

# *Transparent governance of natural resources in Colombia*

FINAL REPORT



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**WWF**

# Transparent governance of natural resources in Colombia (TGNR)

## Final synthesis report<sup>1</sup>

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<sup>1</sup> The synthesis document summarizes the main conclusions of the TGNR for USAID, the Colombian government institutions, and international cooperation agencies.

## List of acronyms

<b>AnnA</b>	Colombia's Mining Information Platform - <i>Alma Minera de Colombia</i>
<b>ANLA</b>	National Authority for Environmental Licenses
<b>ANM</b>	National Mining Agency
<b>ANT</b>	National Land Agency
<b>ART</b>	Agency for Territorial Renewal
<b>Asocars</b>	Association of Regional Autonomous and Sustainable Development Corporations
<b>AUNAP</b>	National Aquaculture and Fisheries Authority
<b>CAR</b>	Regional Autonomous and Sustainable Development Corporations
<b>CAV</b>	Wildlife care and assessment centers
<b>CAV-R</b>	Wildlife care, assessment, and rehabilitation centers
<b>CGR</b>	Office of the Comptroller General of the Republic
<b>CIFF</b>	Interinstitutional Committees on Fauna and Flora
<b>CITES</b>	Convention on International Trade in Endangered Species of Wild Fauna and Flora
<b>CONALDEF</b>	National Council to Combat Deforestation and Other Associated Environmental Crimes
<b>Corpoamazonia</b>	Corporation for the Sustainable Development of Southern Amazonia
<b>DIAN</b>	National Tax and Customs Authority
<b>DIPOL</b>	National Police Directorate on Police Intelligence
<b>DNI</b>	National Intelligence Directorate
<b>ECLAC</b>	Economic Commission for Latin America and the Caribbean
<b>EDS</b>	Gas Service Stations
<b>EICDGB</b>	Integrated Strategy on Deforestation Control and Forest Management
<b>ELN</b>	National Liberation Army
<b>EMM</b>	Emerging Mechanized Miners
<b>EVOA</b>	Evidence of Alluvial Gold Mining
<b>EXDE</b>	Explosives and Demolitions Team
<b>FAO</b>	Food and Agriculture Organization of the United Nations
<b>FARC (dissidents)</b>	Revolutionary Armed Forces of Colombia
<b>FCDS</b>	Fundación para la Conservación y el Desarrollo Sostenible
<b>FGN</b>	Office of the Prosecutor General of Colombia
<b>GAO</b>	Organized Armed Groups
<b>IATA</b>	International Air Transport Association
<b>ICA</b>	Colombian Agricultural Institute
<b>Ideam</b>	Institute of Hydrology, Meteorology and Environmental Studies
<b>IFN</b>	National Forest Inventory
<b>IGAC</b>	Agustín Codazzi Geographic Institute
<b>Invías</b>	National Roads Institute
<b>LOFL</b>	Online Forestry Operations Ledger
<b>MIGD</b>	Interoperability Framework for Digital Governance
<b>Minambiente</b>	Ministry of Environment and Sustainable Development

<b>Minagricultura</b>	Ministry of Agriculture and Rural Development
<b>Mincomercio</b>	Ministry of Commerce, Industry and Tourism
<b>Mindefensa</b>	Ministry of Defense
<b>Mineducación</b>	Ministry of National Education
<b>Minhacienda</b>	Ministry of Finance
<b>Mininterior</b>	Ministry of the Interior
<b>Minjusticia</b>	Ministry of Justice and Law
<b>Minminas</b>	Ministry of Mines and Energy
<b>MinTIC</b>	Ministry of Information Technology and Communications
<b>Mintransporte</b>	Ministry of Transportation
<b>NGOs</b>	Non-Governmental Organizations
<b>OECD</b>	Organization for Economic Cooperation and Development
<b>PATIS</b>	Amazon Sustainable Intermodal Transportation Plan
<b>PCA</b>	Environmental Control Checkpoints
<b>PDET</b>	Development Programs with a Territorial Approach
<b>PGN</b>	Office of the Attorney General of Colombia
<b>PIFS</b>	Wildlife Information Portal
<b>PNN</b>	Natural National Parks
<b>POF</b>	Forest Management Plans
<b>POT</b>	Land Management Plans
<b>PPP</b>	Public-Private Partnerships
<b>RUCOM</b>	Single Registry of Minerals' Traders
<b>RUJA</b>	Single Registry of Environmental Violators
<b>RUNT</b>	Single National Traffic Registry
<b>SIAC</b>	Colombian Environmental Information System
<b>SIAME</b>	Environmental Information System on Mining-Energy
<b>SICOM</b>	Information System on the Supply Chain of Oil Derived Liquid Fuels
<b>SIGOT</b>	Geographic Information System for Planning
<b>SIMCI</b>	Integrated Illicit Crop Monitoring System
<b>SIMCO</b>	Colombian Mining Information System
<b>SINA</b>	National Environmental System
<b>SINIGAN</b>	National Cattle Identification and Information System
<b>SNF</b>	National Forestry System
<b>SNIF</b>	National Forestry Information System
<b>SMBYC</b>	Forest and Carbon Monitoring System
<b>SUNL</b>	Single Online National Transport Permit
<b>TGNR</b>	Transparent Governance of Natural Resources
<b>UIAF</b>	Information and Financial Analysis Unit
<b>UNODC</b>	United Nations Office on Drugs and Crime
<b>UNP</b>	National Protection Unit
<b>USAID</b>	United States Agency for International Development
<b>VITAL</b>	One-stop Online Environmental Procedures Portal
<b>VUCE</b>	One-stop Foreign Trade Portal





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## 1. Introduction

Despite Colombia's large extension of natural forests and their importance in the provision of countless ecosystem services on which Colombians depend directly or indirectly, deforestation represents one of the country's greatest environmental challenges. This is demonstrated not only by deforestation figures themselves, which show a net forest loss of 4.5 million hectares between 2000 and 2019 (Ideam, 2020), but also by other complex political, social, economic, and cultural phenomena which are expressed through deforestation and forest degradation.

In response to the environmental problems facing the country, Colombia has ratified several international treaties and developed national policies, committing itself to the fight against climate change and the protection of biodiversity through the Nationally Determined Contribution (NDC), the Sustainable Development Goals (SDGs), the Aichi Targets, the Leticia Pact, and the Lima Declaration on Illegal Wildlife Trade. However, the achievement of these goals could be hindered by corruption and organized crime. Experts have noted that these phenomena are enablers and drivers of various activities that are directly responsible for deforestation, forest degradation, and biodiversity loss.

It is within this context that the Transparent Governance of Natural Resources (TGNR) Project emerged. TGNR is a project funded by USAID and executed by WWF with three (3) organizations that contributed information and the methodology for the analysis. The project's primary aim was to generate clear and feasible recommendations for mitigating corruption and organized crime that are the cause of deforestation, forest degradation, and biodiversity loss in the Amazon and the Colombian Pacific. To this end, the TGNR identified and prioritized four (4) drivers associated with this environmental problem: illegal gold mining, illegal logging, wildlife trafficking and land grabbing.

## 2. Context of the TGNR Project and Key Concepts

### a. Scope of the TGNR and of this document

Although previous efforts have been made by the government, Non-Governmental Organizations (NGOs) and international cooperation agencies to identify how illegal gold mining, illegal logging, wildlife trafficking, and land grabbing (hereinafter referred to as "drivers") operate, as well as analyzing the negative effects they generate on ecosystems, the TGNR identified some research gaps that constitute the project's scope. These gaps point to the need to identify weaknesses in the Colombian regulatory and institutional framework and in its application at different scales. Likewise, the gaps evidence that the understanding of the drivers has focused on their visible expressions, without necessarily undertaking an in-depth approach to identifying their underlying causes such as corruption and organized crime. A proper understanding and analysis of these phenomena would allow for designing mechanisms and tools that address the underlying circumstances that lead to their emergence. These mechanisms and tools should strive to ensure the active participation of citizens in decision-making and in the construction of common objectives, and allow them to exercise greater oversight over the actions of the public administration.

Taking into account these information gaps, the TGNR defined the following specific objectives (i) to understand the role of corruption and organized crime as facilitators of the deforestation drivers being analyzed; (ii) to provide a comprehensive description of how these drivers operate in the Pacific and Amazon regions; and (iii) to identify weaknesses in the Colombian legal framework that may facilitate corrupt and criminal practices in these drivers. To this end, the following four (4) main research questions were formulated:

1. *How do the criminal networks and corrupt processes that promote or contribute to these drivers operate?*
2. *Who are the actors, both legal and illegal, involved in these criminal networks or engaging in corrupt practices?*
3. *Who are the financiers of these criminal networks and corrupt acts?*
4. *What are the failures in the implementation of laws and regulations, and how do they facilitate corrupt acts and crime in the management of natural resources?*



The present synthesis document seeks to disseminate the main results and recommendations of the research so that decision-makers and other key stakeholders such as the Colombian government, civil society organizations, international cooperation agencies and the private sector interested in promoting implementation can seek working spaces with the TGNR team to deepen the scope of the recommendations contained herein. It is important to emphasize that these findings do not represent an official institutional stance of the funder, nor of the implementers; they are based solely and exclusively on the results of qualitative scientific research which is a product of the experience and knowledge of the organizations involved. That is, the research undertaken reflects the perceptions and understanding of the drivers as seen by various institutional experts, NGOs, academia, and the local stakeholders interviewed.



It is also important to highlight some of the project's limitations, the first being the period in which the project was carried out. Given that the interviews and the focus groups to validate findings were the primary data source, its collection was limited by the COVID-19 isolation measures that were in force during the months of their execution (September 2020 and February 2021). Furthermore, since the project is based on a qualitative research, a second limitation of this report is the absence of quantitative information on the drivers and the quantification of corrupt or criminal activities associated with them. Such data should be the subject of future research projects aimed at quantifying the drivers, unlike the scope of the TGNR, which primarily sought to understand how they operate and are related to corruption and organized crime.

In recent years, different public and private institutions and NGOs, along with the support of international cooperation, have identified strategic actions aimed at solving the country's complex environmental problems, some of which have been related to the drivers studied herein. Even though these actions may not have been formulated to directly address the problems of corruption and organized crime, they can nevertheless contribute to counteracting these two phenomena. Thus, this valuable work was considered in the research process during the formulation of recommendations. Noteworthy are the studies carried out within the framework of the Green Growth Mission, the Integrated Strategy on Deforestation Control and Forest Management (EICDGB), the National Policy for the Control of Deforestation and Sustainable Forest Management (Conpes 4021), among many other sources.

This document is divided into three parts. The first part will address the main results of the corruption and organized crime risk analysis of each driver and describe the recommendations that have been formulated to counteract these two phenomena. The second will provide a summary of the cross-cutting analysis of the TGNR findings, along with clear and actionable recommendations that have been formulated with a broader scope to address the identified institutional, legal, and policy weaknesses. Finally, this report offers a concluding message on the relevance of addressing the issues identified in the course of the research.

## b. Methodology and prioritized drivers

This research used the methodological approach designed by Transparencia por Colombia, which has been widely used in other corruption risk analyses, as the basis for the analysis. However, the methodology was adjusted with the inclusion of a second variable –

organized crime – in order to answer the research questions on the matter. This is an innovative approach in that it integrates the four drivers of deforestation, which have previously been analyzed individually, into a single analysis. This approach makes it possible to identify cross-cutting issues that, if addressed in isolation for a single driver, would represent a missed opportunity for generating structural changes in Colombia’s natural resource governance mechanisms. In addition, this analysis encompasses the understanding of the multiple causes that affect the drivers (e.g., social, economic, political, and legal aspects, among others). As a result, the recommendations issued by the project are not only limited to the environmental sphere, but rather address other types of interests such as guaranteeing transparency in the management of natural resources, promoting the creation of mechanisms that ensure a sustainable source of income for local communities, risk mitigation mechanisms for social leaders in the implementation of the recommendations, and guaranteeing the participation of local communities in decision making, among other aspects.

Since each driver demonstrates different and complex behaviors and forms of expression, the TGNR identified the need to demarcate (i) the object of the study; (ii) the geographic scope; and (iii) the time frame. To define the object of the investigation, the TGNR analyzed the value chains of three of the four drivers: wildlife trafficking, illegal logging, and illegal gold mining. These value chains sought to reflect the legal processes and procedures<sup>2</sup> for the use of natural resources, as well as identifying hotspots that need to be analyzed in greater detail, where organized crime and corruption-related activities could proliferate due to institutional, regulatory, or other weaknesses. For the land grabbing driver, the TGNR focused on identifying the patterns that converge on the phenomenon of illegal occupation of such lands and/or their enabling conditions. Thus, **Table 1** presents the demarcations of the analysis of each driver.

In terms of geographic demarcation, the TGNR was initially proposed on a municipal level of analysis, in which priority was given to those municipalities where each of the drivers had the greatest relevance and impact. However, during the implementation of the project, it became evident that the most relevant information for understanding the drivers was not limited to the municipalities, and that, on the contrary, the people

interviewed had extensive knowledge of regional dynamics (Amazon and Pacific). Thus, reference areas were identified for the analysis, where it was possible to understand in greater detail the phenomena studied.

**Table 1.** Scope of the TGNR analysis

Driver	Object of study	Reference areas for analysis
<b>Illegal gold mining</b>	<p>Although gold is sometimes traded from subterranean alluvial mines informally known as hoyadero, cúbito or guache, the research focused primarily on open-pit alluvial gold mining. This is due to the fact that the greatest environmental degradation and volume of gold produced is associated with this type of mining. An evaluation was conducted on the phases of extraction (which includes the provision of the necessary supplies for this activity), processing and commercialization, and exportation.</p> <p>Alluvial mining is prevalent in Chocó and in comparison to other types of mining (e.g., placer mining) requires less specialized procedures and is less costly. Alluvial mining is therefore more affordable for the general population and poses fewer barriers to entry for criminal networks.</p>	Chocó
<b>Illegal logging</b>	<p>The research describes the legal value chain for the logging and marketing of natural forest timber and identifies how timber trafficking activities operate. Likewise, the analysis had a special emphasis from the harvesting stage, through transportation to primary processing, since at this stage the timber laundering process is completed. Thus, at the end of this stage, the timber has already been legalized.</p> <p>The TGNR did not prioritize investigating the illegal trade of a specific species, but rather analyzed the driver as a whole.</p>	Putumayo, Amazonas, and Chocó (including its links to Urabá)
<b>Wildlife trafficking</b>	<p>The value chain related to illegal hunting, transport, processing and commercialization of wildlife was analyzed. These stages allow for an understanding of both the functioning of the legal value chain and the key processes that are manipulated for the laundering of wildlife and wildlife products.</p> <p>Although the specificity in which wildlife trafficking operates may vary according to the species trafficked, or whether individuals are traded live or in parts, the TGNR sought to develop a general understanding of how the driver operates in the areas of analysis.</p>	Amazonas and Nariño
<b>Land grabbing</b>	<p>Land grabbing is always illegal, since it occurs in territories with restrictions on its land-use planning and land titling processes.</p> <p>Given the complexity of the social, political and economic expressions that converge at this driver, the TGNR identified the patterns that are present in the process of land grabbing and the conditions that facilitate this phenomenon.</p>	Northwestern Amazonian Arc, which includes part of the departments of Guaviare, Caquetá and Meta.

<sup>2</sup> A process is a “Set of mutually related activities that use the inputs to provide an intended result” (ISO 9001:2015 Standard, Fundamentals and vocabulary). In other words, the process is a sequence of general activities to achieve an end, and answers the question “What?”. A process has many procedures. On the other hand, a procedure is a “Specified way of carrying out an activity or process” (ISO 9001:2015, Fundamentals and vocabulary). In other words, the procedure consists of specific steps that must be fulfilled, and answers the “How?” question. A procedure may have a few steps.

### c. Corruption and organized crime

Corruption and criminality are complex phenomena that exacerbate various social problems in Colombia. In terms of deforestation and biodiversity loss, there are multiple criminal actors involved in illegal gold mining, illegal logging, wildlife trafficking, and land grabbing, who have found ways to expand and increase the effectiveness of their illicit objectives by means of corruption. Added to this is the power exercised by criminal actors in the territories by instrumentalizing local communities for their own benefit. This section describes the definitions of corruption and organized crime for the purposes of the TGNR analysis, and how these phenomena are related.

During the methodological development of the TGNR, the starting point was the definition of corruption provided by Transparencia por Colombia. This definition was adapted to the specific circumstances of corruption associated with the drivers of analysis, such as, for example, the components of decision-making or impact on decisions or omissions, as manifestations of corruption in the administration, control and oversight of natural resource management. As a result, the following definition of corruption was developed:

#### Definition of corruption

*“The abuse of power or a breach of trust for the individual benefit of legal and/or illegal (criminal) actors, or in association amongst them, at the expense of collective interests and natural resources. It occurs when a party offers or requests, delivers or accepts money, goods, services, benefits and/or favors in exchange for a particular action, the adoption of or influence on a decision, or an omission.”*

The TGNR quickly identified that the four drivers under study would appear to be unrelated to the phenomenon of common crime. On the contrary, the drivers appear to be closely linked to more structured crimes, so the team decided to conduct the crime analysis from an “organized crime” perspective. For the purposes of the TGNR, organized crime was defined based on the existing concepts of the Palermo Convention and the Council of the European Union, as follows:

#### Definition of organized crime

*“The association of at least three individuals in a business/group/network that exists during a given period of time to obtain an economic benefit or some form of power by carrying out one or more serious crimes that involve environmental degradation (e.g., illegal mining, wildlife and timber trafficking, and land-grabbing)”.*

As part of the conceptualization of criminality, the TGNR defined three (3) types of criminal actors, as follows:

Figure 1. Criminal actors' typology



**Mafia-style groups**

Refers to clearly defined, organized criminal groups. It also includes militia and guerrilla groups primarily funded by illicit activities. They have four (4) defining features: (i) a known name, (ii) a defined leadership, (iii) territorial control, and (iv) identifiable membership.



**Criminal networks and criminal entrepreneurs**

Refers to a loose network of criminal associates engaging in criminal activities. It also includes relatively small groups that do not control a territory and are not widely known by a name or with a known leader. They are involved in trafficking commodities and/or other illicit activities but do not have territorial control or any of the defining features of mafia-style groups.



**Labor Force**

Refers to those at the bottom rung of the supply chain who carry out basic tasks, such as mining gold, logging, or poaching. They may be employees – but not members – of criminal networks, or contractors or independent workers who interact with the criminal network actors that operate further up the supply chain. They are more informal workers than criminals, and in many cases, they are also victims of criminal actors, especially related to extortion, forced labor or human trafficking.



During the research, it became evident that corruption and organized crime are not independent. On the contrary, in some cases there are actors with political and/or economic power who have legal businesses but are involved in the drivers. These actors use criminal activities to support the illegal activities that feed their legal businesses. The exploitation of illegal actors and local communities reduces the exposure of these legal actors to the control authorities, as they are not involved in the execution of the main criminal activities. An example of this is the use of “proxies” to obtain permits and authorizations for forest harvesting, or the payments made to Mafia-style groups as providers of security services in illegal mining or land grabbing operations, as will be discussed in detail below. Thus, organized crime allows these actors, who are usually the main financiers of the drivers and are implicated in acts of corruption, to remain in the shadows. For the purposes of TGNR, these actors will be referred to as “the invisibles”.

In terms of the organized crime networks, findings show that they have established sophisticated schemes that allow their operations to be successful, and to this end they leverage corrupt actors who allow them to consolidate their illegal businesses. However, these networks are not exclusively dedicated to the drivers; some of them are even involved in other serious crimes such as drug trafficking, extortion, threats, forced displacement, and assassinations. Thus, both organized crime and corruption feed one another. These joint actions guarantee the exploitation of institutional and social weaknesses, and allow both corrupt and criminal actors to have a high adaptive capacity to react promptly to the control measures taken by the Colombian state.

### 3. Findings and Recommendations by Driver

The results of the analysis of each of the drivers are complex and involve the identification of possible corruption risks, the mechanisms in which organized crime operates, and their joint actions. Nevertheless, this section will focus on highlighting the main phases that are permeated by corruption and organized crime in the value chain of illegal gold mining, illegal logging, wildlife trafficking, and in the chain of patterns identified in land grabbing.

## 3.1 Illegal gold mining





The analysis of the value chain of this driver includes the phases of extraction, processing and commercialization, and smelting and export, as described in **Annex 1 (Figure 1-A)**. However, it is important to mention that the extraction phase includes the description of how the provision of the necessary materials for illegal gold mining activities is carried out.

