Environment Law of Colombia (Act 99 of 1993) allows MADS to license projects that affect national parks (Art. 53) (24). This has become highly controversial because of sizeable projects that have been licensed within national parks. Nevertheless, the Constitutional Court rejected a claim made by the General Attorney (*Procuraduría General*) that it is unconstitutional.

Six Peasant Reserves Zone - PRZ (*Zonas de Reserva Campesina*) were created between 1997 and 2002 as a way of facilitating land access for the rural poor. The PRZ's were designed to: i) contain the expansion of the agricultural border (border between land dedicated to agricultural production and that which is maintained in its natural state); ii) correct the inequitable concentration of land ownership; iii) create conditions for strengthening and sustainably developing the peasant farmer economy; iv) regulate land use and tenancy and establish a comprehensive model for sustainable development and v) protect the peasant farmer economy and as food sovereignty; on marginal state-owned land. Titles in Peasant Reserves are not collective, though the community is required to take joint decisions on management, because the PRZ's play a role in the preservation of natural parks and reserves, because they are located in the agricultural

frontier and buffering areas. Thus, PRZ's are "areas of special management" owing to their importance in the preservation of the natural heritage (25, 26, 27) they can be contiguous, but they do not overlap like the areas under REM,

For the consolidation of a PRZ it is necessary the formulation of the Sustainable Development Plan (SDP) that must be done by the Municipal Council along with the organizations and communities, then it is required an internal process in the national entity and he call or public audience to approve and legalize the PRZ. Thus, the communities with intentions of creation and constitution of a PRZ should achieve the collective will of the interested people and its articulation with the institutions (28).

### *Protected Areas*

Colombia is one of the richest countries in biological and cultural diversity in the region. This diversity is represented in 59 natural areas that belong to the Systems of National Natural Parks, which represent 14,2 million ha of the country's total surface area; 11,2% of this is continental and 1,5% of it is marine area. Additionally, 26 of these areas are inhabited by indigenous and Afro-Colombian communities (29). The country has several areas of high biological diversity in the Andean ecosystems, characterized by a significant of endemic species, followed by the Amazon rainforest and the humid ecosystems in the Chocó biogeographical area. More than 1,900 species of birds, 692 species of amphibians, 409 species of mammals, 507 species of reptiles, and 1,960 species of fish reside in Colombia. About 18% of these are endemic to the country. Colombia has an outstanding amount of 51.200 species of plants, of which nearly 30% are endemic (30).

To protect the natural areas in the country, the government of Colombia creates a national Special Administrative Unit called National Natural Parks of Colombia (PNNC) without juridical personality but with administrative and financial autonomy and jurisdiction in all the national territory according to the terms of Article 67 Law 489 of 1998. The entity is in charge of the administration and management of the Systems of National Natural Parks and of the coordination of the National Systems of Protected Areas.

Colombia is in possession of significant protected areas; these are regulated under the following categories, which are part of the National System of Protected Areas:

- Areas within the System of National Parks (Sistema Nacional de Parques Nacionales Naturales);
- Protective Forest Reserves (Reservas Forestales Protectoras);
- Regional Natural Parks (Parques Naturales Regionales);
- Integrated Management Districts (Distritos de Manejo Integrado);
- Soil Conservation Districts (Distritos de Conservación de Suelos);
- Recreation Areas (Áreas de Recreación);
- Civil Society's Natural Reserves (Reservas Naturales de la Sociedad Civil) (31).

The previous protected areas of the National System of Protected Areas (SINAP) in each of these categories are those registered in the National Registry of Protected Areas (RUNAP), according with the RUNAP the nationally protected areas represent 30.9 million ha distributed in 1,094 Protected Areas under the different categories (31).

The Global 200: A representation approach to conserving the Earth's most Biologically Valuable Ecoregions (32) is a global analysis to identify ecoregions through a process of delimitation and classification of factors such as, species richness, endemism, unique taxa, among others. The list below shows the ecoregions present in Colombia that were identified in this global analysis:

1. Amazon River and Flooded Forests;
2. Chocó-Darién Moist Forests;
3. Guayanan Highlands Forests;
4. Llanos Savanas;
5. Napo Moist Forests;
6. Northern Andean Montane Forests;
7. Northern Andean Paramo;
8. Orinoco River and Flooded Forests;
9. Panama Bight;
10. Panama Bight Mangroves;
11. Río Negro-Juruá Moist Forests;
12. Tumbesian-Andean Valleys Dry Forests;
13. Upper Amazon Rivers and Streams.

Colombia has a National Biodiversity Strategies and Action Plans (NBSAPs) that focuses on their National Policy for the Integral Management of Biodiversity and Ecosystem Services (PNGIBSE) through the execution of concrete actions that are coordinated between sectors on a regional level that allow the reduction of direct and indirect pressures on their biodiversity and ecosystem services. For Colombia, their NBSAP serves as the Action Plan for the Implementation of the PNGIBSE and is known locally as Colombia's 'PAB' or Biodiversity Action Plan ('Plan de Acción de Biodiversidad') (33). The country's management of the biodiversity involves seven main groups of actors, who will be fundamental for the implementation of this policy on the national, regional and local level: policy makers and administrators such as MADS, National Environment Licenses Authority, the special Administrative Unit of the National Natural Parks System, the CARs, Urban Environmental Authorities, the armed forces and the Departments, Municipalities and Districts, which, under Act 99 of 1993, also have environmental functions (Art. 64, 65 and 66); Direct users, those who utilize biodiversity and its ecosystem services as the main element for the development of their activities or as a source of raw materials or inputs for production on a small, medium or large scale; Indirect users, regulatory bodies (the Congress, the executive branch of the Colombian government (Presidency, Ministries and / or corresponding administrative departments), entities of control, generators of Knowledge for decision-making linked to the MADS and finally the National and International Collaborators (34).

The process that was applied for the construction of their NBSAP began in 2014 and was made possible through consultations with different authorities that make up the National Environmental System - SINA (Directorates and Offices from the Ministry of Environment and Sustainable Development, Autonomous Regional Corporations, Research Institutes, National Natural Parks, and academic and scientific sectors on national and regional level), as well as having done

several workshops and creating working groups with specific productive sectors, such as Mining, Energy and Hydrocarbons, Agriculture, forestry and Infrastructure in the framework of existing interinstitutional work plans(34). The local environmental authorities are responsible for managing natural resources, with functions such as declaring regional protected areas, controlling illegal traffic of fauna and flora, carrying out biodiversity research and implementing environmental legislation, among others. Municipal mayor's offices also have a role in implementing biodiversity legislation.

In the year 2012, the Ministry of Environment and Sustainable Development, with the support of the National Department for Planning and the Alexander von Humboldt Institute, presented the National Policy for the Integral Management of Biodiversity and Ecosystem Services - PNGIBSE, formulated based on the articulation between plans and strategies from different sectors in a national level, and as a result of the revision and update of the 1996 National Policy for Biodiversity. This policy of State has as an objective the promotion of the Integral Management of Biodiversity and its Ecosystem Services in a way that the resilience of socio-ecological systems is maintained and improved on a national, regional, local and cross-boundary level, taking into account joint efforts between the State, the productive sectors and civil society (34).

Finally, in order to protect rare and endangered species and ecosystems, Colombia have ratified some important international (See Table 1. List of agreements and conventions ratified by Colombia) (12).

#### *Forest use*

Colombia has a total area of 113 million hectares approximately, 103 million hectares of land and 10 million hectares of marine area. Approximately 52% of the country is covered by natural forest. The forest ownership in Colombia is both public and private (individual, communal -indigenous and Afro-Colombian communities, rural co-operatives). Natural forest protection and logging activities occur on private land and NTFP harvest is carried out mostly by Indigenous and Afro-Colombian, while public natural forest is typically managed for conservation purposes. Plantation forests are mainly established on private land for commercial purposes, but forest plantations can be established on public land too but only for protecting and recovering micro/watersheds.

As mentioned above, the CARs are responsible for all environmental management, including managing and harvesting in natural forests (public, communal or private lands) and granting and enforcing environmental licenses. In addition, the CARs are the authority in charge of register the productive-protective forest plantations at regional level, while the commercial forest plantations are under the supervision of the Direction of Agricultural and Forestry Chains and the Colombian Agricultural Institute (Instituto Colombiano Agropecuario – ICA); both are applicable for public and private lands.

Another important legal instrument on lands is the Act 2 of 1959, which introduced environmental planning and established the Forest Reserve Areas (Zonas de Reserva Forestal; ZRF), which can be public or private. These areas are designed to support the development of the forest economy and to protect soil, water and wildlife. They are not technically protected areas, although protected areas under the National System of Protected Areas (SINAP) and collective territories of ethnic communities can be established within these zones.

The Natural Resource Code (Decree 2811 of 1974), which set out the different uses for renewable natural resources (atmosphere and national airspace, water, earth, soil and subsoil, flora and fauna, primary sources of non-exhaustible energy, topographic slopes with energetic potential, geothermal resources, biological resources and resources of the landscape), and Decrees 877 of 1976 and 1791 of 1996, which regulate forest resource extraction and governance in natural forest. Licences for forestry land-use in natural forest and productive-protective plantations are processed through the Regional Autonomous Corporations, of which there are currently 33 corporations (35).

In order to access the forestry resources of the natural forest, it is necessary to comply with the Forestry Land-use System (Decree 1791 of 1996), which is to say:

1. requesting the authorisation of the Regional Autonomous Corporation;
2. prior compliance with their terms of reference, which depending on the ownership (private or state) demands a formal application;
3. accreditation of ownership; and
4. a forestry management plan.

If the land is state owned, a statistical forest inventory must also be supplied, and in both cases, it is essential to guarantee the presence of remaining individuals from the different classes. The procedure is always carried out with the Regional Autonomous Corporation of the administrative area where the natural resource is located, no matter the ownership system. If the resource is found on communal land, the documentation must include an authorisation from the community leader and the results of a prior consultation (if it was necessary for the approval of a permanent forestry project) (36).

To date there are no forestry concessions in the country, however there is forestry land-use in the natural forest of owners and private individuals, following the parameters laid down in the forestry land-use system. IDEAM reports from 2011 indicate forestry land-use in natural areas of 17 million cubic metres between the years 2000 and 2011 and the Pacific region contributes the most to this number (37), while plantations are primarily located on the Atlantic coast (Córdoba and Magdalena Bajo), the Andina region (Antioquia, Cauca) and Orinoquía. The region with the greatest planted area is Antioquia (94,716 ha), but Vichada has been increasing its share in recent years (65,079 ha). The current areas with planted forest contrast with the country's potential of 24 million hectares that have forestry capacity (38, 39).

In case of forest plantations (commercial or productive-protective), it is necessary to comply with the Decree 1498 of 2008 and Decree 1824 of 1994, that requires:

1. Accreditation of ownership (Public deed or certified the status - tenant or holder)
2. Certificate of Freedom and tradition
3. Registration of the plantation before the ICA (if it is a commercial plantation)
4. Forestry establishment and management plan, implementation contract (if it has CIF funding)
5. Administrative Deed from the Regional Autonomous Corporation (If it is productive-protective plantation)
6. In the case of communal lands: ruling number or Home Office Administrative Order that declares the Town Council (indigenous community) of Community Council (Afro-descendent community).
7. Commercial plantations without CIF do not need a Forestry Management Plan

In Colombia the products of silviculture and timber extraction represent 0.2% of national GDP and 1.1% of agricultural GDP (encompassing farming, silviculture, hunting and fishing), showing very little growth compared to the other activities of this agricultural line. Approximately 3 million cubic metres of timber are supplied by the forestry industry, and the generation of employment is estimated to be 74,000 jobs. This volume primarily supplies the demand associated with sawn timber and pulp for paper and cardboard. In spite of increasing demand for the products mentioned before, Colombia extracts 11 million m<sup>3</sup> of timber from Colombian natural forests every year, of which over 70% is used for fuel and coal (13, 39).

Colombia has devolved state responsibilities to the regional level through the Regional Autonomous Corporations. These are dealt with in Heading VI of Act 99 of 1993 as public corporative entities, made up of territorial entities that because of their geographical characteristics constitute one single ecosystem or make up a geopolitical, biogeographic or hydro geographic unit. They have financial and administrative autonomy, their own assets and legal status, and are charged by law with administrating, within the area of their jurisdiction, the environment and renewable natural resources and working for their sustainable development, in accordance with legal provisions and the policies of the Ministry of the Environment (40).

Despite of this and the abundance of legislation that covers all sectors of the timber industry, according to Chatham House, illegal logging is a serious problem in Colombia (41). On the other hand, Transparency International's Corruption Perception Index (2017), which gives 180 counties a mark between zero

(perception of high level of corruption) and one hundred (perception of negligible levels of corruption), puts Colombia in 96<sup>th</sup> position with 37 points, indicating a medium-high level of perceived corruption.

### *HCV Threat Assessment*

Colombia does not have a national interpretation of HCV as described in the Common Guidance for the Identification of High Conservation Values. Although the country does not have a national interpretation of HCVs, many HCV areas can be within the national territory. Therefore, for this analysis, we have used a large number of information and data which have been generated by regional, national and international initiatives and organizations. An important number of important areas identified in the country which can potentially contain HCV areas, mainly for Categories 1 to 3, have been identified by Public organizations (The National Natural Park System; Humboldt Institute, IDEAM, CARs, ICA, etc); National and international NGOs (RAMSAR sites, Biosphere Reserves, World heritage sites, Biodiversity Hotspots, Important Bird Areas, KBAs, IUCN, CITES, FAO, WWF and others) and local and international researchers (Global Forest Watch).

At the same time, HCV in Colombia are described in some normative or legislative documents such as General Environmental Act 99 of 1993; Decree 2372 of 2010 National System of Protected Areas; Decree 1608 of 1978 on Wildlife; Law 357 of 1997 on Convention on Wetlands of International Importance; Law 356 of 1997 adopting the Protocol on areas and wildlife subject to special protection in the Convention for the Protection and Development of the Marine Environment in the Wider Caribbean Region; Decree-Law 2811 of 1974 National Code of Renewable and Non-renewable Natural Resources and Protection of the Environment; and also the Regional Authorities have their own normative and regulations in similar terms to identified, manage and protect biodiversity and ecosystems values (11, 15, 20, 29).

On the other hand, there is less information available on HCV 4 to 6 values in Colombia. However, it is important to consider that During the last 50 years, Colombia has created a system of land ownership rights that links biodiversity policy directly with social policy through three principal mechanisms: The System of National Natural Parks, the indigenous people reserves, and the collective territories of Afro-Colombian communities. Important historical and archaeological heritage sites and indigenous reserves overlap with some protected natural areas of the country. Around 45% of protected areas in the country include indigenous territories, particularly in the Central and Orinoco–Amazon regions. This significant presence of indigenous and Afro-descendant communities in protected areas highlights the importance of including these populations in conservation processes because these communities are currently occupying a much higher percentage of territory while awaiting recognition by the State. All of them are living inside communal lands using natural forests, which was granted by the government in recognition of their traditional possession (42, 43, 44). More detailed information on possible presence of HCVs in Colombia in the next section is provided.

The forest management activities in both cases, forest plantations and natural forest, could potentially threaten HCVs, mainly through lack of effective protection of species and habitats, habitat elimination or fragmentation, unsustainable timber extraction, reduction in the quantity of available water, the consumption on firewood and forest fires. In the same way, could potentially threaten HCVs other activities such as clear-cutting for agriculture and ranching, construction of infrastructure works and development, illegal crops and the illegal felling of trees. This impacts people's livelihoods and threatens a wide range of plant and animal species, and destruction or disruption of rights or values of cultural or historical importance (45).

Although, the country has apparently a solid normative and legal system for the protection of biodiversity values such as HCVs established and supported mainly by the Constitution, Law General Environmental, National System of Protected Areas, the National Code of Renewable and Non-renewable Natural Resources and Protection of the Environment and the International Conventions ratified by the country.

Despite this, law enforcement and implementation are sometimes weak. In terms of law enforcement, it is widely acknowledged among several reports about the country there is a low level of implementation of the above-mentioned legislation, according to Transparency International's Corruption Perception Index (2017), puts Colombia in 96th position with 37 points, indicating a medium-high level of perceived corruption<sup>37</sup>, additionally a report of the World Bank's on governance show Colombia's overall score with 67, below the threshold of 75 that has been established as an indicator of a high level of compliance with the law in a country.

The above is supported by the high rates of deforestation, according to Cabrera (46), deforestation rates in Colombia are approximately 238,000 hectares per annum, estimated at 0.4% between 1990 and 2015 (FAO, 2015). Causes include clearing of land for grazing cattle, forest fires, the extraction of wood, and the planting of illicit crops (46). Illegal drug production poses one of the greatest threats to certain species, as it reduces natural habitats and contributes to the free-for-all killing of jaguars and other large mammal species.

In general terms, the main threat to HCVs, in the country, is deforestation for agriculture and livestock frontier. Deforestation monitoring activities by The Ministry of Environment and Sustainable Development, for the years 2011 to 2012 the rates of deforestation were of 295.892 hectares. In this way, the average annual of deforestation was 147.946 hectares (47).

The Colombian Government identifies seven main drivers of deforestation (18, 48, 49) : 1) Extension of agricultural and livestock frontier; 2) Illicit crops, particularly coca (used to make cocaine); 3) Settlement / displacement of populations; 4) Infrastructure (including that associated with energy-related activities, roads, etc.); 5) Mining; 6) Removal of timber for sale or personal consumption (including both legal and illegal extraction); and 7) Wildfires.

Deforestation has been concentrated in the Amazon and Andean regions, though in relative terms the Caribbean has been the worst affected, losing over 20% of its natural forest between 2000 and 2010 (50) and only 2% of the forest it had 100 years ago remains. Certain ecosystems have also suffered more than others; it is estimated that 95% of Colombia's dry forests have been degraded, including 70% of Andean dry forests (51).

The National Plan for the control of invasive alien species and transplanted, according to National Policy for the integral management of Biodiversity and its Exosystemic Services (PNGIBSE, acronym in Spanish) and development of some tools for wood identification, such as manual of identification of timber species that are traded in Colombia; Botanical data and macroscopic wood identification; Book of threatened species with botanical data; Identification guide with general and macroscopic characters, all of them also prevents other potential threats to HCVs, such as the introduction of invasive alien species.

In Colombia, intentional introductions associated with trade are predominant and 176 exotic species have been identified. Five alien forest species are used in Colombia in commercial plantations, and all of them has a high risk of invasion for the country and the Amazon Region (52). Fires are an important threat too, between 2002 and 2008 the surface area affected by fires was 281.350 hectares and the Andean region was the one most affected by fires, especially the departments of Huila, Valle del Cauca, Cundinamarca and Tolima. The savannas and pastures appear like some of the kinds of covers most affected by these phenomena on a national level, followed by burnt area in national parks (53). For that reason, the national government through of the Ministry of Environment and Sustainable Development and the National Unit for Disaster Risk Management, within the framework of Decree Law 919 of 1989 and to date with the mandates of the new Law 1523 of 2012, through the National Advisory Commission for the Prevention and Mitigation of Forest Fires, work with other public forces to combat the fire threat. However, the lack of a comprehensive identification of HCVs at the national or regional level represents a potential threat to the HCVs because of the risk of forest management, the use of exotic species, the absence of fire control unknowingly impacting them through activities such as habitat degradation (54).



The country has one of the largest supplies of hydric resources on the planet, in the form of an extensive network of rivers which cover the country, favorable conditions for the storage of subterranean waters, bodies of standing water and enormous stretches of wetlands. The areas that fall within the National System of National Parks –SPNN – directly supply 31% of Colombia’s population with water and indirectly supply 50% of its population. Likewise, these protected areas include four of the six most important confluences of water in the country and more than 62% of the sources of national aquifers; they also protect 7% of the lakes and natural marshes which contain 20% of the water resources which supply electricity to the country. In addition, of the total area of medium and large-scale irrigation districts in the country, 176,745 hectares are supplied from water sources in the National Parks area. It is worth mentioning that fishing is the main source of food and income for the rural populations of some regions of the country (42, 55).

The protection of water, Colombia has multiple laws dealing with this at national and regional level designed to safeguard water sources. For example, Decree 1541 of 1978 and Decree 2811 of 1974 on non-maritime waters, Law 2 of 1959 for the development of the forest economy and the protection of soils, waters and wildlife, Decree 1541 of 1978 and Decree 2811 of 1974 for use of surface water and groundwater, Decree 1449 of 1977 about regulations on the conservation and protection of water, forests, terrestrial and aquatic fauna, the Law 357 of 1997 adopting the Convention on Wetlands of International Importance (11).

If properly implemented, these laws would provide sufficient safeguards against potential threats arising from forest management activities in relation to HCV 4 and water protection and erosion prevention, but environmental laws such as those designed to safeguard water sources cannot be followed. See information above on low level of implementation of the legislation and governance in Colombia.

As for HCV 5, according to FSC definition, Colombia officially has 84 ethnic groups or indigenous peoples which represented 3.3% of the national total and most of this population lives in the rural area and includes four officially recognised ethnic groups: the indigenous population, the raizal population, the Afro-Colombian population, and the Rom population (9). Regarding the basic needs of local communities, the dependence of some local communities on ecosystem goods and services has been identified, which could grant those goods and services the character of HCV in accordance with indicator 3.5, because the link between identity and land is strong, all of them, view land not just as an economic asset but as a source of identity and spirituality. All of those communities have a specifically dependence on forest resources for subsistence, medicine and livelihoods, in addition, water for human consumption and sanitary water. Such communities are inextricably linked with the forest and its resources and are dependent on a healthy forest (44).

Illegal logging is the second threats for this HCV because forest degradation due to illegal logging is relevant in most natural forests in communities of Colombia. Authorizations from the regional authorities, based on forest management plans, are required, however the quality of the information used (e.g. inventories, detailed information on silviculture) for the development of the management plan is sometimes limited and nonexistent, which combined with a low level of control by the authorities, generates conditions for forest degradation by illegal logging activities (37, 41, 56, 57, 58, 59, 164, 165, 166).

With respect to HCV 6, UNESCO has included in the list of World Heritage Sites of Colombia 9 sites: 6 sites under the cultural category (Coffee Cultural Landscape of Colombia, Historic Centre of Santa Cruz of Mompox, National Archeological Park of Tierradentro, Port, Fortresses and Group of Monuments Cartagena, Qhapaq Ñan, San Agustín Archeological Park), 2 under the natural category (Los Katíos National Park and Malpelo Fauna and Flora Sanctuary) and 1 under mixed category (Chiribiquete National Park) (60). Colombia has three important historical places: Lost City (Ciudad Perdida) Archaeological Park; San Agustín Archaeological Park; Tierradentro Archaeological Park is in a mountainous region in southwest Colombia’s Department of Cauca (61).

UNESCO also has included in the list of Intangible Cultural Heritage of Colombia 10 cultural expressions: Cultural space of Palenque de San Basilio; Marimba music, traditional chants and dances from the Colombia South Pacific region and Esmeraldas Province of Ecuador; Traditional knowledge of the jaguar shamans

of Yuruparí; Carnaval de Negros y Blancos; Holy Week processions in Popayán; Wayuu normative system, applied by the Pütchipü'üi (palabrero); Festival of Saint Francis of Assisi, Quibdó; Colombian-Venezuelan llano work songs; Traditional Vallenato music of the Greater Magdalena region; Marimba music, traditional chants and dances from the Colombia South Pacific region and Esmeraldas Province of Ecuador (60).

Concerning historical values, the Ministry of Culture with the Intangible Cultural Heritage Group, through the Policy for Safeguarding Intangible Cultural Heritage in Colombia, the National Cultural Heritage System, the Decree 4016 of 2004, "through which the National Commission for Cooperation with UNESCO is reformed"; the Resolution 2091 of 2011, through which the Work Teams of the Ministry of Foreign Relations are created. All of them establishes the level of protection they need, as well as the way to address undiscovered elements of potential historical value (62). Forest management activities are not relevant in this sense and do not have the potential to be a threat to this category of HCV because the current management areas and these cultural and social aspects do not overlap.

Nevertheless, the 3 sites "World Heritage Sites of Colombia" under category "natural" and "mixed" (Katíos National Park, Malpelo Fauna and Flora Sanctuary and Chiribiquete National Park), in this case the forestry management is relevant in this sense and have the potential to be a threat to this sites of HCV since there are often elements of natural value in forest that are likely to be affected by illegal logging activities.

In summary, in Colombia, there is a wide range of laws and regulations that protect most of these values, especially these cultural and social aspects that not overlap with natural areas such as Katíos, Malpelo and Chiribiquete National Parks, in which case there are not sufficient control and monitoring measures on the ground to avoid illegal logging activities and deforestation caused mainly by illegal mining.