### a. Extraction phase

The findings in this phase were grouped into four (4) main areas. **Table 1-A in Annex 1** contains a summary of the information described below.

### **Governmental actions to authorize gold mining and to adequately monitor mining activities**

TGNR identified three (3) findings on governmental actions that result in deficiencies in mining exploitation, as well as in the traceability, monitoring, and control of the activity. First, it was found that the controls for the registration of subsistence miners are deficient to a large extent given the following circumstances:

-  Limited technical, administrative and financial capacities of the municipal authorities to verify the authenticity of the information provided by people seeking to register as subsistence miners (e.g., biometric controls, lack of knowledge of mining regulations);
-  Limited access to information, either because the available systems have gaps in the information required for verifications or because the internet in the area is poor and intermittent;
-  Lack of coordination between Land Management Plans (POT) and community life plans, which in many cases do not include mining issues and are even outdated; and
-  Criminal networks instrumentalizing local communities to register them as subsistence miners when they are not involved in the mining activities.

The second finding points to the deficient controls exercised over the subsistence miners by the mining authorities or municipal authorities (e.g., Mayor's offices) during the extraction stage. Control has been limited to the gold commercialization stage (e.g., when the miner sells it to the gold trader in Quibdó) and therefore there is no verification of whether the information reflected at this stage coincides with the gold actually produced in the region. The mining and environmental authorities exercise weak control over the production of subsistence miners<sup>3</sup>. As a result, criminal networks use these miners to inflate the production<sup>4</sup> in order to launder the illegally obtained gold by over-registering, usurping quotas, or selling it simultaneously in several different gold trading businesses.

In line with the above, the third finding indicated that the monitoring of illegal gold mining is limited, given the absence of an early warning system that would allow real-time monitoring – in other words as soon as possible – of the development of illegal mining activities.

### ***Limitations of the formalization of mining***

The project identified the circumstances that make it difficult for subsistence and small-scale miners to access legal and lucrative markets for the commercialization of their gold; the difficult access to such markets makes miners vulnerable to the efforts of criminal actors who instrumentalize them to participate in illegal mining activities.

The first finding indicates that subsistence or small-scale miners face major barriers to the formalization of their activities because of weaknesses in the existing formalization mechanisms. These include the following: complex and lengthy controls for accessing formalization mechanisms, insufficient allocation of resources to the authorities responsible of its implementation, constant changes in requirements and conditions (reflecting the legal uncertainty of the formalization legal provisions), and a limited capacity of environmental authorities to analyze and follow up on the temporary environmental licenses required for the formalization process.

<sup>3</sup> Although the environmental authorities are not in charge of supervising mining production in a strict sense, they are, however, responsible for monitoring and controlling this activity in order to mitigate the environmental impacts derived from it.

<sup>4</sup> Even though there are legal thresholds for the amount of gold that subsistence miners can trade (35 grams per month or 420 grams per year), what happens in practice is that if, for example, a subsistence miner produced 25 grams in one month, the criminal networks maximize the available gap (between 25 and 35 grams) to launder 10 grams of illegal gold. Hence, they inflate the production of the subsistence miner with illegally mined gold.

Furthermore, we found that subsistence and small-scale miners have limited access to credit to improve their production processes and to comply with sector regulations. The limited access can be explained by the fact that subsistence and small-scale miners are unable to access financial services due to the banking sector's distrust of the mining sector, and the absence of government programs to finance the improvement of these productive processes.

### ***Activities for the control and sanctioning of actors involved in illegal mining***

Regarding these activities, the TGNR identified two (2) main findings. First, the project found that control actions against illegal mining activities (e.g., gold extraction with dredges), consisting mostly of military operations, require the coordination of multiple entities that do not always have the same information and do not always make coordinated decisions. Furthermore, we found that environmental authorities have little capacity to accompany military operations, which has a negative impact on the results of such interventions.

Secondly, the project found that the sanctioning regime is lax and difficult to apply, which makes it unlikely that illegal actors will be deterred by sanctions. This is due to the fact that the offenses areailable, that the control and sanctioning entities do not know the applicable legal framework (and in some cases do not even know their own powers), and that omissions or corrupt acts are not adequately sanctioned due to the permissiveness of some public officials.

### ***Controls on materials required for illegal mining***

The results of the TGNR showed that there are limitations to the control of the materials needed for illegal gold mining, such as: fuel, mercury and heavy machinery (which for the purposes of the TGNR will be understood as dredges, hydraulic elevators, or backhoes). In relation to mercury, we found that, despite its prohibition in Colombia (Law 1658 of 2013), illegal gold mining operations in Chocó continue to use this resource, which

is obtained through smuggling. The information gathered suggests that international criminal networks are involved in the illegal trading of mercury and have links to criminal actors involved in illegal mining. However, controls on mercury smuggling appear to be insufficient.

Regarding small and large-scale fuel supplies, it became evident that the control authorities permit the transport of fuel in quantities greater than those authorized as a result of bribes. However, the failure in controls would also appear to occur on a larger scale, by means of delays in identifying that consumption in Chocó does not correspond to the realities of the territory (e.g., a gas station in Riosucio, Chocó sold 1.2 million gallons per year, the same amount sold by the gas station with the highest sales in Bogotá, even though Riosucio only has 20,000 inhabitants (El Tiempo, 2019)) and that this could be an indication of the increase in illegal mining activity.

Lastly, the TGNR identified that there are deficiencies in the controls that should be enforced on heavy machinery. For example, the satellite monitoring system is applicable to the sale of new machinery, while most of the machinery entering Chocó is used and has no satellite monitoring. In addition, the satellite monitoring system is not linked to the Single National Traffic Registry (RUNT) resulting in the lack of an integrated control system for such machinery.

## b. Processing and commercialization phase

This phase revealed four (4) main findings, as well as some of the routes used for gold trafficking shown in [Figure 2](#). The first finding indicates that the controls for gold traders (e.g., trading centers) are inadequate, as they allow the use of hand-written operation systems. These circumstances facilitate impersonation, forgery and falsification of documents. For example, the trader can impersonate a subsistence miner to pretend he is making new purchases of illegal gold, since it is not possible to contrast the information between the different databases (e.g., Genesis, Single Registry of Minerals' Traders (RUCOM), DIAN) with hand written documents supporting the purchase of gold (i.e. the invoice).

Similarly, in some cases miners leave blank information on the forms and documents submitted to traders, who then take advantage of these circumstances and fill them out at their convenience. In some other cases, blank spaces are used as part of a fraudulent relationship between traders and non-subsistence miners, or people who do not even work in mining, in order to launder gold.

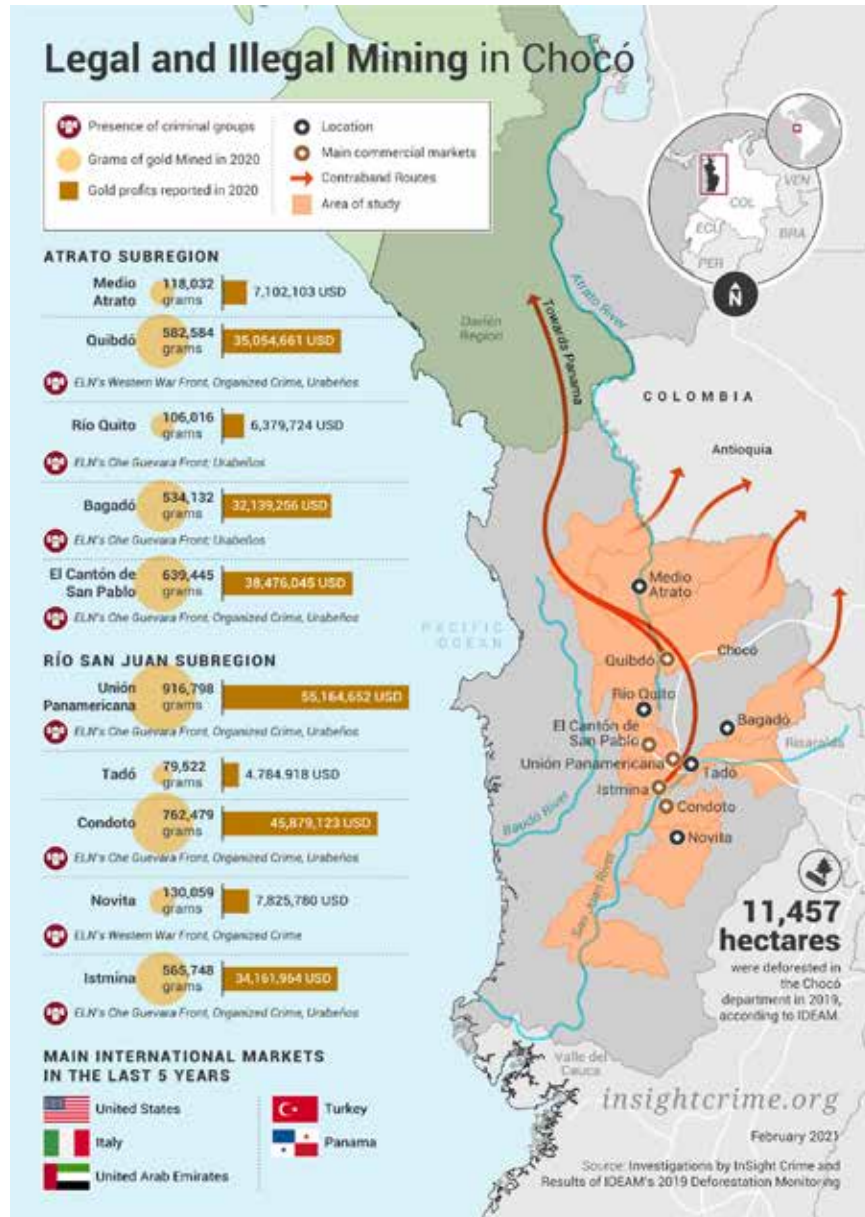
These circumstances are aggravated by the second finding, which shows that there is a multiplicity of levels of gold traders, ranging from traders who buy the gold in the extraction zones all the way to international traders. Not all of these traders are registered in the RUCOM, which makes it easier to mask the illicit origin of the gold. The existence of these multiple traders is explained by the price differential at which gold is sold at different stages of its commercialization (e.g., at the point of extraction, in Quibdó, in Bogotá, or abroad); the illegal chain profits from the weaknesses of having differentiated controls for these multiple actors, and the difficulty of mining regulations to adapt to the realities of the territory.

In terms of the third finding, we identified barriers to the commercialization of gold that prevent small-scale miners from accessing lucrative and legal markets. For instance, small-scale miners perceive that the requirements and procedures for exporting gold are complex and are therefore discouraged from accessing international markets. There is also a high degree of discretionality on the part of customs inspectors who, often out of ignorance, prevent small-scale miners from exporting gold. As a result, these miners are forced to sell their gold at lower prices on the domestic market, and often end up selling their gold to illegal actors out of necessity.

As a final finding, we note that jewelry stores are not required to register on RUCOM. Although presumably jewelry stores buy only small quantities of gold in the country and therefore have little impact on the commercialization of illegal gold, interviews indicate that jewelry stores might actually be used to launder illegal gold or the proceeds from its commercialization elsewhere. For example, gold that has been smuggled out of the country can then be reintroduced into Colombia in the form of pieces of jewelry that are sold through these stores, or the money from selling illegal gold abroad is then used to buy jewelry which is later on imported and sold in Colombian jewelry stores. In this way, legal actors launder the money obtained from selling illegal gold. [Table 2-A](#) in del [Annex 1](#) summarizes these findings.



Figure 2. Illegal gold mining routes



### c. Exporting phase

This phase reflected two (2) main findings. The first one points to the limited control of international trading companies in the country's Free Trade Zones, through which illegal gold might be exported as it is not possible to contrast the quantity of gold that entered the Free Trade Zones with the quantities actually exported. This limited control is exacerbated by the impossibility of the Tax and Customs Police to control the activities that take place inside the country's Free Trade Zones.

Secondly, we found that up to a third of the country's gold production is smuggled and enables money laundering (Figure 2). This is likely due to the presence of Mafia-style groups in the mining areas, especially in Chocó, and poor controls on gold smuggling. The deficiencies in these controls can be attributed to the ease with which gold is transported. For instance, it is difficult to differentiate legal gold from illegal one, and illegal gold is easy to camouflage in clothing, or as jewelry. This leads criminal actors to regard the risks associated with gold trafficking as being lower than those of drug trafficking and other illegal economies, with comparable or even greater levels of return on investment, thus providing an incentive for this activity. Table 3-A del Annex 1 summarizes this information.

### d. Cross-cutting findings in the value chain

These findings refer to phenomena that are evidenced in each one of the phases of the value chain and that facilitate illegal gold mining. The first refers to the tensions that exist between the mining, environmental, and indigenous communities' regulatory regimes. These tensions are noticeable, for example, in the lack of regulation of Chapters 4 and 5 of Law 70 of 1993, having mining titles granted in Forest Reserve Zones regulated by means of Law 2 of 1959, and the existence of outdated and precarious land-use planning instruments that do not include analyses on gold mining.

A second finding refers to the non-existence of spaces for comprehensive dialogue with local communities, as it seems that interactions with these communities are limited to prior consultations required for the adoption of measures (legislative and administrative), or for the execution of projects, but not for a participatory dialogue and decision making.

The third finding highlights the absence of an adequate traceability system for gold that guarantees its legal origin. The current traceability mechanism consists of the issuance of a certificate of origin by the same miner who produces it, and sales must be made to gold traders registered in the RUCOM. In practice it is difficult to identify the real origin of the gold because there are weaknesses in controlling the registry of subsistence miners that enable the adulteration and falsification of documents, and because there are traders in the illegal gold value chain who are not registered in RUCOM.

Lastly, the fourth cross-cutting finding refers to the inadequacy of existing information systems in the mining sector and their lack of coordination with other relevant systems. These phenomena are evidenced in (i) the absence of an evaluation and traceability module in the *Acceso al Alma Minera de Colombia* (AnnA) platform; (ii) outdated information on environmental licenses, partly due to the limited capacity of the environmental authorities to follow up and register the information in the corresponding systems (e.g., the One-stop Online Environmental Procedures Portal (*Ventanilla Integral de Trámites Ambientales en Línea VITAL*) belonging to the National Authority for Environmental Licenses (ANLA)); or (iii) deficiencies in the interoperability of the information systems that make it difficult for other entities or public officials and civil society to access the information. **Table 4-A** in **Annex 1** contains a summary of the findings.

### e. Financing of illegal mining

The financing of illegal gold mining starts (i) with money from investors, who are not necessarily associated with other illicit activities; or (ii) with money obtained from other illicit economies such as drug trafficking or extortion, among others. These resources are received by well-established illegal gold miners who make use of heavy machinery to maximize their operation, hereinafter referred to as “Emerging Mechanized Miners - (EMM)”. In some cases, it is even possible that the EMMs finance the operation on their own with money they have obtained from the illegal gold trade or through bank loans.

These EMMs are responsible for financing the purchase of supplies (e.g., fuel, heavy machinery, etc.), opening new mines, paying artisanal miners or subsistence miners to extract gold or buy their production, and paying any bribes or extortion necessary to guarantee the operation of their business. Subsequently, they sell the gold, keeping part of the profits whilst also handing over the relevant amount to the financiers of the operation (**Figure 2-A** of **Annex 1**).

### f. Recommendations and proposals

The findings contained herein allowed the identification of corruption risks associated to illegal gold mining. As a response to these risks, **Table 2** below presents, by risk factor, the proposals and recommendations issued by the TGNR to mitigate or prevent the occurrence of these risks. For ease of analysis, categories have been created to group the recommendations according to their respective purpose. These categories are: “Regulatory or policy proposals”, recommendations that suggest a “Modification to the existing powers and/or functions”, or that seek to “Promote institutional or social capacity building”, “Strengthen information and access to it”, or that propose “Improvements to processes and procedures”.



**Table 2** also designates some of the actors responsible for implementing the recommendations contained herein. However, this designation is merely illustrative. In other words, it is not exhaustive and there may be other institutional, civil society, private sector, or international cooperation actors that could have an impact on the execution or implementation of the recommendations set forth herein. Finally, it is important to mention that the identification of stakeholders is broadly conceived, since this document is an invitation to work alongside the TGNR team. The roles of the actors in charge of executing the recommendations and the feasibility of their implementation can be more precisely defined upon a joint work phase in which the scope of the legal powers of the actors has been analyzed in regards to the proposed recommendations.<sup>5</sup>

**Table 2.** Recommendations to counter the risks of corruption in gold mining and the activities of organized crime.

Risk: high concentration in the registry and approval of subsistence miners in municipal administrations and scarce supervision from regional or national authorities.	Who is responsible for implementation?
<p><i>Modifications to the existing powers and/or functions</i></p> <ul style="list-style-type: none"> <li>Establish satellite offices of the National Mining Agency (ANM) in the four main gold mining municipalities of Chocó. These offices should have a team that can travel to the mining areas in their municipality, provide technical support to miners, encourage them to formalize their activities, and coordinate with other entities to respond to illegal mining.</li> </ul>	National mining authorities
<p><i>Promote institutional or social capacity building</i></p> <ul style="list-style-type: none"> <li>Strengthen mayors' offices so that they can verify the identity of individuals being registered as subsistence miners. To this end, municipalities in categories 5 and 6 require direct funding from the national government, or the re-assignment of subsistence miner registration responsibilities to the ANM. At this stage, the geo-referencing information of the areas where gold mining will be carried out must also be validated.</li> <li>The municipalities must have the tools and administrative capacity to validate the information submitted by subsistence miners, such as geo-referencing the areas in which the request for mineral extraction is made.</li> </ul>	<p>Ministry of Mines and Energy (Minminas), ANM, Ministry of Finance (Minhacienda), Ministry of the Interior (Mininterior) and local governments. A modification of the powers of the miners' registry would require a bill which must be approved by the Colombian Congress.</p> <p>Minhacienda, Mininterior, Minminas, ANM, local governments and the Congress.</p>

Risk: environmental authorities do not carry out detailed monitoring and surveillance of natural resource extraction due to low budgets and alleged corrupt practices.	Who is responsible for implementation?
<p><i>Strengthen information and the access to it</i></p> <ul style="list-style-type: none"> <li>Conduct a Regional Strategic Environmental Assessment that analyzes deforestation and illegal mining as well as other factors that impact, both positively and negatively, the territory. The purpose of this assessment is to build a joint vision of development, that allows to formulate legal provisions or regulations, design, finance and execute projects, and improve the quality of life of the population in accordance with their ways of life and worldview.</li> </ul>	This process should be articulated between the Atrato River's Council of Guardians designated by the Constitutional Court in its ruling and the public entities that are part of the Chocó Intersectoral Commission.

Risk: ineffectiveness in the traceability of gold extracted and traded in Chocó.	Who is responsible for implementation?
<p><i>Promote institutional or social capacity building</i></p> <ul style="list-style-type: none"> <li>Verify and control the exploitation and commercialization of gold declared in the Production Declaration and Royalty Payment Forms and in the Certificates of Origin by the beneficiaries of the mining titles or authorized extractors, by systematizing each of these documents, as well as the RUCOM/GENESIS certificates issued by the authorities.</li> </ul>	National mining authorities
<p><i>Strengthen information and the access to it</i></p> <ul style="list-style-type: none"> <li>Keep updated lists of mining titles in the mining stage and lists of authorized buyers, especially those at the local level.</li> </ul>	National mining authorities
<p><i>Improvements to processes and procedures</i></p> <ul style="list-style-type: none"> <li>We recommend adopting the pilot program contracted by the ANM with the company Tecnalía that seeks to guarantee the legal origins of gold through a blockchain system.</li> <li>We recommend to implement an invoicing system linked to the National Tax and Customs Authority (DIAN) for gold trading centers, with invoices that include data on production, date and price.</li> </ul>	National mining authorities  DIAN and national mining authorities

<sup>5</sup> Please note that this clarification is equally relevant to the recommendations for each of the other drivers, provided for in **Table 3, Table 4** and **Table 5**.



Risk: low understanding of roles, responsibilities, and powers of the responsible actors in the different phases of the gold extraction chain in Chocó.	Who is responsible for implementation?
<p><i>Modifications to the existing powers and/or functions</i></p> <ul style="list-style-type: none"> <li>We suggest re-adopting the concept of Mining Districts<sup>6</sup> and consolidating them by creating an inter-institutional entity with control and surveillance powers over the mining sector, bringing together municipal and departmental mining secretaries (if any), representatives of the mining and environmental authorities, the Prosecutor General's Office (FGN), the Public Forces and the Attorney General's Office (PGN), among others.</li> </ul>	Minminas
<p><i>Promote institutional or social capacity building</i></p> <ul style="list-style-type: none"> <li>Socialize with artisanal and subsistence miners the procedures provided for in Genesis, RUCOM, so that they are aware not only of the municipalities' obligations regarding their registration, but also of their duties arising from the registration.</li> </ul>	Local government, NGOs, International cooperation agencies
<p><i>Improvements to processes and procedures</i></p> <ul style="list-style-type: none"> <li>Establish a standardized procedure for customs inspectors with respect to gold exports in the territory and provide training to these inspectors. Or, if necessary and depending on the volume of gold being transported at certain ports of exit, create specialized desks in charge of the gold customs procedures and allocate sufficient personnel, so customs can be timely cleared.</li> <li>The mining authority must strengthen the entry and exit control mechanisms of materials to be processed in the processing plants, regardless if they are portable plants (e.g., those provided by the Oro Legal program) or industrial plants established in the territory and pursuant to mining titles (e.g., AuVert plant), in order to improve the quantification of royalty payments.</li> </ul>	DIAN  National mining authorities

6 The Mining Districts were used in Colombia between 2008 and 2010 as a mechanism for improving formalization and legalization processes, promoting environmental and social responsibility and compliance in mining, and as support for the improvement of production processes of miners, especially artisanal and small-scale miners (ASM), which encompasses what today corresponds to small-scale and subsistence miners in the legislation. <https://www.mineria-pa.com/reportajes/distritos-mineros-una-propuesta-innovadora-en-colombia/>

Risk: Lack of transparency in the administrative control and sanctioning of legal mining activities. Little or no transparency in control and sanctions	Who is responsible for implementation?
<p><i>Modifications to the existing powers and/or functions</i></p> <ul style="list-style-type: none"> <li>Create an entity specialized in social dialogue, affiliated to the Ministry of the Interior. This could even be achieved by broadening the scope of the recently created Prior Consultation Agency (Agencia de Consulta Previa) for a more comprehensive vision, providing the instruments and conditions for the peaceful management of conflicts. This entity can gather the dialogue experiences resulting from the Chocó mining roundtable, inviting other entities that converge in the territory and that are currently implementing Ruling T-622 of 2016 (grants rights to the Atrato River) to participate.</li> </ul>	Government at the national level and Congress
<p><i>Promote institutional or social capacity building</i></p> <ul style="list-style-type: none"> <li>Colombia already has a plan to protect its social leaders. However, it is important that it includes a specific section for leaders in illegal mining areas where there is a strong presence of Mafia-style groups. For this purposes, regional authorities must ensure that the information provided by social leaders does not leak and reach the hands of criminal organizations. Alternatively, the security schemes of the National Protection Unit (UNP) should be implemented collectively, understanding that sometimes the risks to social leaders translate into risks for the community they lead. Moreover, it is necessary for the National Government to adhere to the Escazú Agreement, which provides instruments for information transparency and protection of environmental leaders.</li> </ul>	Regional authorities, UNP and Congress.
<p><i>Risk: few policing operations, with limited scope and discretionary powers</i></p> <p><i>Promote institutional or social capacity building</i></p> <ul style="list-style-type: none"> <li>Increase the capabilities of military engineers in mine destruction, and update Decree 2235 of 2012 to enhance the effectiveness of operations conducted by military forces for the destruction or disabling of heavy machinery, with the help of specialized groups in intelligence and control - similar to the MARTE (Explosives Management Group) and the Explosives and Demolitions Team (EXDE).</li> </ul>	Minminas, Mindefensa, Minambiente and Minjusticia
<p><i>Improvements to processes and procedures</i></p> <ul style="list-style-type: none"> <li>Create protocols that allow the selection of strategic targets in conjunction with the intelligence work being undertaken.</li> <li>We recommend centralizing intelligence, follow-up, operational and functional decisions regarding illegal mining at a high-ranking position, preferably under the direct supervision of the Presidency of the Republic (perhaps a Presidential Security Advisor), to act as a liaison with the Ministry of Defense (Mindefensa).</li> <li>We recommend that the FGN and the Public Forces develop a protocol to prioritize interventions in areas affected by illicit mineral extraction. For instance, one of the prioritization criteria could be impacts caused to areas of special environmental interest, such as National Natural Parks (PNN) or high-impact mechanized operations (e.g., mining with dredges and backhoes).</li> </ul>	Mindefensa, FGN, Public Forces, National mining authorities  Presidency of the Republic, DNI, Mindefensa, Minminas, and Minambiente.  Mindefensa, Minambiente, FGN, Public Forces, and PNN

<b>Risk: precariousness, fragmentation and underfunding of information systems.</b>	<b>Who is responsible for implementation?</b>
<p><i>Strengthen information and the access to it</i></p> <ul style="list-style-type: none"> <li>To achieve interoperability between the information systems of the mining and environmental sectors, we recommend consolidating the databases of the SIMCO, AnnA, Colombian Environmental Information System (SIAC), VITAL, Génesis and RUCOM platforms, as well as their associated geographic information. These platforms must have real-time, high-quality, readable information, with predefined updating periods, parameterized information, and access standards. In addition, they must ensure that there are outputs for public use whose periodicity and frequency must be predetermined, as well as whatever else is needed to carry out operations, which must be issued in the shortest possible time.</li> <li>Improve the accuracy of the information recorded in the UNODC Integrated Illicit Crop Monitoring System (SIMCI) platform, especially the amount of gold extracted from the municipalities in Chocó, data about the movement of gold from one extraction zone to another for sale, and the price at which the gold was traded.</li> <li>Structure and operationalize the AnnA control module, especially with regard to granted and requested mining titles (the data is not up to date), approved environmental licenses (little available data) and social management plans. In addition, information on subsistence miners should be added to the AnnA program and updated monthly, as well as data on the amount of gold produced quarterly in the municipalities, and the amount and type of heavy machinery used in mining. Subsistence information needs to be geo-referenced.</li> <li>Modify SIMCI to allow the display of heat maps generated by Mindefensa regarding users and production associated with illegal gold mining, updated with a timeline that does not jeopardize the operations of the Public Forces.</li> <li>Guarantee that the databases are accessible to decision-makers in the field, especially the public forces and administrative institutions, and to civil society, in accordance with assessments of relevance, feasibility and legality.</li> </ul>	<p>Minminas, Minambiente</p> <p>UNODC, Ideam, ANM, Government of Antioquia</p> <p>National mining authorities and local governments</p> <p>UNODC, Mindefensa, Minminas, Ideam</p> <p>National mining authorities, Minambiente, Mindefensa, FGN, Public Forces</p>

<b>Risk: limited, inconsistent, slow or fragmented institutional capacity to evaluate and monitor mining activity in the territory.</b>	<b>Who is responsible for implementation?</b>
<p><i>Regulatory or policy proposals</i></p> <ul style="list-style-type: none"> <li>Finalize the adjustments to the National Mercury Action Plan to be submitted to the COP in 2022, which is informed by sectoral plans, including the Mercury Plan for the Mining Sector (defined prior to Minamata by Minminas). This plan must include the implementation of actions for the prevention, control, and use of mercury, with emphasis on mercury that enters the country through smuggling, as well as actions for the restoration of areas degraded and contaminated with this metal. This should go hand in hand with the accompaniment of communities to eradicate practices involving the use of mercury.</li> </ul>	<p>Minminas, Minambiente, DIAN</p>

<ul style="list-style-type: none"> <li>Execute a large-scale regularization plan to identify mining titles that were awarded without a prior consultation with local communities for the exploratory phase, and take the necessary measures to address any inconsistencies or grounds to void them.</li> </ul>	<p>National mining authorities</p>
<p><i>Promote institutional or social capacity building</i></p>	
<ul style="list-style-type: none"> <li>Increase the provision of equipment and infrastructure for mobility, communications, and logistical needs for control activities carried out by the FGN, municipalities, and environmental authorities.</li> </ul>	<p>Minhacienda, National environmental authorities, National mining authorities, FGN</p>
<ul style="list-style-type: none"> <li>Make satellite monitoring of heavy machinery permanent and mandatory for the Ministry of Transportation.</li> </ul>	<p>Mintransporte</p>
<ul style="list-style-type: none"> <li>Improve detection systems and alerts for in-water EVOAs.</li> </ul>	<p>Ideam</p>
<ul style="list-style-type: none"> <li>Focus on fuel control both at gas service stations (EDS) and in fuel tankers that directly supply mining operations. We recommend incorporating geo-location mechanisms in river stations and improving the fuel sales information system so it cross-references with other warning systems. Likewise, we suggest that Minminas strengthen the monitoring of municipal sales volumes and those of EDS in the Information System of the Supply Chain of Oil Derived Liquid Fuels (SICOM) in order to cross-check with the areas of major illegal mining operations and understand better the criminal chains that are supplying this product.</li> </ul>	<p>Minminas, Local governments, Public Forces</p>
<ul style="list-style-type: none"> <li>Increase the provision of equipment and infrastructure for mobility, communications and logistical needs for control activities carried out by the FGN, municipalities and environmental authorities in relation to the monitoring and control of mining. Specifically, we propose to provide satellite telephones to prosecutors and investigators who are in the regions with illegal mining activities and to increase the number of laboratory and expert personnel.</li> </ul>	<p>Minhacienda, National Environmental Authorities, National Mining Authorities, FGN</p>

<p><i>Improvements to processes and procedures</i></p>	
<ul style="list-style-type: none"> <li>For the domestic market, we recommend increasing institutional controls on buyers, including gold trading centers, in municipal administrative control programs and mining controls, improving the controls of the chambers of commerce, the industry and commerce or planning secretariats (competent authority in the regions), and the DIAN, in addition to the RUCOM.</li> </ul>	<p>National mining authorities, DIAN, regional governments, Chambers of Commerce</p>
<ul style="list-style-type: none"> <li>Limit the use of cash as a means of payment from gold trading centers to miners, making purchases possible solely by digital means. However, this requires the bankarization of miners, as proposed below.</li> </ul>	<p>Mincomercio, Financial Superintendence, Financial Sector, National Mining Authorities</p>
<ul style="list-style-type: none"> <li>Articulate the Machinery Mobilization or Transit Guides with the information of the owners of the heavy machinery registered in the RUNT.</li> </ul>	<p>Mincomercio, Mintransporte, RUNT</p>
<ul style="list-style-type: none"> <li>Complement the monitoring of heavy machinery with the detection of areas affected by gold mining (e.g., the monitoring of evidence of alluvial gold mining (EVOA) currently led by the UNODC SIMCI team).</li> </ul>	<p>Ideam</p>

<b>Risk: outdated regulations which are inadequate for the proper management and control of mining activities.</b>	<b>Who is responsible for implementation?</b>
<p><i>Regulatory or policy proposals</i></p> <ul style="list-style-type: none"> <li>• Include all activities related to the value chain of illegal gold mining as a source crime of money laundering under Article 323 of the Criminal Code and toughen penalties when illegal exploitation occurs in protected areas (P.L. 059 of 2020 Senate).</li> <li>• Support the bills (P.L. No. 440 of 2020 House and P.L. 314 of 2020 Senate) that seek to provide access to financial services for small and subsistence miners. In this sense, the State must allocate resources for investment in second-tier banking to support credits granted to miners.</li> <li>• Establish shorter terms for conducting sanctioning procedures at environmental and mining authorities, as well as for resolving requests for formalization or legalization of mining activities.</li> <li>• Regulate Chapter Five of Law 70 of 1993, which deals with mining resources in the territories of Afro-descendant communities. The bioculturality, collective territories, and self-government instruments approaches must be integrated with the perspectives of the Nation and the corresponding constitutional powers. Thus, to the extent possible, the regulations should clarify issues related to how to proceed with the right of preemption in mining areas and the possibility for the Community Councils to exercise mining activities in an autonomous manner.</li> <li>• Create an intermediate category between subsistence and small-scale mining that allows for a certain volume of operation to be conducted with the use of certain types of machinery. This is due to the fact that the use of mining pans by subsistence miners is decreasing and the use of machinery has increased. This implies that miners who use this machinery are not legally considered subsistence miners, but neither can they be classified as small-scale miners. The associated regulations must be established by Minminas and the Ministry of Environment and Sustainable Development (Minambiente), based on technical and scientific studies that support aspects such as the carrying capacity of ecosystems and their resilience to certain types of mining intervention, according to information from environmental research institutes and the ANM.</li> </ul>	<p>Congress of the Republic, NGOs, international cooperation agencies, private sector</p> <p>NGOs, International Cooperation Agencies, private sector, financial sector</p> <p>Minambiente, Minminas and Congress of the Republic</p> <p>Mininterior, Minminas, Minambiente</p> <p>Minminas, Minambiente, ANM</p>

<b>Risk: limited international management to establish joint and coordinated traceability actions.</b>	<b>Who is responsible for implementation?</b>
<p><i>Regulatory or policy proposals</i></p> <ul style="list-style-type: none"> <li>• Follow up and reaffirm the need for the implementation of due diligence obligations for gold-buying countries in the OECD negotiations.</li> </ul>	<p>National government, International cooperation agencies</p>

<b>Risk: precarious and limited territorial control by the Colombian State</b>	<b>Who is responsible for implementation?</b>
<p><i>Regulatory or policy proposals</i></p> <ul style="list-style-type: none"> <li>• We recommend that the institutional presence in mining areas should not only be framed for the purpose of counteracting criminal activity, but also for providing a range of services to legalize mining activities and establish community operation modalities for the exploitation of mineral resources.</li> </ul>	<p>National mining authorities, Minambiente, NGOs, international cooperation agencies</p>
<p><i>Promote institutional or social capacity building</i></p> <ul style="list-style-type: none"> <li>• We recommend offering support to local communities through entities that protect the civilian population, such as the Ombudsman's Office, to monitor the operations carried out by the public forces and the behavior of organized crime. This would allow the administrative authorities to make decisions in real time on how to address the transformations that criminal organizations undergo once they are directly attacked.</li> </ul>	<p>Ombudsman's Office, Municipal Ombudsmen, Public Forces</p>
<p><b>Risk: limited capacity of anticorruption mechanisms to exert control over the mining supply chain</b></p> <p><i>Regulatory or policy proposals</i></p> <ul style="list-style-type: none"> <li>• Conduct appropriate monitoring of officials under investigation for corruption and illegal mining, and take preventive actions. For this purpose, we recommend reviewing administrative decisions such as relocating the person under investigation, implementing a temporary change of functions, or any other action that removes him/her from the possible criminal act. Any mechanism to be adopted must guarantee the due process at all time preventing any prejudice or stigmatization prior to the ruling.</li> <li>• Implement corrective measures and take disciplinary action against officials or contractors who delay mining formalization processes without adequate justification, or consider them to be serious misconduct on the part of public servants.</li> </ul>	<p>PGN</p> <p>Internal control offices, PGN, CGR</p>

<b>Risk: control actions are focused on the destruction of machinery and not on the criminal actors that encourage illegal mining</b>	<b>Who is responsible for implementation?</b>
<p><i>Promote institutional or social capacity building</i></p> <ul style="list-style-type: none"> <li>• We recommend that the national government strengthen, as a response to gold smuggling, its investigative capacity, controls in mining areas, and administrative measures. To this end, the government should work jointly with Interpol and the police of neighboring countries where illegal gold produced in Colombia is traded, in order to identify the criminal networks involved and the routes used.</li> <li>• Strengthen the capacity of the authorities responsible for financial and criminal investigations related to gold exploitation, such as the Financial Information and Analysis Unit (UIAF), the Criminal Investigation Directorate, the Police and Army Intelligence Directorates and the FGN, the Operational Criminal Investigation Group - GROIC. These authorities should concentrate their efforts and investigate the criminal gold production chain, the origin of the money used to open new illegal mining zones in Chocó, as well as the relationship with other criminal economies such as drug trafficking and extortion.</li> </ul>	<p>National mining authorities, DIAN, Public Forces, Mindefensa, Ministry of Foreign Affairs</p> <p>DNI, Public Forces, UIAF, FGN, GROIC</p>



<b>Risk: control actions are focused on the destruction of machinery and not on the criminal actors that encourage illegal mining</b>	<b>Who is responsible for implementation?</b>
<p><i>Strengthen information and the access to it</i></p> <ul style="list-style-type: none"> <li>Investigate the transactions carried out by traders in Chocó concerning the purchase and sale of gold from subsistence or small-scale miners.</li> <li>Strengthen the FGN in its access to and consultation of geographic information systems of mining-environmental entities and automated crime alert systems.</li> </ul>	<p>International cooperation agencies, NGOs, Public Forces and the FGN</p> <p>National mining authorities, Minambiente, Ideam and FGN</p>
<p><i>Improvements to processes and procedures</i></p> <ul style="list-style-type: none"> <li>Integrate the analysis of crimes associated with the environment with those related to supply chains (e.g., gold smuggling). This integrated analysis could be achieved through the Strategic Operation Centers (CEO) that bring together the operations of the Army, Navy, Air Force, Police and FGN.</li> </ul>	<p>Mindefensa, FGN, Public Forces, International Cooperation Agencies</p>

### 3.2 Illegal logging

Based on the timber trafficking value chain shown in **Figure 3-A** in **Annex 2**, which includes the harvesting, transport, processing, and commercialization phases, we were able to identify the following key findings. These are summarized to reflect the central circumstances or problems that enable their occurrence.

#### a. Harvesting phase

In this phase of the value chain, two (2) findings were identified (a summary of the following description can be found in **Table 5-A** of **Annex 2**). The first of these indicates that criminal actors known as “bosses” or “proxies” appear as middlemen between the labor force and the financiers of timber trafficking, who in turn instrumentalize local communities through the offer of assistance (e.g., in some cases they act on behalf of the landowners when dealing with environmental authorities) and facilitation in obtaining permits or authorizations for forest harvesting in their territories (e.g., they finance forest harvesting and management plans, and activities related to timber extraction). Local communities yield to these offers because they are unaware of the legal processes for obtaining permits or because they perceive these to be complex, costly, and time-consuming if they were to carry them out on their own. In these cases, it is common for the owners of the land (local stakeholders) to receive sanctions from the environmental authority due to legal transgressions made by the



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middlemen. For example, landowners are tricked into harvesting species that are not permitted, in quantities and/or in areas not included in the permits or authorizations granted by the environmental authority. In other cases, the middlemen, who do not have permits or harvesting authorizations, directly use loggers and foresters who identify the timber species of interest to the middlemen and then log them; these local stakeholders receive a low economic compensation or payment in kind. Thus, some of these circumstances constitute the first stage in the laundering of illegally harvested timber.

Secondly, the information gathered indicates that the environmental authorities are deficient in the issuance and verification of forest harvesting permits or authorizations. This deficiency is attributable to the fact that the environmental authorities sometimes lack the technical (e.g., specialized forestry personnel), technological, administrative, and financial resources to exercise control over forest harvesting. Another factor is the existence of forest areas that do not yet have Forest Management Plans (POF) that determine where forest harvesting can be carried out, as well as a lack of information, including the absence of a marking system that guarantees the traceability of the timber. These circumstances mean that controls are not adequately exercised, that there are corruption risks in obtaining permits or authorizations (e.g., no effective internal control measures for staff or audits by external control entities), or that documents, such as management and harvesting plans, are plagiarized.