## Risk assessment

Indicator	Sources of Information	HCV occurrence and threat assessment	Geographical/Functional scale	Risk designation and determination
<p>3.0 Data available are sufficient for:</p> <p>a) Determination of HCV presence for each HCV, AND</p> <p>b) The assessment of the threats to HCVs from forest management activities.</p>	<p>1, 7, 11, 13, 14, 18, 29, 35, 36, 37, 38, 39, 46, 47, 48, 49, 50, 51 60, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84 85, 86, 87, 88, 89, 111, 115.</p>	<p>There is no national interpretation of HCVs in Colombia, but there is sufficient data on proxies to enable some conclusions to be drawn on likely HCV occurrence. The proxies used were determined by the available data and are listed in the table below against each indicator. However, an important number of HCV areas have been identified by national and regional government initiatives and international NGOs through proxy data sources. Most of the HCV areas are covered by the National Protected Areas but the data available varies for each HCV.</p> <p>For the current assessment, HCVs are identified using The High Conservation Value Forest Toolkit (63) and the Common guidance for the identification of HCVs (64). At the same time is important to mention that Colombia has high biodiversity values. Since there is limited official information about HCV 1, this assessment of occurrence could be done using direct information (such as National Protected Areas because of their biodiversity richness, threats, endemism, endangered species, etc.) and inclusive through local and international reports related to HCV 1 (national and international NGOs).</p> <p>As a result, several documents and initiatives on nature protection and management in Colombia have been adopted as global and national references for biological HCV 1-3 (1, 7, 29, 60, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 111, 115). The website of the Ministry of Environment and Sustainable Development and the Ministry of Agriculture and Rural Development contains information related with HCV1-3, their management and conservation, as well as on national forest issues). At the same time, is important to know that Colombia is signatory to several international agreements on biodiversity including the Convention on Biological Diversity (ratified in 1994), the World Heritage Convention (ratified in 1997), the Convention on International Trade in Endangered Species (1987), Ramsar Convention on Wetlands (1997), Amazon Cooperation Treaty (1979) and the United Nations Framework Convention on Climate</p>	<p>Geographical scale:</p> <ul style="list-style-type: none"> <li>- Country</li> </ul> <p>Functional scale:</p> <ul style="list-style-type: none"> <li>- Type of forest (all types of tenure or property) <ul style="list-style-type: none"> <li>• Natural forest</li> <li>• Forest plantation</li> </ul> </li> <li>- Protection scheme <ul style="list-style-type: none"> <li>• Protected areas</li> <li>• Non-protected areas</li> </ul> </li> <li>- Ownership <ul style="list-style-type: none"> <li>• Public forests</li> <li>• Private forests</li> </ul> </li> </ul>	<p>'Low risk' for HCV 1 to 6.</p> <p>The following risk thresholds are met:</p> <p>(1) Data available are sufficient for determining HCV presence within the area under assessment.</p> <p>AND</p> <p>(2) Data available are sufficient for assessing threats to HCVs caused by forest management activities.</p>

		<p>Change (1994). Colombia has also signed bilateral treaties concerning environmental issues with Peru, Ecuador and Brazil. HCV 4 could be present in natural forest and even in forest plantations (commercial or productive-protective) because the country has one of the largest supplies of hydric resources on the planet (88), in the form of an extensive network of rivers which cover the country, but this HCV need to be verified at the FMU level. Considering that water management is the responsibility of the Ministry of Environment and Sustainable Development (14), the website of this ministry, as well as some initiatives related with water resources that are treated here, such as the KBAs, Paramos Ecosystems and National Natural Protected Areas, contains information related with HCV4 (65, 11, 80, 81).</p> <p>Information relating to Colombian's population, especially population living in rural areas and recognized ethnic groups in the country, as well as their basic needs and their traditional ways of subsistence, have been considered important to identify HCV 5 (82, 83) and also statistics consulted in the official website of National Administrative Department of Statistics about rural population of Colombia (82). In the same way, UNESCO (60), Colombian Institute of Anthropology and History (ICANH) (84), The Ministry of Culture website (85) and The National Indigenous Organization of Colombia (ONIC) (86) has been used as a source of information for HCV 6.</p> <p>Threats to HCVs from forest management activities:</p> <p>A reality in the country is that deforestation is affecting natural forest in Colombia, which is mainly caused by the clearing of land for extension of agricultural and livestock frontier, the planting of illicit crops grazing cattle, illegal logging, infrastructure and illegal mining (18, 48, 49) . Deforestation of areas in Natural Forest (Public and private) has been detected in main regions with the presence of Natural Forest: Amazonia and Pacific Region, although conversion is forbidden for public and private areas. Moreover, the effectiveness of management of protected areas is not good, being weak in many cases because of a lack of economic resources. Land use change is monitored by the</p>		
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		<p>Ministry of Environment and Sustainable Development and the Institute of Hydrology, Meteorology and Environmental Studies, with the support of some NGOs or initiatives that provide updated data about ongoing deforestation (46, 47, 50, 51).</p> <p>For HCV 1 - 4, there is weakness in the identification and assessment of species and ecosystems, since most of the data available is based on information gathered on public land and are very limited from private land or the information must be inferred from information generated by other organizations. In Addition, the management of the forest could be a threat to HCVs in private areas because for harvesting forest they require a permit of the regional authorities, based on forest management plans, however the quality of the information used (e.g. inventories, detailed information on silviculture) for the development of the management plan is sometimes limited and nonexistent, which combined with a low level of control by the authorities, generates conditions for forest degradation and illegal logging activities (37, 56, 57, 58, 59, 164, 165, 166). An important point also to bear in mind is that some areas considered and identified as National Conservation Priorities are not covered by any kind of legal or formal protection (87).</p> <p>For HCV 5 - 6, there is very limited data and this could be evidencing that the HCVs could not be even considered, let alone registered and/or reported by government authorities or NGOs, and in forest management plans.</p> <p>In the case of forest plantations (commercial or productive-protective), overall there seems less probability identify HCVs inside, but forest plantations located neighboring Natural Parks, Reserves, EBAs, or in priority areas according to national or international studies/initiatives, may contain HCV 1-3 and forest plantations close communities areas or cultural areas, may contain HCV 4-6, although this needs to be verified at the FMU level, in those cases plantations may have negative effects on adjacent HCVs areas, especially by through encroachment for the use of exotic species.</p>		
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		In conclusion, reports and information is available that confirms that there are possible threats and damages to areas of high conservation values related to forest operations. However, this information has limitations, because it is not always available and the identification must be ideally done locally through expert consultation to have more accurate information. Data and information at national level was used instead.		
3.1 HCV 1	7, 11, 15, 18, 46, 47, 48, 49, 50, 51, 52, 66, 67, 68, 69, 70, 71, 73, 74, 75, 76, 77, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 106, 107, 108, 113, 114, 162, 163, 164, 166, 167, 168, 182, 186.	<p><b>HCV Occurrence</b></p> <p>Colombia does not have assessing, reports, guidance or maps identifying HCV1 according to the FSC’s definition. However, it is possible to have an idea where HCV1 occurrence is likely because Colombia possesses extraordinary biological diversity. Among countries, it harbors the highest number of known bird species, and is second for known plants and amphibians (87). Colombia is home to an estimated 12% of the world’s plant species and 19% of the world’s bird species. Freshwater and marine habitats are also highly biodiverse, with 1,357 species of fresh-water fish having been recorded as well as 2,000 species of marine fish (88).</p> <p>To determine the occurrence of HCV1 at the national level, we can consider the following:</p> <p>Levels of endemism in the country are high. Colombia has a large number of endemic species. According to the Ministry of Environment in those departments: Quindío, Meta, Amazonas have the highest percentage of endemic species.</p> <p>The following is a list of references with information related for all endemic species in Colombia, especially in the previously mentioned departments:</p> <ul style="list-style-type: none"> <li>- Humboldt, 2016. Biodiversity 2016 Status and Trends of Colombia Continental Biodiversity (71).</li> <li>- Endemic Bird Areas (EBA): 20 EBAs have been identified in Colombia (11).</li> <li>- IUCN Red list (73, 74, 75, 76)</li> </ul>	<p>Geographical scale:</p> <ul style="list-style-type: none"> <li>- Country</li> </ul> <p>Functional scale:</p> <ul style="list-style-type: none"> <li>- Type of forest (all types of tenure or property) <ul style="list-style-type: none"> <li>• Natural forest</li> <li>• Forest plantation</li> </ul> </li> <li>- Protection scheme <ul style="list-style-type: none"> <li>• Protected areas</li> <li>• Non-protected areas</li> </ul> </li> <li>- Ownership <ul style="list-style-type: none"> <li>• Public forests</li> <li>• Private forests</li> </ul> </li> </ul>	<p>‘Specified risk’ for National Natural Parks, the sites declared by international initiatives (as described in the assessment), networks of private protected areas, Biodiversity Hotspots, IBAs, KBAs and their neighbouring forested areas.</p> <p>The following risk threshold is met:</p> <p>(8) HCV 1 is identified and/or its occurrence is likely in the area under assessment and it is threatened by management activities.</p> <p>‘Low risk’ for non-forested areas neighboring the previously mentioned sites where HCV1 is likely to occur.</p> <p>The following risk thresholds are met:</p> <p>(6) There is low/negligible threat to HCV 1 caused by management activities in the area under assessment.</p> <p>‘Low risk’ for the rest of the country.</p> <p>The following risk threshold is met:</p> <p>(5) There is no HCV1 identified in the area under assessment and its occurrence is unlikely.</p>

	<p>- Updated list of endemic birds of Colombia. Listado actualizado de las aves endémicas de Colombia. Biota Colombiana(75).</p> <p>In Colombia, 1,203 species are threatened in different categories of threat, taking into account the criteria of the International Union for the Conservation of Nature (IUCN), of which 173 are in critical danger, 390 in danger and 640 species in vulnerable category. 407 correspond to animal species and 796 correspond to plant species (7, 11, 71, 73, 74, 75, 76).</p> <p>The following is a list of references with information related for all rare, threatened or endangered species in Colombia:</p> <ul style="list-style-type: none"> <li>- IUCN Red list (73, 74, 75, 76)</li> <li>- Forests with CITES listed animal or plant species (77)</li> </ul> <p>However, there are no maps available to allow the identification of areas with the presence of the endemic and threatened species for the country.</p> <p>In this context, we can consider the following information relevant for the identification of areas containing nationally and regionally significant concentrations of biodiversity values according to Proforest's methodology (because there is a range of ways in which biodiversity values can be identified, this value could be sub-divided into: Protected areas; Threatened and endangered species, Endemic species for example).</p> <p>The public and private protected areas networks: aim to conserve one or more endangered, threatened, rare or endemic species of fauna and flora. The main proxy for HCV1 are all private natural areas (Civil Society's Natural Reserve Network), all the National Natural protected Parks and the sites declared by international initiatives that are important for the protection of biodiversity in the country (and all of these last ones are part of the SNNP). The National System of Protected Areas (SINAP, in Spanish) comprising 30.9 million ha of public areas distributed in 1,094 Protected Areas under the different categories. Complementing these are several organized networks of private protected areas,</p>		
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		<p>the largest of which is the Civil Society Nature Reserve Network with more than 155 reserves in 5 departments of the country (Amazonia, Andina, Caribe, Orinoquia and Pacifico), covering an approximate area of 53,000 ha (89).</p> <p>Sites declared under international initiatives that are important for the protection of biodiversity and are part of the SNNP are the following:</p> <ul style="list-style-type: none"> <li>- World Heritage Sites. The country has nine World Heritage Sites, of which two are national parks and another one is a mixed site (cultural and natural).</li> <li>- RAMSAR sites and Biosphere Reserves: Colombia currently has 7 sites designated as Wetlands of International Importance, with a surface area of 754,148 hectares (66). On the other hand, Colombia has 5 biosphere reserves. There are managing for a Special Administrative Unit of the National Natural Parks System and the Regional Autonomous Corporation of Magdalena and Coralina (90).</li> </ul> <p>Other important proxies considered HCV1 are:</p> <ul style="list-style-type: none"> <li>- Biodiversity Hotspots: Tropical Andes and Tumbes-Chocó-Magdalena. In addition, Conservation International recognized three major biogeographic provinces in Colombia as biodiversity hotspots (Trans, Andean and Amazonian) and 8 special biogeographic regions: Nechí Chocó rainforest, dry forests of the Magdalena Valley, Valle del Cauca, cloud forests of the Sierra Nevada de Santa Marta, Serranía del Perija, Serranía de la Macarena, highland and mountainous Chiribiquete of Yariguíes (68). These areas can be defined as specific geographic regions with a large amount of endemic biodiversity that is threatened by human activity.</li> <li>- Important Bird Areas (IBA) and Key Biodiversity Areas (KBAs): Colombia has 124 IBAs (see a list of the names of the sites in reference 69), covering 8 million ha. A total of 1.878 species of birds, including 126 threatened and 88 endemics (69). Colombia has 121 KBAs (6, 489, 194 hectares, 19% of country's hotspot area covered by KBAs),</li> </ul>		
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		<p>more KBAs than any other Andean country, with 31 sites of high relative biodiversity value (70). For both, the maps are available on the websites (182 and 186).</p> <p>These initiatives (biodiversity hotspots and IBA/KBAs areas<sup>1</sup> for the large-scale landscape that they are, they contain several departments in the country in which different land uses are possible (agriculture, cattle raising, National natural parks, natural forest, forest plantations, and others), for that reason it is possible that HCV1 is found inside of these large-scale landscapes which are not entirely protected areas.</p> <p>Additionally, it is important to mention that in the case of plantations, according with the Assessment reports from Certification Bodies in Colombia and the FSC's webpage Colombia has eight Certificate Holders which cover an area of 151,000 ha (0.13% of the national territory). (all are plantations: Campo forestal and Cumare; Smurfit Kappa Colombia; Forestal Monterrey; Reforestadora de la costa; Reforestadora el Guasimo; Duratex; Cipreses de Colombia and Tekia) (91) All of the eight companies referred to above have all finished HCV assessments to identify the presence of HCVs in each Forest Management Units (FMU) and 62% of them had identified the HCV1 (92) and HCV5; 37,5% identified HCV3; 25% identified the HCV2 and HCV4. However, there is not enough information available and sufficient to clearly identify in which forest plantations in Colombia it is possible to find the HCV1. But if the plantation is in the area of influence of Hotspots or IBA/KBAs, the probability of the presence of HCV1 is greater.</p> <p>Nevertheless, in both cases (natural forest and forest plantations outside and adjacent to the protected areas previously mentioned), the existence of HCV1 is highly likely but it must be verified using the sources of information mentioned above and research or biological surveys at the FMU level to assess the presence of endangered, threatened, rare or endemic species of</p>		
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<sup>1</sup> Maps are available in: Biodiversity hotspots <https://www.cepf.net/our-work/biodiversity-hotspots/tumbes-choco-magdalena> and IBA/KBAs <http://datazone.birdlife.org/site/mapsearch>

		<p>fauna and flora. So due to limited knowledge, especially because the existence needs to be verified using the sources of information at the FMU level to assess the presence of HCV1. Following precautionary approach, HCV1 is likely to occur also in plantations and natural forest bordering the National System of Protected Areas or inside of Hotspots and IBA/KBAs areas.</p> <p><b>Threat Assessment</b></p> <p>Biodiversity in the National System of Protected Areas is threatened by a variety of human activities. Logging activities in the National System of Protected Areas (containing World Heritage Sites, RAMSAR sites, and Biosphere reserves, among others) is prohibited (Nature Resources Code, issued in 1974). In the case of Biosphere Reserves, the core area of Biosphere Reserves in general, are National Natural Parks; but surrounding of the core area, there is a buffer area where sustainable resource use is allowed. In these surrounding areas, the Regional regulations apply, and timber harvesting may be allowed. (67, 113, 114). Around of these areas live peasants and indigenous peoples engaged in agriculture, cattle grazing, fisheries, and also the extraction of high-value timber (113, 114).</p> <p>All of the following entities depending of The Ministry of the Environment and Sustainable Development (MADS) in Colombia work together in pro of the management and conservation of the environment and renewable natural resources of the country. The National Natural Parks of Colombia is a national Special Administrative Unit with jurisdiction in all the national territory (Article 67 Law 489 of 1998), and it is in charge of the administration and management of the Systems of National Natural Parks and of the coordination of the National System of Protected Areas (15, 29).</p> <p>While The National Environmental System (SINA, in Spanish), the Regional Autonomous Corporations, the Territorial Entities (Municipalities) and Research Institutes (Such as the Humboldt Institute) have the responsibility with the management and conservation of the environment in natural forest outside of The National Natural Parks (Law 99 and the 1991 Constitution), with functions such as declaring regional protected areas, controlling</p>		
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	<p>illegal traffic of fauna and flora, carrying out biodiversity research and implementing environmental legislation, among others. At the regional level, the Regional Autonomous Corporations (CAR) are the main environmental authority related to management and harvesting activities in natural forest (public, communal or private lands) and protective forest plantations - they are decentralized environmental authorities- and have the responsibility for all environmental management within their jurisdiction, including enforcing environmental licenses (15).</p> <p>In addition, Colombia is a signatory of the Convention on Biological Diversity (CBD) via Law 165 of 1994, which became effective on 26 February 1995. The Fifth National Report to CBD states that the country's working to achieve Aichi targets. Even though progress has been made, the Middle level 14/22 predominates and only the Protected Areas goal is achieved, while the other targets had Low progress 7/22 (93). But it is important to clarify that in Protected areas the goal is achieved through the declaration of almost 5 million new protected hectares (the Fauna and Flora Sanctuary (SFF) of Malpelo, located in the Colombian Pacific, it increased from 950,000 to 2,667,000 hectares and the National District of Integrated Management (DNMI) Yuruparí- Malpelo, with an extension of 2,691,000 hectares). The compliance is not due to the good management of protected areas distributed throughout the territory, because official reports indicate that, only in 2015, the National Natural Parks System lost 56,9 Km<sup>2</sup> of natural forest, most of which due to the expansion of illegal crops and mining (94, 95). These activities are also affecting collective lands. According to UNOC (95), in 2015, 40% of the illicit crops were located in Natural National Parks, Indigenous Reserves and Afro-Colombian lands. These results are consistent with previous studies highlighting the relationship between conflict and state fragility and illicit crops and deforestation (48, 49, 96).</p> <p>Despite these positive aspects, The National Biodiversity Policy states that the government does not deploy enough economic resources for the management of the public institutions directly responsible for environmental policy and the management of biodiversity, with budget allocations well below the 1% of GDP,</p>		
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		<p>according with the Ministry of Finance and Public Credit in Colombia the government allocated 0,6% of GDP for 2019 (97). The financial resources allocated by the State are mainly concentrated on strengthening and developing economic and sectorial policies which promote activities like mining, energy development, agriculture and infrastructure, among others, enabling these sectors to be strengthened, often to the detriment of the ecological basis of the territories (88).</p> <p>Considering the above, low budget, different priorities and multiple organizations with different functions make the implementation of the planning and management of these protected areas weak, resulting in a low level of conservation effectiveness in many cases. And this has particularly been reflected in more natural forest area loss and the transformation of natural landscapes (18, 46, 47, 48, 49, 50, 51).</p> <p>In addition to this, the analysis conducted by Ferrero Medina and Joppa (87) indicate that the Colombia's protected areas system has some gaps because the Colombia's protected area network has been located, at least partly, within all of the global conservation priorities considered (EBAs, G200 Regions, Hotspots among others) and the protected areas has protected species rich biomes.</p> <p>In general, deforestation is one of the main threats to biodiversity in Colombia, according to the Institute of Hydrology, Meteorology and Environmental Studies, 2017 a total loss of 219,973 hectares of natural forest was reported, this information identifies the year 2017 increased 23% deforested national level regarding the information published 2016 surface. The National Policy for the Integral management of Biodiversity and its Ecosystem Services identifies the main causes of deforestation in natural forests as the expansion of the agricultural/stock-rearing frontier (73% of deforestation), timber extraction (11.7%), the consumption of firewood (11%) and forest fires (2%), added to which are the construction of infrastructure works, illegal crops and the illegal felling of trees (46, 47, 48, 49, 88).</p>		
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		<p>Additionally, and linked with this transformation, the fragmentation of ecosystems resulting from human activities (extensive livestock, illicit crops and road infrastructure, according with IDEAM reports) is another of the major impacts on Colombian biodiversity, since it generates profound changes in the structure of landscapes, especially continental and coastal ones. Thus, behind the front line of deforestation there remain mosaics of transformed lands made up not only of productive areas, but also fragments of mature forest and patches of secondary vegetation (88, 98).</p> <p>In Colombia this process has meant that the only representatives of many strategic ecosystems and endangered and endemic species survive almost exclusively immersed in cultural matrixes and private properties and are not represented in any kind of category of protected area of the country. As an example of a national trend, analyses of fragmentation in the Eastern Cordillera show that the most fragmented ecosystems are the sub-Andean forests (302 patches) and dry Andean forests (135 patches), while the ecosystems with the fragments of largest size are the high-Andean forests and the montane grasslands, moors (páramos), above the tree line (88, 162). The study by Galván (2015) confirm this argument but in the Colombian Caribbean. The obtained data show that fragmentation exists in high rates and suggesting that the conditions of remaining forest fragments are unfavorable with the high degree of fragmentation caused by local practices (98).</p> <p>As a complement, the IDEAM made a Forest Degradation estimation in Colombia through a fragmentation analysis using remote sensing, in order to estimate, at large scale, deforestation and fragmentation pattern on five regions in Colombia: Amazon, Andes, Orinoquia, Caribbean and Pacific (From 2000 to 2015). Since 2000, in general, the total degradation of Colombia has affected from 180 to 334 thousand hectares of forests per year and the regions have contributed as follows: Amazon region with 62 to 195K ha * año-1; Andean region with 56 to 129K ha * año-1; Orinoquia with 7 to 20K ha * año-1; Caribbean with 17 to 30K ha * año-1 and Pacific with 9 to 60K ha * año-1 thousand hectares</p>		
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	<p>per year. According to the report, the main causes of outcomes are: 85% deforestation caused by selective logging; 0-10% caused by collecting firewood and between 0-10% deforestation caused by forest fire (105, 106, 107, 108).</p> <p>In the case of Biodiversity Hotspots and IBA/KBAs, the protection status is more of a mixed picture. There, we can find some areas that overlap with land designated as protected (public and private lands as part of SNNP) and areas unprotected. For protected areas consider the threats explained before. In the case of the areas unprotected it could be possible to find areas of natural forest or plantations that can be managed to obtain wood or NTFP.</p> <p>Then, considering natural forest outside the protected areas under the jurisdiction of the CARs and that can be harvested to produce wood or NTFP, the scenario is not promising, because the authorizations by the regional authorities are based on forest management plans, are required, however the quality of the information used (e.g. inventories, detailed information on silviculture) for the development of the management plan is sometimes limited and nonexistent, which combined with a low level of control by the authorities, which may lead to poor implementation of the regulations that exist and generates conditions for forest biodiversity degradation by illegal logging activities (37, 41, 56, 57, 58, 59, 101, 102, 163, 164 and also see Category 1, Indicator 1.3, 1.4 and 1.8).</p> <p>Timber production in Colombia, measured on the basis of the exploitation permits granted was on average 1,581,540.11 m3/year between 2002 and 2006 (87), approximately 51, 7% of the total production in Colombia by 2005 (total of 2,9 million of m3/year not specified, legal and illegal (166). Between 2000 and 2009 the North Andean region (Corpoguvio, Corponor, CAS, Corpochivor, CDMB, Cornare, Corpoboyacá and Corantioquia) granted the biggest number of permits (11, 616), followed by the South Andean region (CAR, Corpocaldas, Cortolima, Carder, CRQ and CAM) with 8,201 permits (87). This is the most updated data that was found publicly available but even if the data would not have been updated, this fact is important for HCV1 because</p>		
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	<p>those permits would not even warrant the protection of HCV1 since the legislation on permits in Colombia has no requirements for HCV identification or protection (references 163, 164, 165 relate to the lack of elements needed for the forest management in Colombia that could lead to HCV affectation and they evidence the problems of the forest sector in relation to forest management in Colombia). At present, no safeguards exist except the stipulated voluntary requirement to manage HCVs within an FSC Certified FMUs.</p> <p>The requirements for the management of natural forest include a Forestry management plan in accordance with the terms of reference of the Regional Environmental Authority, which may not include robust requirements for endangered, threatened, rare or endemic species of fauna and flora (99). Considering this, the forest management plans prepared on the bases of these legal requirements are not very effective with respect to the protection of HCV1 and the situation is likely to be worse in forests where there is no a management plan or where this is weak, as mentioned before. Unsustainable and illegal logging and poorly planned and executed forestry operations are likely to lead to habitat removal, habitat fragmentation and introduction of alien and invasive species, which are considered specific threats for HCV1, when it is present in natural forests outside NNAs (163, 166, 190, 191).</p> <p>More than 50% of the Autonomous Regional Corporations identify illegal forest exploitation as the activity which most affects their regional protected areas (88). There are a significant number of sawmills which live of timber extracted from ever more distant and inaccessible zones and logging is aimed at trees of smaller size or “promising” species and thus prevents the regeneration of forests. The total or partial elimination of forests jeopardizes the existence of other subsystems and affects the inhabitants who have turned from timber extraction to the incipient development of agriculture/stock-rearing practices. In addition, among the main threats to the regional protected areas are illegal trafficking, introduction of exotic species, expansion of the agricultural frontier, transformation and fragmentation of habitats, and climate change, according to the Ministry of Environment (88, 99, 100).</p>		
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		<p>degrading habitat value according to Baptiste and Sinchi amazonic Institute of Scientific Research (52, 104).</p> <p>Although there is not enough evidence to confirm the potential impact caused by the use in commercial plantations of exotic species on natural forests, it is evident the invasive potential that these species have, for that reason precautionary approach must be considered for commercial plantations using these species.</p> <p>In summary, the HCV1 is likely to occur in the National protected natural area, and there is evidence of a lack of effective protection from threats to HCV1 from management activities. Sourcing forest materials is forbidden from these areas, but there are cases of illegal logging in these areas. Private protected areas are likely to experience the national trend of deforestation and lack of quality in the management and protection.</p> <p>Natural forests and forest plantations outside of PNNS are less likely to contain HCV 1. However, the probability of the occurrence of HCV 1 increases if the natural forest or plantation are located or overlapping with Hotspot, KBAs and IBAs areas. Considering that there is evidence of threats from management activities to HCV1 values (lack of effective protection, low quality of management plans, low control of authorities, illegal logging, fragmentation and the use of the genre of species like Eucalyptus, Pinus, Tectona, Acacia and Gmelina), management activities in natural forests and forest plantation located in the mentioned before are evaluated as potentially threatening HCV1 following the precautionary approach.</p> <p>For the rest of the neighboring areas that are non-forested (natural forest and forest plantations in production)(e.g. urban areas, wetlands, deserts, etc.) or where there is any forest management activity. Although the search during the development of this assessment did not find evidence on that forest management activities are or could threaten HCV1 outside natural forests and plantation areas in this case, these places, are considered to present a low/negligible threat to HCV1 caused by management activities.</p>		
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		For the rest of the country, where the HCV1 has been identified as not likely to occur, there is low probability that HCV1 in threatened.																																
3.2 HCV 2	1, 2, 3, 11, 13, 18, 29, 32, 46, 47, 48, 49, 50, 51, 64, 66, 67, 68, 87, 88, 89, 90, 93, 96, 97, 99, 100, 101, 102, 103, 105, 108, 109, 110, 113, 114, 163, 164, 165, 166, 169, 181, 183, 184, 185, 188.	<p><b>HCV Occurrence</b></p> <p>There are some HCV 2 sites for Colombia.</p> <ul style="list-style-type: none"> <li>- The Intact Forest Landscapes (IFLs). According to IFL maps and information provided by Global Forest Watch, in Colombia (See map in reference 181), IFLs cover over 349,000 km<sup>2</sup>, which is estimated to be 31% of the forest cover in the country, and 2.7% of the global area of IFLs (1). Colombia's IFLs include all the natural forest outside protected areas in the Amazon, Andes, Orinoquía and Pacific regions, and overlap with 13 protected natural areas (IFL's National Natural Parks, IFL's PNNs – Map 1 in Annex) (NNPs or PNNs in Spanish) of the country that are part of the National Natural Park System (1,29):</li> </ul> <table border="1"> <thead> <tr> <th>Name of the IFL's PNN</th> <th>Departments</th> <th>Extension (ha)</th> </tr> </thead> <tbody> <tr> <td>PNN Farallones de Cali</td> <td>Valle del Cauca</td> <td>150.000</td> </tr> <tr> <td>PNN Serranía de la Macarena</td> <td>Meta</td> <td>620.000</td> </tr> <tr> <td>PNN Los Katíos</td> <td>Chocó-Antioquia</td> <td>72.000</td> </tr> <tr> <td>PNN Amacayacu</td> <td>Amazonas</td> <td>293.500</td> </tr> <tr> <td>PNN Paramillo</td> <td>Córdoba-Antioquia</td> <td>460.000</td> </tr> <tr> <td>PNN La Paya</td> <td>Amazonas</td> <td>422.000</td> </tr> <tr> <td>PNN Serranía de Chiribiquete</td> <td>Caquetá</td> <td>4.268.095</td> </tr> <tr> <td>PNN Nukak</td> <td>Guaviare-Vaupés</td> <td>855.000</td> </tr> <tr> <td>PNN Puinawai</td> <td>Guainia</td> <td>1.092.500</td> </tr> </tbody> </table>	Name of the IFL's PNN	Departments	Extension (ha)	PNN Farallones de Cali	Valle del Cauca	150.000	PNN Serranía de la Macarena	Meta	620.000	PNN Los Katíos	Chocó-Antioquia	72.000	PNN Amacayacu	Amazonas	293.500	PNN Paramillo	Córdoba-Antioquia	460.000	PNN La Paya	Amazonas	422.000	PNN Serranía de Chiribiquete	Caquetá	4.268.095	PNN Nukak	Guaviare-Vaupés	855.000	PNN Puinawai	Guainia	1.092.500	<p>Geographical scale:</p> <ul style="list-style-type: none"> <li>- Country</li> </ul> <p>Functional scale:</p> <ul style="list-style-type: none"> <li>- Type of forest (all types of tenure or property) <ul style="list-style-type: none"> <li>• Natural forest</li> <li>• Forest plantation</li> </ul> </li> <li>- Protection scheme <ul style="list-style-type: none"> <li>• Protected areas</li> <li>• Non-protected areas</li> </ul> </li> <li>- Ownership <ul style="list-style-type: none"> <li>• Public forests</li> <li>• Private forests</li> </ul> </li> </ul>	<p>'Specified risk' for IFLs, large National Natural Parks, RAMSAR site of Delta Estuarine System of the Magdalena River and major Biodiversity Hotspots (as listed in the assessment).</p> <p>The following risk threshold is met: (12) HCV 2 is identified and/or its occurrence is likely in the area under assessment, and it is threatened by management activities.</p> <p>'Low risk' for the rest of the country. The following risk threshold is met: (9) There is no HCV 2 identified and its occurrence is unlikely in the area under assessment.</p>
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PNN Farallones de Cali	Valle del Cauca	150.000																																
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PNN Puinawai	Guainia	1.092.500																																

PNN Río Puré	Amazonas	999.880
PNN Yaigojé Apaporis	Vaupés	1.060.603
PNN Serranía de Los Churumbelos Auka-Wasi	Cauca-Caquetá-Putumayo-Huila	97.189
PNN Tatamá	Chocó-Risaralda-Valle del Cauca	51.900

According to the maps from Global Forest Watch, the current forest plantations in the country do not overlap with Colombia's IFLs (Map 2 Annex). Some IFLs are overlapping with natural forests areas, but in the country

- Large National Natural Parks (NNPs or PNNs in Spanish): according with the guidance for HCV2 identification, areas larger than 50.000 ha that are relatively far from human settlements, roads or other accesses are consider as a HCV2 (64). For this reason, at the national level its contiguous protected areas totaling 50,000 ha or more could classify as HCV 2 sites:

Name	Departments	Extension (ha)
PNN Puracé	Cauca-Huila	83.000
PNN el Tuparro	Vichada	548.000
PNN Las Hermosas	tolima-Valle del Cauca	125.000
PNN Chingaza	Cundinamarca-Meta	76.600
PNN Sumapaz	Cundinamarca-Meta-Huila	154.000
PNN Sanquianga	Nariño	80.000
PNN Cahuinarí	Amazonas	575.000

PNN Utría	Chocó	54.300
PNN Tinigua	Meta-Caqueta-Huila	201.875
PNN Catatumbo Barí	Norte de Santander	158.125
PNN Alto Fragua Indi-Wasi	Caquetá	68.000
PNN Los Nevados	Risaralda-Tolima-Caldas-Quindio	58.300
PNN Nevado del Huila	Huila-Tolima-Cauca-Valle del Cauca	125.000
PNN Serranía de los Yariguíes	Santander	78.837
PNN Doña Juana-Cascabel Volcanic Complex	Cauca-Nariño	65.858
PNN Sierra Nevada de Santa Marta	Magdalena-La Guajira-Cesar	383.000
PNN Cordillera de los Picachos	Meta-Caqueta-Huila	444.740
PNN sierra Nevada del Cocuy	Arauca-Boyacá-Casanare	306.000

Also, at international level, five Biosphere Reserves have been designated and it could be terrestrial and/or marine ecosystems protected by the States and by the World Network of Biosphere Reserves (89,90): i) Andean Belt, it includes three Natural National Parks: La Cueva de los Guacharos with 7.134,93 ha , the Puracé with 83.000 ha and the Nevado del Huila National Parks with 125.000 ha; ii) El Tuparro with 548.000 ha; iii) Sierra Nevada de Santa Marta with 383.000 ha; iv) Great Swamp of Santa Marta with 73.000 and v) Seaflower with 52.500 ha.