## b. Transport phase

A first finding indicates that in the transport phase there are two (2) circumstances that enable timber trafficking. On the one hand, there are frequent forgeries or tampering of the Single National Online Permits (SUNL), which are documents necessary to transport the timber from the point of harvesting to the collection points (warehouses) and processing centers (sawmills) for its commercialization. Some weaknesses in the technological platform for obtaining the SUNL have made it vulnerable to the entry of fraudulent information (e.g., registering a different volume of timber to be transported than the one granted in the harvesting permit or authorization, entering unusual timber transportation routes, etc.), thus allowing the falsification or tampering of such permits, which is apparently carried out

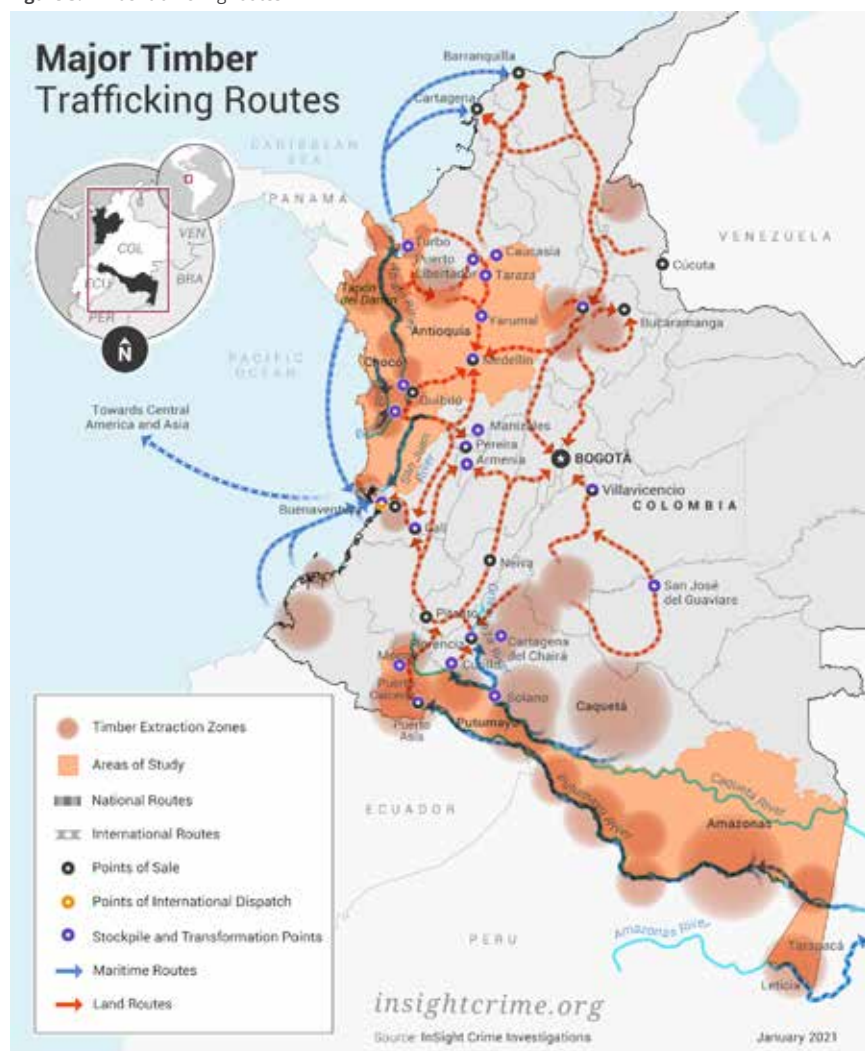
by public officials. As a result, timber transported with tampered or falsified SUNLs is presumed legal until the legality of such permits is contested, and is therefore able to move freely from the points of harvesting to the sawmills.

In addition, deficiencies in the technical, administrative, and financial capabilities of the environmental authorities make it difficult to monitor the SUNLs issued; one of the reasons for this is that the permits are physically delivered to the applicants at the facilities of the environmental authorities, which means that officials do not actually visit the timber loading sites to verify the species and volumes authorized in the SUNL.

In the Amazon and Pacific regions there are different timber harvesting and stockpiling points, and river or land routes used to transport timber from the natural forests to the main processing points (**Figure 3**). The second finding indicates that there are weaknesses in the control mechanisms exercised in the transportation of timber. Despite the fact that control of this activity should be the responsibility of the environmental authority with the support of the public forces, this action falls mainly on the latter; that is, the environmental authorities do not have experts along the checkpoints located in strategic areas of land or waterways to verify timber loads (forestry professionals with expertise in cubing and identification of species through recognition of anatomical characteristics and physical properties of the wood are required), leaving this task up to the public forces who do not possess this technical knowledge.

These weaknesses are exploited by the criminal networks that operate this driver, as the absence of fixed Environmental Control Checkpoints (PCA) operating 24/7 (24 hours a day, 7 days a week), located in strategic areas that are mandatory points of transport, facilitates the distribution of illegal timber to the country's main destinations. This problem is compounded by the fact that there is no system for marking logs or timber pieces that would allow for rigorous control of the timber shipments being transported. Finally, the results indicate that there have been cases of bribery of the public forces to allow the transport of illegally harvested timber. **Table 6-A of Annex 2** summarizes the findings.

Figure 3. Timber trafficking routes



### c. Processing and commercialization phase

Finally, the TGNR identified three (3) main findings in the processing and commercialization phase. First, the results indicate that there are fraudulent records in the forestry operations ledgers, such that part of the timber entering the warehouses or sawmills corresponds to cargo that has been transported under the cover of forged permits, or to species that are not included in the SUNL, i.e., timber that has been laundered since the transport phase.

The fraudulent recording of information is facilitated by the deficient control that environmental authorities exert on these collection centers and sawmills. To overcome the weaknesses of the physical ledgers, technological developments exist that would allow the operation of the Online Forestry Operations Ledger (LOFL). However, this system has not yet been implemented given that to date the technology has not been fully developed, despite the fact that Minambiente indicated by means of Resolution 1971 of December 5, 2019 that the LOFL should be available at VITAL within three months following the issuance of the Resolution. This delay makes it impossible to cross-reference information from the SUNLs issued by the Regional Autonomous and Sustainable Development Corporations (CAR) and therefore facilitates timber laundering.

Secondly, the results suggest that controls on timber imports in Leticia, Amazonas, are inadequate. In addition to the control weaknesses and deficiencies in the coordination of the different authorities that must control imports, the special customs regime in force in the area facilitates the importation of illegal timber into the country, since under this regime timber shipments with a value of less than US\$1,000 only need to present a purchase invoice to enter the country, which has led to the phenomenon of illegal timber smuggling in small quantities.<sup>7</sup>

Finally, the results indicate that the lack of knowledge or non-compliance by government bodies with the provisions of the “Guide for Responsible Timber Purchasing and Consumption in Colombia” could allow the purchase of illegal timber by public authorities. This finding would indicate that public procurement processes for the purchase of timber have weaknesses in the use of environmental sustainability criteria and in the verification process of the documents submitted to corroborate the legal origin of the timber (a summary of these findings can be found in [Table 7-A of Annex 2](#)).

<sup>7</sup> Movement of small quantities of timber that do not have to be declared to the DIAN.



#### d. Cross-cutting findings in the value chain

These findings refer to phenomena that are evidenced in each of the phases of the value chain and that facilitate timber trafficking in the Amazon and the Pacific (the summary is found in [Table 8-A](#) of [Annex 2](#)). First, we identified administrative, technical, and financial weaknesses in the environmental authorities (e.g., CAR, Environment Secretariats) in regards to timber harvesting. These weaknesses include the absence of qualified personnel, high personnel turnover, lack of resources for the application of protocols for monitoring and control of forest harvesting, and discretionary decision-making, among others.

These circumstances are aggravated by the second finding, which indicates that the timber traceability system is deficient and therefore does not allow effective monitoring of the timber to determine its origin, and that the information available for monitoring and control throughout the forestry chain is outdated, and the systems in which this information is stored are not interoperable. This leads to the third finding, which indicates that the State's ability to sanction violators of the forest harvesting regime is deficient, since the environmental sanctioning procedure becomes cumbersome when dealing with isolated events that could be related to timber trafficking, even in cases of flagrancy.

As a result, only in exceptional cases do the proceedings initiated in this regard result in the imposition of a sanction, and this may even occur several months or years after the events occurred. In addition, there is no control over re-offenders in the granting of permits and authorizations for timber harvesting and transportation. This makes it easier for offenders to incur in recidivism of behavior or for future illegal actors not to be deterred.

#### e. Financing of timber trafficking

Lastly, the results of the TGNR have made it possible to identify the way in which the actions required to harvest, transport, and trade illegal timber are funded. The findings ([Figure 4-A](#) of [Annex 2](#)) indicate that an important source of financing comes from the so-called "invisible" stakeholders, who may belong to economic or political elites (e.g., the construction sector). Invisible stakeholders provide the funds necessary (usually in cash) for the "middlemen bosses" to finance illegal timber harvesting operations, transportation, and its subsequent sale.



These middlemen bosses pay local communities small sums of money for their services as loggers, identifiers of wood (*monteros*) and carriers to river basins (*paleteros*), or sometimes they pay them in kind with goods, food, electric generators, or school supplies. The middlemen are also responsible for financing timber transport operations, paying extortion fees to Mafia-style groups, and paying the bribes required to extract and transport the illegal timber. The remuneration of these middlemen usually consists of a price differential between the amounts paid to obtain the illegal timber and the sale price at which it is offered to the “invisible” stakeholders. Profits obtained by middlemen are generally banked and invested in assets, such as real estate, stocks, or tools to facilitate the harvesting of illegal timber (e.g., chainsaws). However, the bulk of the profits arising from the illegal logging driver are received by the “invisible” stakeholders who market the timber nationally or internationally, at prices significantly higher than those paid for its harvesting and processing.

### f. Recommendations and proposals for counteracting corruption and organized crime

The findings contained herein allowed the identification of the corruption risks associated to illegal logging. To mitigate or prevent the occurrence of these risks, **Table 3** below presents, by risk factor, the proposals and recommendations issued by the TGNR project. For ease of analysis, categories have been created to group the recommendations according to their respective purposes. These categories are: “Regulatory or policy proposals”, recommendations that suggest a “Modification to the existing powers and/or functions”, or that seek to “Promote institutional or social capacity building”, “Strengthen information and access to it”, or that propose “Improvements to processes and procedures”.

**Table 3.** Recommendations to counter the risks of corruption in the timber trade and related organized crime activities

Risk: weaknesses in the enforcement of regulations on natural forest harvesting due to a lack of knowledge of the context on the local communities.	Who is responsible for implementation?
<p><i>Regulatory or policy proposals</i></p> <ul style="list-style-type: none"> <li>Modify the participation mechanisms to strengthen the consultation processes with community stakeholders on forest management regulatory developments or amendments. We propose that Minambiente and the Ministry of Agriculture and Rural Development (Minagricultura) include these elements in the development of Line 2 of Conpes 4021.</li> </ul>	<p>Minambiente and Minagricultura</p>

<ul style="list-style-type: none"> <li>Include the natural forest harvesting sector in regional and national competitiveness agendas.</li> </ul>	<p>We recommend that this action be led by the National and regional competitiveness and innovation commissions, as well as the authorities in charge of the national and territorial implementation of line 5 of the EICDGB.</p>
<ul style="list-style-type: none"> <li>Include feasible actions to promote the fair trade of legal timber from natural forests, providing benefits to local communities.</li> </ul>	<p>Mincomercio, ProColombia, Minagricultura, NGOs, International cooperation agencies</p>
<ul style="list-style-type: none"> <li>Modify Decree 1076 of 2015 in order to:                             <ol style="list-style-type: none"> <li>Create and regulate the technical forestry extension, which powers should be attributed to the environmental authorities, unless otherwise defined with the creation of the National Forestry System - SNF.</li> <li>Establish criteria that guarantee community control over the harvesting of their forests if harvesting involves third party investment or any other type of participation by third parties, or when harvesting occurs through concessions or associations.</li> </ol> </li> </ul>	<p>Minambiente</p>
<ul style="list-style-type: none"> <li>Promote community forestry management, led by regional environmental authorities.</li> </ul>	<p>Regional environmental authorities</p>
<ul style="list-style-type: none"> <li>Provide solutions for the main disincentives to the legal harvesting of forest resources (e.g., costs of forest management and harvesting plans, harvesting fees, low investment in the forestry sector, among others).</li> </ul>	<p>Minambiente, Regional environmental authorities</p>
<ul style="list-style-type: none"> <li>Expand the actions defined in the Pact for Growth and Employment Generation in the Forestry Sector, including specific elements to: (i) avoid irregularities in processes and procedures throughout the forestry chain, (ii) promote the trade of legally sourced timber, harvested in natural forests, (iii) contribute to community management of forests (communities increasingly less dependent on middlemen) and the generation of employment with good working conditions.</li> </ul>	<p>Minagricultura, Mincomercio, Minambiente and Minhacienda</p>
<p><b>Promote institutional or social capacity building</b></p>	
<ul style="list-style-type: none"> <li>Environmental authorities should include in their management plans the development of campaigns to provide useful information to forest users in order to consolidate a culture of forest legality in the territories.</li> </ul>	<p>Regional environmental authorities</p>
<p><b>Strengthen information and the access to it</b></p>	
<ul style="list-style-type: none"> <li>Extend the period during which information on violators is kept in the Single Registry of Environmental Violators (RUJA), since it currently keeps the information between one (1) and a maximum of two (2) years (this recommendation should be implemented by the ANLA); this amendment will allow the environmental authorities to have information that can be used to consider previous violations as an aggravating factor when assessing a fine.</li> </ul>	<p>Minambiente, ANLA</p>
<p><b>Improvements to processes and procedures</b></p>	
<ul style="list-style-type: none"> <li>Regulate the terms of reference for the development of simplified forest management and harvesting plans that consider the heterogeneity of the country's forest types, and that guarantee the provision of relevant information to understand environmental sustainability and the economic viability of harvesting.</li> </ul>	<p>Minambiente, Regional environmental authorities</p>
<ul style="list-style-type: none"> <li>Carry out a technological enhancement within the VITAL platform that facilitates the collection of the compensatory fee for use provided for in Decree 1390 of 2018, for which it is also required to clarify how the value to be paid is calculated and facilitate the management of the collection of this fee.</li> </ul>	<p>Minambiente</p>

<b>Risk: weaknesses in the enforcement of regulations on natural forest harvesting due to a lack of knowledge of the context on the local communities.</b>	<b>Who is responsible for implementation?</b>
<ul style="list-style-type: none"> <li>Differentiate the requirements for forest management and harvesting plans for collective territories (Indigenous Reserves, Afro-Colombian Community Lands) and Peasant Farmer Reserve Areas, according to the area and volume of harvesting.</li> </ul>	Minambiente, Regional environmental authorities
<ul style="list-style-type: none"> <li>We recommend that each timber movement be associated with a commercial transaction so that the DIAN can track the money and operations of the middlemen. In other words, this means that the SUNL should have an electronic invoice associated with the purchase and sale of the timber being moved, and the invoices should be recorded in the forestry operations ledgers.</li> </ul>	DIAN, Minambiente, Regional environmental authorities
<ul style="list-style-type: none"> <li>Regulate how the forestry resource can be harvested by means of association and forest concession, specifying the content and scope of these forms of access to harvesting, the cases in which they apply, and the minimum conditions that must be met.</li> </ul>	Minambiente

<b>Risk: Inexistent and inefficient timber control and traceability tools that do not consider the realities of the territories nor the needs of the sector</b>	<b>Who is responsible for implementation?</b>
<p><i>Regulatory or policy proposals</i></p> <ul style="list-style-type: none"> <li>Link the environment and agriculture sectors to establish and unify timber traceability instruments.</li> <li>Specialized consulting is required from public or private organizations that ensure or are guarantors of the contracts or work agreements between third parties (middlemen) and the communities. There is also an eminent need for these contracts or work agreements to guarantee the joint liability of the parties (EIA, 2019).</li> </ul>	Minambiente, Minagricultura  Minambiente, regional environmental authorities, NGOs, International cooperation agencies

<p><i>Modifications to the existing powers and/or functions</i></p> <ul style="list-style-type: none"> <li>Create a Forestry Chamber that represents and coordinates the value chain of the forestry sector, focusing on natural forests, promoting their competitive development and the formalization of timber companies.</li> </ul>	Minambiente, Minhacienda, Mincomercio
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<p><i>Strengthen information and the access to it</i></p> <ul style="list-style-type: none"> <li>Link the forest harvesting and planning modules in the VITAL platform with SUNL. The new modules should require the entry of geographic information on harvesting in a polygon format (areas), not per centroid (points). In this way, the environmental authority can exercise greater control over the harvesting areas in its jurisdiction.</li> <li>Develop technology for the online registration of each coded tree, incorporated in VITAL, that informs on which tree was felled, or where the timber load is located in real time.</li> </ul>	Minambiente  Minambiente
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<p><i>Improvements to processes and procedures.</i></p> <ul style="list-style-type: none"> <li>Establish a timber marking system for timber from natural forests, so that the traceability system is not limited to the transport and processing phases. For this purpose, it is important to use the different marking pilots that have been developed in previous projects as a reference.</li> <li>Make improvements to the technological development of SUNL to alert against fraudulent data entry such as inconsistent figures and duplicity in the uploading of information.</li> </ul>	Minambiente  Minambiente
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<ul style="list-style-type: none"> <li>Strengthen the internal control systems in the regional environmental authorities, especially with respect to officials who have access to the SUNL platform and who administer the security paper on which the permit is printed.</li> </ul>	Regional environmental authorities, PGN, CGR
<ul style="list-style-type: none"> <li>Implement PCAs that operate 24 hours a day, 7 days a week, located in places that are mandatory for the movement of timber to the country's main destinations.</li> </ul>	Minambiente, Mintransporte, Mindefensa, Public Forces, Regional environmental authorities
<ul style="list-style-type: none"> <li>Controlling timber transportation in fixed checkpoints must be carried out by forestry experts belonging to the environmental authorities.</li> </ul>	Regional environmental authorities
<ul style="list-style-type: none"> <li>Design a protocol for the operation of the PCAs that includes the review of the SUNLs, so that if the timber arrives at a checkpoint without the approval of the previous checkpoint it must be declared of unknown origin.</li> </ul>	Minambiente, Mintransporte, Mindefensa, Public Forces, Regional environmental authorities.
<ul style="list-style-type: none"> <li>Regulate the use of a mark for the identification of timber from natural forests and forest plantations that will be transported within the national territory, which may consist of a QR code, or even plaques or paint.</li> </ul>	National environmental authorities
<ul style="list-style-type: none"> <li>Enforce Resolution 1971 of 2019, which defined a deadline for the implementation of the LOFL, which has not been met. The implementation should foresee the oversight of the LOFL's interoperability with SUNL.</li> </ul>	Minambiente, PGR
<ul style="list-style-type: none"> <li>The implementation of the LOFL should at least incorporate the recommendations for improvement that were defined by the regional environmental authorities and other key stakeholders in the Agreement known as "Support for the development of the online forest operations ledger - LOFL, through the participation of regional environmental authorities and other prioritized stakeholders" between FAO and the Association of Regional Autonomous and Sustainable Development Corporations (Asocars) (2018).</li> </ul>	Minambiente
<ul style="list-style-type: none"> <li>Define strategies for the operation of LOFL in areas without internet access or where forest chain actors are illiterate.</li> </ul>	Minambiente, MinTIC, Regional environmental authorities

<b>Risk: environmental authorities nation-wide show discretionary use of their powers and low compliance with the processes and procedures associated with the harvesting of natural forests</b>	<b>Who is responsible for implementation?</b>
<p><i>Regulatory or policy proposals.</i></p> <ul style="list-style-type: none"> <li>Modify the current regulations providing the mandatory use of POFs by the environmental authorities. For example, the regulations ought to provide that the POF should include, where appropriate, community forest management programs and the development of forestry extension programs that allow communities to improve forest harvesting in their territory.</li> <li>Enforce the 2021 Regulatory Agenda, defined by Minambiente, so that the "Guidelines and Guide for Forest Management in Colombia" become legally binding through the issuance of an administrative act, and also to better specify the scope of the POFs.</li> <li>Minambiente should adopt by means of a resolution the protocols developed under the project "Positioning Forest Governance in Colombia" for: (i) the review and evaluation of forest management plans, (ii) the monitoring and control of forest harvesting in natural forests, (iii) the monitoring and control of the movement of timber and non-timber forest products, and (iv) the monitoring and control of industries and companies processing or commercializing forest products.</li> </ul>	Regional environmental authorities, PGN, CGR  Minambiente  Minambiente



<b>Risk: environmental authorities nation-wide show discretionary use of their powers and low compliance with the processes and procedures associated with the harvesting of natural forests</b>	<b>Who is responsible for implementation?</b>
<ul style="list-style-type: none"> <li>We recommend that the Minambiente monitor the use of the quotas assigned to the environmental authorities (annual volume of timber that can be harvested in their jurisdictions). This could be achieved via annual audits of a representative sample of the total number of projects for which permits or authorizations have been granted, and this information should be contrasted in the field with the reported values from the forest management or harvesting plans to verify that they correspond to the assigned quota.</li> </ul>	Minambiente
<p><i>Promote institutional or social capacity building</i></p>	Minhacienda, Minambiente, Administrative Department of the Civil Service, Regional environmental authorities
<ul style="list-style-type: none"> <li>Expand the environmental authorities' workforce in such a way that the number of contractors is reduced. For this purpose, the suitability criteria of the people who would be hired should be clearly defined.</li> </ul>	Minambiente, Administrative Department of the Civil Service, Regional environmental authorities
<ul style="list-style-type: none"> <li>Form appropriate forest management teams in each environmental authority. These teams should be created based on the actions defined in the authority's forest management plan, total forest area and deforestation pressures in their jurisdictions.</li> </ul>	Mineducación, Minambiente, Private sector
<ul style="list-style-type: none"> <li>Implement training programs (courses) accredited by entities registered with the Ministry of Education. Training programs should include, among other topics: the use of technological tools, data recording, consultation and processing of information available in the VITAL, SNIF, SMByC, among others.</li> </ul>	National environmental authorities, PGN, CGR
<ul style="list-style-type: none"> <li>The environmental authorities should strengthen their Internal Control Offices, so that they reinforce the monitoring of officials in the fulfillment of their duties on forest management.</li> </ul>	PGN, CGR
<ul style="list-style-type: none"> <li>We suggest that control entities such as the Office of the Comptroller General of the Republic (CGR) and the PGN strengthen fiscal and disciplinary liability measures not only for officials/contractors who fail to comply with their duties, but also for the environmental authorities for whom they work when internal control failures are proven.</li> </ul>	National environmental, PGN, CGR
<p><i>Strengthen information and the access to it</i></p>	Minagricultura, Minambiente
<ul style="list-style-type: none"> <li>In cases where it is necessary to hire consultants, the profiles should be made public and available on the platforms of each authority for free consultation, in order to ensure the transparency of the recruitment processes.</li> </ul>	National environmental authorities
<ul style="list-style-type: none"> <li>Implement the SNF, whose regulation should be prepared by the Minagricultura and Minambiente as set forth in the Green Growth Policy (Conpes 3934).</li> </ul>	National environmental authorities
<ul style="list-style-type: none"> <li>Include relevant information on forest management in the bulletins of the environmental authorities (quotas granted by Minambiente to CAR, harvesting requests received and granted, response times, harvesting zones, SUNLs granted, volume of seized timber, etc.). This information should be updated online (each authority's web platform) at least every six months, in order to allow for greater citizen oversight.</li> </ul>	

<p><i>Improvements to processes and procedures</i></p>	
<ul style="list-style-type: none"> <li>Minambiente should regulate the terms of reference for the development of simplified forest management and harvesting plans that consider the heterogeneity of the country's forest types, and that guarantee the request of relevant information to understand the environmental sustainability and economic viability of the harvesting.</li> </ul>	Minambiente
<ul style="list-style-type: none"> <li>Regional environmental authorities should adopt the cubing guide developed under the Forest Governance Project to estimate the volume of timber. In addition, training should be provided in the use of the existing cubing applications.</li> </ul>	Regional environmental authorities

<b>Risk: reduced efficiency of Police checkpoints on highways and Navy checkpoints in waterways</b>	<b>Who is responsible for implementation?</b>
<p><i>Regulatory or policy proposals</i></p>	
<ul style="list-style-type: none"> <li>We recommend that the National Council for Combating Deforestation and Other Associated Environmental Crimes (CONALDEF) include support for departmental Committees for the Control of Illegal Wildlife Trafficking in its action plan.</li> </ul>	CONALDEF
<ul style="list-style-type: none"> <li>Establish Committees for the Control of Illegal Wildlife Trafficking in the departments that do not yet have such a control body and strengthen those that already exist.</li> </ul>	Regional governments
<p><i>Promote institutional or social capacity building</i></p>	
<ul style="list-style-type: none"> <li>Continue with the support provided by NGOs and cooperation agencies to Mindefensa and Minambiente for the training of the National Police and the National Navy in the prevention and territorial control of environmental crimes, which includes timber trafficking.</li> </ul>	NGOs, International cooperation agencies
<ul style="list-style-type: none"> <li>We recommend involving the National Police Counterintelligence groups in the exhaustive monitoring of checkpoints on highways and in waterways in order to reduce possible cases in which the Public Forces collect bribes from transporters moving illegal timber.</li> </ul>	Mindefensa, Mintransporte, Minambiente, DNI, Public Forces and FGN

<p><i>Strengthen information and the access to it</i></p>	
<ul style="list-style-type: none"> <li>Disseminate, within the Public Forces, the communication channels where officers can verify the SUNLs if they are located in areas without internet access coverage, that would otherwise prevent them from verifying that the physical SUNLs match with those registered in the VITAL portal (online verification).</li> </ul>	Mindefensa, Minambiente, Public Forces

<p><i>Improvements to processes and procedures</i></p>	
<ul style="list-style-type: none"> <li>Update the VITAL platform to periodically revoke access permissions to the platform, in order to block access to former employees and quickly grant a new user name and password to incoming personnel.</li> </ul>	Minambiente
<ul style="list-style-type: none"> <li>We recommend that the validation and approval of the SUNLs becomes mandatory, so that if timber arrives at a checkpoint without its respective approval, its origin must be declared as 'unknown'.</li> </ul>	Minambiente, Public Forces
<ul style="list-style-type: none"> <li>Implement PCAs that operate 24/7, as is currently the case with livestock, in which control actions are carried out in coordination with Public Forces and environmental authorities, as mentioned above.</li> </ul>	Minambiente, Mintransporte, Mindefensa, Public Forces, Regional environmental authorities
<ul style="list-style-type: none"> <li>A traceability system should be established to track timber seizures and their final disposal. This could be accomplished through a technological tool linked to VITAL.</li> </ul>	Minambiente



<b>Riesgo: Weaknesses in the control of timber trade in border areas</b>	<b>Who is responsible for implementation?</b>
<p><i>Regulatory or policy proposals</i></p> <ul style="list-style-type: none"> <li>Implement the provisions of line 8 of Conpes 4021, according to which an information integration tool must be designed to guide decision-making in the fight against deforestation and to determine the indicators needed for monitoring sector programs, plans and strategies promoted by CONALDEF, all of which must be integrated into existing information platforms such as SNIF and VITAL.</li> <li>Join efforts to implement the commitments agreed upon in the Presidential meeting and the V Peru-Colombia Binational Cabinet, as well as in the Leticia Pact. This could also be addressed in the Neighborhood Commissions, which are spaces for border integration that seek to include the participation of local communities in border zone policies.</li> <li>We recommend that the Ministry of Foreign Affairs take the necessary steps to generate channels of communication and cooperation between the DIAN and the customs agencies of neighboring countries. For example, cooperation with the National Superintendency of Customs and Tax Administration (SUNAT) of Peru is recommended in order to generate an effective control of tax evasion and the protection of the Natural Heritage of the Amazon.</li> </ul>	<p>Minambiente, Mindefensa, PGN, FGN, Superintendencia of Notaries and Registries, Higher Council of the Judiciary</p> <p>Minambiente, Ministry of Foreign Affairs</p> <p>Minambiente, Ministry of Foreign Affairs, DIAN</p>
<p><i>Promote institutional or social capacity building</i></p> <ul style="list-style-type: none"> <li>Provide technical and technological information to the DIAN for the development of action line 10 of the National Policy for the Control of Deforestation and Sustainable Forest Management (Conpes 4021), which defines the implementation of the strategy for the control of customs requirements for wild flora products. This will also be an issue to be addressed in the CONALDEF action plan.</li> <li>The ANLA, as the authority in charge of authorizing not listed CITES<sup>8</sup> species, is encouraged to have an office in border areas, such as in Leticia, to issue relevant permits.</li> </ul>	<p>Minambiente, Minagricultura, DIAN</p> <p>Minambiente, ANLA</p>
<p><i>Strengthen information and the access to it</i></p> <ul style="list-style-type: none"> <li>Optimize the exchange of information between Minambiente, ANLA, DIAN, environmental authorities such as Corpoamazonía, and the National Police (e.g., the Tax and Customs Police (POLFA)), for example, by improving existing channels such as the One-stop Foreign Trade Portal (VUCE).</li> <li>Implement ENVIRONET, a secure global communication tool for information exchange and cooperation, managed and coordinated by the World Customs Organization (WCO).</li> </ul>	<p>Mincomercio, Minambiente, ANLA, DIAN, Regional environmental authorities, Public Forces</p> <p>DIAN</p>
<p><i>Improvements to processes and procedures</i></p> <ul style="list-style-type: none"> <li>Generate mechanisms to ensure that the information recorded in the VUCE is verified at the port by the DIAN and the competent environmental authority.</li> </ul>	<p>Minambiente, Mincomercio, DIAN, Regional environmental authorities</p>

8 ANLA is the authority in charge of authorizing the export and import of biodiversity specimens that are not listed in the appendices of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). In other words, ANLA authorizes the import/export of flora and fauna species that are not identified as being in danger of extinction.

<b>Risk: poor access to forest information due to inefficient forestry information systems</b>	<b>Who is responsible for implementation?</b>
<p><i>Promote institutional or social capacity building</i></p> <ul style="list-style-type: none"> <li>Allocate resources and technical personnel to the Instituto de Hydrology, Meteorology and Environmental Studies (Ideam), to strengthen the control of the information reported by the CARs related to forest management and administration.</li> <li>Ideam should provide training to institutions involved in control and prosecution tasks, such as PGN, FGN, the Higher Council of the Judiciary, investigation groups, among others, in the use of SNIF data (with updates made to the system), so that this information can be used for providing environmental expert opinions and as evidence in criminal proceedings related to timber trafficking.</li> </ul>	<p>Minhacienda, Minambiente</p> <p>Ideam</p>
<p><i>Improvements to processes and procedures.</i></p> <ul style="list-style-type: none"> <li>Implement mechanisms that allow the operationalization of the SNIF (e.g., make official requirements to the environmental authorities for the uploading of information and its corresponding oversight; in case the authority omits the report, notify PGN for them to initiate the corresponding sanctioning procedures).</li> <li>Implement mechanisms for the operationalization of the SNIF and its interoperability with the SMyC and the National Forest Inventory (IFN), and with other platforms such as SIAC, VITAL, and RUJA.</li> </ul>	<p>Minambiente, Regional environmental authorities</p> <p>Minambiente</p>
<p><b>Risk: deficiencies in public timber procurement processes</b></p> <p><i>Improvements to processes and procedures</i></p> <ul style="list-style-type: none"> <li>Minambiente should update and adopt together with Colombia Compra Eficiente the Guide for Responsible Purchasing and Consumption by means of an administrative resolution. The provisions of the Guide should be used as qualifying criteria in any public procurement process to guarantee the legal origin of the timber purchased.</li> </ul>	<p><b>Who is responsible for implementation?</b></p> <p>Minambiente, Colombia Compra Eficiente, government authorities in general</p>
<p><b>Risk: deficiencies in the sanctioning of those involved in timber trafficking.</b></p> <p><i>Regulatory or policy proposals</i></p> <ul style="list-style-type: none"> <li>Minambiente should exert oversight and inform PGN about the environmental authorities that do not complete the registration set forth in Resolution 415 of 2010, according to which “all Environmental Authorities that impose environmental administrative sanctions must within the last five (5) days of each month, register and/or update the information on environmental offenders”.</li> <li>Support Minambiente, the Secretariat for Transparency, and the Department of the Civil Service to “strengthening communication, knowledge and citizen participation for territorial governance and sustainable management of natural forests” as provided in Line of Action 6 of Conpes 4021.</li> <li>Strengthen fiscal and disciplinary liability measures not only to officials/contractors who fail to comply with their duties, but also to the environmental authorities for whom they work, when internal control failures are proven, in order to attack problems at the institutional level.</li> </ul>	<p><b>Who is responsible for implementation?</b></p> <p>Minambiente, PGN</p> <p>Minambiente, Secretariat for Transparency and Department of the Civil Service</p> <p>CGR, PGN</p>

<b>Risk: deficiencies in the sanctioning of those involved in timber trafficking.</b>	<b>Who is responsible for implementation?</b>
<ul style="list-style-type: none"> <li>Amend Law 1333 of 2009 so that (i) the environmental authorities refer the sanctioning processes of high environmental impact to the FGN; (ii) the collaboration in the provision of technical support and the collection of evidence required for the promotion of these proceedings is strengthened; and (iii) so that they act or accompany the criminal proceedings as victims.</li> </ul>	Minambiente, FGN, Congress
<ul style="list-style-type: none"> <li>Strengthening CONALDEF to include the design and planning of intelligence actions to dismantle criminal networks associated with timber trafficking - whose pillars are mainly in the cities rather than in rural areas - and not concentrate all efforts on the lowest and least profitable links in the chain (e.g., transporters, chainsaw operators). Special emphasis should be placed on strengthening the capacities of members of the Army, the National Police, and the CTI of the FGN.</li> </ul>	Minambiente, FGN, Public Forces, Mindefensa, DNI, International cooperation agencies
<ul style="list-style-type: none"> <li>Simplify the environmental sanctioning process set forth in Law 1333 of 2009 in cases where there is flagrancy, so that once the fact is identified, proceedings may be initiated directly and charges may be filed. The above should be done without incurring in the violation of the right to a defense and due process.</li> </ul>	Minambiente, Congress
<ul style="list-style-type: none"> <li>Support Minambiente in the implementation of the Citizen Service Mechanism - Petitions, Complaints, Claims, Suggestions and Denunciations (PQRS) - which is part of the Transparency Mechanism defined in the EICDGB.</li> </ul>	International cooperation agencies, ONGs
<b>Promote institutional or social capacity building</b>	
<ul style="list-style-type: none"> <li>Expand the staffing levels of the environmental authorities and limit the hiring of contractors for the provision of services.</li> </ul>	Minhacienda, Minambiente, Department of the Civil Service, Regional environmental authorities
<ul style="list-style-type: none"> <li>Strengthening of the Departmental Forestry Roundtables through the issuance of administrative acts that recognize them as an instance of coordination and dialogue among forest sector stakeholders. The Departmental Forestry Roundtables require a budget or financial support.</li> </ul>	Minambiente, Minhacienda
<ul style="list-style-type: none"> <li>Support the implementation of a technical strengthening program for the investigation of crimes against natural resources and the environment spearheaded by the FGN. This program is aimed at prosecutors, investigators, analysts and specialized experts to improve investigation and sanctioning skills.</li> </ul>	FGN, International cooperation agencies
<b>Strengthen information and the access to it</b>	
<ul style="list-style-type: none"> <li>We recommend that the ANLA enable an option in the RUIA to consult the history of persons who have been convicted with administrative sanctions. Currently, information on the offenders only remains in the platform for a maximum period of two years (after which time it is eliminated) and therefore there is no possibility of detecting recidivist offenses and it does not become an important tool for the evaluation of fines.</li> </ul>	Minambiente, ANLA
<ul style="list-style-type: none"> <li>Improve and disseminate the existing citizen hotlines for receiving complaints related to forest harvesting, in order to guarantee the safety of those who make complaints.</li> </ul>	Minambiente, Regional environmental authorities

**Improvements to processes and procedures**

- We recommend that criteria for the use of information on violators be included in Resolution 415 of 2010, so that it can be taken into account by the environmental authorities as aggravating factors in sanctioning processes. MinTIC, Minambiente
- Create an online form for submitting forest management plans that allows for: (i) exercising control over the consistency of the values entered (timber species, volumes, duration of cutting cycles and location); and (ii) an integration of geographic and technical information of the management plans requested and approved in the corresponding jurisdiction. The control and verification of the above could be performed through the SNIF, together and with the issued transport authorizations. Minambiente, Ideam
- Consider SUNLs as a commercial transaction in order to link them with an invoice so that the DIAN can track the money and operations of timber traders or middlemen. Minambiente, DIAN



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### 3.3 Wildlife trafficking

Based on the wildlife trafficking value chain shown in **Figure 5-A of Annex 3**, which describes the phases of extraction, processing<sup>9</sup>, transportation, and commercialization, the main findings described herein were identified. These findings have been synthesized to reflect the main circumstances or problems that make their occurrence possible.

#### a. Extraction phase

The analysis of this phase indicates that both criminal and legal actors involved in wildlife trafficking activities take advantage of two (2) main regulatory and institutional weaknesses<sup>10</sup>. On the one hand, local communities are instrumentalized to abuse the legal prerogative of subsistence hunting or fishing. Although subsistence hunting or fishing is an activity traditionally carried out by local communities, the absence of permits and controls to carry it out, as well as the legal power that allows these communities to sell the surplus, can cause this legal figure to be used as a mechanism to illegally obtain specimens and to facilitate their subsequent laundering. The laundering of fauna, just like that of timber or gold, consists of the development of certain activities aimed at giving an appearance of legality to the exploitation<sup>11</sup> of wildlife that have been obtained illegally.

This instrumentalization is carried out by criminal networks (national or international), who usually operate through a broker or middleman, to whom they make the request for the specimens to be extracted, who in turn hire local or indigenous communities to hunt.

On the other hand, there are also legal actors (e.g., captive breeding facilities, pet stores, laboratories) in search of specimens that can be “laundered”<sup>12</sup>. These legal actors will be referred to hereinafter as “Entrepreneurs”. These Entrepreneurs

<sup>9</sup> Although not all trafficked species are processed since many of them are traded alive, the processing stage was found to occur in those species that are trafficked for their byproducts (e.g., bushmeat).

<sup>10</sup> It is important to note that this document exemplifies the two main problems that were evidenced throughout the research regarding the extraction of fauna. However, obtaining fauna for trafficking purposes can occur through other mechanisms in addition to those mentioned herein (e.g., opportunistic hunting, animals from seizures, wildlife transient homes, CAVs or CAV-Rs, among others). Regarding opportunistic hunting, it is important to mention that it is carried out by peasants or local communities, who know beforehand that there is a middleman in the area who traffics fauna. Thus, when they come across a specimen that they believe may have commercial value, they capture it to sell it to these middlemen. On the other hand, it is presumed that due to the deficient controls of the apprehended or seized animals, criminal networks could take advantage of these circumstances and obtain the individuals that are in the care of foster homes, CAVs or CAV-Rs.

<sup>11</sup> Exploitation understood as the hunting/capture, use and/or commercialization of specimens.

<sup>12</sup> A specimen is understood to be laundered when it has been obtained illegally and is given the appearance of legality to facilitate its commercialization.



may transgress the provisions of the permits for source hunting, scientific hunting, commercial hunting or fishing granted by the competent authorities. The transgression consists, for example, in obtaining (i) a greater number of individuals than the one authorized; (ii) species other than those authorized; (iii) individuals with sizes and sexes other than those authorized, among others. The purpose of this is to illegally increase the parental breeding stock or the number of individuals to be traded. To this end, Entrepreneurs sometimes resort to corruption mechanisms (e.g., promoting the omission of monitoring and control actions by the competent authorities, delaying similar harvesting requests required by other legal actors, etc.) that make it easier for them to obtain permits for the extraction and subsequent laundering of wildlife, or through the instrumentalization of local communities to help them with the hunting tasks. These findings have been summarized in [Table 9-A of Annex 3](#).

### b. Processing and transportation phase

This phase includes processing at extraction points, transport from the collection areas to collection centers, and subsequent transport for commercialization. This phase involves multiple variables, since the actions carried out here depend on how the specimens are to be traded. If the specimens are to be sold live, they are delivered very quickly after hunting to middlemen who are in charge of their transport. On the other hand, if their by-products (e.g., skins, claws, fangs, oils, organs, eggs, etc.) are to be traded, they undergo an initial processing phase, usually in the territory, and are then delivered to the middlemen. Transport mechanisms and routes depend to a large extent on whether the individuals will be traded on the national or international market, and in some cases on the species trafficked (e.g., ornamental fish are usually transported by air) ([Figure 4](#)).

Despite the complexity of this stage, two (2) main problems were identified. Firstly, the use and exploitation of wildlife is still socially and culturally accepted in rural areas of Colombia, which is why the law enforcement entities (e.g., Police and Army) do not always recognize its illegal nature. Furthermore, there are weaknesses at the state level in that wildlife trafficking has not been understood as an environmental and criminal problem in the country, and consequently the authorities responsible for its control or prosecution (e.g., environmental authorities, National Aquaculture and Fisheries Authority (AUNAP), Army, Police, prosecutors and judges) minimize its relevance and consider it a misdemeanor. Consequently, on many occasions during the transport and processing phase, wildlife trafficking is overlooked and no type of control is enforced.

Secondly, the entities in charge of control (e.g., Police and Army) lack the necessary knowledge and/or tools to identify the species being transported and/or processed. This failure may be attributable to the lack of dissemination of the endangered species' lists in the country, the lack of training for officials, and the lack of technological tools to facilitate these tasks.