In terms of ecosystems and mosaics at landscape level, some Colombian forest areas present characteristics of HCV2 sites. Large landscape-level ecosystems, ecosystem mosaics, and

		<p>biodiversity corridors that are significant at global or regional levels:</p> <ul style="list-style-type: none"> <li>- RAMSAR sites (66). The RAMSAR Convention entered into force in Colombia in 1997. There are currently 7 sites designated as Wetlands of International Importance (Ramsar sites), with an area of 765,148 hectares. Three of them are overlapping with IFL's map: i) Complejo de Humedales de la Estrella Fluvial Inírida with 250.158,9 ha and ii) Complejo de humedales Lagos de Tarapoto with 45.456 ha and iii) Delta del Río Baudó with 8.888 ha, and one of them, iv) Sistema Delta Estuariano del Río Magdalena, Ciénaga Grande de Santa Marta (Delta Estuarine System of the Magdalena River, Ciénaga Grande de Santa Marta), could be considered an HCV2 because its area is larger than 50,000 ha.</li> <li>- UNESCO WHS sites (67). There are currently 9 sites designated as World Heritage Sites (WHS) and the sites considered proxies for HCV2 are three of them: two sites that are National Natural Parks (Katiós National Park, because an exceptional biological diversity is found in the park, as well as many endemic plants and it has an extension over 72,000 ha in north-western Colombia; and Malpelo Fauna and Flora Sanctuary, the largest no-fishing zone in the Eastern Tropical Pacific, provides a critical habitat for internationally marine species, and is a major source of nutrients resulting in large aggregations of marine biodiversity) and the third one is under mixed category Cultural &amp; Natural (the Chiribiquete National Park, the park is now the largest national park in Colombia at 2,782,354 hectares and is very large by global standards for protected areas, the global significance of the park to biodiversity conservation is reflected by the fact that it is considered a Centre of Plant Diversity, an Important Bird Area, an Endemic Bird Area, a Key Biodiversity Area). These three sites are part of the National Natural Park System (29). The rest of the UNESCO WHS sites are archeological sites or places (or group of physical sites) in which evidence of past activity is preserved.</li> </ul>		
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		<ul style="list-style-type: none"> <li>- Major Biodiversity Hotspots (32, 68). In Colombia three are recognized major biodiversity hotspots: i) Chocó-Darien Moist Forest covering 4.484.500,0 ha; ii) Magdalena-Urabá Moist Forest with 1.563.000 ha and iii) Pacific Mangroves with 620.000 ha. All of them are overlapping with some national protected areas, but the most of them are overlapping with natural forest areas, outside of natural park system and also, considering the scale of the map and the geographic range, these areas can also cover different types of land use such as forest plantations or areas with potential for reforestation, agricultural, livestock and other uses.</li> </ul> <p>In summary, we can consider HCV2 sites are the following:</p> <ul style="list-style-type: none"> <li>- IFL areas in Colombia with: 13 protected natural areas, all the natural forest in the Amazon, Andes, Orinoquía and Pacific regions, and three RAMSAR sites that are overlapping with IFLs (Complejo de Humedales de la Estrella Fluvial Inírida; Complejo de humedales Lagos de Tarapoto and Delta del Río Baudó).</li> <li>- Large National Natural Parks with: 18 NNP contiguous an area greater than 50,000 hectares, according to the guidance for HCV2 identification. The 3 UNESCO WHS sites and 5 Biosphere Reserves (all of them according with the information included before); because all of them are National Natural Parks and have a greater coverage area of 50.000 ha.</li> <li>- RAMSAR site of Delta Estuarine System of the Magdalena River, Ciénaga Grande de Santa Marta, because it is a RAMSAR site which has an area greater than 50.000 hectares.</li> <li>- Major Biodiversity Hotspots covering all land uses in the Pacific, Andes and Caribbean regions, each one has a coverage area greater than 50.000 ha.</li> </ul> <p><b>Threat Assessment</b></p> <p>The threats for HCV 2 that are part of SNNP are:</p>		
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	<p>Lack of effective protection from threats from logging activities (94, 95), illicit crops located in NNPs (48, 49, 96), lack of economic resources for management and protection (88, 97), deforestation (46, 47, 48, 49, 88) and multiple organizations with different functions make the implementation of the planning and management of these protected areas weak, resulting in a low level of conservation effectiveness in many cases. And this has particularly been reflected in more natural forest area loss and the transformation of natural landscapes (18, 46, 47, 48, 49, 50, 51).</p> <p>Logging activities, in the National System of Protected Areas (containing RAMSAR sites, and Biosphere Reserves, among others) is prohibited (Nature Resources Code, issued in 1974). In the case of Biosphere Reserves, the core area of Biosphere Reserves in general, are National Natural Parks; but surrounding of the core area, there is a buffer area where sustainable resource use is allowed. In these surrounding areas, the Regional regulations apply, and timber harvesting may be allowed. (67, 113, 114). Around of these areas live peasants and indigenous peoples engaged in agriculture, cattle grazing, fisheries, and also the extraction of high-value timber (113, 114).</p> <p>The IDEAM and Ecoforest in 2009 indicates that the rate of illegality in Colombia can be between 33-55% (the deference depends on the model used) (101). As this is an extractive activity that requires low investment, illegal logging is carried out both on a large scale to meet basic needs and provide fuel for domestic activities. Some analysts argue illegal forestry in Colombia mounts as high as 75% of total timber production, whilst in the world this practice represents between 20 and 40% of global wood production (102). Precise measures are difficult to estimate given the tough conditions in forest regions of armed conflict and illicit crops, corruption and organized crime.</p> <p>Other important aspect related with those areas is that Colombia is a signatory of the Convention on Biological Diversity (CBD) via Law 165 of 1994, which became effective on 26 February 1995, and on the other, the Fifth National Report to CBD states that the country’s working to achieve Aichi targets. Even though progress</p>		
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		<p>has been made, the Middle level 14/22 predominates and only the Protected Areas goal is achieved (93). But it is important to clarify that in Protected areas the goal is achieved through the declaration of almost 5 million new protected hectares, but not due to the good management of protected areas distributed throughout the territory.</p> <p>Considering the above, loss of natural areas in the National Natural Parks System due to the expansion of illegal crop, mining and low budget, make the protection of these areas weak, resulting in a low level of conservation effectiveness in many cases. And this has particularly been reflected in more natural forest area loss and the transformation of natural landscapes (18, 46, 47, 48, 49, 50, 51).</p> <p>On the other hand, as previously stated, various areas defined as HCV2 sites are not protected under the National Natural Park System: i) areas inside of IFLs, ii) Biodiversity Hotspots in Colombia and iii) the RAMSAR site Sistema Delta Estuario del Río Magdalena, Ciénaga Grande de Santa Marta. In the case of the areas unprotected it could be possible to find areas of natural forest or plantations that can be managed to obtain wood or NTFP and other lands uses (agriculture, cattle raising, mining for example).</p> <p>The IFLs have been subjected to the same threats as other HCV areas in the country and have experienced a reported 1.3% reduction in area in the period 2000-2013(3). Human activities have transformed Colombia's natural landscapes, mainly through cattle ranching and agriculture. Some ecosystems, like montane tropical forests, currently occupy less than 30% of their original extent (1). The protected area network now covers more than 10% of the country's territory, although some biologically unique areas, including Intact IFLs remain under-protected and face serious threats (1).</p> <p>For all these important landscapes, where are part of IFLs, Biodiversity Hotspots and the RAMSAR site Sistema Delta Estuarino del Río Magdalena, Ciénaga Grande de Santa Marta, the most important threats are:</p>		
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		<p>- Unsustainable extraction is particularly serious. the National Environmental System (SINA, in Spanish), the Regional Autonomous Corporations, the Territorial Entities (Municipalities) have the responsibility with the management and conservation of the environment in natural forest outside of The National Natural Parks (Law 99 and the 1991 Constitution), with functions such as authorization and control of forest management activities, controlling illegal traffic of fauna and flora and implementing environmental legislation, among others.</p> <p>Timber production in Colombia, measured on the basis of the exploitation permits granted was on average 1,581,540.11 m3/year between 2002 and 2006 (87) approximately 51,7 % of the total production in Colombia by 2005 (total of 2,9 Million of m3/year not specified, legal and illegal) (166). Between 2000 and 2009 the North Andean region (Corpoguavio, Corponor, CAS, Corpochivor, CDMB, Cornare, Corpoboyacá and Corantioquia) granted the biggest number of permits (11, 166), followed by the South Andean region (CAR, Corpocaldas, Cortolima, Carder, CRQ and CAM) with 8,201 permits (87). This is the last data known but even if the data would not have been updated, this fact serves to give an idea of the amount of all permission granted to operate in natural forest. This fact is important because those permits not warrantee the protection of HCV2, because the unsustainable and illegal logging and poorly planned and executed forestry operations are likely to lead to habitat removal and habitat fragmentation (163, 164, 165). That is important for HCV2 because according to Perason (169), more than 85% of Colombia's forest degradation is due to selective logging.</p> <p>According to the Institute of Hydrology, Meteorology and Environmental Studies, 2017 a total loss of 219,973 ha of natural forest was reported, this information identifies the year 2017 increased 23% deforested national level regarding the information published 2016 surface. National Biodiversity Policy, the best estimate of the country's deforestation rate for the period 2005-2010 is 238,273 ha/year. The Policy</p>		
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		<p>identifies the main causes as the expansion of the agricultural/stock-rearing frontier (73% of deforestation), timber extraction (11.7%), the consumption of firewood (11%) and forest fires (2%), added to which are the construction of infrastructure works, illegal crops and the illegal felling of trees (46, 47, 48, 49, 88).</p> <ul style="list-style-type: none"> <li>- Forest plantations, may also affect HCV2 e.g. road construction and habitat transformation. Currently it is possible to find forest plantations, specifically in Cauca department that is part of the major biodiversity hotspots area (188). In 2015, an area between 340 and 360 thousand ha of commercial forest plantations is presumed to exist in Colombia, approximately 0,3% of the national territory (103). Although it seems a small figure, it is important to know that the country has strong growth potential with forest plantations (24 million ha in five regions: Amazon, Andes, Caribbean, Pacific and Orinoquia) (13); all of this potential area are overlapping with IFLs and major biodiversity hotspots areas, So these areas in the future could be forest plantations, inside IFLs and Hotspots areas, with the threatened to generate impacts like habitat transformation, fragmentation, land use change and construction of infrastructure.</li> <li>- The fragmentation of ecosystems resulting from forest plantations, selective logging, collecting firewood and forest fire could be other impacts on HCV2, since it generates profound changes in the structure of landscapes (88, 99, 100, 108, 109, 110). Analyses of fragmentation in the Eastern Cordillera show that the most fragmented ecosystems are the sub-Andean forests (302 patches) and dry Andean forests (135 patches), while the ecosystems with the fragments of largest size are the high-Andean forests and the Paramo grasslands (2). And the IDEAM made a Forest Degradation estimation in Colombia through a fragmentation analysis using remote sensing, in order to estimate, at large scale, deforestation and fragmentation pattern on five regions in Colombia and according to the report, the process of fragmentation was further evident from the marked increase</li> </ul>		
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		<p>in patch area (of the total forest of the country) from 1,84% in 2000 to 1,94% (105).</p> <p>Mismanagement of harvesting or some forest management activities in forest plantations could contribute to the fragmentation or loss of important land-landscape level ecosystems, for example: i) Conversion of natural areas for forest/agricultural use (crops, livestock production and plantations) leading to HCV2 loss or HCV2 fragmentation (see assessment indicator 4.1 in this CNRA); ii) Construction of infrastructure (roads and means of access for operations) and iii) fire (184, 185) (as reported occurring in Colombian Amazon region in reference 183).</p> <p>In essence, HCV2 is likely to occur in protected areas but also in not protected areas. Colombia has 13 protected natural areas (NPAs) and 3 RAMSAR sites overlapping with areas IFLs and NPAs, it has 18 large landscape-level National Natural Parks and other Priority areas mentioned in the Occurrence section prioritized by international initiatives (RAMSAR, UNESCO, Biosphere Reserves), all overlapping with NNPs, are considered HCV2 (larger than 50.000 ha). In a context of deforestation and fragmentation national rates, illegal logging and lack of effective protection the threats of fragmentation and commercial logging by management activities is highly likely in these places.</p> <p>On the other hand, not protected areas are also likely to have HCV2 occurrence. All the natural forests in the Amazon, Andes, Orinoquia and Pacific regions outside the NPAs are IFLs and major biodiversity hotspots also the Pacific, Andes and in the Caribbean regions are likely to have HCV2 occurrence. In these areas, commercial logging is not forbidden, and it is also not seemed to be controlled in terms of sustainable principles that could prevent fragmentation, etc. and overall, these areas are also immerse in a country where there is a national trend on deforestation and where fragmentation has been reported happening in large areas.</p> <p>In the case of forest plantations (commercial or productive-protective) currently overlapping with major biodiversity hotspots</p>		
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		<p>there is no evidence supporting that management activities are not a threat or are not providing an effective protection. This is an aspect to consider in the future also for IFLs, since plantations have a potential of growth in the country (24 million ha of potential to grow in five regions: Amazon, Andes, Caribbean, Pacific and Orinoquia).</p> <p>For the rest of the country HCV2 occurrence was not identified and the search during the development of this assessment did not find evidence on that forest management activities in these areas are or could threaten HCV2.</p>		
3.3 HCV 3	15, 18, 29, 46, 47, 48, 49, 50, 51, 52, 66, 67, 73, 74, 75, 76, 87, 88, 91, 93, 94, 95, 96, 97, 99, 100, 101, 102, 103, 104, 108, 109, 110, 111, 112, 113, 114, 124, 163, 164, 165, 166, 167, 168.	<p><b>HCV Occurrence</b></p> <p>According with the Biodiversity report of Colombia (73, 74, 75, 76), Colombia is the second most biologically diverse country in the region. It is home to about 10 per cent of the world's species. In a nutshell, more than 1,909 species of birds, 814 species of amphibians, 528 species of mammals, 537 species of reptiles, and 4,076 species of fish reside in the country. About 18% of these are endemic to the country. Colombia has 51,220 species of plants, of which nearly 30% are endemic. In addition, the diversity is represented in 59 natural areas that belong to the Systems of National Natural Parks, which represent 14,2 million ha of the country's total surface area; 11,2% of this is continental and 1,5% of it is marine area, according with the RUNAP the nationally protected areas represent 30.9 million ha distributed in 1,094 Protected Areas under the different categories (75).</p> <p>These areas are governed by the Ministry of the Environment and Sustainable Development, the Special Administrative Unit for National Nature Parks. All this information is an indication at the national level that there are ecosystems and habitats in the country that could be classified as rare, threatened or endangered (HCV 3) and also there are several international indications about the potential presence of the HCV3 (e.g. Biosphere Reserves, RAMSAR Sites, Red list of Ecosystems by IUCN).</p> <p>Then the proxies for HCV3 present in the country are described in detail:</p>	<p>Geographical scale:</p> <ul style="list-style-type: none"> <li>- Country</li> </ul> <p>Functional scale:</p> <ul style="list-style-type: none"> <li>- Type of forest (all types of tenure or property) <ul style="list-style-type: none"> <li>• Natural forest</li> <li>• Forest plantation</li> </ul> </li> <li>- Protection scheme <ul style="list-style-type: none"> <li>• Protected areas</li> <li>• Non-protected areas</li> </ul> </li> <li>- Ownership <ul style="list-style-type: none"> <li>• Public forests</li> <li>• Private forests</li> </ul> </li> </ul>	<p>'Specified risk' for RAMSAR site Delta Baudó River, ecosystems in the IUCN red list, Biosphere Reserves and their neighboring forested areas. The following risk threshold is met: (17) HCV 3 is identified and/or its occurrence is likely in the area under assessment and it is threatened by forest management activities.</p> <p>'Low risk' for RAMSAR sites: The Fluvial Star of Inirida Wetlands Complex, Lakes of Tarapoto Wetlands Complex, The estuarine delta system of the Magdalena River, Ciénaga Grande de Santa Marta, Otún Lagoon Wetlands Complex, Cocha Lagoon, and Chingaza Wetlands System. The following risk threshold is met: (14) There is low/negligible threat to HCV 3 caused by management activities in the area under assessment.</p> <p>'Low risk' for the rest of the country. The following risk threshold is met:</p>