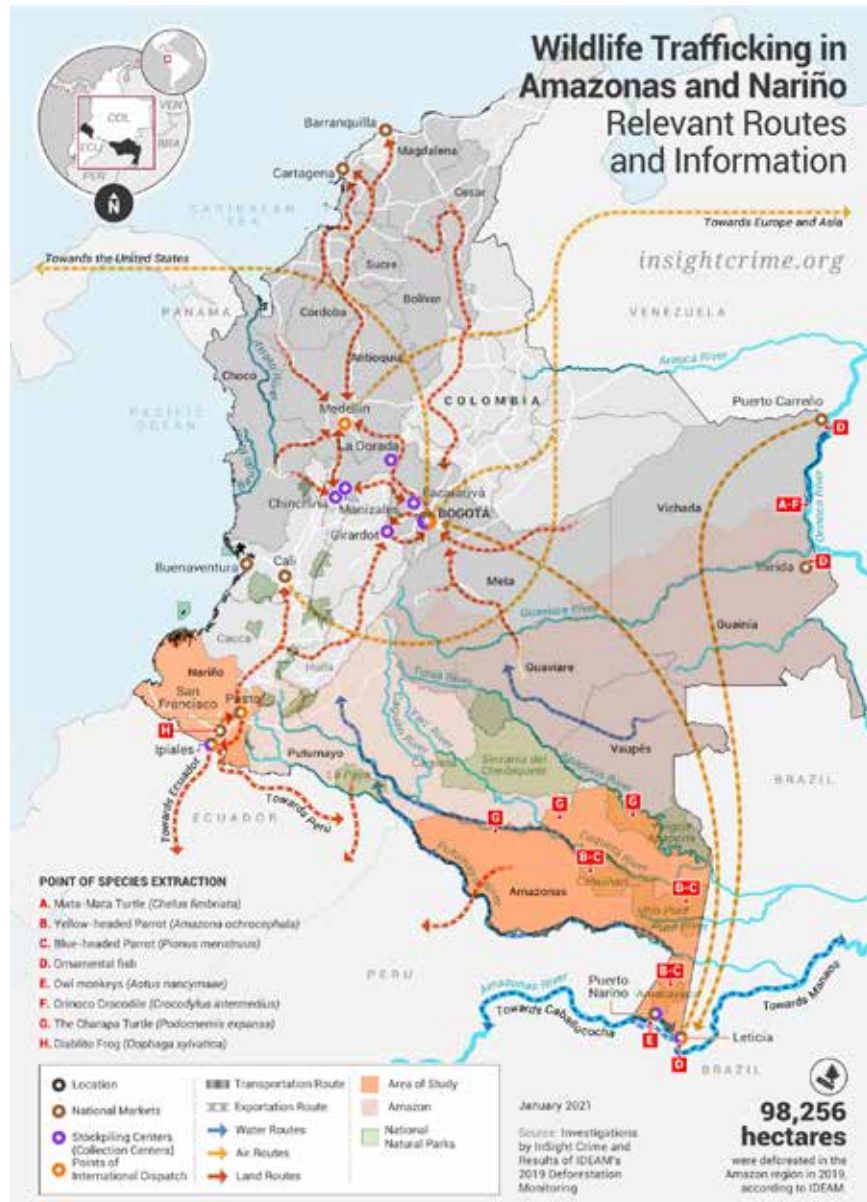
As a result of these circumstances, officials may fail to perform their duties or even facilitate corrupt practices (e.g., payment of bribes) that allow the transport and/or processing of trafficked specimens. A summary of the findings of this phase is shown in [Table 10-A of Annex 3](#).



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Figure 4. Wildlife trafficking routes



### c. Commercialization phase

In the domestic market, wildlife and their by-products are traded not only on roads and local markets, but are also traded in the cities<sup>13</sup>, or even through digital media such as Facebook and WhatsApp. For the international market, wildlife and their by-products are transported to dispatch points at borders, ports and airports where they are shipped abroad. At this stage of the value chain, criminal networks and Entrepreneurs are in charge of smuggling the wildlife, or disguising them in legal shipments through the payment of bribes to public officials or employees of international trading and transport companies.

The main findings in this phase are similar to those found in the transport and/or processing phase, since they reflect (i) the existence of marked deficiencies in law enforcement on wildlife trafficking, either due to lack of knowledge, technical capacity or lack of technological tools to facilitate their work; (ii) concealment and/or falsification of the documents necessary for the commercialization of wildlife (mainly by international trading companies or customs agents); or (iii) the presence of acts of corruption, such as bribes, to facilitate wildlife trafficking. **Table 11-A** of **Annex 3** summarizes the findings of this phase.

### d. Cross-cutting findings in the value chain

The findings contained in this section reflect weaknesses or shortcomings that persist in all phases of the value chain and that catalyze wildlife trafficking in the regions analyzed. The first of these findings showed that there are shortcomings in the procedures and protocols of the entities in charge of monitoring, oversight and control of this phenomenon that weaken their effectiveness. For example, there is a deficient application of the provisions of Law 1333 of 2009 to environmental offenders. This can be reflected with confiscated or seized specimens being allowed to be handed over to the offenders themselves for safekeeping and care, species being misidentified, and processes of reintroduction of seized individuals to the natural environment carried out without adequate technical support (e.g., reintroduction in areas that do not correspond to their habitat or hard reintroductions as a result of lack of knowledge on the species).

<sup>13</sup> The commercialization of fauna in urban centers has been evolving. Although marketplaces used to be an important point of trading, nowadays they are less important and they often cater small quantities for traditional uses such as witchcraft, aesthetic purposes, among others. Thus, commercialization has migrated to pet stores and, even more predominantly, to digital platforms.

These shortcomings are also expressed in the insufficient or deficient information on trafficked fauna (e.g., seized or confiscated), those under the care of the environmental authorities (e.g., in temporary shelters, Wildlife Care and Assessment Centers (CAV) or Wildlife Care, Assessment and Rehabilitation Centers (CAV-R)), and even those in establishments legally authorized for the use of wildlife (e.g., laboratories, captive breeding facilities, or zoos). These circumstances facilitate wildlife laundering operations and facilitate the lack of information on the driver at the regional and national levels. In other words, this prevents the competent authorities from having reliable information not only to design tools to prevent or mitigate the crime, but also makes it impossible to exercise adequate controls. This leads to poor law enforcement and therefore does not dissuade corrupt or criminal actors from becoming involved in wildlife trafficking.

The second finding indicated that there are deficiencies in the prosecution of persons involved in wildlife trafficking due to the expiration of terms to legalize their capture. The Habeas Corpus legal provision set forths that authorities have a maximum period of 36 hours to present captured individuals before a judge to legalize their capture. However, in the initial phases of wildlife trafficking (e.g., extraction, processing, transport), the activities often occur in remote areas that are difficult to access, so it sometimes takes the authorities more than 36 hours to reach the nearest judge.

Similarly, the third finding highlighted the weaknesses of the FGN in investigating wildlife trafficking crimes, attributable to multiple factors. One of these points to the limited presence of prosecution units in the areas where the extraction takes place due to risks to the personal safety of prosecutors or investigators. Another factor is the insufficient number of experts or specialists who can support the prosecutors' investigative work, all of which hinders, delays and, in some cases, compromises the investigations because they must resort to external experts who leak information to the perpetrators of wildlife trafficking.

Finally, the difficulties encountered by the control authorities in identifying wildlife specimens were evident. Given the multiplicity of species in the country, control actions are hindered by the lack of knowledge, capacity and, above all, technological tools that allow adequate identification of species. As long as this deficiency persists, the authorities in charge will not be able to differentiate an individual of an endangered species from one that is not considered as such. Something similar occurs with wildlife

whose use is legal. Deficiencies in the adequacy, implementation and monitoring of marking systems become a stumbling block for the verification of the legal origin of wildlife traded under permits. A summary of the findings of this phase can be found in **Table 12-A** of **Annex 3**.

### e. Financing of wildlife trafficking

Finally, it should be noted that the main financing mechanism for wildlife trafficking comes from the people involved in the commercialization of fauna, whether at the national or international level. The funds that fuel this driver are obtained by these wildlife traders who, through criminal networks or entrepreneurs, obtain the specimens that are demanded by the final consumers. The financing of wildlife trafficking occurs largely in cash, mainly in the first phases of extraction, processing and transport, but it is presumed that there are operations - including money laundering - carried out through financial systems that could be mitigated by some of the recommendations set out in Table 4. These include the amendment of Article 323 of the Colombian Criminal Code, the signing of the Mansion House Declaration<sup>14</sup> by financial entities, among others (more details on the flow of money and the interaction between actors can be found in **Figure 6-A** of **Annex 3**).

### f. Recommendations and proposals

The findings presented herein enabled the identification of the corruption risks present in wildlife trafficking. To mitigate or prevent the occurrence of these risks, **Table 4** presents, by risk factor, the TGNR's proposals and recommendations. For ease of analysis, categories have been created to group the recommendations according to their respective purposes. These categories are: "Regulatory or policy proposals", recommendations that seek to "Promote institutional or social capacity building", "Strengthen information and access to it", or that propose "Improvements to processes and procedures".

14 Mansion House Declaration. [https://www.unitedforwildlife.org/wp-content/uploads/2018/09/UFW-FT\\_Declaration\\_FINAL.pdf](https://www.unitedforwildlife.org/wp-content/uploads/2018/09/UFW-FT_Declaration_FINAL.pdf).

**Table 4.** Recommendations for counteracting corruption risks in wildlife trade and organized crime actions associated with its trafficking

<b>Risk: nonexistence, low presence of CAV and CAV-R or their lack of control.</b>	<b>Who is responsible for implementation?</b>
<p><i>Regulatory or policy proposals</i></p> <ul style="list-style-type: none"> <li>• Create tax incentives for zoological institutions to receive and care for seized animals and voluntary surrenders, which cannot be received and/or cared for by CAVs and CAV-Rs.</li> <li>• Define the percentage of budget allocations that should be assigned for the creation and proper operation of the CAVs and CAV-Rs. This could be coupled with the promotion of a legal mechanism that obliges the CARs to allocate a specific percentage of their budget to the prevention of wildlife trafficking.</li> </ul>	<p>Minhacienda, Minambiente</p> <p>Minambiente, Minhacienda, DNP</p>
<p><i>Promote institutional or social capacity building</i></p> <ul style="list-style-type: none"> <li>• Build Temporary Shelters (which are less expensive than CAVs and CAV-Rs) in strategic locations as per the jurisdiction of the CARs to meet the demand for care of trafficked wildlife in a timely manner. To achieve this, it is essential to identify the most trafficked species in each jurisdiction so that the temporary shelters are equipped with the appropriate facilities to care for the specimens.</li> <li>• Create wildlife care centers that function as transitory facilities for animals seized in the immediate surroundings of PNN.</li> <li>• Strengthen the CARs so that they can impose sanctions for the restitution of fauna specimens, which would oblige the offender to cover the costs incurred from the confiscation of the specimen until its reintroduction.</li> <li>• Promote the hiring of staff for the administration and management of the CAVs, CAV-Rs and to address wildlife trafficking issues in the CARs.</li> <li>• Revision of the requirements for the positions that would be occupied by the people in charge of managing and attending to wildlife trafficking in the CAVs and CAV-R to raise the level of expertise for these positions.</li> <li>• Provide training and refreshers at least twice a year to CAR officials in charge of managing and dealing with wildlife trafficking to effectively combat this crime.</li> <li>• Provide legal training to the CARs on the Environmental Sanctioning Regime so that these entities are equipped with the tools, understanding, security, and confidence to apply Article 47 of Law 1333 of 2009. This article empowers the environmental authorities, once the responsibility of the environmental violator has been determined, to proceed to impose the sanction of permanent seizure, not only of the products or elements used to commit the environmental infraction, but also of any means used for such purpose.</li> </ul>	<p>Regional environmental authorities</p> <p>Minambiente, PNN, Regional environmental authorities</p> <p>Minambiente, Regional environmental authorities</p> <p>Minhacienda, Minambiente, Administrative Department of the Civil Service, Regional environmental authorities</p> <p>Administrative Department of the Civil Service, Regional environmental authorities</p> <p>Regional environmental authorities, FGN, Public Forces, International cooperation agencies, NGOs</p> <p>Minambiente, International cooperation agencies, NGOs</p>
<p><i>Strengthen information and the access to it</i></p> <ul style="list-style-type: none"> <li>• Communicate the activities carried out by the CAVs and CAV-R regarding the animals admitted to these establishments, those that still remain in them, and those that have been reintroduced to the natural habitat. This requires the continuous recording of information in existing systems.</li> </ul>	<p>Minambiente, Regional environmental authorities</p>

*Improvements to processes and procedures*

- Ensure that the onboarding processes for wildlife traffic management and assistance positions are carried out in an expedited, exhaustive and comprehensive manner in order to achieve greater efficiency in the work performance of new employees. Regional environmental authorities
- Promote the application of oversight mechanisms for specimens placed in establishments managed by third parties, and programs for the care and rehabilitation of fauna. Minambiente, Regional environmental authorities

**Risk: deficiencies in complying with the legal mandate to supervise subsistence hunting**

**Who is responsible for implementation?**

- Regulatory or policy proposals*
- Create an Inter-Institutional Committee that sits every 3 years to achieve an adequate coordination of the environmental authorities in regards to the definition, prioritization, and execution of the activities under their responsibility and to ensure that these activities are sustained over time. This Committee will seek to align Watershed Management and Management Plans (POMCA), Municipal Development Plans, Life Plans, and CAR Management Plans. Minambiente, Regional environmental authorities
  - Minambiente should clarify the reach of subsistence hunting for indigenous, Afro-Colombian, and peasant communities, as well as the means of control that can be enforced by environmental authorities. Minambiente
  - Approach the National Government in order to promote the sustainable use of fauna through public policy, which in turn will result in economic benefits for the country in the form of tax revenues. Private sector, Academia, NGOs, International
  - Prohibit the sale of subsistence hunting surpluses. Likewise, we propose to prohibit any mechanism to legalize these surpluses so as not to encourage subsistence hunting as a mechanism to meet the demand for wildlife in the national or international market. Minambiente

*Promote institutional or social capacity building.*

- Implement professional ethics exercises that encourage accountability in the civil service, minimizing the risks of corruption and shielding institutions from any organized criminal groups that may permeate them. Minambiente, Regional environmental authorities, Secretariat for Transparency, PGN, CGR
- In order to make the CARs use of resources more effective, we recommend joining efforts with the PNN in the collection and exchange of information on settlement areas in their corresponding jurisdictions. The purpose of this is to prioritize trafficking control actions in areas where deforestation and the expansion of the agricultural frontier are advancing at a faster pace. Minambiente, PNN, Asocars, Regional environmental authorities

*Strengthen information and the access to it*

- Implement the APLICAR mobile application nationwide. This application, developed by the Corporación Autónoma Regional de Cundinamarca, allows citizens to file, in real time, complaints about wildlife trafficking, illegal burning, contamination of water sources, and other impacts on natural resources. Minambiente, Asocars, Regional environmental authorities

<b>Risk: deficiencies in complying with the legal mandate to supervise subsistence hunting</b>	<b>Who is responsible for implementation?</b>
<p><i>Improvements to processes and procedures.</i></p> <ul style="list-style-type: none"> <li>Guarantee the participation of the Ombudsman's Office and other entities such as PGN in the control operations carried out by the CARs regarding subsistence hunting to ensure that the competencies of the CARs are not infringed upon, conflicts are avoided, and the rights of local or indigenous communities are not violated.</li> <li>Carry out a verification and joint action protocol with the Directorates of Indigenous, Roma and Minority Affairs, and the Directorate of Affairs for Black, Afro-Colombian, Raizal and Palenquero Communities of Mininterior, every time the CARs are going to carry out a control operation in these communities.</li> <li>Promote the issuance of a resolution by Minambiente detailing the control guidelines to be followed by the CARs on subsistence hunting.</li> <li>Design unified protocols at the CARs to carry out the proper control of subsistence hunting, once the National Government has defined the required guidelines.</li> <li>We recommend that the CARs carry out a census of hunters in each community so as to ensure stricter monitoring of those who carry out subsistence hunting activities.</li> </ul>	<p>PGN, Ombudsman's Office, Regional environmental authorities</p> <p>Mininterior, Regional environmental authorities</p> <p>Minambiente</p> <p>Minambiente, Asocars, Regional environmental authorities</p> <p>Regional environmental authorities</p>
<b>Risk: Insufficient availability and access to information about specimens that have been seized or confiscated; wildlife that has entered into the care and assessment system; individuals kept in captive breeding facilities and laboratories; and animals in zoos.</b>	<b>Who is responsible for implementation?</b>
<p><i>Regulatory or policy proposals</i></p> <ul style="list-style-type: none"> <li>Promote the intervention of the Office of the Delegate Attorney for Environmental Matters so that the different environmental authorities make use of the RUIA database to verify the environmental background of persons who wish to apply for an environmental license or permit, and so that this becomes a decisive factor in decision making.</li> <li>Create Interinstitutional Committees on Fauna and Flora (CIFF) to standardize technical and legal criteria and develop strategies to strengthen education in coordination with higher education institutions by offering diploma courses and workshops for public officials involved in environmental protection and conservation.</li> </ul>	<p>Minambiente, PGN; Regional environmental authorities</p> <p>Minambiente, Asocars, Regional environmental authorities</p>
<p><i>Promote institutional or social capacity building.</i></p> <ul style="list-style-type: none"> <li>Develop an educational system that emphasizes the role of wildlife, the importance of its protection in Colombia, and an awareness of the damage caused by wildlife trafficking to the country's biodiversity.</li> <li>Hold audits carried out by the Office of the Delegate Attorney for Environmental Matters to detect possible breaches and violations of environmental regulations by environmental authorities.</li> <li>The environmental authorities and the National Police should have taxonomists who can ensure the timely identification of specimens that have been subject to wildlife trafficking.</li> <li>Increase the capacity of the Public Forces specialized in environmental issues, such as the Dirección de Carabineros and the Environmental Police in the areas where wildlife trafficking is most prevalent, as well as constant monitoring by the Office of the Delegate Attorney for Environmental Matters to oversee police action.</li> </ul>	<p>Minambiente, Mineducación</p> <p>PGN</p> <p>Regional environmental authorities, Public Forces</p> <p>Mindefensa, Public Forces</p>

<p><i>Strengthen information and the access to it</i></p>	
<ul style="list-style-type: none"> <li>Undertake dissuasive and persuasive outreach campaigns (e.g., radio, television) on the protection of natural resources, with particular emphasis on wildlife, to publicize the environmental, administrative and criminal consequences of illegal wildlife trafficking and possession.</li> <li>Improve the dissemination of instruments such as the Guide for handling complaints in cases of animal abuse.</li> <li>We recommend accelerating the publication of information on wildlife trafficking on the websites of the competent authorities and prioritizing the implementation of the Wildlife Information Portal (PIFS).</li> <li>Create a technological tool to compile real time information on the wildlife baseline that is classified and processed by higher education institutions and scientific research institutes, specifically those that are capable of generating a high-quality information. This will provide statistics for taking actions and making decisions regarding the control of wildlife trafficking in Colombia. The first step could be a population characterization of different species through samples in biological collections managed by the Alexander von Humboldt Institute, the Institute of Natural Sciences and the Institute of Genetics at the National University of Colombia.</li> <li>We recommend exchanging or sharing access to databases built by different actors, such as scientific institutes and universities, to support the work of police and judicial authorities, as well as environmental authorities (CAR, AUNAP, Minambiente).</li> <li>Promote the cross-referencing of national databases with international databases (linked to CITES) to improve the traceability of endangered species. Currently, Latin American countries such as Peru, Venezuela, Uruguay, and French Guiana cross-reference their databases with CITES and, according to the United Nations Office on Drugs and Crime (UNODC), this is accomplished through the submission of Annual Illicit Trafficking Reports to CITES.</li> </ul>	<p>Minambiente, MinTIC</p> <p>Minambiente</p> <p>Minambiente</p> <p>Minambiente, Mineducación, Scientific institutions of the SINA, Universities</p> <p>Minambiente, Scientific institutions of the SINA, Regional environmental authorities, AUNAP, Universities</p> <p>Minambiente</p>
<p><i>Improvements to processes and procedures</i></p>	
<ul style="list-style-type: none"> <li>We recommend strengthening the hotlines for immediate reception of complaints by environmental groups, community watchdog groups, and citizens.</li> <li>Define standardized technical guidelines to provide input for databases on individuals seized by the police and confiscated by environmental authorities.</li> </ul>	<p>Minambiente</p> <p>Minambiente, Public Forces</p>
<b>Risk: deficiency in the delimitation of competencies, purposes and objectives of the environment and agriculture sectors with respect to the use of fauna (conflict over fisheries vs. hydrobiological resources).</b>	<b>Who is responsible for implementation?</b>
<p><i>Promote institutional or social capacity building.</i></p> <ul style="list-style-type: none"> <li>Strengthen institutional capacities to share information and take joint action among governmental entities such as: PNN, AUNAP, CAR, Environmental Police and FGN.</li> <li>Create Joint Task Forces in the territories composed with members of AUNAP and CAR, so that they can effectively and efficiently control the resources.</li> </ul>	<p>Minambiente, PNN, Minagricultura, AUNAP, Regional environmental authorities, Public Forces, FGN</p> <p>Minambiente, PNN, Minagricultura, AUNAP, Regional environmental authorities, Public Forces, FGN</p>



<p><b>Risk: The AUNAP – the agency in charge of overseeing and controlling fisheries in Colombia – has limited capacity for carrying out the necessary controls on the extraction, farming, and export of fisheries.</b></p>	<p><b>Who is responsible for implementation?</b></p>
<p><i>Regulatory or policy proposals</i></p> <ul style="list-style-type: none"> <li>We propose to continue promoting the internal restructuring of AUNAP, which has been underway since 2020.</li> </ul>	<p>International cooperation agencies</p>
<p><i>Improvements to processes and procedures</i></p> <ul style="list-style-type: none"> <li>Promote the creation of a protocol for prioritizing trafficking risks, based on the information that AUNAP has collected over the years, which will allow them to focus their efforts and capacities on areas with a high risk of illegal trade.</li> </ul>	<p>AUNAP</p>
<p><b>Risk: ineffectiveness of existing traceability mechanisms for wildlife use.</b></p>	<p><b>Who is responsible for implementation?</b></p>
<p><i>Regulatory or policy proposals</i></p> <ul style="list-style-type: none"> <li>We recommend that national and regional airlines operating at significant levels in Colombia sign the Buckingham Palace Declaration.</li> <li>We propose that Colombian financial institutions sign the Mansion House Declaration. This Declaration seeks to share resources and intelligence to disrupt illegal revenues generated by wildlife trafficking.</li> </ul>	<p>Private sector</p> <p>Private sector</p>
<p><i>Promote institutional or social capacity building</i></p> <ul style="list-style-type: none"> <li>Increase and strengthen police canine units for the inspection of luggage and passengers at ports and airports, including those that are not legally authorized for the commercialization of wildlife (e.g., Leticia).</li> <li>We recommend that members of the Police and Army who carry out controls in rural areas have mobile applications for taxonomic identification of fauna and flora species, as well as access to training in biodiversity management and environmental planning.</li> </ul>	<p>Private sector</p> <p>Minambiente, MinTIC, Public Forces</p>
<p><i>Strengthen information and the access to it</i></p> <ul style="list-style-type: none"> <li>Expand and unify the Electronic Operations Ledger Information System nationwide, in order to effectively record entries and exits of species and biodiversity specimens that are subject to legal use.</li> <li>Urge universities and scientific institutes to record information in international databases such as Genbank, which are used by law enforcement authorities around the world (including Colombia) and which would help improve the traceability of trafficked wildlife.</li> </ul>	<p>Minambiente</p> <p>Minambiente</p>
<p><i>Improvements to processes and procedures</i></p> <ul style="list-style-type: none"> <li>We recommend that more and better controls be applied in the application of the marking systems currently in force, until a genetic marking system becomes a legal obligation under Colombia's legal system.</li> <li>Implement microchip marking in captive breeding facilities to improve control by the environmental authorities and to have an actual record of the existing animals in order to cross-reference this information with those traded.</li> </ul>	<p>Minambiente, Regional environmental authorities</p> <p>Regional environmental authorities</p>

- Implement the use of electronic CITES permits in the country, in addition to access to the CITES international trade database, in order to combine traffic information from all sources to improve the traceability of wildlife and their by-products. Minambiente
- Promote a legal amendment to include the mandatory use of genetic marking tools that complement the tools currently in place. Minambiente

<p><b>Risk: Weakness and lack of presence of local and regional Prosecutor's Office units that deal with environmental issues and who coordinate their work with CAR, AUNAP and Environmental Secretariats.</b></p>	<p><b>Who is responsible for implementation?</b></p>
<p><i>Regulatory or policy proposals</i></p> <ul style="list-style-type: none"> <li>Engage in political approaches with the FGN that seek to highlight how important wildlife trafficking and other environmental crimes are as threats to national security.</li> <li>Leverage on the relevance attributed to environmental crimes in the FGN's Strategic Direction 2020 - 2024 and its partnership with organized crime to prioritize the investigation of wildlife trafficking crimes as part of Strategic Objective 2 (To attack illegal organizations and economies head-on).</li> <li>Amend Article 323 of the Criminal Code to include wildlife trafficking, timber trafficking and illegal mining as constituting money laundering source crimes.</li> <li>Bring Minambiente and Mindefensa closer together, so that the military forces can increase control of wildlife trafficking via coordinated actions with the CARs, establishing a minimum number of operations per year.</li> <li>Appeal to neighboring countries involved in wildlife trafficking, through the Ministry of Foreign Affairs, based on the principles enshrined in the Rio Declaration<sup>15</sup> for stricter border controls by police authorities.</li> </ul>	<p>Minambiente, FGN, NGOs, International cooperation agencies</p> <p>FGN</p> <p>Minambiente, Minjusticia</p> <p>Minambiente, Mindefensa</p> <p>Minambiente, Ministry for Foreign Affairs</p>
<p><i>Promote institutional or social capacity building</i></p> <ul style="list-style-type: none"> <li>Strengthen the prevention and control mechanisms against money laundering, not only at the domestic level through agencies such as the Criminal Finance Directorate of the FGN, or the Special Assets Company (SAE), but also through cooperation with the Police and financial institutions in other countries. Strengthening the processes of forfeiture of ownership, freezing of assets and technological tools accessible to these entities is urgently needed to combat the major traffickers who currently escape the attention and oversight of the authorities.</li> <li>The creation of Joint Task Forces to Combat Wildlife Trafficking is proposed, composed by members from the AUNAP, CAR, Police, FGN and Environmental Secretariats (and when necessary including DIAN, DIMAR, Navy and Army), to increase surveillance coverage in order to prevent crimes related to wildlife trafficking.</li> <li>Identify the areas that are most vulnerable to wildlife trafficking in order to determine if the crime is going unpunished due to the application of Habeas Corpus and the logistical difficulties in legalizing captures in a timely manner. If so, analyze whether this problem could be solved with a greater assignment of judges in the prioritized areas.</li> </ul>	<p>Minambiente, Public Forces, DIAN, Ministry for Foreign Affairs</p> <p>Minambiente, Minagricultura, AUNAP, Regional environmental authorities, Public Forces, FGN, DNI, Environmental Secretariats, DIAN</p> <p>Minambiente, Asocars, Regional environmental authorities, Academia, NGOs, International Cooperation Agencies, Higher Council of the Judiciary</p>

15 Rio Declaration of 1992. <https://www.un.org/spanish/esa/sustdev/agenda21/riodeclaration.htm>

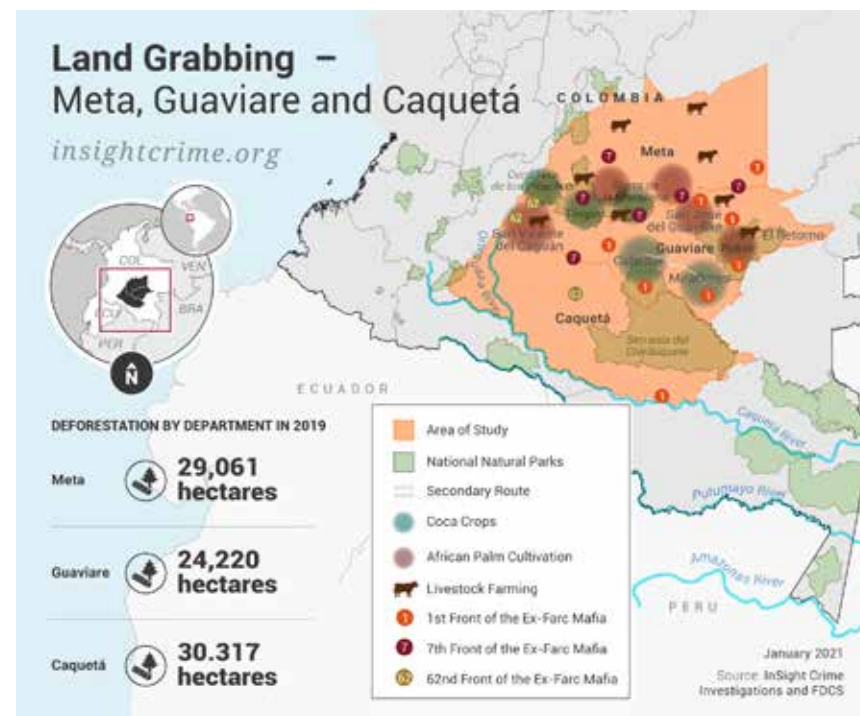
<b>Risk: Weakness and lack of presence of local and regional Prosecutor's Office units that deal with environmental issues and who coordinate their work with CAR, AUNAP and Environmental Secretariats.</b>	<b>Who is responsible for implementation?</b>
<ul style="list-style-type: none"> <li>Institutionalize and coordinate the training of the judges, prosecutors, and law enforcement on environmental law, animal abuse, and wildlife trafficking. Training should also be coordinated with border countries that facilitate wildlife trafficking, such as Brazil, Peru and Ecuador.</li> </ul>	Minambiente, Regional environmental authorities, Higher Council of the Judiciary, FGN, Public Forces
<ul style="list-style-type: none"> <li>The FGN should expand its staff of experts to include biologists, veterinarians and zoo technicians in the CTI who can technically and efficiently support the work of prosecutors investigating or prosecuting wildlife trafficking cases.</li> </ul>	FGN
<ul style="list-style-type: none"> <li>Promote the training of judges specialized in wildlife trafficking crimes to ensure proper attention to these felonies.</li> </ul>	Higher Council of the Judiciary
<b>Improvements to processes and procedures</b>	
<ul style="list-style-type: none"> <li>Modify the FGN's databases in such a way that wildlife trafficking offenses can be differentiated from flora ones. This is due to the differences that may arise with respect to these two types of trafficking.</li> </ul>	FGN

### 3.4 Land grabbing

Within the framework of the TGNR project, land appropriation is understood as the way in which legal and illegal actors gain access to land for its use and exploitation without complying with legal provisions. These lands have special legal protection regimes, which are characterized by having restrictions on use, occupation, and ownership in their land use regulations.

This special territorial protection regime differentiates between the common concept of land appropriation and land grabbing; the former is the result of illegal access to land, and it is carried out in territories where land titling is possible and involves the accumulation of areas by a handful of owners. However, in the Northwestern Arc of the Amazon, land appropriation is more visible and therefore the present analysis focuses on this phenomenon (Figure 5). However, for ease of reference this document will refer to it as land grabbing.

Figure 5. Land Grabbing in the Northwestern Arc of the Amazon



In this driver, the core issue is the omission, slowness, and/or inaction of the control entities, territorial entities, environmental authorities, Minambiente, Mininterior, Minagricultura, Mintransporte and Mindefensa, as well as their affiliated and corresponding entities. The problem lies in their mission functions of making visible, preventing, controlling and mitigating the processes of land grabbing in areas with land use planning restrictions and titling processes. In order to explain this core issue, six (6) of the enabling circumstances are described below:

- 1. Deficiency of the multipurpose cadastre and of cadastral managers;** The amount of land with restrictions of use (protected areas, Indigenous Reserves and Forest Reserves) is unknown because there is no official registry of these lands (Multipurpose Cadastre). As a result, land-use restrictions, POTs, life plans, and management plans for protected areas are not being enforced.
- 2. The legal framework for environmental crimes is insufficient.** As a result, the investigation and prosecution processes directly associated with land grabbing and deforestation are weak, slow, and/or ineffective.

3. **Public investment as a trigger for land grabbing.** *This is reflected mainly in road infrastructure investment favoring actors that promote land grabbing processes (e.g., purchase of heavy machinery, fuel, hiring of personnel or loans for machinery). The influence exerted by actors with economic and political power and armed criminal actors means that they benefit, through corruption mechanisms, from these public investments to carry out their criminal activities. This in turn leads to insufficient actions being taken by local governments against deforestation processes, in addition to insufficient measures or even omissions in the public function.*
4. **Inefficient army and national police responses to land grabbing.** *There is a lack of coordination between the military operations planned by the Mindefensa, under the leadership of the National Army, and the FGN and the environmental sector, as they are not effective in achieving the objectives against the perpetrators of land grabbing.*
5. **Non-compliance with requirements in the construction, operation, maintenance, and dismantling of road networks.** *The minimum legal requirements are not met by the municipalities and departments with respect to the construction, opening, operation, maintenance, and dismantling of the road network. This has generated an excessive increase in illegal and informal roads that connect with legal roads and with areas which have land-use restrictions or that are considered of special environmental importance (e.g., Department of Guaviare, land accesses to the Nukak Makú Indigenous Reservation, Nukak National Natural Reserve, Barranquillita - La Paz road, Calamar - Miraflores road).*
6. **Cattle ranching as one of the main unlawful activities conducted in grabbed lands.** *The National Cattle Identification and Information System (SINIGAN), administered by the Colombian Agricultural Institute (ICA), does not have any regulatory body. Therefore, it has the autonomy to administer, operate, and finance its own business activities and/or unilaterally delegate its administration to other operators. Consequently, this has enabled an excessive increase in the cattle herd in areas with land use restrictions, being the reason why those who finance the land grabbing of these lands find in them an important investment opportunity; that is, there are no land acquisition costs, there is a low risk of being evicted, and they are able to start productive activities right away as they can easily meet the requirements of conducting these activities.*

It is important to highlight that the phenomenon of land grabbing is complex, as it involves various actors, does not act in a linear manner, and is not restricted to a single problem. All of the above means that land grabbing represents a multilevel and multi-actor challenge to combat. This is why, unlike the three (3) previous drivers, given the social, economic, political and legal complexities of the land grabbing phenomenon, we determined that it was not possible to analyze this driver based on a value chain fo-

cused on understanding its market. Consequently, the TGNR focus its research towards reflecting the patterns that can be identified in land grabbing actions and their links to corruption and organized crime. The results of the research show that the main enabling condition for this phenomenon is the development and consolidation of the road network, as stated in [Figure 7-A](#) of [Annex 4](#).

Based on the analysis of the core issue and the six underlying conditions leading to it, we determined the existence of certain factors that trigger land grabbing, as well as the activities inherent in this phenomenon, as explained below (see [Figure 8-A](#) of [Annex 4](#) for more details).







### Development and consolidation of the road network

The development and consolidation of the road network emerges as the main enabling condition for the land grabbing phenomenon to occur which in turn generates significant economic returns for those who finance it. In this regard, two (2) main failures that foster this enabling condition were evidenced. In the first place, we found that local authorities have promoted road consolidation processes in areas of special environmental importance, transgressing existing legal provisions and therefore the road network could be classified as illegal. These dynamics appear to be linked to some type of favoritism towards investors with economic and/or political power on a regional or national level. For the purposes of the TGNR, these investors will be referred to as “economically and politically powerful groups”. However, there is little action on the part of law enforcement agencies to prevent or mitigate this phenomenon. Secondly, we found that Mafia-style groups make use of civil infiltration and the collaboration of some local public officials in order to develop illegal roads that facilitate the illegal occupancy of lands belonging to communities who are dispossessed of their territories.



### Triggers

The TGNR identified three (3) factors that trigger the phenomenon of land grabbing, for which the purpose is territorial control as a symbol of power in the Northwestern Arc of the Amazon: (i) the quest for investment opportunities in agro-productive businesses or illicit activities (e.g., illicit crops); (ii) insider knowledge of the planning and future allocation of public resources for the improvement of basic services and/or productive projects in the region; or (iii) the expectation that investment plans will be developed in the territory, such as Development Programs with a Territorial Approach (PDET), future zones, amongst others, in the hopes of a land appreciation.

Land grabbing arising from the search for legal investment opportunities, improvements to basic services and/or productive projects in the area, or land appreciation (i.e., for speculation purposes) would be mainly led by the economically and politically powerful groups. These actors are difficult to identify, as they operate from other regions of the country (e.g., Antioquia, Valle del Cauca) or even from abroad, and have sufficient capacity to exert pressure on regional or local public officials. These actors usually operate through middlemen or “landowners” who are in charge of executing the land grabbing, as well as suppliers who provide the necessary materials for the implementation of the activities related to the land appropriation. The pressure exerted by these

actors is focused on promoting the consolidation of the road network, or to divert attention from the land grabs so that no controls are exerted on the activities they must carry out to consolidate the land appropriation (e.g., felling and burning of forests).

Another of the actors involved in land grabbing are the Mafia-style groups, who, through this phenomenon, seek to develop their primary illegal activities, such as illicit crops or cattle ranching as a mechanism for laundering the proceeds of drug trafficking. Mafia-style groups use threats or exert pressures against local communities and public officials in the area to carry out their activities. In addition, on occasion they were found to provide security services or facilitate land grabbing, although this process is led by the economically and politically powerful groups through extortion payments.



### Mechanisms for initiating grabbing activities

The TGNR found that there are three (3) patterns regarding the mechanisms that are developed to initiate land grabbing activities, which subsequently allow the occupation of the territory to come to fruition. The first of these consists of obtaining all the necessary paperwork for the development of agro-industrial activities, such as cattle herds (e.g., cattle registration) or agricultural activities (e.g., requesting permits for palm and eucalyptus cultivation).

Secondly, we found that settlers (many times manipulated by land grabbers) demanded public investment from government authorities in recently created rural communities, aiming to legalizing the possession of such lands, alleging they have possessed the land for the amount of time required by law.

Another pattern similar to the previous one consists of requesting occupancy rights in forest reserve zones arguing that the right has been acquired through occupation of the territory for a significant period of time that coincides with the legal terms for the adjudication of such rights.



### Mechanisms for land occupation implementation

Lastly, the TGNR identified four (4) patterns that are commonly used as a mechanism for physical occupation of the territory and which are not mutually exclusive. The first of these is linked to the development of agro-industrial activities (e.g., consolidation of the cattle herd with vaccines and compliance with phytosanitary requirements for the commercialization of livestock), which, although they appear



to be legal, as mentioned above, are developed in areas with land use restrictions that do not allow these types of activities. This mechanism seeks to camouflage the illegal occupation of land under the guise of a legal productive activity.

Another occupation mechanism is by means of investment for land acquisition. In some cases, the supposed legal acquisition of the land is developed through promise to purchase agreements. However, these businesses lack the legal formalities for the acquisition of ownership of the land (e.g., the existence of public deeds and their subsequent registration before the Public Instruments Registry Offices) and simply hide behind the existence of a fair title with the promises to purchase agreements signed between private parties. When this phenomenon occurs in areas with land use planning restrictions, where it is not possible to enter into purchase agreements, the investment is not made in the acquisition of the land as such, but in the execution of activities that denote the occupation of the territory (e.g., forest exploitation, cattle ranching, agro-industrial crops). For this purpose, the settlers who are already present in the area are paid low amounts of money to allow the occupation and the execution of the activities necessary for the land grabbing.

A third mechanism for the occupation of lands that have been grabbed is through the exertion of threats, pressures, or displacement of the vulnerable communities occupying the areas. Even though, unlike the two previous ones, this mechanism is marked by openly illegal actions, the occupied land is given an appearance of legality through the settlement of the new inhabitants, who claim to have been present in the region for long periods of time.

Finally, we find the establishment of illicit activities such as coca cultivation or the consolidation of legal activities for money laundering.



### **Financing of land grabbing**

Lastly, regarding the financing of land grabbing, the TGNR found that the money that fuels this driver comes from the economically and politically powerful groups. Although it was not possible to verify the way in which the land grab transactions are carried out, it is likely that some of the processes associated with this deforestation driver are paid in cash, as this is one of the methods that allows the criminal networks involved in the driver to go unnoticed. It is most likely that the perpetrators make cash payments to landowner middlemen and/or Mafia-style groups, who are the key players in the flow of money, as they are in charge of contracting all the services necessary to carry out the land grabs and the payment of bribes.