		<ul style="list-style-type: none"> <li>- The ecosystems in the Red List of IUCN (111,): According to the IUCN Red List of Ecosystems in Colombia, from the 81 assessed ecosystems, 22% is endangered (The Zonobiome of Humid Tropical Forests) and 24% is critically endangered (Tropical Dry Forest, Tropical Desert, Tropical Rainforest of the Lowland Piedmont, Ecosystems Dry intra-zonal of the Andes and Humid ecosystems -e.g. the wetlands of the Departments of Boyaca and Cundinamarca-) due to man-made activities. The Zonobiome of Humid Tropical Forests (ZBHT) groups the largest number of ecosystems with a total of 69 ecosystems and occupies 100.5 million hectares equivalent to 87.7% of the country. Out of these, 45.9 million hectares (46%) correspond to zonal forests, 26.5 million hectares to Orobionomes (mountain forests, shrublands and Páramos), 14.1 million hectares correspond to the Helobionomes (alluvial and swamp forests), and 19.9 million hectares to Pedobionomes (savannas and edaphic shrublands). According with the report only 3% of those in critical danger are in the National System of Protected Areas (SNAP) and Only 10% of those in danger are in the National System of Protected Areas, while, 64% of those in critical danger and 27% in danger are in Indigenous peoples and Afro-descendant communities lands. On the other hand, this analysis made by regions, indicate that the Caribbean and intra-zonal zones of the Andes have the largest areas of threatened ecosystems, following by Orinoquia and Pacific. On the other hand, it was found that for ecosystems classified as critical (CR), soil degradation due to erosion, the risk of fires and infrastructure projects are threats that affect most of these ecosystems. Soil degradation due to erosion is a process faced by nearly 100% of the ecosystems of the Endangered (EN) category (111, 112).</li> <li>- RAMSAR sites (66): Colombia currently has 7 sites designated as Wetlands of International Importance, with a surface area of 754,148 hectares. 1) The Fluvial Star of Inirida Wetlands Complex, 2) Lakes of Tarapoto Wetlands Complex, 3) Baudó River Delta, these sites are not National</li> </ul>		<p>(13) There is no HCV 3 identified and its occurrence is unlikely in the area under assessment;</p>
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		<p>Natural Park 4) The estuarine delta system of the Magdalena River, Ciénaga Grande de Santa Marta, in this site, only the Ciénaga Grande de Santa Marta is NNP; 5) Otún Lagoon Wetlands Complex, 6) The Cocha Lagoon, and 7) Chingaza Wetlands System, these last three RAMSAR sites (Otún, Cocha and Chingaza Wetlands) are not protected areas nor NNPs like the other four.</p> <p>1) The Fluvial Star of Inirida Wetlands Complex (Complejo de Humedales de la Estrella Fluvial Inirida. With 250.158,9 ha in the Guainía Department. This Site is located in the Orinoco–Amazon transition zone. It comprises the confluence zones of the rivers Inirida-Guaviare, Guaviare-Atabapo and Guaviare-Ventuari, which join the Orinoco River. This is a unique area as its flooded forests belong to the Amazon biome while its ‘whitewater’, ‘blackwater’ and ‘clearwater’ hydrological ecosystems are characteristic of the Orinoco River. Due to its unique location, it holds several threatened or endangered species, as well as endemic species of the Orinoco basin. It also supports 476 fish species (50% of the fish species of the Orinoco Basin and 34% of the country’s species), 200 species of mammals, 903 of plants, and 324 species of birds.</p> <p>2) Lakes of Tarapoto Wetlands Complex (Complejo de humedales Lagos de Tarapoto). With 45.456 ha is located on the River Amazon in the far south of the country, consists of several lakes interconnected by rivers and creeks. The Lakes of Tarapoto sustain plant and animal species including the ceiba tree (<i>Ceiba pentandra</i>), black caiman (<i>Melanosuchus niger</i>), 136 species of fish including the largest known freshwater fish, the pirarucu (<i>Arapaima gigas</i>), and more than 153 bird species. Grey and pink dolphins (<i>Inia geoffrensis</i> and <i>Sotalia fluviatilis</i>) use the Site as a habitat to teach their calves to fish. It also hosts threatened mammals such as the tapir (<i>Tapirus terrestris</i>), the giant armadillo (<i>Priodontes maximus</i>), the Amazonian manatee (<i>Trichechus inunguis</i>), the giant otter (<i>Pteronura brasiliensis</i>) and the anteater (<i>Myrmecophaga tridactyla</i>).</p>		
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		<p>This great biodiversity, and in particular the fish resources, supports the 22 indigenous communities of the TICOYA (Ticuna, Cocama and Yagua) indigenous reservation. The ecosystem also provides important functions such as flood and erosion control, waterways for transportation, recreation and tourism.</p> <p>3) Baudó River Delta (Delta del Río Baudó). With 8.888 ha the estuary of the Baudó river on the Pacific coast, comprising flood banks, sand beaches, shrub-swamps and swamp forests. Outstanding vegetation includes nato mangroves (<i>Mora oleifera</i>, <i>Mora megistosperma</i>), with trees reaching 35 m or more in height; mangrove forests (<i>Pelliciera rhizophorae</i>, <i>Avicennia germinans</i>), and giant reeds. Noteworthy fauna includes the Spotted Paca (<i>Agouti paca</i>), the peccaries (<i>Tayassu pecari</i> and <i>Tayassu tajacu</i>), Jaguar (<i>Panthera onca</i>) and Neotropical Otter (<i>Lontra longicaudis</i>). The wetland is habitat and reproduction site of numerous species of fish such as the cichlid <i>Cichlasoma kraussii</i>, the Trahira (<i>Hoplias malabaricus</i>) and the Flathead mullet (<i>Mugil cephalus</i>). Uses of the site by human communities include forest exploitation, fishing, subsistence agriculture, hunting and basket-making. Potential threats include mangrove felling, overfishing, uncontrolled hunting, boat transportation with off-board engines, and clearing for rice cultivation. Surrounding areas are the collective property of black communities (66).</p> <p>4) The estuarine delta system of the Magdalena River, Ciénaga Grande de Santa Marta (Sistema Delta Estuarino del Río Magdalena, Ciénaga Grande de Santa Marta). With 400.000 ha, the site is a coastal estuarine system with 20 lagoons of varying salinity, with several rivers running through the area and extensive zones of mangroves. The site is important for its mangrove ecosystem, which is the largest on the Caribbean coast of Colombia. It also serves as habitat and winter breeding ground for several bird species, has at least two endemic bird species, and is also a spawning ground for many fish species. Part of the site is state-owned, while a large area</p>		
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		<p>is privately-owned and commercial fishing is important for the community around it. Shellfish and crayfish are also harvested in the area, while the higher zones are used for agriculture. Ecotourism is being developed in the protected area.</p> <p>5) Otún Lagoon Wetlands Complex (Complejo de Humedales Laguna del Otún). With 6.579 ha A complex of wetlands located within the Los Nevados National Natural Park in the Central Andes of Colombia. It includes lagoons, swamps, peatlands interconnected or functionally related with one another and influenced by glaciers and páramo vegetation. The site is home to 52 species of birds, of which the most vulnerable are the aquatic species <i>Oxyura jamaicensis andina</i> and <i>Podiceps occipitalis juninensis</i>, with reduced populations and very localized distribution in Colombia this makes them more susceptible to the degradation of their habitats, generated mainly by agricultural and livestock expansion. Other endangered bird species include <i>Vultur gryphus</i>, <i>Hapalopsittaca fuertesi</i> and <i>Ognorhynchus icterotis</i>. Among the important flora species found in the site are <i>Espeletia hartwegiana centroandina</i>, <i>Podocarpus oleifolius</i> and <i>Polylepis sericea</i>, which are also found under special protection.</p> <p>6) La Cocha Lagoon (Laguna de la Cocha). With 39.000 ha, largely made up of a volcanic lake and the surrounding highland Andean peatlands and forest, the site supports a diverse range of associated flora and fauna, mammals such as the endangered tapir (<i>Tapirus pinchaque</i>), near-threatened Northern pudu (<i>Pudu mephistotels</i>), and the endangered spectacled bear (<i>Tremarctos ornatus</i>). Important bird species such as Grebe (<i>Podiceps occidentalis</i>), the golden peck duck (<i>Anas georgica spicauda</i>), several species of snipes (<i>Gallinago gallinago paraguaiiae</i>, <i>Gallinago nobilis</i>, <i>Gallinago gallinago delicata</i>) and the endemic ducks (<i>Anas cyanoptera borreroi</i>, <i>Oxyura jamaicensis ferruginea</i>). Regarding plants there are two important endemic species of frailejon (<i>Espeletia cochensis</i>,</p>		
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		<p>Espeletia schultesiana) and Totorá (Scirpus californicus, Juncus bogotensis). Human uses include agriculture and aquaculture. The breeding of "cuyes" (Cavia porcellus) generates about 23% of the agricultural product in the Department.</p> <p>7) Chingaza Wetlands System (Sistema Lacustre de Chingaza). With 4.058 ha, A complex of lagoons and wetlands that supply water to the capital city, Bogotá. Located in the Northern Colombian Andes between 3,050 and 3,950m a.s.l., this region supports one of the dampest páramos of the country and is a center of particular endemism which has been the refuge for more than 400 flora species and 500 fauna species, some of them endangered and others which have not yet been totally identified. The complex is formed by 20 lagoons and is of great importance for migratory birds. Among the species found under special protection, at national as well as international levels, the following mammals are noteworthy: Tremactus ornatus, Mazama rufina bricenni, Tapirus pinchaque and Tapirus terrestris, and among the flora: Espeletia grandiflora, Podocarpus oleifolius, and the palm genus Xeroxylum. The site is within the boundaries of the Chingaza National Natural Park, designated in 1977.</p> <p>- Biosphere Reserves (67): Biosphere reserves are multipurpose protected areas with the objective to conserve the diversity and integrity of natural plant and animal communities and to safeguard the genetic diversity of species. These reserves include representative and unusual or rare ecosystems of the world's biomes and helps to rebuild any damage caused to ecosystems. The main objects are to i) Conserve representative samples of ecosystem; ii) Provide long term in situ conservation of genetic diversity iii) Provide appropriate sustainable managements of the living resources iv) help in the restoration of degraded ecosystem.</p> <p>Colombia has 5 Biosphere Reserves: The Tuparro, Sea Flower, Andean Belt, Sierra Nevada de Santa Marta and Ciénaga Grande de Santa Marta, with an area of about 24 million hectares of which 76% is part of the marine</p>		
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		<p>component coastal and the remaining 24% in the continental component. Considering only the Biosphere Reserves in the continental component there are: 1) Cinturon Andino, 2) el Tuparro, 3) Sierra Nevada de Santa Marta, and 4) Ciénaga Grande de Santa Marta; except the Cinturon Andino all of them are part of the National Natural Park System of Colombia and around of these areas live peasants and indigenous peoples (Arhauaco, Kogui, Wiwa, Sikuanis, piapocos, puinaves, piaroas, guahibos, curripacos and cubeos) engaged in agriculture, cattle grazing, fisheries, and also the extraction of high-value timber. The core area of Biosphere Reserves in general, are National Natural Parks; and surrounding of the core area of the Biosphere Reserves, there is a buffer area where sustainable resource use is allowed. In these surrounding areas, the regional regulations apply, and timber harvesting may be allowed (67, 113, 114).</p> <p>The Andean Belt (Cinturón Andino) Biosphere Reserve is located at the Macizo Colombiano, in the Andean Chain in south Colombia, it covers 4 departments (Tolima, Huila, Cauca y Valle del Cauca). It comprises three National Parks: the Cueva de los Guacharos National Park, the Purace National Park and the Nevado del Huila National Park. The Cueva de los Guacharos National Park comprises complex and special geological formations and caves created by the Suazas River. The biosphere reserve also includes the snowy peaks of the Nevado del Huila National Park that rises to a height of 5,750 meters above sea level. The park is especially rich in birds, as the condor (<i>Vultur gryphus</i>) the Colombian national emblem, the real eagle (<i>Accipiter collaris</i>), and the danta (<i>Tapirus pinchaque</i>). The volcanic chain of Purace's National Park includes seven craters, with sources of thermal waters, 30 lagoons and waterfalls and the Magdalena's, Cauca's and Caqueta's river head as a fluvial star. Eight ethnic groups (Guambianos, Paeces, Yanconas, Kokonucos, Polindaras, Totares e Ingas), with their own culture and traditional practices, live in the Andean belt. Traditional, modern peasants, and 'colons' are engaged in different activities from agriculture practices to cattle grazing</p>		
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		<p>and also extraction of high-value timber, affecting the mountainous ecosystems (113, 114).</p> <p>Additionally, it is important to mention that in the case of plantations, according with the Assessment reports from Certification Bodies in Colombia and the FSC's webpage Colombia has eight Certificate Holders (91) which cover an area of 151,000 ha (0,13% of the national territory). Three certificate Holders identified HCV3 (Less than 0,13% of the national territory). In Colombia, is not enough information available and sufficient to clearly identify in which forest plantations in Colombia it is possible to find the HCV3, although the probability to find HCV could be high if the forest plantations are established around RAMSAR sites, Biosphere Reserves, National Natural Parks or Red list of Ecosystems by IUCN, because around there are different land use are allowed, included forest plantations.</p> <p><b>Threat Assessment</b></p> <p>In relation of the RAMSAR sites such as he Fluvial Star of Inirida Wetlands Complex, Lakes of Tarapoto Wetlands Complex, The estuarine delta system of the Magdalena River, Ciénaga Grande de Santa Marta; the main threats are related to current use and potential changes in land use within and outside the boundaries of the RAMSAR sites, mainly through the increase in the extent of land used for agriculture, gold mining and growth of unplanned tourism, but there is no evidence to indicate that management forest (natural forest and forest plantations) is a threat in this area (66). In the case of RAMSAR site Delta del Río Baudó, the threats are related to mangrove felling, overfishing, uncontrolled hunting, boat transportation with off-board engines, clearing for rice cultivation and timber harvesting of high-value in natural forest (66).</p> <p>In the case of the Red List of Ecosystems by IUCN, the HCV3 is likely to occur in public natural forest (National Natural Parks) and private natural forests (individual, rural cooperatives and communal territories of indigenous and Afro-Colombian); and in a similar form, the Biosphere Reserves are part of the public</p>		
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		<p>natural forest (Core areas are National Natural Parks) and around of these areas live peasants and indigenous peoples practicing the agriculture, cattle grazing, fisheries, and also the extraction of high-value timber in private natural forest (67, 113, 114).</p> <p>Furthermore, in all of these areas that have areas as part of NNPs (RAMSAR sites, as Otún Lagoon Wetlands Complex, Cocha Lagoon, and Chingaza Wetlands System; Red list of Ecosystems by IUCN and Biospheres Reserves - Core areas) are threatened by a variety of human activities (e. g expansion of illegal crops and mining). Although all of the following entities depending of The Ministry of the Environment and Sustainable Development (MADS) in Colombia working together in pro of the management and conservation of the environment and renewable natural resources of the country: i) The National Natural Parks of Colombia; ii) The National Environmental System; iii) the Regional Autonomous Corporations; iv) the Territorial Entities (Municipalities); and v) Research Institutes (Such as the Humboldt Institute); all of them with functions ranging from declaration of regional protected areas to the control of illegal traffic of fauna and flora, the biodiversity research and implementing environmental legislation, among others. (15, 29)</p> <p>In spite of this, the Fifth National Report to CBD states that the country's working to achieve Aichi targets. Even though progress has been made, the Middle level 14/22 predominates and only the Protected Areas goal is achieved, while the other targets had Low progress 7/22 (93). But it is important to clarify that in Protected areas the goal is achieved through the declaration of almost 5 million new protected hectares (the Fauna and Flora Sanctuary (SFF) of Malpelo, located in the Colombian Pacific, it increased from 950,000 to 2,667,000 hectares and the National District of Integrated Management (DNMI) Yuruparí- Malpelo, with an extension of 2,691,000 hectares). The compliance is not due to the good management of protected areas distributed throughout the territory, because official reports reports indicate that, only in 2015, the National Natural Parks System lost 56,9 Km<sup>2</sup> of natural forest, most of which due to the expansion of illegal crops and mining (94, 95). These activities are also affecting</p>		
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		<p>collective lands. According to UNOC (95), in 2015, 40% of the illicit crops were located in Natural National Parks, Indigenous Reserves and Afro-Colombian lands. These results are consistent with previous studies highlighting the relationship between conflict and state fragility and illicit crops and deforestation (48, 49, 96).</p> <p>At the same time, it is well known that the government does not deploy enough economic resources for the management of the public institutions directly responsible for environmental policy and the management of biodiversity, with budget allocations well below the 1% of GDP, according with the Ministry of Finance and Public Credit in Colombia the government allocated 0,6% of GDP for 2019 (97). The financial resources allocated by the State are mainly concentrated on strengthening and developing economic and sectorial policies which promote activities like mining, energy development, agriculture and infrastructure, among others, enabling these sectors to be strengthened, often to the detriment of the ecological basis of the territories (88).</p> <p>On the other hand, more than 50% of the Autonomous Regional Corporations identify illegal forest exploitation as the activity which most affects their regional protected areas (88). There are a significant number of sawmills which live of timber extracted from ever more distant and inaccessible zones and logging is aimed at trees of smaller size or “promising” species and thus prevents the regeneration of forests. The total or partial elimination of forests jeopardizes the existence of other subsystems and affects the inhabitants who have turned from timber extraction to the incipient development of agriculture/stock-rearing practices. In addition, among the main threats to the regional protected areas are illegal trafficking, introduction of exotic species, expansion of the agricultural frontier, transformation and fragmentation of habitats, and climate change, according to the Ministry of Environment (88, 99, 100).</p> <p>The Regional authorities (CARs) have the responsibility of law enforcement, and sometimes there are limited resources available for controlling the fulfilment of the prescriptions of the</p>		
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		<p>approved forest management plans, and for preventing illegal logging. In these cases, due to a lack of effective resources to ensure protection, there is a risk for these HCV3 (88, 99, 100).</p> <p>In addition to this, the analysis conducted by Ferrero Medina and Joppa (87) indicate that the Colombia's protected areas system has some gaps because the Colombia's protected area network has been located, at least partly, within all of the global conservation priorities considered and the protected areas has protected species rich biomes.</p> <p>Considering the low budget, different priorities and multiple organizations with different functions make the implementation of the planning and management of these protected areas weak, resulting in a low level of conservation effectiveness in many cases. And this has particularly been reflected in more natural forest area loss and the transformation of natural landscapes (18, 46, 47, 48, 49, 50, 51).</p> <p>Related with no protected areas from the Red List of Ecosystems by IUCN and surrounding areas (previously mentioned protective sites) that are private properties, by individuals and communal land, which includes indigenous lands, the land of Afro-Colombian communities and rural co-operatives; where people practicing the agriculture, cattle grazing, fisheries, and also the extraction of high-value timber in private natural forest (67, 113, 114).</p> <p>In these not protected surrounding areas, the Regional regulations apply by Regional Autonomous Corporations (RAC, or CARs in Spanish), but they have serious problems to ensure effective protection:</p> <ol style="list-style-type: none"> <li>1. Low level of control and low quality of the information in forest management plans. The authorizations for management forest are based on forest management plans, however the quality of the information used (e.g. inventories, detailed information on silviculture) is sometimes limited and nonexistent, which combined with a low level of control by the</li> </ol>		
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		<p>authorities (lack of resources), which may lead to poor implementation of the regulations that exist and generates conditions for forest degradation by illegal logging activities (37, 56, 57, 58, 59, 164, 165, 166).</p> <p>Timber production in Colombia, measured on the basis of the exploitation permits granted was on average 1,581,540.11 m3/year between 2002 and 2006 (87) approximately 51,7 % of the total production in Colombia by 2005 (total of 2,9 Million of m3/year not specified, legal and illegal) (166). This is the most updated data that was found publicly available but even if the data would not have been updated, this fact serves to give an rough idea of the amount of all volume granted to operate in natural forest. That is important for HCV1, HCV2 and HCV3 because those permits would not even warrantee the protection of these values since the legislation on permits in Colombia has no requirements for HCVs identification or protection (163, 164, 165). At present, no safeguards exist except the stipulated voluntary requirement to manage HCVs within an FSC Certified FMUs.</p> <p>The requirements for the management of natural forest include a Forestry management plan in accordance with the terms of reference of the Regional Environmental Authority, which may not include robust requirements for endangered, threatened, rare or endemic species of ecosystems (99). Considering this, the forest management plans prepared on the bases of these legal requirements are not very effective with respect to the protection of HCVs and the situation is likely to be worse in forests where there is no a management plan or where this is weak, as mentioned before. Unsustainable and illegal logging and poorly planned and executed forestry operations are likely to lead to habitat removal, habitat fragmentation and loss of unusual or rare ecosystems or habitats, which are considered threats for HCV3, when it is present in natural forests outside NPAs (163, 166, 167, 168).</p> <p>2. Illegal logging. In terms of law enforcement, it is widely acknowledged among several report about the country there is a low level of implementation of the above-mentioned legislation (Chatham House and Transparency</p>		
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		<p>International's Corruption Perception Index 2017). In addition to this, a global study published by the World Bank in 2006 estimates that illegal logging in Colombia reaches 42% of total timber production and the most recent study prepared by the IDEAM and Ecoforest in 2009 indicates that the rate of illegality in Colombia can be between 33-55% (the deference depends on the model used) (101, 163, 164, 166). As this is an extractive activity that requires low investment, illegal logging is carried out both on a large scale to meet basic needs and provide fuel for domestic activities. Some analysts argue illegal forestry in Colombia mounts as high as 75% of total timber production, whilst in the world this practice represents between 20 and 40% of global wood production (102). Precise measures are difficult to estimate given the tough conditions in forest regions of armed conflict and illicit crops, corruption and organized crime.</p> <p>3. Deforestation. Is one of the main threats to biodiversity, according to the Institute of Hydrology, Meteorology and Environmental Studies, 2017 a total loss of 219,973 hectares of natural forest was reported, this information identifies the year 2017 increased 23% deforested national level regarding the information published 2016 surface. The National Policy for the Integral management of Biodiversity and its Ecosystem Services identifies the main causes of deforestation in natural forests as the expansion of the agricultural/stock-rearing frontier (73% of deforestation), timber extraction (11.7%), the consumption of firewood (11%) and forest fires (2%), added to which are the construction of infrastructure works, illegal crops and the illegal felling of trees (46, 47, 48, 49, 88).</p> <p>In the case of Forest Plantations. Although there is not enough evidence to confirm that forest plantations exist inside these areas and that could be threatening HCV3s, there can be established forest plantations bordering sites where HCV3 is likely to occur, such as the Caribbean, intra-zonal zones of the Andes, Orinoquia and Pacific region (Red List of Ecosystems by IUCN); the RAMSAR site Delta del Río Baudó and areas around the Biosphere Reserves. In all these areas in case of the</p>		
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		<p>development of plantations, different factors may threaten the effective protection of HCV3, e.g. habitat transformation, exotic species invasion, irresponsible agrochemical use, road construction and maintenance, providing access to hunters, and increasing the fire risk (52, 100, 103, 104, 108, 109, 110, 124).</p> <p>Although there is not enough evidence to confirm the potential impact caused by the use in commercial plantations of exotic species on natural forests, it is evident the invasive potential that species used have and with the threatened to generate impacts like construction of infrastructure or land use change, for that reason precautionary approach must be considered for commercial plantations using exotic or invasive species.</p> <p>Furthermore, during the development of this assessment, it was not found evidence on that the management in forest plantations and natural forest can effectively protect HCV3. The previous, together with the national trend of lack of compliance with management plans and the lack of capacity from the authorities to enforce the law (see indicator 1.3), and the lack of quality of these management, precautionary approach is followed for plantations and natural forest bordering area where HCV3 is likely occur.</p> <p>For the rest of the country HCV3 occurrence was not identified and the search during the development of this assessment did not find evidence on that forest management activities in these areas are or could threaten HCV3.</p>		
3.4 HCV 4	13, 46, 47, 48, 49, 50, 51, 56, 57, 58, 59, 68, 69, 80, 81, 88, 94, 95, 97, 99, 100, 116, 117, 119, 120, 121, 123, 126, 127, 128, 129, 130, 164, 167, 168, 169, 170, 171, 172, 173, 174,	<p><b>HCV Occurrence</b></p> <p>The country has one of the largest supplies of water resources on the planet, in the form of an extensive network of rivers which cover the country, conditions for the storage of subterranean waters, lakes and enormous stretches of wetlands (88). The country also has over 700,000 micro basins and more than 20 million hectares of aquatic ecosystems, such as lakes, ponds, reservoirs and channels (116). The Magdalena-Cauca rivers basin is the region with the largest area of lentic bodies (48%), followed by the geographical area of the Amazon and the Orinoco</p>	<p>Geographical scale:</p> <ul style="list-style-type: none"> <li>- Country</li> </ul> <p>Functional scale:</p> <ul style="list-style-type: none"> <li>- Type of forest (all types of tenure or property) <ul style="list-style-type: none"> <li>• Natural forest</li> <li>• Forest plantation</li> </ul> </li> <li>- Protection scheme <ul style="list-style-type: none"> <li>• Protected areas</li> </ul> </li> </ul>	<p>'Specified risk' for National Natural Parks, Andean KBAs, riparian zones, paramos and natural forest bordering them.</p> <p>The following risk threshold is met: (22) HCV 4 is identified and/or its occurrence is likely in the area under assessment and it is threatened by management activities.</p> <p>'Low risk' for the rest of the country.</p>

<p>175, 176, 177, 187, 189.</p>	<p>(around 22% each). In addition, the supply of subterranean water in the country is in the order of 5,848 Km<sup>3</sup>, with the eastern plains (Ilanos orientales) showing the largest supply, followed by the Eastern Cordillera in the Caqueta and Putumayo departments (88).</p> <p>On the other hand, a meta-study conducted for the World Wide Fund for Nature (WWF) on the role of forest protection in drinking-water provision (168), including a survey of more than 100 of the world's most populous cities, revealed a clear link between forests and the quality of water coming out of a catchment, a much more sporadic link between forests and the quantity of water available and a variable link between forests and the constancy of flow, for these benefits natural forest are being protected to maintain high-quality water supplies to cities. Many important national parks and reserves have value in protecting watersheds that provide drinking water to towns and cities (121).</p> <p>The following are the most important proxies for this HCV4:</p> <ul style="list-style-type: none"> <li>- Riparian zones (key natural forest protecting watercourses). Considering the benefits that water's immense wealth provides on the country, but at the same time considering that Colombia is a country with high exposure to natural hazards, such as coastal and river flooding, landslides, who are influenced by El Niño and La Niña phenomena, forests and trees play crucial roles in hydrological processes in watersheds, such as the regulation of water flow; the maintenance of water quality; the provision and protection of natural resources for local livelihoods; protection against natural hazards (e.g. local floods and landslides) and others (123, 126, 127, 128, 129). For that reason, all kind of natural forest areas associated with the function of protecting watercourses and identified as riparian zones, as identified in the Colombian Laws (National Code of Renewable and Non-renewable Natural Resources; Decrees 2811 of 1974, 1449 of 1977, 1729 of 2002, 2245 of 2017) are considered proxies of HCV4. According with the Decree 2245 of 2017, the riparian zones should consider the riparian vegetation to determine / achieve the effectiveness of its structure for the</li> </ul>	<ul style="list-style-type: none"> <li>• Non-protected areas</li> <li>- Ownership <ul style="list-style-type: none"> <li>• Public forests</li> <li>• Private forests</li> </ul> </li> </ul>	<p>The following risk threshold is met: (19) There is no HCV 4 identified and its occurrence is unlikely in the area under assessment.</p>
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		<p>transit and dispersion of the species along the watersheds. For that reason, forest plantations should not be used in the recovery process of riparian zones.</p> <p>Forested watersheds generally offer higher-quality water than watersheds under alternative land uses. Quality can also be higher because forests help to regulate soil erosion and reduce sediment load. Undisturbed forest with understory, leaf litter and organically enriched soil is the best watershed land cover for minimizing erosion by water. Furthermore, in relation to the quality, well managed natural forests almost always provide higher quality water, with less sediment and fewer pollutants, than water from other catchments; some natural forests (particularly tropical montane cloud forests and some older forests like paramos) also increase total water flow (169, 170).</p> <ul style="list-style-type: none"> <li>- The National Natural Parks. They directly supply 31% of Colombia's population with water and indirectly supply 50% of its population. Likewise, these protected areas include four of the six most important confluences of water (hydrological areas) in the country and more than 62% of the sources of national aquifers; they also protect 7% of the lakes and natural marshes which contain 20% of the water resources which supply electricity to the country. The value of regulating the flow rates in the protected areas is estimated at 700 billion Colombian pesos per year and the value of reducing sedimentation 2.5 billion Colombian pesos per year, thus reducing the costs of supplying and treating water for municipal aqueducts. In addition to the above, of the total area of medium and large-scale irrigation districts in the country, 176,745 hectares are supplied from water sources from the National Natural Parks in Colombia (88).</li> <li>- Paramos Ecosystem. Colombia is a country of paramos (119, 120). Resolution 769 of 2002 of the MMA defines the "páramo" or "paramo" as a "high mountain ecosystem, located between the upper limit of the Andean forest and, if it is the case, with the lower limit of the glaciers or perpetual snow, in which it dominates herbaceous vegetation and grasslands, often frailejones and there may be formations of low and shrubby forests and present wetlands such as rivers,</li> </ul>		
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		<p>streams, streams, bogs, lakes and lagoons. "While, wetlands are ecosystems that due to geomorphological and hydrological conditions, allow the accumulation of water temporarily or permanently and give rise to a characteristic type of soil and/or organisms adapted to these conditions" Website (187, 167). The paramos ecosystem cover 2.5% of the Colombian territory, in 140 discrete units and 36 complexes classified by biogeographic criteria (80). Despite their role in regulating approximately 70% of the water in the country, the natural landscapes of the paramos are being severely transformed. These changes have irreversible effects on the biodiversity and ecosystem services offered by paramo ecosystems (81). Also, is important to consider that all Paramos Ecosystems of Colombia overlap with all the National Natural Parks. For this reason, at the national level all the Natural National Parks and all paramos ecosystems are classified as HCV4 proxies.</p> <ul style="list-style-type: none"> <li>- Key Biodiversity Areas (KBAs). On the other hand, with 31 sites of high relative biodiversity value Colombia has more Key Biodiversity Areas than any other Andean country. Several KBAs are particularly important for the provision of water services to major cities, including Bogota, Cali and Medellin, as well as for water supply for agriculture and hydroelectric dams (68, 69).</li> </ul> <p>The Andean KBAs contribute vital ecosystem services for human populations at multiple levels, providing clean water to small Andean hamlets and to major cities and agricultural lands. At the same time, they store carbon in vast tropical forest to help regulate global carbon budgets. Of particular note are the KBAs' ecosystem services for water provision for domestic and agricultural use and carbon storage (68, 69).</p> <p>The KBAs of highest importance for providing the greatest amount of high-quality water for domestic consumption and agriculture are located along northern and western slopes of the Andes Mountains. Locally important KBAs for both domestic and agriculture use, particularly for medium - sized cities, are located in the inter - Andean valley. Lower ranking</p>		
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		<p>KBAs are located along the eastern Andean - Amazonian slope, particularly in the south (68, 69) – See Map 3 in the Annex. (68, 69). Considering that the Key Biodiversity Areas with importance for Domestic Water Use - quality water - present in the whole Andean region in the following departments: Nariño, Cauca, Valle del Cauca, Antioquia, Huila, Tolima, Quindio, Caldas, Risaralda, Cundinamarca, Boyaca, Santander, Norte de Santander, Cesar and Magdalena, all the natural forest areas protecting watercourses or riparian zones in all of those departments are considered as HCV4 proxies.</p> <p>This initiative for the large-scale landscape, contain several departments in which different land uses are possible (agriculture, cattle raising, mining, national natural parks, natural forest, forest plantations, and others), for that reason it is possible that HCV4 is found inside of natural forest or plantations within KBAs.</p> <p>Considering the above, proxies for this HCV4 can be considered as the following:</p> <ul style="list-style-type: none"> <li>- Riparian zones: All the natural forest areas associated with the function of protecting the main watercourses and identified as riparian zones.</li> <li>- Key Biodiversity Areas with importance for domestic water use in the Andean region: Departments of: Caqueta, Putumayo, Nariño, Cauca, Valle del Cauca, Antioquia, Huila, Tolima, Quindio, Caldas, Risaralda, Cundinamarca, Boyaca, Santander, Norte de Santander, Cesar and Magdalena.</li> <li>- All the Natural National Parks of Colombia.</li> <li>- All the paramos ecosystems of Colombia.</li> </ul> <p>Considering these various benefits, for our analysis, all the natural forests which act as Riparian zones in the main watercourses previously mentioned, the Paramos Ecosystems, the National Natural parks and Key Biodiversity Areas, are considered a direct value that contributes with the quality and quantity of water. Also, all of these natural forests are considered important for their contributions in critical situations, including protection of water catchments and control of erosion of</p>		
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		<p>vulnerable soils and slopes and consequently all of these should be protected (130).</p> <p><b>Threat Assessment</b></p> <p>Considering the above, in the case of all National Natural Parks in Colombia, they are threatened by a variety of human activities (e. g expansion of illegal crops and mining). Official reports indicate that, only in 2015, the National Natural Parks System lost 56,9 Km<sup>2</sup> of natural forest, most of which due to the expansion of illegal crops and mining (94, 95). At the same time, it is well known that the government does not deploy enough economic resources for the management of the public institutions directly responsible for environmental policy and the management of biodiversity, with budget allocations well below the 1% of GDP, according with the Ministry of Finance and Public Credit in Colombia the government allocated 0,6% of GDP for 2019 (97). The financial resources allocated by the State are mainly concentrated on strengthening and developing economic and sectorial policies which promote activities like mining, energy development, agriculture and infrastructure, among others, enabling these sectors to be strengthened, often to the detriment of the ecological basis of the territories (88).</p> <p>On the other hand, The National Natural Parks Systems provides an official identification of priority ecosystems, and these areas have legal protection. There the timber harvesting is not allowed. Unfortunately, national, regional and municipal protected areas have poorly resourced, and there is a risk that illegal logging in these areas, may affect HCV 4, which can lead to the reduction of critical ecosystem services, such as soil stability, water quantity and quality and therefore, based on the precautionary approach this analysis designates specified risk to all National Natural Parks and all Paramos Ecosystems presents in Colombia.</p> <p>In the case of Paramos Ecosystems, in Colombia Paramos are ecosystems that are exposed to some inadequate anthropic activities within which are extensive cattle ranching, deforestation, agriculture -mainly the cultivation of potatoes-</p>		
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		<p>quarrying, hunting, the presence of illicit crops and the construction of roads (171).</p> <p>In the paramos the availability of water is affected by degradation processes. Many of the water systems that currently supply the Colombian population show a high vulnerability to maintain their water availability (172), due to the intensification of agriculture (mainly potato and poppy cultivation), livestock, mining, indiscriminate felling, the contamination with solid and liquid waste by fertilizers and herbicides, making it very difficult to distinguish the effects of one or the other (173, 174). In spite of the fact that in Colombia there are regulations that regulate and protect the paramos areas, currently more than 50% of these territories are intervened by people in an inadequate manner (175). There is no evidence to indicate that management forest activities are a direct threat in this area (176). But a research in the Magdalena River during the last decade has witnessed an increase in erosion rates of 34%, from 550 t km<sup>-2</sup> y<sup>-1</sup> before 2000 to 710 t km<sup>-2</sup> y<sup>-1</sup> for the 2000-2010 yr-period, and the average sediment load for the whole basin increased in 44 Mt y<sup>-1</sup> for the same period. Sediment yield spatial analysis indicated that 78% of the catchment is under strong erosional conditions due to the clearance of more than 60% of the natural forest between 1980 and 2010. Sediment load simulation by using the BQART, a robust model that combines climatic, morphometric, hydrological, lithologic and human induced variables, and explains 86% of the sediment load variability, indicated that 9% of the combined sediment load during the last three decades was due to deforestation; about 160 Mt have been produced by forest clearance between 2000 and 2010. The trends in economic indicators show that agriculture was the main cause of land-use change and, consequently, of forest loss within the basin (177).</p> <p>In the case of Riparian zones (key protective forest areas), it is calculated that between 2000 and 2007, more than 2,000 forest hectares were lost in the country. The average deforestation is more than 330,000 ha per year, which is an important soil degradation factor and makes soil susceptible to floods and landslides (46, 47, 48, 49, 50, 51). Regional authorities (CARs)</p>		
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		<p>have the responsibility of enforcing all environmental management within their jurisdiction including managing forests, watersheds and granting and enforcing environmental licenses. In spite of the regulations related to the forest subject, which are very extensive at the national level and some of which have been in force for more than 50 years, the control mechanisms have not been sufficient, and the extraction levels exceed the legally granted licenses (88, 99, 100, 164). Furthermore, the CARs have limited resources available for controlling the fulfilment of the prescriptions of the approved forest management plans, for example not fulfilling established technical commitments such as maintaining the Protective Forest Areas required, all of these generates conditions for forest degradation by management forest activities and illegal logging activities, which can harm environmental values (56, 57, 58, 59).</p> <p>For KBAs areas, where it is allowed the different use of land including forest plantations and management forest in natural forest.</p> <p>The development of plantations inside of KBAs or bordering other HCV4 areas (Riparian zones, NNPs and Paramos) will mean that these forest operations may affect HCV4. The most common potential threats related to management in forest plantations include:</p> <ul style="list-style-type: none"> <li>- Reduction in the amount of water available for human consumption (evidence detailed below). Reduction in water quality with failure to comply with the restrictions set in the management plans like conducting forest management in areas that require to be protected to protect soil and water (189).</li> <li>- Risk of damage to communities' dwellings/town adjacent to forest management areas due to the erosion of fragile soils because of failure to comply with the restrictions on cutting defined in the management plan such as forest plantations leaving the soil without an adequate top soil cover thus making the soils susceptible to erosion caused by rain and other abiotic agents (117).</li> </ul>		
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		<p>- Construction of infrastructure (roads and other means of access to operations) causing forest degradation and impacts like increased soil erosion and sedimentation (117).</p> <p>Although 360 thousand ha seems a small figure, it is important to know that the country has strong growth potential with forest plantations (24 million ha in five regions: Amazon, Andes, Caribbean, Pacific and Orinoquia) (13). This is an aspect to considering in the future for KBAs, because in the future there could be developed forest plantations, with the possible threatened to generate impacts like decrease water flow or increase soil erosion for the construction of infrastructure.</p> <p>In the case of natural Forest that could be present in KBAs territory and bordering other HCV4 areas, is important consider that the CARs are responsible for all environmental management including managing and harvesting in natural forests (public, communal or private lands) and which can be harvested to produce wood or NTFP.</p> <p>However and as mentioned in some sections of this assessment, the authorizations for management forest in natural forest by the regional authorities are based on forest management plans, but the quality of the information used (e.g. inventories, detailed information on silviculture) is sometimes limited and nonexistent, which combined with a low level of control by the authorities, which may lead to poor implementation of the regulations including the lack of riparian zones in management units and illegal logging activities (2, 10, 56, 57, 58, 59).</p> <p>For the rest of the country HCV4 occurrence was not identified and the search during the development of this assessment did not find evidence on that forest management activities in these areas are or could threaten HCV4.</p>		
3.5 HCV 5	1, 4, 11, 36, 46, 59, 87, 88, 99, 100, 116, 117, 118, 121, 122, 125, 132, 133,	<p><b>HCV Occurrence</b></p> <p>The country has one of the largest supplies of water resources on the planet, in the form of an extensive network of rivers which cover the country, conditions for the storage of subterranean</p>	<p>Geographical scale: - Country</p> <p>Functional scale:</p>	<p>'Specified risk' for the whole country (including collective territories and peasant reserves). The following risk threshold is met: (26) HCV 5 is identified and/or its occurrence is likely in the area under</p>

<p>134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 147, 148, 149, 150, 163, 164, 165, 166, 167, 168, 178, 179, 180, 189, 192, 193.</p>	<p>waters, lakes and enormous stretches of wetlands (88). The country also has over 700,000 micro basins and more than 20 million hectares of aquatic ecosystems, such as lakes, ponds, reservoirs and channels (116). The Magdalena-Cauca rivers basin is the region with the largest area of lentic bodies (48%), followed by the geographical area of the Amazon and the Orinoco (around 22% each). In addition, the supply of subterranean water in the country is in the order of 5,848 Km<sup>3</sup>, with the eastern plains (llanos orientales) showing the largest supply, followed by the Eastern Cordillera in the Caqueta and Putumayo departments (88).</p> <p>HCV5 unique/main resources of water (for drinking and other daily uses and for the irrigation of food crops) at the national level is likely to occur in rural and urban areas in Colombia.</p> <p>On the other hand, according with a World Bank analysis "Urban and rural indigenous and Afro-Colombian communities have the same basic needs as all other individuals or social groups in Colombia. These basic needs include better quality of health and health services, access to better education, housing, and access to services".</p> <p>However, in urban areas, both Afro-Colombians and indigenous people and also the rest of communities have more access to basic services, making a big difference between communities who live in urban areas and those whose live in rural areas. In rural areas, communities need to satisfy their basic needs (Health, Education, Housing and Food) using all the resources present in their territories or around them.</p> <p>In Colombia, there are gaps in the access of indigenous and Afro-Colombian groups to basic services, social assets, and opportunities that must be closed for these groups to achieve wellbeing. In 2015, 91.2% of the population had access to improved sources of drinking water and 81.1% to improved sanitation, although coverage in rural areas and among the indigenous population is low. Improvements have been made over the past decade (the creation of greater educational opportunity in the areas either a high concentration of Afro-</p>	<ul style="list-style-type: none"> <li>- Type of forest (all types of tenure or property) <ul style="list-style-type: none"> <li>• Natural forest</li> <li>• Forest plantation</li> </ul> </li> <li>- Protection scheme <ul style="list-style-type: none"> <li>• Protected areas</li> <li>• Non-protected areas</li> </ul> </li> <li>- Ownership <ul style="list-style-type: none"> <li>• Public forests</li> <li>• Private forests</li> </ul> </li> </ul>	<p>assessment and it is threatened by management activities.</p>
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Colombian and indigenous populations). However, high levels of illiteracy and infant mortality, combined with a low access to public services, are common to the indigenous and Afro-Colombian communities. Because of historic deficiencies in the offering and providing of services and goods in departments and municipalities with concentrations of Afro-Colombian and Indigenous peoples (139, 140, 141, 142, 143, 144, 145) .

With an extensive territory, Colombia's population is approximately estimated to number 45,5 million habitants. According to official data, is currently 15,1% of the total national population and most of this population lives in the rural area (The National Department of Planning – Census 2018)(132) and includes four officially recognised ethnic groups: the indigenous population (3,3% of the national population), the Rom population (0,01% of the national population), the raizal population and the Afro-Colombian population (10,6% of national population)(133).

The area fully recognized for Afro-descendants and indigenous peoples as collective property covers over 37 million hectares, and almost 38 million with the inclusion of *peasant reserves*, as described in the table below, representing 34% of Colombia's continental territory (134). In this sense, it is worth noting that 28.5% of the national territory is classified as indigenous property (See Map 4 in Annex) (134).

Collective territories and peasant reserve zones (ZRC) in Colombia		
Collective tenure and campesino reserve zones	Area (ha)	% of total national area
Black communities	5,396,376	4.7
Indigenous property	32,443,073	28,5
Established peasant reserve	837,003	0.7
<b>Total</b>	<b>38,676,452</b>	<b>33.9</b>

Source: Arango, J.H. 2018. Collective land tenure in Colombia. Data and trends. (134)

	<p>The overlap between collective territories/Peasant reserves with the natural forest of the country is evident (1, 134) and considering that all of them tend to depend more directly on the natural resources existing in their surroundings. All of them take advantage of the natural forest areas because the natural forest contains thousands of species of plants and animals. The following are some of the valuable functions and products provided by natural forest: firewood, wood and fibers for constructions of their homes, hunting (some 70% of animal protein consumed by Indigenous and Afro-Colombian is wildlife from the forests) and wild fruits, medicinal plants and herbs, latexes, resins, oils, nuts and fishing and protect fresh water supplies that run from springs and head water catchments which are used by communities, with these three of four basic needs are covered (Health, housing and food). Besides of those, the communities also plant small gardens (1,2 m<sup>2</sup> to plant onion, coriander, medicinal herbs) for other sources of food (135, 136).</p> <p>Actually, Afro-Colombians and indigenous people living in rural areas have, in general, a subsistence economy, based on forest resources, farming and, in some cases hunting and gathering (some 70% of animal protein consumed by Indigenous and Afro-Colombian is wildlife from the forests) (137, 138).</p> <p>In the case of NTFP, we can find several plants and trees used for medicinal purposes, as well as, seeds, fruits and plants are consumed as a nutritive food complement to the daily diet. Other plants and trees are used for textile elaboration from natural fibers, basketry, handmade crafts, utensils, and housing construction, among others (121, 122).</p> <p>Lack of water is one of the most serious problems facing communities in Colombia. According to UNICEF (145), only 12% of Colombians in rural areas receive treatment and water availability is worse in dispersed rural communities. Rivers are the main source of water for many rural communities (Collective territories and peasant reserves) that live near the rivers to: drink, cook, bathe, fish and transport by the river.</p>		
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	<p>In Colombia, some of the latest environmental reforms seek to improve the efficiency, efficacy and effectiveness of environmental management, sustainable development and to the environment by institutional strengthening, updating of norms and regulation of water management (Decree 155 of 2004, 3930 of 2010 and 3570 of 2014) (192).</p> <p>The institutional framework related to water resources in Colombia can be divided into the following categories:</p> <ol style="list-style-type: none"> <li>a) water allocation and pollution regulation;</li> <li>b) water demand for energy, potable water supply and sanitation, and agricultural irrigation; and</li> <li>c) ecosystem/watershed management.</li> </ol> <p>The National Environmental System manages i) water allocation and pollution regulation and (c) ecosystem/watershed management; while the regional environmental authorities (CARs) are the institutions in charge of implementing the national policies and regulations as well as managing the natural resources within their boundaries, including water resources. The main functions of CARs in relation to water resources are:</p> <ol style="list-style-type: none"> <li>1) to allocate water to users;</li> <li>2) to control water pollution for point and non-point sources;</li> <li>3) to formulate and adopt Watershed Ordering Plans; and</li> <li>4) to design, finance and implement activities for the protection of ecosystems.</li> </ol> <p>CARs are also responsible for the conservation of forests and other ecosystems (i.e. paramos) related to the hydrological cycle (192).</p> <p>Water supply and sanitation in Colombia has been improved in many ways over the past decades. Between 1990 and 2010, access to improved sanitation increased from 67% to 82%, but access to improved water source's increased only slightly from 89% to 94%. In particular, coverage in rural areas lags behind. Furthermore, despite improvements, the quality of water and sanitation services remains inadequate. For example, only 73% of those receiving public services receive water of potable quality</p>		
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		<p>and in 2006 only 25% of the wastewater generated in the country underwent any kind of treatment (118).</p> <p>In 2015, in Colombia 91% of the population had access to improved water, 97% and 74%, in urban and rural areas, respectively. In 2015, there were still around 4 million lacking access to improved water. Regarding sanitation, 81% of the population had access to improved sanitation, 85% and 68%, in urban and rural areas, respectively (118).</p> <p>Accordingly, may be considered proxies for HCV5: 1) the whole national territory (including all the rivers and natural forests throughout it) (HCV5 sub-category on unique/main sources of water for drinking and other daily uses and water for irrigation of food crops); 2) the collective territories and peasant reserves (as show in Map 4 Annex) and natural forests adjacent to these areas (HCV 5 sub-category of food, medicines or fuel (etc.) for local consumption).</p> <p><b>Threat Assessment</b></p> <p>In the case of natural forest in rural areas that are part of Afro-Colombian an Indigenous people’s land, or adjacent of them, in order to access the forestry resources of the natural forest, it is necessary to comply with the Forestry Land-use System (Decree 1791 of 1996). The procedure is always carried out with the Regional Autonomous Corporation of the administrative area where the natural resource is located, if the resource is found on communal land, the documentation must include an authorization from the community leader and the results of a prior consultation (if it was necessary for the approval of a permanent forestry project) (36).</p> <p>In terms of threats, the areas used by these communities for collecting food, hunting and other activities are normally part of the natural forest area in their territory, implying that the use and rights of these resources are part of forest planning and management, according with the subject to the natural forest (Decree 1791 of 1996).</p>		
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		<p>Then, considering natural forest is under the jurisdiction of the CARs and that can be harvested to produce wood or NTFP, and considering that the authorizations for management forest activities in natural forest by the regional authorities are based on forest management plans, but the quality of the information used (e.g. inventories, detailed information on silviculture) is sometimes limited and nonexistent, which combined with a low level of control by the authorities, which may lead to poor implementation of the regulations including the lack of riparian zones, affectation of forest (availability of species for the future) and generates conditions for forest degradation by illegal logging activities (37, 41, 56, 57, 58, 59, 101, 102, 163, 164).</p> <p>In the case of riparian zones as an important resource to protect rivers or water resources, it is calculated that between 2000 and 2007, more than 2,000 forest hectares were lost in the country. The average deforestation is more than 330,000 ha per year, which is an important soil degradation factor and makes soil susceptible to floods and landslides (46, 47, 48, 49, 50, 51). Regional authorities (CARs) have the responsibility of enforcing all environmental management within their jurisdiction including managing forests, watersheds and granting and enforcing environmental licenses. In spite of the regulations related to the forest subject, which are very extensive at the national level and some of which have been in force for more than 50 years, the control mechanisms have not been sufficient, and the extraction levels exceed the legally granted licenses (88, 99, 100, 164). Furthermore, the CARs have limited resources available for controlling the fulfilment of the prescriptions of the approved forest management plans, for example not fulfilling established technical commitments such as maintaining the Protective Forest Areas required, all of these generates conditions for forest degradation by management forest activities and illegal logging activities, which can harm environmental values (56, 57, 58, 59).</p> <p>In addition, according to a recent study published by the World Economic Forum, the mismanagement of Colombia's waters has placed it in the list of countries that by the middle of this century – that is, in 33 years – will suffer economically from water</p>		
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	<p>shortages. Deforestation, illegal mining and climate change have turned rivers, streams, and glaciers into arid scars (193, 163, 166).</p> <p>On the other hand, and according to the Office of the United Nations High Commissioner for Human Rights (ACNUDH, Spanish acronym), the consultation in Colombia is far from guaranteeing the fundamental rights. On one side, the proper application has been systematically avoided, being the higher courts of justice, the ones ordering the executive body of the State to apply the consultation (free, prior and informed consent) (148).</p> <p>In Colombia, 121 free, prior and informed consent (FPIC) consultations have been performed from 1994 to 2009 within the mining scope, involving indigenous peoples in 83 of them; however, the Indigenous People National Organization of Colombia points out that “more than 80% of our territories have been granted to economical projects without any Prior Consultation”. In this sense, the International Human Rights Office stated in their last report that, “after a wide participative process” about the right to consultations, “the existence of no good practices was determined” (147, 148).</p> <p>The FPIC in Colombia is not a practice in accordance with the protection of communities’ rights; that means, it hasn’t been useful to guarantee their cultural integrity, their autonomy, their self-determination right or their territorial properties. Instead of this, the Prior Consultation has become an effective instrument to take advantage of the territories with big economic and business projects, taking important parts of their traditional territories away from these communities and introducing major features of socio-cultural disarrangements (149).</p> <p>The failure to properly consult forest communities – has resulted in communities losing their customary rights to land and their resources, which in turn threatens their access to forest products to fulfill their basic needs, integral for their subsistence. It does not matter what type of activity will be carry out (forestry, mining). The assessments in indicators 1.13 and 1.14 of this CNRA</p>		
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	<p>evidence a national trend of non-compliance with legal requirements around FPIC and customary rights in Colombia and the assessment of indicator 2.3 of this CNRA supporting a generalized national trend on violation of rights of the local communities.</p> <p>The search during the development of this assessment did not find evidence on that forest management activities (in natural forests or forest plantations) in Colombia are not threatening HCV5 (food, medicines, etc. resources for local consumption) by compromising (impacting) fundamental needs of local communities.</p> <p>At a national level, forest management (natural forest and forest plantations) could have potential impacts on HCV 5, if not well management, these can result in deterioration in water quality, risking drinking water supplies and water dependent ecosystems e.g. wild fires, clear-fell timber harvesting and constructions of roads, all of these can have impacts on water quality, or limiting the availability of traditionally used tree species and/or NTFP availability, degrading habitats of hunting species, and degrading protective forests of watersheds or steep slopes that produce unique sources of water (178, 179, 180, 125). In particular, the Pacific and Amazon Regions (with the highest concentration of Afro-Colombian and Indigenous people) present the highest rates of deforestation according to IDEAM (150), due to the development of intensive agriculture, over-exploitation of timber and illegal logging.</p> <p>Although in each department, details and timing regarding deforestation drivers and rates vary, according with the research (178), some drivers are common in the whole region where are located the majority of collective areas which is also consistent with the report of other studies (46, 59, 179, 180). Deforestation in the Pacific region has always been driven by timber exploitation (from mangrove and tropical forest) and gold mining by locals and outsiders. These activities have been transformed since the 17th century with the acquisition of new technology and the entrance of mechanized exploitation. Subsistence agriculture has also been developed mainly at the margin of the rivers. In addition,</p>		
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	<p>some commercial agriculture such as coconut, plantain, cocoa, rice, sugar cane and important oil palm plantations (in Choco, Nariño, and Valle) have also been a deforestation driver in the region (4). Since the 1990s, but especially after 2000, illegal coca crops expanded in the region, mainly in Nariño, Cauca and Choco. Over the years, changes in production peaks in timber, gold, and coca have responded to market demand and global prices.</p> <p>Different actors have entered in the region promoting these productive activities. However, since the approval of Law 70, legal enterprises that did not belong to black communities had more restrictions on entering the region, and massive forest permits were no longer issued to private companies (e.g. Cartón de Colombia, Maderas del Darién, Triplex Pizano). The same did not happen with illegal enterprises since often, these imply illegal armed actors who support encroachment and threaten local government structures (178).</p> <p>In the case of forest plantations bordering sites with HCV5, the potential threats could be: i) the reduction in the amount of water available for human consumption, for the failure to comply with the restrictions set in the management plans like conducting forest management in areas that require to protect soil and water values (189); ii) the risk of damage to communities' dwellings/town adjacent to forest management areas due to the erosion of fragile soils, plantations leaving the soil without an adequate top soil cover thus making the soils susceptible to erosion caused by rain and other abiotic agents (117) and iii) the construction of infrastructure (roads and other means of access to operations) causing forest degradation and impacts like increased soil erosion and sedimentation (117).</p> <p>The search during the development of this assessment did not find evidence on that forest management activities (in natural forests or forest plantations) in Colombia is not threatening HCV5 unique/main sources of water (for drinking and other daily uses and for the irrigation of food crops) by compromising (impacting) fundamental needs of local communities.</p>		
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3.6 HCV 6	9, 11, 13, 18, 46, 47, 48, 49, 50, 51, 60, 87, 88, 103, 117, 132, 146, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 163, 164, 165, 166, 169.	<p><b>HCV Occurrence</b></p> <p>Colombia is a multicultural and pluri-ethnic country. Colombia officially has 84 ethnic groups or indigenous peoples which represented 3.3% of the national total and most of this population lives in the rural area (9). Currently 15,1% of the national total and most of this population lives in the rural area (132) and includes four officially recognised ethnic groups: the indigenous population (3,3% of the national total), the Rom population (0,01% of the national total), the raizal population and the Afro-Colombian population (10,6% of national total) (132, 151).</p> <p>There are some information resources at country level that can help to identify areas with more probability to contain HCV6:</p> <ul style="list-style-type: none"> <li>- UNESCO World Heritage Sites are places of importance to cultural or natural heritage as described in the UNESCO World Heritage Convention, established in 1972 (60). Colombia accepted the convention on 24 May 1983, making its historical sites eligible for inclusion on the list. As of 2018, there are nine World Heritage sites in Colombia, 6 sites under the cultural category (Coffee Cultural Landscape of Colombia, Historic Centre of Santa Cruz of Mompox, National Archeological Park of Tierradentro, Port, Fortresses and Group of Monuments Cartagena, Qhapaq Ñan, San Agustín Archeological Park), 2 under the natural category (Los Katíos National Park and Malpelo Fauna and Flora Sanctuary) and 1 under mixed category (Chiribiquete National Park)(60).</li> </ul> <ol style="list-style-type: none"> <li>1) Historic Centre of Santa Cruz de Mompox. Founded in 1540 on the banks of the River Magdalena, Mompox played a key role in the Spanish colonization of northern South America. From the 16th to the 19th century the city developed parallel to the river, with the main street acting as a dyke. The historic center has preserved the harmony and unity of the urban landscape. Most of the buildings are still used for their original purposes, providing an exceptional picture of what a Spanish colonial city was like (160).</li> <li>2) Port, Fortresses and Group of Monuments, Cartagena. Situated in a bay in the Caribbean Sea, Cartagena has</li> </ol>	<p>Geographical scale:</p> <ul style="list-style-type: none"> <li>- Country</li> </ul> <p>Functional scale:</p> <ul style="list-style-type: none"> <li>- Type of forest (all types of tenure or property) <ul style="list-style-type: none"> <li>• Natural forest</li> <li>• Forest plantation</li> </ul> </li> <li>- Protection scheme <ul style="list-style-type: none"> <li>• Protected areas</li> <li>• Non-protected areas</li> </ul> </li> <li>- Ownership <ul style="list-style-type: none"> <li>• Public forests</li> <li>• Private forests</li> </ul> </li> </ul>	<p>'Specified risk' for National Natural Parks (UNESCO forest WHS and Cultural Features) and the Coffee cultural landscape.</p> <p>The following risk threshold is met: (30) HCV 6 is identified, and/or its occurrence is likely in the area under assessment and it is threatened by management activities.</p> <p>'Low risk' for UNESCO non-forested WHSs and sites with UNESCO ICHs.</p> <p>The following risk threshold is met: (28) There is low/negligible threat to HCV 6 caused by management activities in the area under assessment.</p> <p>'Low risk' for the rest of the country.</p> <p>The following risk threshold is met: (27) There is no HCV6 identified and its occurrence is unlikely in the area under assessment</p>
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		<p>the most extensive fortifications in South America. A system of zones divides the city into three neighbourhoods: San Pedro, with the cathedral and many Andalusian-style palaces; San Diego, where merchants and the middle class lived; and Gethsemani, the 'popular quarter' (160).</p> <p>3) San Agustín Archaeological Park. The largest group of religious monuments and megalithic sculptures in South America stands in a wild, spectacular landscape. Gods and mythical animals are skilfully represented in styles ranging from abstract to realist. These works of art display the creativity and imagination of a northern Andean culture that flourished from the 1st to the 8th century (160).</p> <p>4) National Archeological Park of Tierradentro. Several monumental statues of human figures can be seen in the park, which also contains many hypogea dating from the 6th to the 10th century. These huge underground tombs (some burial chambers are up to 12 m wide) are decorated with motifs that reproduce the internal decor of homes of the period. They reveal the social complexity and cultural wealth of a pre-Hispanic society in the northern Andes (160).</p> <p>5) Qhapaq Ñan, Andean Road System. This site is an extensive Inca communication, trade and defense network of roads covering 30,000 km. Constructed by the Incas over several centuries and partly based on pre-Inca infrastructure, this extraordinary network through one of the world's most extreme geographical terrains linked the snow-capped peaks of the Andes – at an altitude of more than 6,000 m – to the coast, running through hot rainforests, fertile valleys and absolute deserts. It reached its maximum expansion in the 15<sup>th</sup> century, when it spread across the length and breadth of the Andes. The Qhapac Ñan, Andean Road System includes 273 component sites spread over more than 6,000 km that were selected to highlight the social, political, architectural and engineering achievements of the network, along with its associated infrastructure for trade,</p>		
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		<p>accommodation and storage, as well as sites of religious significance (160).</p> <p>6) Coffee Cultural Landscape of Colombia. An exceptional example of a sustainable and productive cultural landscape that is unique and representative of a tradition that is a strong symbol for coffee growing areas worldwide - encompasses six farming landscapes, which include 18 urban centres on the foothills of the western and central ranges of the Cordillera de los Andes in the west of the country. It reflects a centennial tradition of coffee growing in small plots in the high forest and the way farmers have adapted cultivation to difficult mountain conditions. The urban areas, mainly situated on the relatively flat tops of hills above sloping coffee fields, are characterized by the architecture of the Antioquia colonization with Spanish influence. Building materials were, and remain in some areas, cob and pleated cane for the walls with clay tiles for the roofs (160).</p> <p>In the case of Coffee Cultural Landscape and the Qhapaq Ñan, Andean Road System, for the large-scale landscape that they are, they overlap with several departments in the country in which different land uses are possible, e.g cattle raising, National Natural Parks, natural forest, forest plantations, and others, for that reason it is possible that the HCV6 could be find inside or around of these large-scale landscapes which are no entirely protected areas.</p> <p>The rest of the World Heritage sites in Colombia, 7) Los Katíos National Park, 8) Malpelo Fauna and Flora Sanctuary and 9) the Chiribiquete National Park are National Natural Parks. All logging activities are forbidden there (Nature Resources Code, issued in 1974), either in private protected areas or public.</p> <p>On the other hand, Colombia has identified significant Cultural Features created intentionally by humans, it also has identified natural landscapes that have evolved as a result of social, economic and administrative aspects. Colombia has three important historical places:</p>		
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		<ol style="list-style-type: none"> <li>1) Lost City (Ciudad Perdida) Archaeological Park (152), also known as Teyuna, is on the Buritaca River in the Sierra Nevada de Santa Marta mountain range. Discovered in the 1970s, Lost City (Ciudad Perdida) was built in A.D. 700 as a city of the Tayrona Empire.</li> <li>2) San Agustín Archaeological Park (152), in southwest Colombia in the Department of Huila, has 500 stone statues built by an ancient and unknown Indian culture. The statues are believed to have been created as a part of the native people's mythology, relating to the supernatural world and power of the dead and as part of funeral sites. San Agustín includes four small, man-made hills called <i>mesitas</i>. These hills have statues, tombs, artificial monticules and funerary complexes. Another part of the park is Bosque de las Estatuas, which means "forest of statues." This forest includes 39 standing statues mixed in with the natural plants of the area;</li> <li>3) Tierradentro Archaeological Park is in a mountainous region in southwest Colombia's Department of Cauca (152). A popular archaeological site, Tierradentro includes stone statues and underground tombs that reach 29 feet deep. Stairs carved from volcanic rock lead to the tombs. A big area in the park, Alto de Segovia, has, 30 of the biggest and deepest tombs. Seventy tombs built into an artificially flattened hill are in the Alto del Aguacate area of the park. These tombs include sculpture and paintings on columns, walls and ceilings. Several other areas of the park include tombs and the El Tablon area has 11 naked male and female statues.</li> </ol> <p>All of them are National Natural Parks and logging activities are forbidden there (Nature Resources Code, issued in 1974), either in private protected areas or public.</p> <p>On the other hand, Indigenous peoples hold a rich diversity of living heritage, including practices, representations, expressions, knowledge and skills. The practice and transmission of this heritage contributes to the ongoing vitality, strength and wellbeing</p>		
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	<p>of communities. Colombia recognizes that ‘communities, in particular indigenous communities, groups and, in some cases, individuals, play an important role in the production, safeguarding, maintenance and recreation of the intangible cultural heritage’ (153).</p> <p>In this way, in Colombia exist ten UNESCO Intangible Cultural Heritages (UNESCO ICHs): 1)Cultural space of Palenque de San Basilio; 2)Marimba music, traditional chants and dances from the Colombia South Pacific region and Esmeraldas Province of Ecuador; 3)Traditional knowledge of the jaguar shamans of Yuruparí; 4)Carnaval de Negros y Blancos; 5)Holy Week processions in Popayán; 6)Wayuu normative system, applied by the Pütchipü’üi (palabrero or orator); 7)Festival of Saint Francis of Assisi, Quibdó; 8)Colombian-Venezuelan llano work songs; 9)Traditional Vallenato music of the Greater Magdalena region; 10)Marimba music, traditional chants and dances from the Colombia South Pacific region and Esmeraldas Province of Ecuador (153). These sites and areas where these ICHs are practiced are not likely to be forested areas and are not in areas where the influence of forest management is likely to occur.</p> <p><b>Threat Assessment</b></p> <p>Decree No. 4016 of December 2004, “through which the National Commission for Cooperation with UNESCO is reformed.” This Decree updates the list of its members, establishes that the headquarters of the Commission shall be at the Ministry of Foreign Relations, and that the Executive Secretariat shall be held by the official appointed by the Ministry of Foreign Relations; likewise, it stipulates the duties to be carried out by the Commission and the periods when meetings are to be held. Resolution No. 2091 of May 11, 2011, through which the Work Teams of the Ministry of Foreign Relations are created. In addition, Colombia has a set of regulations regarding the Cultural Heritage Protection in the country (154).</p> <p>The body with overall responsibility for safeguarding intangible cultural heritage is the Ministry of Culture, which issued the Policy</p>		
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	<p>for Safeguarding Intangible Cultural Heritage in Colombia (2009) and established the National Cultural Heritage System. Under this, the Intangible Cultural Heritage Group (ICHG) was created within the Heritage Office as the body with competence for implementing the 2003 Convention and that issues public policy guidelines and management tools to promote and strengthen safeguarding the social processes of intangible cultural heritage. Law 1185 of 2008 provides for the preparation of a national Intangible Cultural Heritage Representative List (ICHRL) and creates the National Cultural Heritage System for heritage safeguarding and protection policies. The Colombian Institute of Anthropology and History (ICANH) supports the management of the ICHRL (155, 156, 157).</p> <p>The Ministry of Culture's Heritage Office has a 'Capacity Strengthening Strategy', which aims to promote, in a participatory manner, ownership of the Safeguarding Policy in the field of intangible cultural heritage through training. The Safeguarding Policy aims to strengthen management capacity of intangible cultural heritage through six strategies: strengthening social management; promotion of intangible cultural heritage and development of knowledge; effective safeguarding; acknowledgment of cultural diversity: education and a differential approach; intangible cultural heritage as a sustainable development strategic factor; and communication and dissemination (60, 146, 156).</p> <p>There is currently no single institution charged with collecting and holding documentation related to intangible cultural heritage and the challenge is to establish institutions for this at the national level and promoting and strengthening-related research. Some specific documenting-related measures have been adopted in 'Special Safeguarding Plans' (SSPs), such as creating a dedicated Library and Information Centre in cooperation with the General Archive of the Nation and the National Library of Colombia. Undertaken in a participatory manner, this included the recovery of historical records, as well as training for local people in the National Archive System and preparation of a space for the conservation of documents locally. The Heritage Office also holds</p>		
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		<p>official documents of protection and safeguarding projects and is accessible for public consultation. In addition, an information system is being designed for managing documents gathered through various safeguarding strategies of the Ministry of Culture (158, 159).</p> <p>There are two types of inventory records in Colombia for monitoring the status of these sites: (i) the National Intangible Cultural Heritage List (ICHL) administered by the Heritage Office and the ICANH; and (ii) Intangible Heritage Inventories under the supervision of regional governments. Both the ICHL and the regional inventories are participatory tools aimed at safeguarding through communities' collective reflection on the importance of their own heritage. In addition, the ICHL requires preparation of a SSP, understood as a social agreement among bearers and resource-obtaining management tool, as well as technical and financial support from the State. In contrast, there are now 21 regional inventories in 32 Departments. The ICHRL is organized according to 12 domains (e.g. traditional medicine, traditional products, handicraft manufacturing techniques, popular arts, festive and ludic acts) while the regional inventories may be territorial, population-related (by ethnic group, group, gender, age etc.) or thematic. In addition to other criteria, the viability status of an element is taken as a fundamental criterion for its inclusion in any of the foregoing inventories (146, 156), and allow the monitoring the status or damage of these sites.</p> <p>Although, Colombia has those inventory records or tool for monitoring the status of these sites, during the assessment no public reports were found and/or complaints on networks to report or indicate about damage or threats to these sites.</p> <p>At the same time, during the development of this assessment the exhaustive search did not find evidences on forest management activities destroying or disturbing the rights or values determining HCV6 presence in Historic Centre of Santa Cruz of Mompox, National Archeological Park of Tierradentro, Port, Fortresses and Group of Monuments Cartagena, Qhapaq Ñan, San Agustin Archeological Park. These sites are not forested areas and some</p>		
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		<p>of them are even in urban areas, therefore are not likely to be threatened by management activities.</p> <p>In relation with the relevant National Natural Parks for HCV6 (Katíos National Park, Malpelo Fauna and Flora Sanctuary, Chiribiquete National Park, Lost City Archaeological Park, Tierradentro Archaeological Park), the loss of natural areas (see threat assessment in 3.1 and 3.2) due to the expansion of illegal crop, mining and low budget, make the protection of these areas weak, resulting in a low level of conservation effectiveness. And national trend of illegal logging in protected areas. All of this has particularly been reflected in more natural forest area loss and the transformation of natural landscapes (18, 46, 47, 48, 49, 50, 51).. In the case of the Coffee Cultural Landscape of Colombia, the biggest environmental threats are the contamination of natural resources (160). Corpocaldas describes how the inappropriate use or excessive application of pesticides, fertilizers, and other agrochemicals in farming and livestock operations (161). Although there is not enough evidence to confirm that forest plantations exist in these areas and/or that could be affecting by irresponsible agrochemical use, but considering that there it can be established forest plantations (117), precautionary approach is followed to consider it is likely that management in forest plantations in this landscape could be threatening HCV6</p> <p>Although, for the Coffee Cultural Landscape and the Qhapaq Ñan, Andean Road System, it could be possible find natural forest and forest plantation, in these cases the threats could be:</p> <ul style="list-style-type: none"> <li>- Unsustainable extraction in natural forest. the National Environmental System (SINA, in Spanish), the Regional Autonomous Corporations, the Territorial Entities (Municipalities) have the responsibility with the management and conservation of the environment in natural forest outside of the National Natural Parks (Law 99 and the 1991 Constitution), with functions such as authorization and control of forest management activities, controlling illegal traffic of fauna and flora and implementing environmental legislation, among others.</li> </ul> <p>Timber production in Colombia, measured on the basis of the exploitation permits granted was on average 1,581,540.11</p>		
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		<p>m3/year between 2002 and 2006 (87) approximately 51,7 % of the total production in Colombia by 2005 (total of 2,9 Million of m3/year not specified, legal and illegal) (166). Between 2000 and 2009 the North Andean region (Corpoguavio, Corponor, CAS, Corpochivor, CDMB, Cornare, Corpoboyacá and Corantioquia) granted the biggest number of permits (11, 166), followed by the South Andean region (CAR, Corpocaldas, Cortolima, Carder, CRQ and CAM) with 8,201 permits (87). This is the last data known but even if the data would not have been updated, this fact serves to give an idea of the amount of all permission granted to operate in natural forest.</p> <p>According to the Institute of Hydrology, Meteorology and Environmental Studies, 2017 a total loss of 219,973 ha of natural forest was reported, this information identifies the year 2017 increased 23% deforested national level regarding the information published 2016 surface. National Biodiversity Policy, the best estimate of the country's deforestation rate for the period 2005-2010 is 238,273 ha/year. The Policy identifies the main causes as the expansion of the agricultural/stock-rearing frontier (73% of deforestation), timber extraction (11.7%), the consumption of firewood (11%) and forest fires (2%), added to which are the construction of infrastructure works, illegal crops and the illegal felling of trees (46, 47, 48, 49, 88).</p> <p>In addition, is important consider that deforestation is affecting natural forest in Colombia, which is mainly caused by the clearing of land for extension of agricultural and livestock frontier, the planting of illicit crops grazing cattle, illegal logging, infrastructure and illegal mining (18, 48, 49). Deforestation of areas in Natural Forest (Public and private) has been detected in main regions with the presence of Natural Forest: Amazonia and Pacific Region, although conversion is forbidden for public and private areas. Moreover, the effectiveness of management of protected areas is not good, being weak in many cases because of a lack of economic resources. Land use change is monitored by the Ministry of Environment and Sustainable Development and the Institute of Hydrology, Meteorology and</p>		
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		<p>Environmental Studies, with the support of some NGOs or initiatives that provide updated data about ongoing deforestation (46, 47, 50, 51).</p> <ul style="list-style-type: none"> <li>- Forest plantations, may also affect some HCV6 sites, mainly through road construction and with the implementation of bad practices. In 2015, an area between 340 and 360 thousand ha of commercial forest plantations is presumed to exist in Colombia, approximately 0,3% of the national territory (103). Although it seems a small figure, it is important to know that the country has strong growth potential with forest plantations (24 million ha in five regions: Amazon, Andes, Caribbean, Pacific and Orinoquia) (13); all of this potential area are overlapping with Coffee Cultural Landscape and the Qhapaq Ñan, Andean Road System. Furthermore, these areas in the future could be have extended forest plantations.</li> </ul> <p>And it is important to said that during the development of this assessment, it was not found evidence on that the management in forest plantations and natural forest would not have affected the HCV6.</p> <p>For the rest of the country HCV6 occurrence was not identified and the search during the development of this assessment did not find evidence on that forest management activities in these areas are or could threaten HCV6.</p>		
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### Recommended control measures

The recommended control measures here are only indicative in nature, and are not mandatory. Organizations shall evaluate and devise appropriate control measures to mitigate the risks identified in this risk assessment as applicable.

Indicator	Recommended control measures
3.0	N/A
3.1 HCV 1	Intentionally left blank - Organizations shall evaluate and devise appropriate control measures to mitigate the risks identified in this risk assessment as applicable.
3.2 HCV 2	Intentionally left blank - Organizations shall evaluate and devise appropriate control measures to mitigate the risks identified in this risk assessment as applicable.
3.3 HCV 3	Intentionally left blank - Organizations shall evaluate and devise appropriate control measures to mitigate the risks identified in this risk assessment as applicable.
3.4 HCV 4	Intentionally left blank - Organizations shall evaluate and devise appropriate control measures to mitigate the risks identified in this risk assessment as applicable.
3.5 HCV 5	Intentionally left blank - Organizations shall evaluate and devise appropriate control measures to mitigate the risks identified in this risk assessment as applicable.
3.6 HCV 6	Intentionally left blank - Organizations shall evaluate and devise appropriate control measures to mitigate the risks identified in this risk assessment as applicable.

## Information sources

No.	Source of information	Relevant HCV category and indicator
1	Global Forest Watch. N/D. Colombia. Global forest watch website: <a href="https://www.globalforestwatch.org/country/COL">https://www.globalforestwatch.org/country/COL</a>	Overview, 3.0, 3.2, 3.5
2	Colombia Government. 2016. Integral strategy to control deforestation. Update of figures from the forest monitoring 2016. (Estrategia integral de control a la deforestación. Actualización de cifras de monitoreo de bosques 2016). <a href="http://www.siac.gov.co/documents/670372/670943/Actualizacion_cifra_deforestacion_2016.pdf/5954009a-45e8-4a0b-883a-52703cb384de">http://www.siac.gov.co/documents/670372/670943/Actualizacion_cifra_deforestacion_2016.pdf/5954009a-45e8-4a0b-883a-52703cb384de</a> Accessed January 2019.	Overview, 3.2
3	FAO, 2015. Global Forest Resources Assessment. website: <a href="http://www.fao.org/3/a-i4808e.pdf">http://www.fao.org/3/a-i4808e.pdf</a> Accessed January 2019.	Overview, 3.2
4	Castiblanco, Carmenza; Etter, Andrés; and Mitchell Aide, T. 2013. Oil palm plantations in Colombia: a model of future expansion. <i>Environmental Science and Policy</i> , Vol 27., March 2013, pp. 172-183. <a href="http://www.sciencedirect.com/science/article/pii/S146290111300004X">http://www.sciencedirect.com/science/article/pii/S146290111300004X</a> Accessed January 2019.	Overview, 3.5
5	FAO, 1952. An international Review of Forestry and Forest Products. Forest situation in Colombia. <a href="http://www.fao.org/docrep/x5363e/x5363e04.htm#TopOfPage">http://www.fao.org/docrep/x5363e/x5363e04.htm#TopOfPage</a> Accessed January 2019.	Overview
6	The Biodiversity Information System of Colombia (SiB Colombia), 2017. Website: <a href="https://sibcolombia.net/actualidad/biodiversidad-en-cifras/">https://sibcolombia.net/actualidad/biodiversidad-en-cifras/</a> Accessed January 2019.	Overview
7	International Union for Conservation of Nature - IUCN, 2017. IUCN Red List of Threatened Species. Website: <a href="https://www.iucnredlist.org/">https://www.iucnredlist.org/</a> Accessed January 2019.	Overview, 3.0, 3.1
8	National Administrative Department of Statistics – DANE, 2010. Revision and update of the population estimations and projections, term 1985 -2020. <a href="https://www.dane.gov.co/files/investigaciones/fichas/Ficha_Estimaciones_Proyecciones_85_2020.pdf">https://www.dane.gov.co/files/investigaciones/fichas/Ficha_Estimaciones_Proyecciones_85_2020.pdf</a> Accessed January 2019.	Overview, 3.0
9	The National Department of Planning - DNP, 2010. Indigenous communities (Pueblos indígenas). Website: <a href="https://www.dnp.gov.co/programas/desarrollo-territorial/Paginas/pueblos-indigenas.aspx">https://www.dnp.gov.co/programas/desarrollo-territorial/Paginas/pueblos-indigenas.aspx</a> Accessed January 2019.	Overview, 3.6
10	World Wildlife Fund - WWF, 2015. Causes of timber illegality in Colombia. Website: <a href="http://www.wwf.org.co/sala_redaccion/publicaciones_new/publicaciones_bosques/?256630/Causas-de-la-ilegalidad-de-la-madera-en-Colombia">http://www.wwf.org.co/sala_redaccion/publicaciones_new/publicaciones_bosques/?256630/Causas-de-la-ilegalidad-de-la-madera-en-Colombia</a> Accessed January	Overview
11	BirdLife International, 2019. Country profile: Colombia. Available from <a href="http://datazone.birdlife.org/country/colombia/policy">http://datazone.birdlife.org/country/colombia/policy</a> . Accessed January 2019.	Overview, 3.0, 3.1, 3.2, 3.5, 3.6
12	Colombia environmental information system – SIAC, 2014. Natural forest cover. Website: <a href="http://181.225.72.78/Portal-SIAC-web/faces/Dashboard/Biodiversidad2/bosques/bosquesNatural.xhtml">http://181.225.72.78/Portal-SIAC-web/faces/Dashboard/Biodiversidad2/bosques/bosquesNatural.xhtml</a> Accessed January 2019.	Overview
13	Ministry of Agriculture and Rural Development. 2015. Colombia's potential for commercial exploitation (Potencial de Colombia para explotación Comercial). Website: <a href="https://www.minagricultura.gov.co/noticias/Paginas/Colombia-tiene-un-potencial-forestal.aspx">https://www.minagricultura.gov.co/noticias/Paginas/Colombia-tiene-un-potencial-forestal.aspx</a> Accessed January 2019.	Overview, 3.2, 3.4, 3.6
14	The Ministry of Environment and Sustainable Development, N/D. National Policy for the Integral Management of the Water Resource (Política Nacional para la Gestión Integral del Recurso Hídrico). Website:	Overview, 3.0

	<a href="http://www.minambiente.gov.co/index.php/gestion-integral-del-recurso-hidrico/direccion-integral-de-recurso-hidrico/politica-nacional-para-la-gestion-integral-del-recurso-hidrico">http://www.minambiente.gov.co/index.php/gestion-integral-del-recurso-hidrico/direccion-integral-de-recurso-hidrico/politica-nacional-para-la-gestion-integral-del-recurso-hidrico</a> Accessed June 2019	
15	The Ministry of Environment and Sustainable Development. <a href="http://www.minambiente.gov.co/index.php/bosques-biodiversidad-y-servicios-ecosistematicos/gobernanza-forestal#anexos">http://www.minambiente.gov.co/index.php/bosques-biodiversidad-y-servicios-ecosistematicos/gobernanza-forestal#anexos</a> Accessed January 2019.	Overview, 3.0, 3.1, ,3.3
16	Rodriguez, G.A., N/D. Brief review of the rights and the Legislation on Ethnic Communities in Colombia. Accessed January 2019.	Overview
17	Regional Autonomous Corporation of Uraba. Website <a href="http://corpouraba.gov.co/que-es-el-sistema-nacional-ambiental-sina/">http://corpouraba.gov.co/que-es-el-sistema-nacional-ambiental-sina/</a>	Overview
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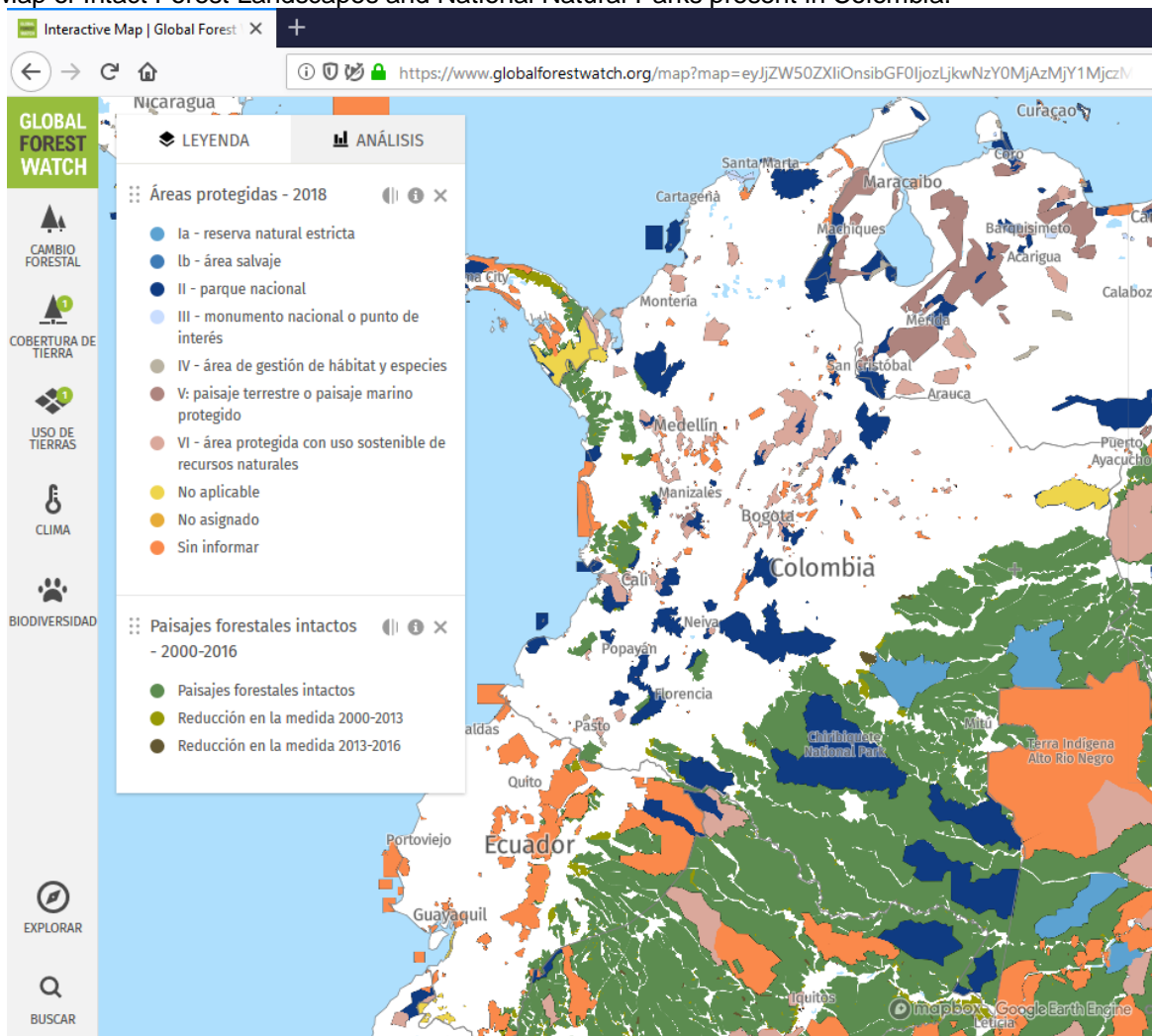
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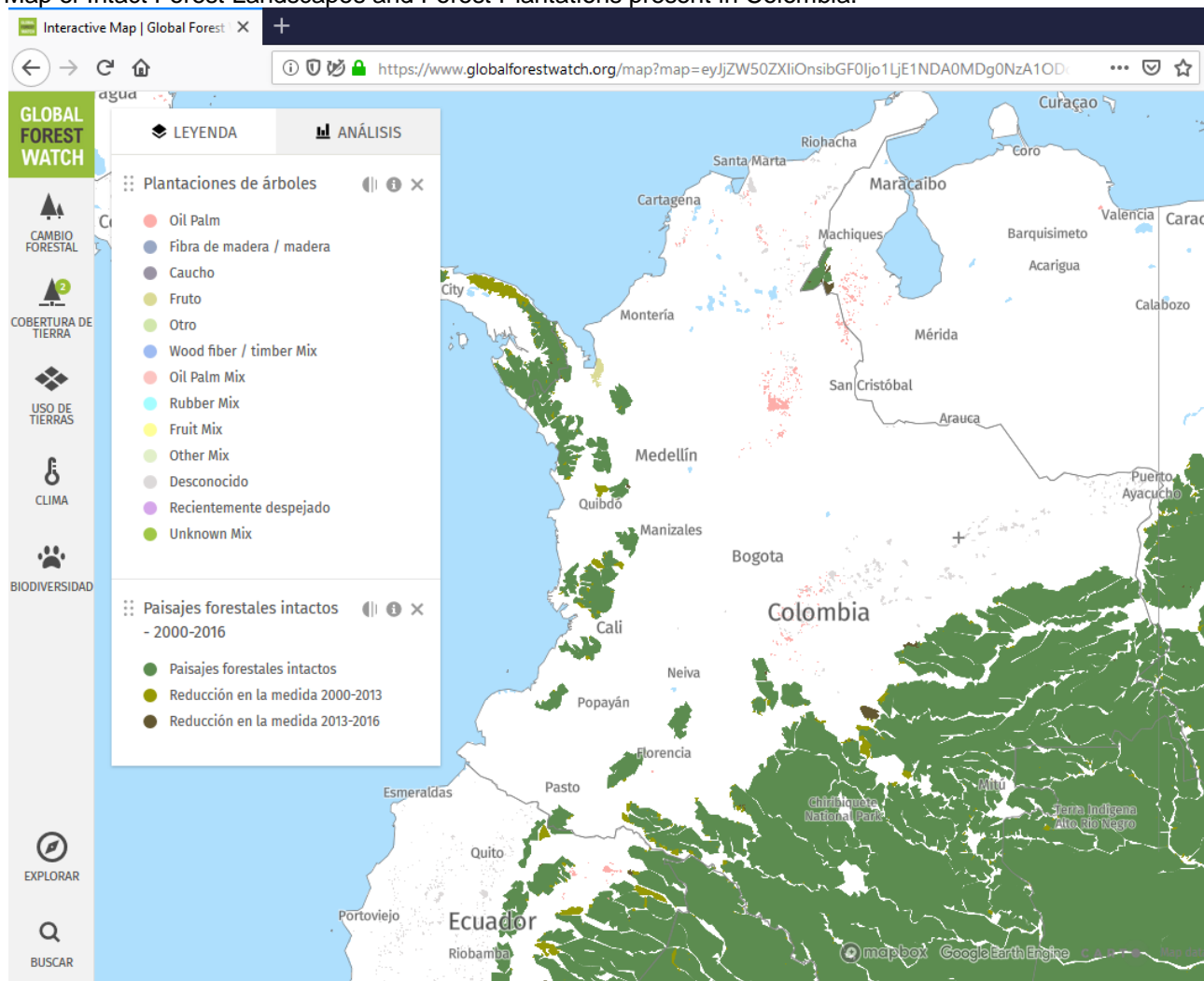
Annex

Map 1. Map of Intact Forest Landscapes and National Natural Parks present in Colombia.



Source: Global Forest Watch. Accessed 2019. Website: <https://www.globalforestwatch.org/>

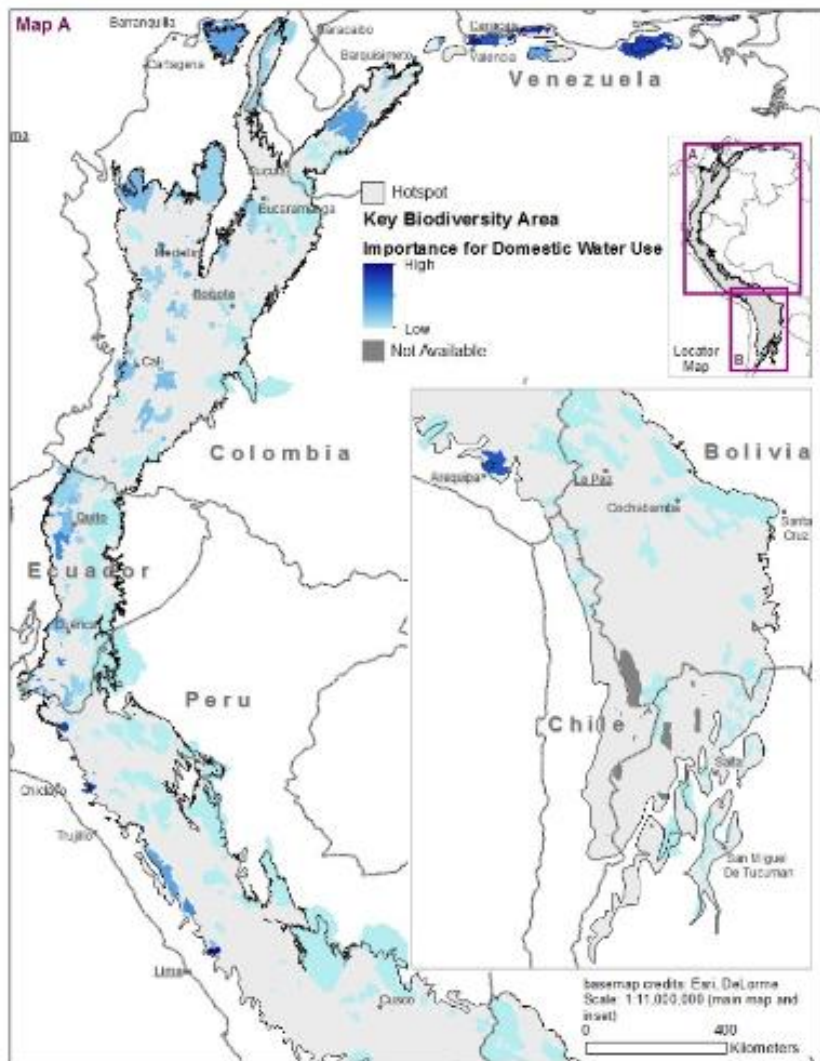
**Map 2.** Map of Intact Forest Landscapes and Forest Plantations present in Colombia.



Source: Global Forest Watch. Accessed 2019. Website: <https://www.globalforestwatch.org/>



**Map 3.** Provisioning by KBAs of Water for Domestic Use in the Tropical Andes Hotspot.



In gray: all Biodiversity Hotspot; In darker blue: High Importance for Domestic Water Use; In lighter blue: Low Importance for Domestic Water Use.  
Source: NatureServe and EcoDecisión. 2015. Ecosystem Profile Technical Summary: Tropical Andes Biodiversity Hotspot.  
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**Map 4.** Location of collective territories and campesino reserve zones (ZRC) in Colombia.



Source: Arango, J.H. 2018. Collective land tenure in Colombia. Data and trends.

[https://www.google.com/url?sa=i&rct=j&q=&esrc=s&source=images&cd=&cad=rja&uact=8&ved=2ahUKEwjU7tTE-PXiAhVjqlkKHR61C3oQjhx6BAqBEAI&url=http%3A%2F%2Fwww.cifor.org%2Fpublications%2Fpdf\\_files%2Finfobrief%2F6877-infobrief.pdf&psig=AOvVaw1UUMTV1Odo2eZrbl0PRWvC&ust=1561047299446396](https://www.google.com/url?sa=i&rct=j&q=&esrc=s&source=images&cd=&cad=rja&uact=8&ved=2ahUKEwjU7tTE-PXiAhVjqlkKHR61C3oQjhx6BAqBEAI&url=http%3A%2F%2Fwww.cifor.org%2Fpublications%2Fpdf_files%2Finfobrief%2F6877-infobrief.pdf&psig=AOvVaw1UUMTV1Odo2eZrbl0PRWvC&ust=1561047299446396)

## Controlled wood category 4: Wood from forests being converted to plantations or non-forest use

### Risk assessment

Indicator	Source of information	Functional scale	Risk designation and determination
<p>4.1 Conversion of natural forests to plantations or non-forest use in the area under assessment is less than 0.02% or 5000 hectares average net annual loss for the past 5 years (whichever is less), OR Conversion is illegal at the national or regional</p>	<p><b>Legislation:</b></p> <ul style="list-style-type: none"> <li>Decree 1791 of 1996 by virtue of which the scheme for forests harvesting was set up [Decreto 1791 de 1996 por medio del cual se establece el régimen de aprovechamiento forestal]. Date of publication: 04 October 1996: <a href="http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=1296">http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=1296</a></li> <li>Decree 1498 of 2008 [Decreto 1498 de 2008] that regulates paragraph 3rd of Section 5th in Act 99 of 1993 and Section 2nd in Act 1824 of 1994 [parágrafo 3° del artículo 5° de la Ley 99 de 1993 y el artículo 2° de la Ley 1824 de 1994]. By virtue of which Act 139 of 1994 [Ley 139 de 1994] is partially regulated. Sections 4 and 8 [Artículos 4 y 8]. Date of publication: 07 May 2008: <a href="http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=30098">http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=30098</a></li> <li>Decree 1824 of 1994 [Decreto 1824 de 1994], by virtue of which Act 139 of 1994 [Ley 139 de 1994] is partially regulated. Chapter III [Capítulo III] Forest Set-up and Management Plan and Reforestation Project Implementation Plan [Plan de Establecimiento y Manejo Forestal y contrato de ejecución del proyecto de reforestación]. Date of publication: 03 August 1994: <a href="http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=30217">http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=30217</a></li> <li>ICA resolution 240 of 2008 [Resolución 240 de 2008 del ICA]. Date of publication: 18 July 2008: <a href="https://vuf.minagricultura.gov.co/Documents/2.%20Normatividad%20registro%20y%20Movilizaci%C3%B3n%20CA/2.%20Resoluci%C3%B3n%20240%20de%202008.pdf">https://vuf.minagricultura.gov.co/Documents/2.%20Normatividad%20registro%20y%20Movilizaci%C3%B3n%20CA/2.%20Resoluci%C3%B3n%20240%20de%202008.pdf</a></li> <li>Act N° 939 of 2004: Correcting the procedural flaws which appeared while Act N° 818 of 2003 was being processed; stimulating the production and marketing of</li> </ul>	<p>Country</p>	<p><b>Assessment based on legality</b></p> <p><i>Content of law</i></p> <p>In the field of forest harvesting, the law establishes control measures to avoid deforestation or land-use changes:</p> <p><i>Natural Forests</i></p> <ul style="list-style-type: none"> <li>Decree 1791 of 1996 (decreto 1791 de 1996), lies down that a list of 100% of the trees intended to be cut shall be filed and, in addition, that the forest user who holds a valid forest harvesting permit for natural forests located in public or private land shall guarantee the preservation of specimens of every diameter class in the forest being harvested in order to contribute to resource sustainability (section 10) (artículo 10).</li> <li>Same decree as previous point (Decree 1791 of 1996), harvesting belongs in the category of single forestry land-use permit (for changes in land-use, “aprovechamiento de tipo único”), this means that it is carried out only once, in areas that, in accordance with technical studies, show better suitability for uses other than forestry, or is carried out for reasons of public and social interest (section 5) [artículo 5].</li> <li>These areas that qualify for harvesting type of single forestry land use are also called “unique forests”). The use of unique forests may contain the obligation to leave the land clean, at the end of harvesting, but not to renew or conserve the forest. This is based on specific areas or public/social interest, where the land is supposed to be used for other than a forest land.</li> <li>For public land, the same decree as above (Decree 1791 of 1996), states if the conversion has been conducted for the purposes of benefiting the community (for example create a road), but it has been necessary to destroy forests located in public land for a single forestry land-use, the affected area shall be replaced by, at least, another one with the same canopy and extension, in the location established by the authority supervising this resource (paragraph 2) (article 12) and should not be a commercial forest plantation, but must contain similar species to what they were before (based on the interpretation of the decree and expert consultation on 2016).</li> </ul> <p><i>Plantation forests</i></p>

<p>level on public and private land</p> <p>Note: The following changes are not considered applicable according to the indicator: (legal) road construction, logging landings and infrastructure development to support forestry operations.</p>	<p>biofuels of plant or animal origin for diesel engines; and issuing other regulations. Section 1 [Ley N° 939 de 2004: Por medio de la cual se subsanan los vicios de procedimiento en que incurrió en el trámite de la Ley 818 de 2003 y se estimula la producción y comercialización de biocombustibles de origen vegetal o animal para uso en Motores diesel y se dictan otras disposiciones. Artículo 1]. Date of publication: 31<sup>st</sup> December 2004:  <a href="http://www.minambiente.gov.co/images/normativa/leyes/2004/ley_0939_2004.pdf">http://www.minambiente.gov.co/images/normativa/leyes/2004/ley_0939_2004.pdf</a></p> <p><b>Sources:</b></p> <ul style="list-style-type: none"> <li>• FAO, 2004. Working document on Genetic Forest Resources FGR/59E [Documento de Trabajo de Recursos Forestales Genéticos FGR/59E]. Forest Resources Development Service, Forest Resources Division, Rome, Italy. Consulted on 18<sup>th</sup> August 2016. <a href="http://www.fao.org/docrep/008/ae574e/ae574e00.htm">http://www.fao.org/docrep/008/ae574e/ae574e00.htm</a></li> <li>• FAO, 2015. Global Forest Resources Assessment 2015 Desk Reference. ISBN 978-92-5-108826-5. Consulted on 18 August 2016. <a href="http://www.fao.org/3/a-i4808e.pdf">www.fao.org/3/a-i4808e.pdf</a></li> <li>• Cabrera E., Vargas D. M., Galindo G., García, M.C., Ordoñez, M.F., Vergara, L.K., Pacheco, A.M., Rubiano, J.C. y Giraldo, P. 2011. Technical note on the quantification of national historic deforestation - gross and fine-grid scale [Memoria técnica de la cuantificación de la deforestación histórica nacional – escalas gruesa y fina]. Institute of Hydrology, Meteorology and Environmental Studies [Instituto de Hidrología, Meteorología, y Estudios Ambientales-IDEAM-]. Bogotá D.C., Colombia. 106 p. Consulted on 25<sup>th</sup> August 2016. <a href="http://www.ideam.gov.co/documents/13257/13817/Memoria+T%C3%A9cnica+Deforestaci%C3%B3n+.pdf/5f2741b4-ffa1-4b58-b986-f2fbef6d006">http://www.ideam.gov.co/documents/13257/13817/Memoria+T%C3%A9cnica+Deforestaci%C3%B3n+.pdf/5f2741b4-ffa1-4b58-b986-f2fbef6d006</a></li> <li>• González, J.J., Etter, A.A., Sarmiento, A.H., Orrego, S.A., Ramírez, C., Cabrera, E., Vargas, D., Galindo, G., García, M.C., Ordoñez, M.F. 2011. Analysis of trends and spacial patterns of deforestation in Colombia [Análisis de tendencias y patrones espaciales de deforestación en Colombia]. Institute of Hydrology, Meteorology and Environmental Studies [Instituto de</li> </ul>		<ul style="list-style-type: none"> <li>• Regardless ICA resolution 240 of 2008 (Resolución 240 de 2008 del ICA) establishes the requirements for registering a forest plantation which do not specifically mention to avoiding land-use changes, other legislation does.</li> <li>• The Colombian legal framework, namely Decree No. 1071 of 2015, Section 2.3.3.8. (Decreto No. 1071 de 2015, Artículo 2.3.3.8.) corresponding to Section 8 of Decree No. 1498 of 2008 (Artículo 8 del Decreto No. 1498 de 2008) required down that “destroying native forest shall be forbidden for the purposes of establishing forest systems or forest plantations for commercialisation or farming in the country”. This is applicable for any type of land (private and public).</li> <li>• In Decree No. 1071 of 2015 Section 2.3.3.4 (Decreto No. 1071 de 2015 Artículo 2.3.3.4) corresponding to Section 4 in Decree No. 1498 of 2008 (Artículo 4 del Decreto No. 1498 de 2008) it is stipulated that “Forest plantations or agroforestry crops or forest systems for commercial purposes shall not be established in natural forests, protective forest areas, special management areas or areas in any other management, conservation or protection categories that forbid said activities, and neither in any strategic eco-systems such as moors, mangrove forests, wetlands and natural dry vegetation canopy areas.” Natural forests are similar to native forests, based on glossary from WWF Colombia (2019), because they are those that have not been significantly modified by human. Beyond small recollections of non-timber forest products or the felling of few trees, the ecosystem and its biological processes have not been disturbed, for this is called “natural”.</li> <li>• In relation to the establishment of forest plantation for non-commercial purposes, based on the definition of protective forest plantations included on the Decree 1791 of 1996 (Protective Forest Plantations-Productive and Protective Forest Plantations) and the description of their role in the ecosystem, it makes sense, even if the circumstances are not explicit on the text of the Decree, that conversion for non-economic purposes (e.g. forest plantations for protective actions) are allowed, however, it should be verified case by case with the Regional Autonomous Corporation that will be in charge of the forest zoning of the region including the acceptance and forest planning of this type of protective forest plantation.</li> <li>• To access the forest incentive certificate (certificado de incentivo forestal –CIF-) for industrial forest in plantations, a survey through Geographic Information Systems must be conducted to determine that, for a minimum of 5 years before establishing these activities, the land under assessment has not had any natural vegetation canopy having protective functions (Section 20 of Decree 1824 of 1994) (artículo 20 del decreto 1824 de 1994).</li> <li>• Some examples of protective forests are also stated in this Decree as:</li> </ul>
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<p>Hidrología, Meteorología y Estudios Ambientales- IDEAM] Bogotá D.C., Colombia. 64 p. Consulted on 25<sup>th</sup> August 2016.  <a href="http://www.ideam.gov.co/documents/13257/13817/Proyecciones.pdf/6cad956b-6b92-4320-a090-2000408a5765">http://www.ideam.gov.co/documents/13257/13817/Proyecciones.pdf/6cad956b-6b92-4320-a090-2000408a5765</a></p> <ul style="list-style-type: none"> <li>• IDEAM, 2016. Sixth journal on early warning signs July-December 2015 [Sexto Boletín de alertas tempranas Julio –diciembre de 2015]. Presented on 21<sup>st</sup> April 2016. Consulted on 31<sup>st</sup> October 2016.  <a href="http://www.ideam.gov.co/web/sala-de-prensa/noticias/-/asset_publisher/96oXgZAhrhJ/content/id/594953?_101_INSTANCE_96oXgZAhrhJ_urlTitle=ideam-presenta-nuevo-boletin-de-alertas-tempranas-de-deforestacion-en-el-pais">http://www.ideam.gov.co/web/sala-de-prensa/noticias/-/asset_publisher/96oXgZAhrhJ/content/id/594953?_101_INSTANCE_96oXgZAhrhJ_urlTitle=ideam-presenta-nuevo-boletin-de-alertas-tempranas-de-deforestacion-en-el-pais</a></li> <li>• García, H. 2011. Deforestation in Colombia [Deforestación en Colombia]. Challenges and outlooks [Retos y Perspectivas]. Fedesarrollo. Published in Consulted on 25<sup>th</sup> August 2016.  <a href="http://www.fedesarrollo.org.co/wp-content/uploads/2011/08/KAS-SOPLA_Deforestaci%C3%B3n-en-Colombia-retos-y-perspectivas.pdf">http://www.fedesarrollo.org.co/wp-content/uploads/2011/08/KAS-SOPLA_Deforestaci%C3%B3n-en-Colombia-retos-y-perspectivas.pdf</a></li> <li>• MINAMBIENTE Portal, 2016. An emergency plan shall be created to control deforestation in Afro-colombian communities' land [Se creará plan de choque para controlar deforestación en territorios de comunidades afrocolombianas]. Date of publication: 27<sup>th</sup> August 2016, Consulted on 27<sup>th</sup> August 2016.  <a href="http://www.minambiente.gov.co/index.php/noticias/2406-se-creara-plan-de-choque-para-controlar-deforestacion-en-territorios-de-comunidades-afrocolombianas">http://www.minambiente.gov.co/index.php/noticias/2406-se-creara-plan-de-choque-para-controlar-deforestacion-en-territorios-de-comunidades-afrocolombianas</a></li> <li>• El Mundo newspaper, 2014. Colombia has worryingly high deforestation rates [En Colombia preocupan las altas cifras por deforestación]. Date of publication: 24<sup>th</sup> October 2014, Consulted on 27<sup>th</sup> August 2016.  <a href="http://www.elmundo.com/portal/noticias/territorio/en_colombia_preocupan_las_altas_cifras_por_deforestacion.php#.V8Th8_197b0">http://www.elmundo.com/portal/noticias/territorio/en_colombia_preocupan_las_altas_cifras_por_deforestacion.php#.V8Th8_197b0</a></li> <li>• El Tiempo, 2016. Despite a reduction of forest cutting in the country, zero target deforestation still far from achieved [Pese a disminución de tala en el país, deforestación cero está lejana]. Journalistic note by</li> </ul>		<ul style="list-style-type: none"> <li>• All the forests and the natural vegetation that are in the births of permanent or not water, in an extension not less than two hundred (200) meters to the round one, measured from the periphery.</li> <li>• All existing forests and natural vegetation in a strip not less than one hundred (100) meters wide, parallel to the maximum tide lines, on either side of the riverbeds, streams and streams, whether permanent or not and around lakes, lagoons, swamps or water reservoirs that supply dams for hydroelectric or irrigation services, rural and urban aqueducts, or are intended for human consumption, agriculture, livestock, or aquaculture or for uses of social interest.</li> <li>• All forests and natural vegetation, existing in the national territory, that are above the level of three thousand (3,000) meters above sea level.</li> <li>• These regulations shall be subject to verification by the competent regional environmental authority or the Colombian Agricultural Institute (ICA) prior authorisation of the registration of the forest plantation.</li> </ul> <p>There is no legal framework regulating the loss of natural canopy for the conversion of natural forest to other non-forest uses.</p> <p>For other non-forest uses like farming, urbanization, transport infrastructure, each Ministry is in charge of the license use approval and is responsible to authorize the new use of the land (example, MADR Ministry of Agriculture and Rural Development, Ministry of transport, Ministry of Housing, City and Territory in collaboration with the Regional Autonomous Corporation at the regional level).</p> <p><u>Note:</u> The Regional Environmental Authority (Autoridad Ambiental Regional-AAR) covers the Regional Autonomous Corporation, the Sustainable Development Corporations and the urban environmental secretaries of cities with 1, 000,000 inhabitants or above. The Urban Environmental Authorities are responsible for promoting and implementing national, regional and sectoral programs and policies in relation to the environment and renewable natural resources, that is, they fulfill the functions of the Regional Autonomous Corporations in their jurisdiction. These institutions are responsible for promoting and implementing national, regional and sectoral programs and policies in relation to the environment and renewable natural resources -the same functions of the Regional Autonomous Corporations- in municipalities, districts or metropolitan areas whose urban population is equal or more than one million inhabitants.</p> <p><i>Is the law enforced?</i></p>
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<p>Laura Betancur. Date of publication: 16 September 2016. Consulted on 31<sup>st</sup> October 2016.  <a href="http://www.eltiempo.com/estilo-de-vida/ciencia/disminucion-en-cifras-de-deforestacion-en-colombia/16704181">http://www.eltiempo.com/estilo-de-vida/ciencia/disminucion-en-cifras-de-deforestacion-en-colombia/16704181</a></p> <ul style="list-style-type: none"> <li>• El Tiempo, 2016b. Amazonia lost Bogota-sized area in two years [Amazonía perdió área del tamaño de Bogotá en dos años]. Date of publication: 24<sup>th</sup> October 2016. Consulted on 31<sup>st</sup> October 2016.  <a href="http://www.eltiempo.com/estilo-de-vida/ciencia/perdida-de-vegetacion-en-la-amazonia-colombiana/16733347">http://www.eltiempo.com/estilo-de-vida/ciencia/perdida-de-vegetacion-en-la-amazonia-colombiana/16733347</a></li> <li>• Etter, A., C. Mcalpine, D. Pullar, Y H. Possingham, 2006c. Modelling the Conversion of Colombia Lowland Ecosystems since 1940: Drivers, Patterns and Rates. Journal of Environmental Management, 79, págs.74-87.</li> <li>• Minambiente &amp; IDEAM, 2017. Forest Life Territory: Integral Strategy for the Control of Deforestation and Forest Management. [“Bosques Territorios de Vida: Estrategia Integral de Control a la Deforestación y Gestión de los Bosques”], Consulted on 4<sup>th</sup> February.  <a href="https://redd.unfccc.int/files/eicdqb_bosques_territorios_de_vida_web.pdf">https://redd.unfccc.int/files/eicdqb_bosques_territorios_de_vida_web.pdf</a></li> <li>• Reardon for Nature Research news, 2018. FARC and the forest: Peace is destroying Colombia’s jungle — and opening it to science. Date of publication: 12<sup>th</sup> June 2018. Consulted on 1<sup>st</sup> February.  <a href="https://www.nature.com/articles/d41586-018-05397-2">https://www.nature.com/articles/d41586-018-05397-2</a></li> <li>• Minambiente, 2019. Advances: Integral Strategy for the Control of Deforestation and Forest Management Forest Life Territory [“Estrategia Integral de Control de la Deforestación y Gestión de Bosques Bosques Territorio de Vida”]. Consulted on 1<sup>st</sup> February 2019.  <a href="http://www.ideam.gov.co/documents/24277/72115631/Avances+EICD+GB+BTv+13+06+2019+c.pdf/e10f1b5d-3c24-4aa0-9136-9ced1bf3293b">http://www.ideam.gov.co/documents/24277/72115631/Avances+EICD+GB+BTv+13+06+2019+c.pdf/e10f1b5d-3c24-4aa0-9136-9ced1bf3293b</a></li> <li>• Environmental Glosary WWF Colombia, 2019. Consulted on 6<sup>th</sup> March of 2019:  <a href="http://www.wwf.org.co/sala_redaccion/especiales/glosario_ambiental.cfm">http://www.wwf.org.co/sala_redaccion/especiales/glosario_ambiental.cfm</a></li> <li>• SIAC, undated. Proportion of the area covered by forest between 2010-2016 [Proporción de la superficie cubierta por bosque entre 2010-2016]. Consulted on 3<sup>rd</sup></li> </ul>	<p>During the assessment and expert consultation in 2016, recent evidences on law enforcement were not found. In general, it was mentioned by the experts that the land change use is common (using extra official methods) and caused by illegal activities listed below. So, timber from forests being converted to forest plantations or non-forest use could be usual.</p> <p>Some of the most relevant land-use changes are cover for pastures, which caused approximately 55% of the total land-use changes in 2010, followed by secondary vegetation (20.2%) and farming areas (8.8%). Forest plantations amount to 0%, with 144 converted hectares in the Andean region. (Cabrera, et al., 2011). In regard to conversion to forest plantations with commercial use, after consulting with experts in 2016, it was found out that the ICA always requests the certificate of land-use change to the interested person, a certificate that is granted by the local administration and where it is verified that forests for industrial purposes are considered permitted land-use.</p> <p>IDEAM (2016) mentions that 50% of the deforestation reported by IDEAM for the second half of 2015 happens in the Amazonian area. Based on the same report, three Regional Autonomous Corporations (Corpoamazonia, Cormacarena and CDA, all with jurisdiction in the Colombian Amazon) that fall within this area’s jurisdiction find difficulty in exercising their mandate and getting involved, due to the insufficient financial means they can access, the low number of employees they have and the insufficient technological innovation in place to control and monitor, and due to the presence of criminals in the area.</p> <p>As mention El Tiempo, 2016; according to Ideam, by 2015, the 29 municipalities in the concentration zones, where the FARC guerrillas will be installed, registered 42 percent of the total deforestation.</p> <p>Experts interviewed in 2016 have stated that, over the last few years, the number of single forestry land-use authorisations of this type has increased. This translates into an increased natural forest conversion to other land-uses more suitable or for reasons of public and social interest, but in theory involving restoration to compensate.</p> <p>More recent information from Reardon (for Nature Research news, 2018), states that a government analysis found that deforestation increased by 44% in the year of the peace accords. This is because the previous fighters’ presence sent smallholder farmers fleeing to cities and discouraged development. FARC guerrillas once occupied large swathes of Colombia’s vast forests, including the Colombian Amazon. But as FARC has moved out of the forests, industry has moved in, including logging, gold-mining and cattle-grazing. (Reardon for Nature Research news, 2018)</p>
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April 2019. <http://181.225.72.78/Portal-SIAC-web/faces/Dashboard/Biodiversidad2/bosques/estadoCifrasBosques.xhtml?tematica=Superficie+de+bosque&anio=2016&entidad=IDEAM&instituto=IDEAM>

Interviews with experts: Conversations with various experts from the public and private sector and civil society in Colombia (here anonymous) carried out during October 2016, helped the authors of this report to better understand the applicable legislation and the risks associated with each indicator of legislation.

In this sense, it is relevant to mention some government instruments targeted to stimulate certain uses of the land. The government had in 2016 a Decree of 939 of 2004 stimulating the production and marketing of biofuels of plant or animal origin, and among others, it was also setting exceptions of income generated from the use of crops like cacao, oil palm, citrics and fruits for crops established since 2003. In 2018 there was declared an income tax exception to new forest plantations that will be in force until fiscal year 2036 (The amendment to the Colombian Tax Statute in Act 1819 of 2016). (see indicator 1.7 Income and profit taxes, this CNRA)

The main direct causes of deforestation in the country are (translated from González et al. 2017 in Minambiente & IDEAM, 2017): expansion of the agricultural frontier, illegal extraction of minerals, infrastructure expansion, timber extraction and fire forestry. The main underlying causes of deforestation (translated from Minambiente & IDEAM, 2017) are technological and economic factors (markets, illegal economies and state incentives, technologies, costs of production and consumption), political and institutional factors (sectoral policies and territorial; institutional presence and social conditions; use, distribution and property rights over land; armed conflict and post-conflict); cultural factors (vision of the forest, rooting, ancestral practices and education); demographic factors (population growth, migration); biophysical factors (slope, climate, soils, deposits, water supply, presence of finetimber, accessibility).

As mentions the El Tiempo (2016b), In the Amazon forest, an area somewhat larger than the size of Bogotá ceased to be a natural ecosystem to become pastures for agriculture, livestock or illicit crops. Between 2012 and 2014, a total of 208,400 hectares of virgin areas of trees were transformed into ecosystems intervened by man.

*Is it possible to conclude that the spatial threshold can be met by assessing the enforcement of legislation?*

No, the applicable legislation is not sufficient detailed to assess this indicator with the legally-based thresholds.

During the assessment done in 2016, the existing law related somehow with conversion was reviewed (Decree 1791 of 1996; 1498 of 2008, 1824 of 1994 and ICA resolution 240 of 2008). It was noted that not all cases were included in the frame of the existing law at this moment. So, a lack of legislation related in specific with conversion from natural forest was detected.

#### **Assessment based on spatial data**

Is it possible to conclude that the spatial threshold (0.02% or 5000 ha) is met?

		<p>Yes, based on figures from Minambiente (2019), the spatial threshold is met and exceeded.</p> <p><i>Background on natural forest loss</i>  According to FAO outcome (2015), the annual change rate for forest and other woodland between 1990 and 2015, estimates 236.600 ha of forest were lost. At the international level, the FAO (2015) in its document “Global Forest Resources Assessment 2015” stated that the yearly deforestation rate in Colombia between 1990 and 2015 was 0.4 % as shown in the table below (see table 1 in Annex Tables). The analysis of historic trends in the transformation rate of forest canopy for the country by González et al. (2011) suggests a clear trend towards forest cover loss for the period 1990-2010, (see table 2 in Annex Tables).</p> <p>According to the latest IDEAM (2016) report on early warnings (providing data for the second half of 2015), the deforestation by national environmental region clearly show the Amazonia region was experiencing the highest deforestation rates in both 2013 and 2014 (see table 3 in Annex Tables).</p> <p>Seven deforestation hubs have been identified by the IDEAM in the country (IDEAM, 2016):</p> <ul style="list-style-type: none"> <li>• Hub 1: Sabanas del Yará (Northwest of Caquetá): towns of San Vicente del Caguán, Cartagena del Chairá and Solano near the Caguán and Cuemaní rivers.</li> <li>• Hub 2: Northeast of Antioquia. Anorí town, near San Lucas mountain range and low-lying areas by the river Nechí.</li> <li>• Hub 3: Northwest Guaviare-Sur del Meta. Relevant area: “Marginal de la Selva”</li> <li>• Hub 4: Northwest of Putumayo. Towns of Puerto Guzmán -Putumayo, at the South from Caquetá river.</li> <li>• Hub 5: Caguán river: Neighbouring areas of Remolinos del Caguán village – Caquetá.</li> <li>• Hub 6: Southwest of Meta: Jurisdiction of the towns of La Uribe, La Macarena and Mesetas in el Meta department.</li> <li>• Hub 7: North of Santander: Town of Tibú and Southern and Western sectors of the PNN Catatumbo-Barí.</li> </ul> <p>The report (IDEAM, 2016), which includes data from 28 Regional Environmental Authorities, establishes that 50% of deforestation concentrates in three of them, which have jurisdiction over the Amazonian region (Corpoamazonía, Cormacarena and CDA). The departments where there is a higher concentration are: Meta, Caquetá, Guaviare, Putumayo, Antioquia, Norte de Santander and Nariño with 68% of the warning signs detected (see table 4 in Annex Tables).</p>
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		<p>National Natural Parks (Parques Nacionales Naturales) concentrate as well 63% of the warning signs by the National System of Protected Areas (Sistema Nacional de Áreas Protegidas –SINAP-), with parks “Sierra de la Macarena”, “Tinigüa”, “La Paya”, and Santuario de Fauna y Flora “Ciénaga Grande de Santa Marta” being the most affected (see table 5 in annex tables page).</p> <p>The deforestation estimated for 2015 was 124,035 ha. This represents a 12% decrease in comparison with year 2014 (see Mundo 2014), and a decreasing trend, which points the national target of reducing to 90,000 deforested ha the deforestation by 2018 and to achieve a 0 % by 2030.</p> <p>In spite of the fact that this figure was almost achieved by 2015 (see table below with data from Minambiente, 2019), the trend seems to have reverted from 2016 on.</p> <p>No information on the fulfillment of the national target for 2018 was found, but according to Minambiente (2019) by 2017 this national target was still not met. Latest information provided by Minambiente (2019) allows a rough estimation of the natural forest conversion in terms of average net annual loss between 2012 and 2017 (see table here below). These figures for restoration might be including hectares of restoration with forest plantation for commercial purposes (see note below the table), and thus not allowing a precise estimation of natural forest conversion as it is considered by this indicator 4.1.</p> <p>Nevertheless, the average net annual loss estimated even including those “false natural forest gains” is already exceeding by far the spatial threshold of 0.02%. In SIAC (undated) database, it is reported by 2013 a natural forest cover occupying 51.8% (approx. 59, 199,012 hectares) of the national territory. A net annual loss of 115, 301.9 hectares, when in relation of the initial natural forest cover in 2013, is equivalent to approximately 0.19%.</p> <table border="1" data-bbox="1137 1002 1939 1326"> <thead> <tr> <th>Years</th> <th>a) Deforestation (ha)</th> <th>b) Restoration* (ha)</th> <th>a)-b) Net annual loss (ha)</th> </tr> </thead> <tbody> <tr> <td>2013</td> <td>120,934</td> <td>3,354.40</td> <td>117,579.6</td> </tr> <tr> <td>2014</td> <td>140,356</td> <td>56,647.90</td> <td>83,708.1</td> </tr> <tr> <td>2015</td> <td>124,035</td> <td>25,086</td> <td>98,949.0</td> </tr> <tr> <td>2016</td> <td>178,597</td> <td>72,000.80</td> <td>106,596.2</td> </tr> <tr> <td>2017</td> <td>219,973</td> <td>50296.3</td> <td>169,676.7</td> </tr> <tr> <td colspan="3"><b>Average Net annual loss (ha/year)</b></td> <td>115,301.9</td> </tr> </tbody> </table> <p>(Source of data: Minambiente, 2019)</p>	Years	a) Deforestation (ha)	b) Restoration* (ha)	a)-b) Net annual loss (ha)	2013	120,934	3,354.40	117,579.6	2014	140,356	56,647.90	83,708.1	2015	124,035	25,086	98,949.0	2016	178,597	72,000.80	106,596.2	2017	219,973	50296.3	169,676.7	<b>Average Net annual loss (ha/year)</b>			115,301.9
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		<p>*Note that the figures under the “Restoration” column might be including restoration with forest plantation for commercial uses. The source does not explicitly define the type of forest (e.g. forest plantation or natural forest only) that is being restored nor if this has commercial purposes or not.</p> <p><b>Risk designation</b></p> <p>This indicator has been evaluated as specified risk  Thresholds (4), (6) and (7) are met:  (4) There is more than 5000 ha net average annual loss or there is more than 0.02% net average annual loss of natural forest in the assessment area in the past 5 years; AND  (6) The applicable legislation for the area under assessment covers laws that prevent conversion, but the risk assessment for relevant indicators of Category 1 confirms 'specified risk'; AND  (7) There are significant economic drivers for conversion.</p>
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**Recommended control measures**

The recommended control measures here are only indicative in nature and are not mandatory. Recommended control measures might not have been provided for all the risks that have been identified in this risk assessment. Organizations shall evaluate and devise appropriate control measures to mitigate the risks identified in this risk assessment as applicable.

Indicator	Recommended control measures
4.1	“Intentionally left blank - Organizations shall evaluate and devise appropriate control measures to mitigate the risks identified in this risk assessment as applicable”

## Annex Tables

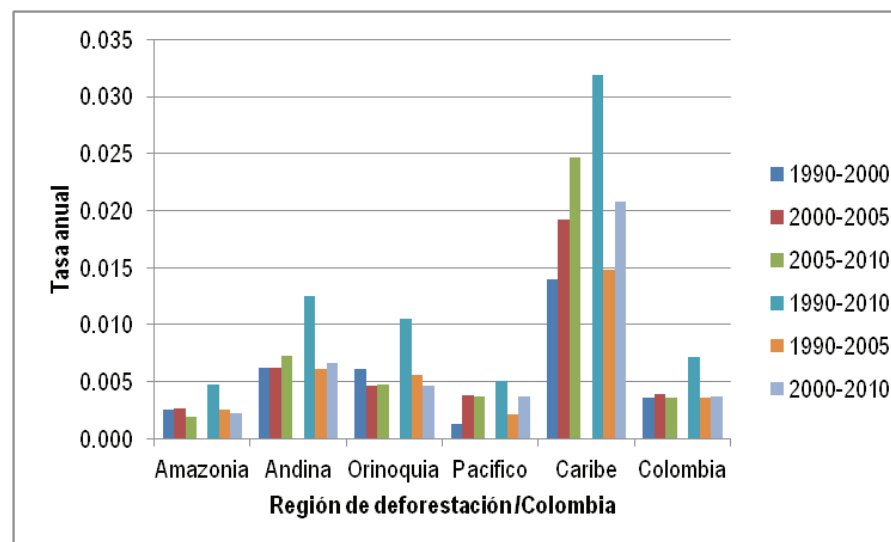
1. Forest land and annual exchange rate in Colombia. (source: FAO, 2015. Table 2):

YEAR	FOREST AREA (1000 ha)	PERIOD	ANNUAL EXCHANGE RATE	
			1000 ha/year	%
1990	64,417			
2000	61,789	1990-2000	-261.9	-0.4
2005	60,201	2000-2010	-316.3	-0.5
2010	58,635	2010-2015	-26.7	0.0
2015	58,502	1990-2015	-236.6	-0.4

2. Annual rate of loss in forest area (years 1990, 2000, 2005, 2010) (Source: González et al, IDEAM, 2011)

Data on axis X: Deforestation region (Colombia)

Data on axis Y: Annual rate



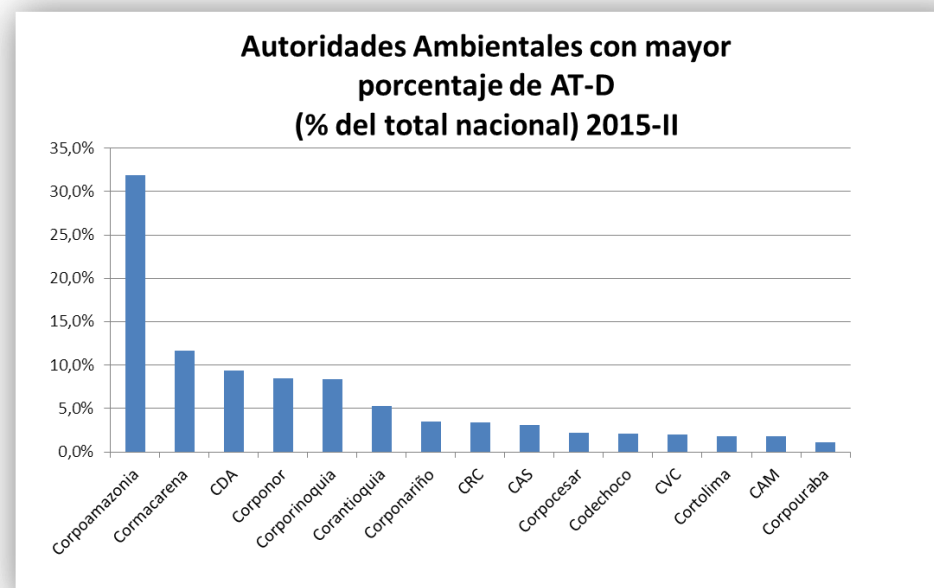
3. Loss in forest area per environmental region (Institute of Hydrology, Meteorology and Environmental Studies (IDEAM), 2016)

Environmental Region	Deforestation ha/year	
	2013	2014
Caribbean	12,403	18,903
Andes	26,014	33,679
Amazonia	68,725	63,280
Orinoquia	8,764	10,639
Pacific	5,028	13,885
	120,934	140,336

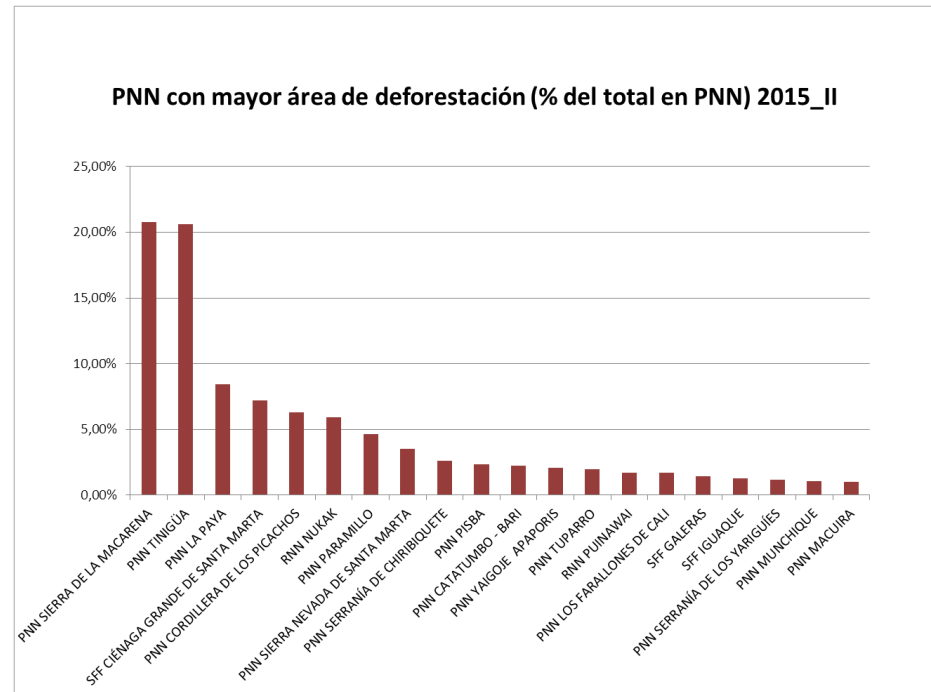
4. Institute of Hydrology, Meteorology and Environmental Studies (IDEAM), 2016

Data on axis X: Environmental authorities by Region (Colombia)

Data on axis Y: % of deforestation



5. Institute of Hydrology, Meteorology and Environmental Studies (IDEAM), 2016  
 Data on axis X: National Natural Parks (Colombia)  
 Data on axis Y: % of deforestation



## Controlled wood category 5: Wood from forests in which genetically modified trees are planted

### Risk assessment

Indicator	Sources of information	Functional scale	Risk designation and determination
<p>5.1 There is no commercial use of genetically modified trees.</p>	<ul style="list-style-type: none"> <li>Colombian Farming Institute [Instituto Colombiano Agropecuario [ICA]] Resolution 003492 of 1998 [Resolución 003492 de 1998] for the farming industry. It has the support of the National Technical Council [Consejo Técnico Nacional [CTN]], assisting body created under 0013 Agreement of the Board of Directors of 1998 [Acuerdo de Junta Directiva 0013 de 1998]. <a href="http://legal.legis.com.co/document?obra=legcol&amp;document=legcol_759920418cf1f034e0430a010151f034">http://legal.legis.com.co/document?obra=legcol&amp;document=legcol_759920418cf1f034e0430a010151f034</a></li> <li>2935 ICA Resolution of 2001 which lies down the Biosecurity procedure for activities with GMO for the purposes of farming production and health, their by-products and the products that include them [Resolución ICA 2935 de 2001]. With the support of the National Technical Council for Farming Biosecurity [Consejo Técnico Nacional de Bioseguridad Pecuaria [CTNPecuaria]] created under 0004 Agreement of the ICA Board of Directors of 2002 [Acuerdo de Consejo Directivo ICA 0004 del 2002]. Date of publication: 2002. <a href="http://www.vertic.org/media/National%20Legislation/Colombia/CO-Resolucion_2935_de_2001.pdf">http://www.vertic.org/media/National%20Legislation/Colombia/CO-Resolucion_2935_de_2001.pdf</a></li> <li>Act 740 of 2002 [Ley 740 de 2002]. By virtue of which the Cartagena Protocol on Biosafety to the Convention on Biological Diversity,</li> </ul>	<p>Country</p>	<p>There is no evidence that genetically modified trees are used in the country. During the present work, expert on forest plantations from government agency, were interviewed; In addition, other experts from the sector were interviewed; being that none of these experts said they knew about plans or experimental developments of these genetically modified organisms in the country.</p> <p>Despite the previous argument, the country has legislation in place to control the authorisation of genetically modified material or organisms through a legal framework for the production and use of said organisms.</p> <p>The main legislation identified is listed in the previous column. However, the main important resolution that give a framework is the Resolution 003492 from 1998 that establishes the following: Natural or legal persons, who are dedicated to the introduction, production, evaluation, content management, confined management, release and commercialization of GMOs, must register with the Colombian Agricultural Institute, ICA. The authorization for GMO in agricultural use implies compliance with requirements and case-by-case analysis among other complementary analysis established by the ICA. The commercialization of GMOs for agricultural use will be authorized only</p>

	<p>adopted in Montreal, on 29<sup>th</sup> January 2000 is adopted.  <a href="http://www.sic.gov.co/recursos_user/documentos/normatividad/LEY%20740%20DE%202002.pdf">http://www.sic.gov.co/recursos_user/documentos/normatividad/LEY%20740%20DE%202002.pdf</a></p> <ul style="list-style-type: none"> <li>• Decree 4525 of 2005 [Decreto 4525 de 2005]. Under which Act 740 of 2002 [Ley 740 de 2002] is regulated. Date of publication: 2005.  <a href="http://www.ica.gov.co/getattachment/6ea8d6c3-aadc-42ad-958d-2eb377cfe528/2005D4525.aspx">http://www.ica.gov.co/getattachment/6ea8d6c3-aadc-42ad-958d-2eb377cfe528/2005D4525.aspx</a></li> <li>• Resolution 2457 of 2010 [Resolución 2457 de 2010]. By virtue of which the requirements for registration of people who produce or trade with seeds for sowing and seedlings of forest species are laid down alongside other provisions. Sections [artículos] 9, 14 and 15. Date of publication: 2010.  <a href="http://www.icbf.gov.co/cargues/avance/docs/resolucion_ica_2457_2010.htm">http://www.icbf.gov.co/cargues/avance/docs/resolucion_ica_2457_2010.htm</a></li> <li>• Resolution 3168 of 2015 [Resolución 3168 de 2015] That provides for the production, imports and exports of seeds from genetic improvement for trade and sowing in the country, as well as for registration of farming assessment units and/or phytosanitary research units and other, alongside other provisions. Chapters II and III.  <a href="http://www.icbf.gov.co/cargues/avance/docs/resolucion_ica_3168_2015.htm">http://www.icbf.gov.co/cargues/avance/docs/resolucion_ica_3168_2015.htm</a></li> <li>• Resolution 9942 of 2016 [Resolución 9942 de 2016]. That regulates the requests for risk analysis of plagues and diseases for imports of animal, plants its products to Colombia.</li> </ul>		<p>when the respective biosecurity assessment has been approved in accordance with the provisions of the procedures described above.</p> <p>Three governmental institutions are competent on the matter:</p> <ul style="list-style-type: none"> <li>• Ministry of Agriculture and Rural Development (Ministerio de Agricultura y Desarrollo Rural, MADR) through the ICA (Instituto Colombiano Agropecuario, ICA): is the main authority who is in charge for approval and follow up the process for GMOs species. Authorisation of operations with living modified organisms, exclusively for the purposes of farming, fishing, and developing commercial and agro-industrial forest plantations.</li> <li>• The Colombian Agricultural Institute (Instituto Colombiano Agropecuario, ICA) is responsible for ensuring the quality of the seeds used in Colombia, as well as for regulating and controlling the use of modified living organisms from genetic engineering for farming, and for applying the protection scheme for plant varieties.</li> <li>• Ministry of the Environment (Ministerio de Ambiente, Minambiente): Authorisation of use of living modified organisms, exclusively for their environmental utilization (ex. in case of phytosanitary measures).</li> <li>• Ministry of Health and Social Protection (Ministerio de Salud y Protección Social, MinSalud): Authorisation of use of living modified</li> </ul>
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	<p>Section 9 vegetal GMO (Artículo 9 Organismos Vivos Modificados – OVM-).</p> <p><a href="http://201.234.177.2/infosiap/ICARE_SOLUCION9942.pdf">http://201.234.177.2/infosiap/ICARE_SOLUCION9942.pdf</a></p> <ul style="list-style-type: none"> <li>• Semana Sostenible, 2017. The map of transgenics in Colombia [El mapa de los transgénicos en Colombia]. <a href="https://sostenibilidad.semana.com/medio-ambiente/articulo/transgenicos-en-colombia-asi-estan-distribuidos-por-departamento/37789">https://sostenibilidad.semana.com/medio-ambiente/articulo/transgenicos-en-colombia-asi-estan-distribuidos-por-departamento/37789</a></li> <li>• ArgenBio, 2016. Situation of the transgenic crops in Colombia [Situación de los cultivos transgénicos en Colombia]. Consulted on 4<sup>th</sup> February 2019. <a href="http://www.argenbio.org/index.php?action=notas&amp;note=7093">http://www.argenbio.org/index.php?action=notas&amp;note=7093</a></li> <li>• GeneWatch UK, undated. GM trees. <a href="http://www.genewatch.org/sub-569314">http://www.genewatch.org/sub-569314</a></li> <li>• World Rainforest Movement (undated). WRM information sheets on GE tree research. <a href="https://wrm.org.uy/all-campaigns/wrm-information-sheets-on-ge-tree-research/">https://wrm.org.uy/all-campaigns/wrm-information-sheets-on-ge-tree-research/</a></li> <li>• Interviews with experts: conversations with various experts from the public and private sector and civil society in Colombia (here anonymous) carried out during October 2016, helped the authors of this report to better understand the applicable legislation and the risks associated to this indicator.</li> </ul>		<p>organism, exclusively for their use in human health care or food.</p> <p>During consultations with expert on forest plantations from a government agency in 2016 it was found out that there are no official applications for GMO entry in the country in the case of forests, whereas there have been cases of applications and approvals in the field of farming. This assumption was corroborated by other experts (forest enterprises, NGOs and forest experts in the region) as well as a review of notices/reports in internet didn't reveal the use of GMO during the development of this assessment. Also, it should be noted, based on expert on natural forests from non-governmental organization (during expert consultation in 2016) that stated the potential use of the GMO trees in natural forest is insignificant compared with the forestplantation, the assessment was focused on forest plantation and species used. The ICA keeps the register of plant stores registered in the country, which includes information on the origin of seeds and on the production of seedlings used for re-forestation.</p> <p><b>Risk designation</b></p> <p>This indicator has been evaluated as low risk. Thresholds (2) and (3) are met:  (2) There is no commercial use of GMO (tree) species in the area under assessment,  AND  (3) Other available evidence does not challenge a 'low risk' designation.</p>
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GMO Context Question	Answer	Sources of Information (list sources if different types of information, such as reports, laws, regulations, articles, web pages news articles etc.).
1 Is there any legislation covering GMO (trees)?	Yes. The main legislation identified is listed in the next column. However, the main important resolution that give a framework is the Resolution 003492 from 1998 that establishes the following: Natural or legal persons, who are dedicated to the introduction, production, evaluation, content management, confined management, release and commercialization of GMOs (trees included), must register and obtain authorization from the Colombian Agricultural Institute, ICA.	<ul style="list-style-type: none"> <li>Colombian Farming Institute (Instituto Colombiano Agropecuario [ICA]) Resolution 003492 of 1998 (Resolución 003492 de 1998) for the farming industry. It has the support of the National Technical Council (Consejo Técnico Nacional [CTN]), assisting body created under 0013 Agreement of the Board of Directors of 1998 (Acuerdo de Junta Directiva 0013 de 1998). <a href="http://legal.legis.com.co/document?obra=legcol&amp;document=legcol_759920418cf1f034e0430a010151f034">http://legal.legis.com.co/document?obra=legcol&amp;document=legcol_759920418cf1f034e0430a010151f034</a></li> <li>2935 ICA Resolution of 2001 which lies down the Biosecurity procedure for activities with GMO for the purposes of farming production and health, their by-products and the products that include them (Resolución ICA 2935 de 2001). With the support of the National Technical Council for Farming Biosecurity (Consejo Técnico Nacional de Bioseguridad Pecuaria [CTNPecuaria]) created under 0004 Agreement of the ICA Board of Directors of 2002 (Acuerdo de Consejo Directivo ICA 0004 del 2002). <a href="http://www.vertic.org/media/National%20Legislation/Colombia/CO_Resolucion_2935_de_2001.pdf">http://www.vertic.org/media/National%20Legislation/Colombia/CO_Resolucion_2935_de_2001.pdf</a></li> <li>Act 740 of 2002 (Ley 740 de 2002). By virtue of which the Cartagena Protocol on Biosafety to the Convention on Biological Diversity, adopted in Montreal, on 29<sup>th</sup> January 2000 is adopted. <a href="http://www.sic.gov.co/recursos_user/documentos/normatividad/LEY%20740%20DE%202002.pdf">http://www.sic.gov.co/recursos_user/documentos/normatividad/LEY%20740%20DE%202002.pdf</a></li> <li>Resolution 2457 of 2010 (Resolución 2457 de 2010). By virtue of which the registration requirements for people who produce and trade seeds for farming and plantulas of forest species are established alongside other provisions. Sections 9, 14 and 15 (Artículos 9, 14 y 15) <a href="http://www.icbf.gov.co/cargues/avance/docs/resolucion_ica_2457_2010.htm">http://www.icbf.gov.co/cargues/avance/docs/resolucion_ica_2457_2010.htm</a></li> <li>Resolution 3168 of 2015 (Resolución 3168 de 2015). By virtue of which the production, imports and exports of seeds from genetic improvement practices for farming and sowing in the country is regulated, as well as the registration of agricultural assessment units and/or genetic improvement research units, alongside other provisions. Chapters I and II (Capítulos II y III). <a href="http://www.icbf.gov.co/cargues/avance/docs/resolucion_ica_3168_2015.htm">http://www.icbf.gov.co/cargues/avance/docs/resolucion_ica_3168_2015.htm</a></li> <li>Interviews with experts: Conversations with various experts from the public and private sector and civil society in Colombia (here anonymous) carried out during October 2016, helped the authors of this report to better understand the applicable legislation and the risks associated to this indicator.</li> </ul>
2 Does applicable legislation for the area under assessment include a ban for commercial	No, this aspect is not applicable based on the review and assessment of legislation listed above done in 2016, including expert consultation in 2016, that did not find any legislation including a ban for commercial use of GMO (trees).	<ul style="list-style-type: none"> <li>Interviews with experts: conversations with various experts from the public and private sector and civil society in Colombia (here anonymous) carried out during October 2016, helped the authors of this report to better understand the applicable legislation and the risks associated to this indicator.</li> <li>Legislation listed above.</li> </ul>

use of GMO (trees)?		
3 Is there evidence of unauthorized use of GM trees?	<p>No, based on the consultation with various experts in October 2016, included experts on forest plantations from government agency, NGOs and experts on natural forests from non-governmental organization.-During consultations in 2016, it was found out that there are no official applications for GMO entry in the country in the case of forests, whereas there have been cases of official applications and approvals in the field of farming. This was corroborated by other experts (forest enterprises, NGOs and forest experts in the region) as well as a review of notices/reports in internet didn't reveal cases of unauthorized use of GM trees.</p>	<ul style="list-style-type: none"> <li>Interviews with experts: conversations with various experts from the public and private sector and civil society in Colombia (here anonymous) carried out during October 2016, helped the authors of this report to better understand the applicable legislation and the risks associated to this indicator.</li> </ul>
4 Is there any commercial use of GM trees in the country or region?	<p>No, during the conversation/consultation in 2016 with experts on forest plantations from government agency there was access to a list of registered forest nurseries and the material it is produced, according to this list there is no commercial use of GM trees. <b>Note:</b> the list was issued specifically upon request during the development of the assessment (letter-confidential)</p> <p>This assumption of non-commercial use of GM trees in Colombia was corroborated by other experts (forest enterprises, NGOs and forest experts in the region) as well as a review of notices/reports in internet didn't reveal the commercial use of GM trees during the development of this assessment.</p> <p>Evidences found from non-governmental sources on the use of GM species reported the use of non-tree species (e.g. cotton, corn and flowers) (e.g. Semana Sostenible, 2017; ArgenBio, 2016) Colombia is not mentioned as a country with GM trees, according to GeneWatch UK (undated) and the World Rainforest Movement (undated).</p>	<ul style="list-style-type: none"> <li>Interviews with experts: conversations with various experts from the public and private sector and civil society in Colombia (here anonymous) carried out during October 2016, helped the authors of this report to better understand the applicable legislation and the risks associated to this indicator.</li> <li>Semana Sostenible, 2017. The map of transgenics in Colombia [El mapa de los transgénicos en Colombia]. <a href="https://sostenibilidad.semana.com/medio-ambiente/articulo/transgenicos-en-colombia-asi-están-distribuidos-por-departamento/37789">https://sostenibilidad.semana.com/medio-ambiente/articulo/transgenicos-en-colombia-asi-están-distribuidos-por-departamento/37789</a></li> <li>ArgenBio, 2016. Situation of the transgenic crops in Colombia [Situación de los cultivos transgénicos en Colombia]. Consulted on 4<sup>th</sup> February 2019. <a href="http://www.argenbio.org/index.php?action=notas&amp;note=7093">http://www.argenbio.org/index.php?action=notas&amp;note=7093</a></li> <li>GeneWatch UK, undated. GM trees. <a href="http://www.genewatch.org/sub-569314">http://www.genewatch.org/sub-569314</a></li> <li>World Rainforest Movement, undated. WRM information sheets on GE tree research. <a href="https://wrm.org.uy/all-campaigns/wrm-information-sheets-on-ge-tree-research/">https://wrm.org.uy/all-campaigns/wrm-information-sheets-on-ge-tree-research/</a></li> </ul>

5	<p>Are there any trials of GM trees in the country or region?</p>	<p>No, based on the information provided by the experts on forest plantations from government agency during the assessment (letter-confidential).</p> <p>Evidences found from non-governmental sources on the use of GM species reported the use of non-tree species (e.g. cotton, corn and flowers) (e.g. Semana Sostenible, 2017; ArgenBio, 2016), although it was not explicitly reported this were trials.</p> <p>Colombia is not mentioned as a country with GM trees, according to GeneWatch UK (undated) and the World Rainforest Movement (undated). A review of notices/reports in internet didn't reveal the existence of trial of GM trees during the development of this assessment.</p>	<ul style="list-style-type: none"> <li>Interviews with experts: conversations with various experts from the public and private sector and civil society in Colombia (here anonymous) carried out during October 2016, helped the authors of this report to better understand the applicable legislation and the risks associated to this indicator.</li> <li>Semana Sostenible, 2017. The map of transgenics in Colombia [El mapa de los transgénicos en Colombia]. <a href="https://sostenibilidad.semana.com/medio-ambiente/articulo/transgenicos-en-colombia-asi-estan-distribuidos-por-departamento/37789">https://sostenibilidad.semana.com/medio-ambiente/articulo/transgenicos-en-colombia-asi-estan-distribuidos-por-departamento/37789</a></li> <li>ArgenBio, 2016. Situation of the transgenic crops in Colombia [Situación de los cultivos transgénicos en Colombia]. Consulted on 4<sup>th</sup> February 2019. <a href="http://www.argenbio.org/index.php?action=notas&amp;note=7093">http://www.argenbio.org/index.php?action=notas&amp;note=7093</a></li> <li>GeneWatch UK, undated. GM trees. <a href="http://www.genewatch.org/sub-569314">http://www.genewatch.org/sub-569314</a></li> <li>World Rainforest Movement, undated. WRM information sheets on GE tree research. <a href="https://wrm.org.uy/all-campaigns/wrm-information-sheets-on-ge-tree-research/">https://wrm.org.uy/all-campaigns/wrm-information-sheets-on-ge-tree-research/</a></li> </ul>
6	<p>Are licenses required for commercial use of GM trees?</p>	<p>Yes, the license is required; however, no licenses have been issued (see below).</p> <p>The main legislation identified is listed in the next column. The main important resolution that give a framework is the Resolution 003492 from 1998 that establishes the following:</p> <p>Natural or legal persons, who are dedicated to the introduction, production, evaluation, content management, confined management, release and commercialization of GMOs, must register and obtain authorization from the Colombian Agricultural Institute, ICA.</p> <p>The first step of the procedure is that the interested party will present the request to the seed division of the ICA, which must be accompanied by the corresponding form, filled out in original and two copies.</p> <p>Once the application is submitted, the ICA will have 30 days to decide on the acceptance or rejection of it. The admission or rejection of the request refers to compliance with the formal requirements established in this resolution. The application will not be processed while the information is not complete.</p>	<ul style="list-style-type: none"> <li>Colombian Farming Institute (Instituto Colombiano Agropecuario [ICA]) Resolution 003492 of 1998 (Resolución 003492 de 1998) for the farming industry. It has the support of the National Technical Council (Consejo Técnico Nacional [CTN]), assisting body created under 0013 Agreement of the Board of Directors of 1998 (Acuerdo de Junta Directiva 0013 de 1998). <a href="http://legal.legis.com.co/document?obra=legcol&amp;document=legcol_759920418cf1f034e0430a010151f034">http://legal.legis.com.co/document?obra=legcol&amp;document=legcol_759920418cf1f034e0430a010151f034</a></li> <li>2935 ICA Resolution of 2001 which lies down the Biosecurity procedure for activities with GMO for the purposes or farming production and health, their by-products and the products that include them [(Resolución ICA 2935 de 2001)]. With the support of the National Technical Council for Farming Biosecurity [(Consejo Técnico Nacional de Bioseguridad Pecuaria [CTN Pecuaria])] created under 0004 of 2002 Agreement of the ICA Board of Directors of 2002 [(Acuerdo de Consejo Directivo ICA 0004 del 2002)]. Date of publication: 2002. <a href="http://www.vertic.org/media/National%20Legislation/Colombia/CO_Resolucion_2935_de_2001.pdf">http://www.vertic.org/media/National%20Legislation/Colombia/CO_Resolucion_2935_de_2001.pdf</a></li> <li>Act 740 of 2002 [(Ley 740 de 2002)]. By virtue of which the Cartagena Protocol on Biosafety to the Convention on Biological Diversity, adopted in Montreal, on 29 January 2000 is adopted. <a href="http://www.sic.gov.co/recursos_user/documentos/normatividad/LEY%20740%20DE%202002.pdf">http://www.sic.gov.co/recursos_user/documentos/normatividad/LEY%20740%20DE%202002.pdf</a></li> <li>Decree 4525 of 2005 [(Decreto 4525 de 2005)]. Under which Act 740 of 2002 [(Ley 740 de 2002)] is regulated. Date of publication: 2005. <a href="http://www.ica.gov.co/getattachment/6ea8d6c3-aadc-42ad-958d-2eb377cfe528/2005D4525.aspx">http://www.ica.gov.co/getattachment/6ea8d6c3-aadc-42ad-958d-2eb377cfe528/2005D4525.aspx</a></li> <li>Resolution 2457 of 2010 [(Resolución 2457 de 2010.)]. By virtue of which the requirements for registration of people who produce or trade with seeds for sowing and seedlings of forest species are lied down alongside other provisions. Sections [(artículos)] 9, 14 and 15. Date of publication: 2010. <a href="http://www.icbf.gov.co/cargues/avance/docs/resolucion_ica_2457_2010.htm">http://www.icbf.gov.co/cargues/avance/docs/resolucion_ica_2457_2010.htm</a></li> <li>Resolution 3168 of 2015 [(Resolución 3168 de 2015.)]. That provides for the production, imports and exports of seeds from genetic improvement for trade and sowing in the country, as well as for</li> </ul>

	<p>The ICA will give the applicant a term of sixty (60) days to comply with any requirement or additional information. If the applicant does not provide the required information within that period, the application is considered abandoned. The ICA after considering complete information will proceed as follows:</p> <ul style="list-style-type: none"> <li>• Evaluate the potential risks of the proposed activity.</li> <li>• Prepare a report on what has been done on the case.</li> <li>• Submit the report to the national technical council (CTN) for introduction, production, release and commercialization of GMOs for agricultural use, CTN for it to analyze and issue its recommendation in writing no later than 45 days from the date of delivery.</li> <li>• Carry out, if necessary, the inspections and order the tests and evaluations, as necessary, in relation to the GMO and its management, or may request an extension of the information or addition.</li> </ul> <p>The analysis of any application related to GMOs for agricultural use will be made following the methodology known as case-by-case and the complementary ones established or established by the ICA.</p> <p>The commercialization of GMOs for agricultural use will be authorized only when the respective biosecurity assessment has been approved in accordance with the provisions of the procedures described above.</p>	<p>registration of farming assessment units and/or phytosanitary research units and other, alongside other provisions. Chapters II and III.</p> <p><a href="http://www.icbf.gov.co/cargues/avance/docs/resolucion_ica_3168_2015.htm">http://www.icbf.gov.co/cargues/avance/docs/resolucion_ica_3168_2015.htm</a></p> <ul style="list-style-type: none"> <li>• Resolution 9942 of 2016 [(Resolución 9942 de 2016)]. That regulates the requests for risk analysis of plagues and diseases for imports of animal, plants its products to Colombia. Section 9 vegetal GMO (Artículo 9 Organismos Vivos Modificados –OVM-.)</li> </ul> <p><a href="http://201.234.177.2/infosiap/ICARESOLUCION9942.pdf">http://201.234.177.2/infosiap/ICARESOLUCION9942.pdf</a></p>
7	<p>Are there any licenses issued for GM trees relevant for the area under assessment</p> <p>No. The Colombian Agricultural Institute -ICA- is in charge of granting permission if someone requests the entry of GMOs seeds to the country for forest use as well as regulating and controlling the use of GMOs from genetic engineering for farming, and for applying the protection scheme for plant varieties plus in change for the approval and follow up othe process for GMOs species and</p>	<ul style="list-style-type: none"> <li>• Interviews with experts: conversations with various experts from the public and private sector and civil society in Colombia (here anonymous) carried out during October 2016, helped the authors of this report to better understand the applicable legislation and the risks associated to this indicator.</li> <li>• Semana Sostenible, 2017. The map of transgenics in Colombia [El mapa de los transgénicos en Colombia]. <a href="https://sostenibilidad.semmana.com/medio-ambiente/articulo/transgenicos-en-colombia-asi-están-distribuidos-por-departamento/37789">https://sostenibilidad.semmana.com/medio-ambiente/articulo/transgenicos-en-colombia-asi-están-distribuidos-por-departamento/37789</a></li> </ul>

	<p>? (If so, in what regions, for what species and to which entities?)</p> <p>authorizing the operations with GMOs in farming, fishing, and developing commercial and agro-industrial forest plantations . The ICA keeps the register of plant stores registered in the country, which includes information on the origin of seeds and on the production of seedlings used for re-forestation.</p> <p>After consultation in 2016 with experts on forest plantations from government agency and based on the information provided by them, it was evidenced that there are no official applications for GMO entry into the country in the forestry field and that there were no licenses issued by then. Nevertheless, there have been instances of applications and approvals in the farming industry.</p> <p>Consistent with the previous, evidences are found from non-governmental sources on the use of GM species reported the use of non-tree species only (e.g. cotton, corn and flowers) (e.g. Semana Sostenible, 2017; ArgenBio, 2016).</p> <p>Colombia is not mentioned as a country with GM trees, according to GeneWatch UK (undated) and the World Rainforest Movement (undated).</p>	<ul style="list-style-type: none"> <li>• ArgenBio, 2016. Situation of the transgenic crops in Colombia [Situación de los cultivos transgénicos en Colombia]. <a href="http://www.argenbio.org/index.php?action=notas&amp;note=7093">http://www.argenbio.org/index.php?action=notas&amp;note=7093</a></li> <li>• GeneWatch UK, undated. GM trees. <a href="http://www.genewatch.org/sub-569314">http://www.genewatch.org/sub-569314</a></li> <li>• World Rainforest Movement, undated. WRM information sheets on GE tree research. <a href="https://wrm.org.uy/all-campaigns/wrm-information-sheets-on-ge-tree-research/">https://wrm.org.uy/all-campaigns/wrm-information-sheets-on-ge-tree-research/</a></li> </ul>
8	What GM 'species' are used?	N/A
9	Can it be clearly determined in which MUs the GM trees are used?	N/A

### Recommended control measures

The recommended control measures here are only indicative in nature and are not mandatory. Recommended control measures might not have been provided for all the risks that have been identified in this risk assessment. Organizations shall evaluate and devise appropriate control measures to mitigate the risks identified in this risk assessment as applicable.

Indicator	Recommended control measures
5.1	N/A