## Recommendations and proposals

The findings presented herein enabled the identification of the corruption risks present in land grabbing. To mitigate or prevent the occurrence of these risks, **Table 5** presents, by risk factor, the TGNR's proposals and recommendations. For ease of analysis, categories have been created to group the recommendations according to their respective purposes. These categories are: "Regulatory or policy proposals", recommendations that seek to "Promote institutional or social capacity building", "Strengthen information and access to it", or that propose "Improvements to processes and procedures".

**Table 5.** Recommendations for countering the risks of corruption in land grabbing and the organized crime associated with this phenomenon

Risk: use of public resources by local authorities and the National Government for activities not permitted in restricted areas.	Who is responsible for implementation?
<p><b>Regulatory or policy proposals.</b></p> <ul style="list-style-type: none"> <li>Review current investment programs (PDET-Future Zones) regarding road networks, illicit crop substitution, agro-industry processes and community needs.</li> <li>Prioritize structural issues within the interministerial agendas, such as the application of sectoral technical guides on good practices, the generation of joint public policies and the development of interinstitutional coordination mechanisms that address the issue of land use planning at the ministerial level.</li> <li>Implement policies aimed at socioeconomically vulnerable communities that are at risk of being linked to the chain of illegal land grabbing in Amazonian region. This strategy should include at least three (3) interrelated components: one for visibility; one focused on building and strengthening relations between the communities and the government; and the third aimed at the provision of goods and services, as well as environmentally</li> <li>Implement policies and programs stemming from the Final Peace Agreement, particularly those related to the PDETs and the National Plans for Comprehensive Rural Reform, which will make it possible to understand and address the unmet basic needs of rural communities and promote sustainable economic alternatives in accordance with the land-use planning models.</li> </ul>	<p>Agency for Territorial Renewal (ART), Mintransporte, Mindefensa, Minagricultura, Mininterior, High Council for Defense and National Security, and the High Council for Stabilization and Consolidation.</p> <p>Minambiente, Minagricultura, Mindefensa, Mininterior, ANT, High Council for Defense and National Security</p> <p>Mininterior, Mindefensa, Minagricultura, Minhacienda, Mincomercio, DNP, Local and regional governments, social leaders</p> <p>ART, ANT, Rural Development Agency, High Council for Stabilization and Consolidation</p>
<p><b>Promote institutional or social capacity building.</b></p> <ul style="list-style-type: none"> <li>Strengthen the capacities of local communities so that they can influence decision-making processes related to public investment, land-use planning, access to land and environmental issues. This requires both strengthening and informing communities about available participation mechanisms, such as citizen oversight mechanisms (Law 850 of 2003).</li> <li>Strengthen the capacities of the communities so that they have a better understanding of their rights and duties regarding the use, occupation, and tenancy of land in the different land-use planning figures, in order to demand effective action from the governments in light of the territorial problem.</li> </ul>	<p>Mininterior, Regional environmental authorities, Local and regional authorities, ANT, International cooperation agencies, NGOs, Social leaders</p> <p>Minambiente, Mininterior, Local and regional authorities, Regional environmental authorities, ANT, PNN, International cooperation agencies, NGOs, Social leaders</p>

- Capacity building on technical, regulatory, and operational issues for officials in charge of prioritization and management of data.
 

DNP, Minambiente, Minagricultura, Administrative Department of the Civil Service, Local and regional authorities, Regional environmental authorities, PGN, CGR
- Train regional and local officials on current land use planning and its relationship with changes in the value of land use and land grabbing processes.
 

Mininterior, Minagricultura, Minambiente, IGAC, NGOs, International cooperation agencies, Local and regional authorities.

Ombudsman's Office, Municipal Ombudsmen, NGOs, International Cooperation Agencies, Social Leaders, Office of the United Nations High Commissioner for Human Rights for Colombia.
- Support communities and their leaders through the Ombudsman's Office and human rights organizations to minimize pressures and threats from Organized Armed Groups (GAO) in decision making.

### Strengthen information and the access to it.

- Make more accessible and visible the information on land grabbing, its magnitude, and its impact on ecosystems and communities. This can be achieved through the publication and dissemination of periodic bulletins that report the results of deforestation monitoring, which should include official information produced by Ideam and environmental authorities, as well as information produced by civil society.
 

Minambiente, Ideam, Mininterior, Local and regional governments, Regional environmental authorities, PNN, NGOs, International cooperation agencies, Social leaders
- Generate analyses at different landscape scales (landscapes refer to geographic units that can be broader than political-administrative delimitations and respond to social, environmental and economic variables) that make it possible to anticipate or model impacts related to investment projects. It will be essential to include landscape analysis as part of the decision-making process for the prioritization of public investments<sup>16</sup>.
 

Minambiente, Regional environmental authorities, Local and regional governments

### Improvements to processes and procedures.

- Include mechanisms for denouncing and protecting environmental and social leaders who work to strengthen territorial governance and governability in the international technical cooperation projects. For example, incorporate monitoring systems similar to the one carried out by the Institute for Development and Peace Studies (INDEPAZ), local, regional and national observatories of socio-environmental conflicts, or investigative journalistic projects such as *Tierra de Resistentes*.
 

International Cooperation Agencies, NGOs, Social Leaders

<sup>16</sup> Depending on the sector to which the investment project belongs, other actors in charge of implementing this recommendation should be prioritized.



<b>Risk: increase in the road network that does not comply with legal requirements and that encourages and enables land grabbing.</b>	<b>Who is responsible for implementation?</b>
<p><i>Regulatory or policy proposals.</i></p> <ul style="list-style-type: none"> <li>Implement the provisions of the Final Peace Agreement in relation to the National Tertiary Roads Plan and the road proposals foreseen in the Meta-Guaviare PDET.</li> <li>Make environmental management instruments binding in the area of road planning (Green Road Infrastructure guidelines and the technical environmental criteria guide for the prioritization of third order roads).</li> <li>Implement the Amazon Sustainable Intermodal Transportation Plan (PATIS), in order to prioritize projects that comply with green and multimodal infrastructure characteristics and which benefit the communities.</li> <li>Establish an intermediation program to work with communities at risk of land grabbing. This consists of establishing an initiative to work regularly with communities at risk of land grabbing in Guaviare, Meta and Caquetá. For this purpose, coordination with social leaders or key members of the community is suggested, rather than targeting the entire community. This joint work should seek to provide access to basic services through sustainable strategies that minimize environmental impacts and weaken the relationship between the local communities and the GAOs.</li> <li>Implement the provisions of the Final Peace Agreement in relation to the National Tertiary Roads Plan and the road proposals set forth in the Meta-Guaviare PDET, where the communities identified the roads that should be built to connect the rural area with the markets.</li> </ul>	<p>Mintransporte, Minambiente, Local and regional governments, ART, Social Leaders</p> <p>Mintransporte, Minambiente, Regional environmental authorities, National Roads Institute (Inviás), Local and regional governments</p> <p>Minambiente, Mintransporte, Regional environmental authorities, Inviás, Local and regional governments</p> <p>Mininterior, Mindefensa, Public Forces, Regional environmental authorities, Local and regional governments, International cooperation agencies, Social leaders</p> <p>Mintransporte, Minambiente, Local and regional governments, ART, Social leaders</p>
<p><i>Promote institutional or social capacity building.</i></p> <ul style="list-style-type: none"> <li>Implement capacity building processes associated with the Early Intervention Approach chapter of the Green Road Infrastructure Guidelines in Colombia.</li> <li>Strengthen the technical, regulatory, and operational capacities of officials in charge of prioritization and management of data.</li> <li>Strengthen effective social participation mechanisms to influence the design, construction, operation and maintenance of legal roads in accordance with environmental regulations.</li> </ul>	<p>Mintransporte, Minambiente, Local and regional governments, Inviás, regional environmental authorities</p> <p>Mintransporte, Minambiente, Inviás, Regional environmental authorities, local and regional governments, PGN, CGR, FGN</p> <p>Mintransporte, Minambiente, Inviás, regional environmental authorities, Ombudsman's Office, municipal ombudsmen, social leaders</p>
<p><i>Strengthen information and the access to.</i></p> <ul style="list-style-type: none"> <li>Generate landscape-level analyses considering important attributes at different scales of approximation (local, regional, national) to anticipate or model cumulative and synergistic impacts associated with the consolidation of the road network.</li> </ul>	<p>Minambiente, Mintransporte, Inviás, Regional environmental authorities, Local and regional governments</p>
<p><i>Improvements to processes and procedures.</i></p> <ul style="list-style-type: none"> <li>Establish precise deadlines for the delivery and approval of departmental and municipal road plans currently underway, in order to avoid the prior consolidation of illegal and informal road networks. We recommend that the time limit for the final delivery of these plans not be extended any further and that the last deadline be set for the year 2024, when the current term of office of mayors and governors ends.</li> </ul>	<p>Mintransporte, Minambiente, Local and regional governments</p>

<b>Risk: weak performance of the law enforcement agencies in dealing with land grabbing in areas with restrictions on use, occupation, and possession.</b>	<b>Who is responsible for implementation?</b>
<p><i>Regulatory or policy proposals.</i></p> <ul style="list-style-type: none"> <li>Adjustments to the budget portfolio of the Public Forces to enable them to organize operations with greater scope and results focused on pursuing and prosecuting the promoters of land grabbing.</li> <li>Strengthen the legal framework for regulation and sanctions on the movement of supplies. The amendment should provide tools for better control and verification mechanisms to ensure compliance.</li> </ul>	<p>Mindefensa, Public Forces, FGN, High Counselor's Office for Defense and National Security</p> <p>Mindefensa, Minjusticia, Public Forces, FGN, Local and Regional Governments</p>
<p><i>Promote institutional or social capacity building.</i></p> <ul style="list-style-type: none"> <li>Strengthen the Army's technical, operational, and intelligence capabilities to enable it to carry out operations with results focused on the land-grabbing promoters.</li> </ul>	<p>Mindefensa, Public Forces, FGN, High Counselor's Office for Defense and National Security</p>
<p><i>Improvements to processes and procedures.</i></p> <ul style="list-style-type: none"> <li>Implement joint police and army checkpoints in coordination with the authorities in charge of land use planning and environmental authorities to verify, through the interoperability information system, land use planning restrictions and other attributes integrated into the system to prevent land grabbing.</li> <li>Implement clear and effective control systems on the part of the National Police in the mobilization of supplies for roads, agribusiness and livestock.</li> </ul>	<p>Minambiente, PNN, Mindefensa, Public Forces, Local and Regional Governments, Regional Environmental Authorities, ANT</p> <p>Regional Environmental Authorities, Public Forces, ICA</p>
<p><b>Risk: there is no surveillance on the links between livestock activity and the land where the herd is concentrated (e.g., areas with land-use restrictions)</b></p> <p><i>Regulatory or policy proposals</i></p> <ul style="list-style-type: none"> <li>Impose sanctions to cattle ranchers who do not comply with regulations and promote cattle ranching in areas with land-use restrictions. These sanctions can range from private sanctions (e.g., cattle ranching associations) to administrative sanctions (e.g., ICA, Mayors' offices, Environmental Authorities, Governors' offices, among others).</li> <li>Establish an external regulatory body that can verify the places where cattle has been registered to the system, and contrast their location with areas with land use restrictions. This entity will be able to identify the cattle herds that do not comply with the restrictions, monitor cattle-raising processes, and ensure a legal and reliable cattle-raising system.</li> <li>Prioritize structural and cross-cutting issues in interministerial agendas to strengthen interinstitutional coordination related to agro-industrial processes and the entire livestock traceability process.</li> </ul>	<p><b>Who is responsible for implementation?</b></p> <p>Local and regional governments, Regional environmental authorities, ICA, Private sector and FGN</p> <p>Minagricultura, Minambiente, ICA, Regional environmental authorities</p> <p>Minagricultura, Minambiente, ICA, Regional environmental authorities, Private sector (associations)</p>

<b>Risk: there is no surveillance on the links between livestock activity and the land where the herd is concentrated (e.g., areas with land-use restrictions)</b>	<b>Who is responsible for implementation?</b>
<ul style="list-style-type: none"> <li>Promote the creation of a disqualification mechanism for cattle associations to reject applicants who have not clearly demonstrated the origin of the resources used to purchase the cattle, land ownership or who promote land grabbing in areas where titling is permitted, such as the Campesino Reserve Zone, or subtraction of Forest Reserves. In this regard, access to the benefits offered by these associations or unions should be restricted so that those who are aspiring members that have criminal and/or disciplinary records or ongoing investigations involving livestock-related processes cannot become members. This mechanism can also be promoted through the Zero Deforestation Agreement and through the Sustainable Livestock Roundtables.</li> <li>Include in the regulations the link between livestock traceability processes and the use of restricted and grabbed lands, by updating the database of the Animal Traceability System (SNIITA) and Bovine (SINIGAN) to clearly include environmental restrictions on the farms as a requirement for issuing the respective sanitary certificates.</li> <li>Implement the provisions of the Final Peace Agreement regarding property management. Specifically, implement the provisions of the PDET regarding the social and productive management of property. This will allow to reconvert, by means of the Program for the Use, Occupation and Tenure of PNN, those areas that are currently being used for cattle ranching despite having environmental restrictions.</li> </ul>	<p>Minambiente, Minagricultura, ICA, Private sector (associations)</p> <p>Minambiente, Minagricultura, ICA, PNN, Regional environmental authorities</p> <p>Minagricultura, Minambiente, ART, PNN</p>
<p><b>Promote institutional or social capacity building.</b></p> <ul style="list-style-type: none"> <li>Coordination between the ICA, the National Police and the FGN on traceability controls when verifying the transportation permits. We suggest that the ICA inform the National Police and the FGN when it becomes aware of the development of livestock activities on land with environmental restrictions.</li> </ul>	<p>Minambiente, Regional environmental authorities, ICA, FGN, Public Forces</p>
<p><b>Improvements to processes and procedures.</b></p> <ul style="list-style-type: none"> <li>The ICA must avoid issuing the respective sanitary certificates when cattle are found to come from a property located in areas with environmental restrictions. Animals should not be vaccinated against foot and mouth disease and the competent authorities (FGN) should be informed of any cattle that are found in areas with land-use restrictions.</li> </ul>	<p>Minambiente, PNN, Regional environmental authorities, ICA, FGN</p>

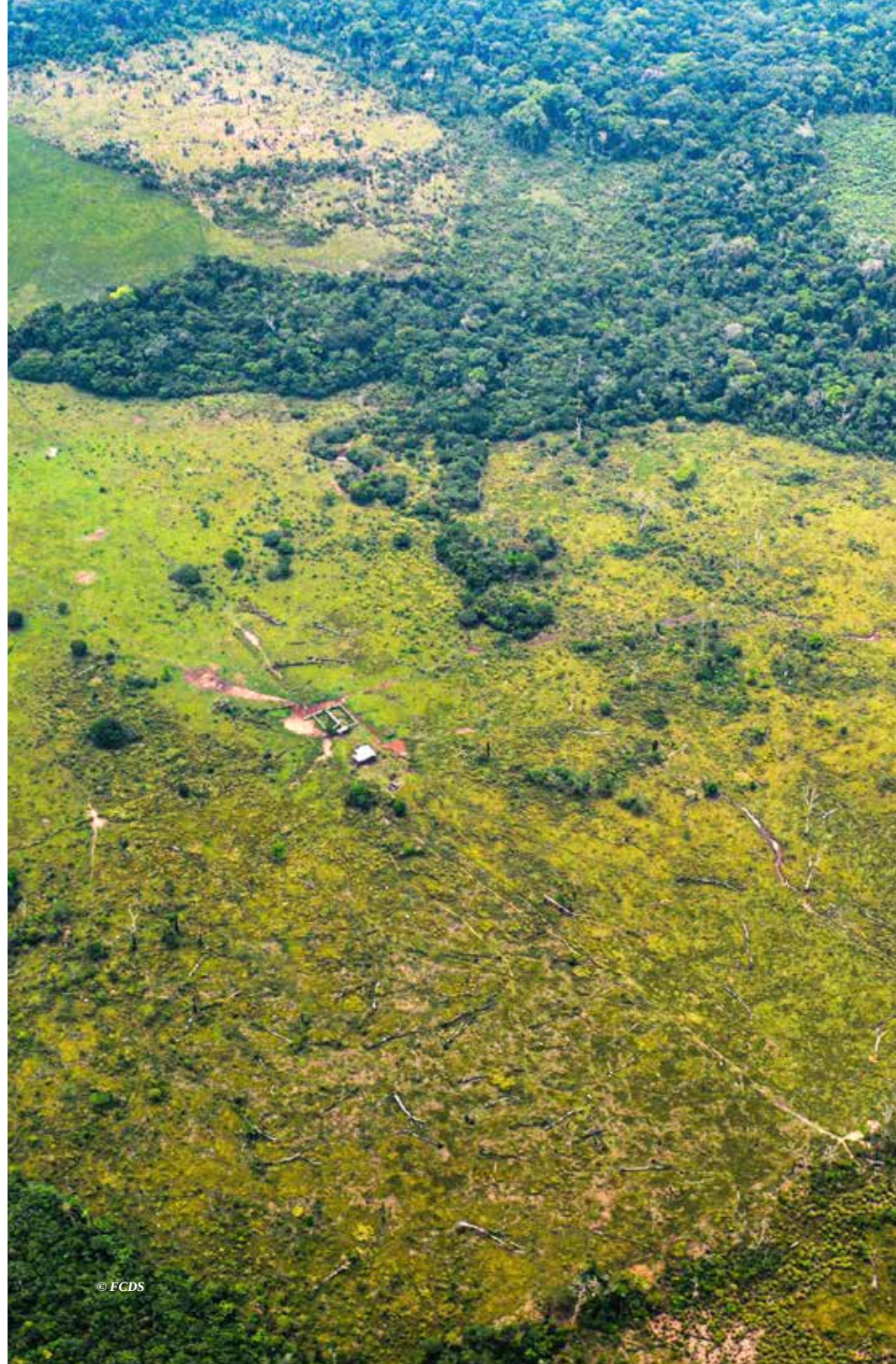
<b>Risk: decentralization of the Multipurpose Cadastre could facilitate the incorporation of grabbed lands through municipal cadastral managers or economically and politically powerful groups.</b>	<b>Who is responsible for implementation?</b>
<p><b>Regulatory or policy proposals.</b></p> <ul style="list-style-type: none"> <li>To implement a Multipurpose Cadastre that is transparent, relevant and responds to the needs identified by the National Government, local governments and civil society, requires: <ol style="list-style-type: none"> <li>Evaluation of the capacities and suitability of the cadastral managers registered at the local governments. This tool would allow to identify beforehand possible processes of capture and co-opted reconfiguration of the State that could facilitate the inclusion of grabbed land areas of interest to economically and politically powerful groups into the legal land market.</li> <li>Ensuring that there is an efficient management of the economic resources and time required for the implementation of the Multipurpose Cadastre, according to the guidelines set forth by the Agustín Codazzi Geographic Institute (IGAC); for this purpose, we suggest carrying out a prior assessment of the capacities of each of the local governments in charge of its implementation.</li> <li>Conducting an assessment of the official information available and that generated by civil society, in order to review the possibilities of interoperating and strengthening combined action plans against land grabbing.</li> </ol> </li> <li>Ensuring the efficient management of economic resources and time required for the implementation of the Multipurpose Cadastre, according to the goals set forth by the IGAC, making a prior assessment of the capacities of each of the local governments in charge of its implementation.</li> </ul>	<p>IGAC, Regional governments, cadastral managers, Superintendency of Notaries and Registries, High Counselor's Office for Stabilization and Consolidation</p> <p>IGAC, Regional governments, cadastral managers, Superintendency of Notaries and Registries, High Counselor's Office for Stabilization and Consolidation</p>
<p><b>Strengthen information and the access to it.</b></p> <ul style="list-style-type: none"> <li>Make an assessment of available official and civil society-generated information to review the possibilities of interoperating and strengthening information.</li> </ul>	<p>IGAC, Regional governments, cadastral managers, Superintendency of Notaries and Registries, High Council for Stabilization and Consolidation, NGOs, international cooperation agencies</p>
<p><b>Risk: asymmetry in the capacity of the Regional Prosecutor's Offices to act against illegality.</b></p>	<p><b>Who is responsible for implementation?</b></p>
<p><b>Regulatory or policy proposals</b></p> <ul style="list-style-type: none"> <li>We recommend that anti-corruption efforts adopt both a local and national perspective, which is conducive to breaking the chains of elites directly and indirectly involved in land grabbing. To this end, greater efforts should be made to uncover and dismantle the network with which a land grabber may be working, whether they are free, being prosecuted, or detained, at the regional, local or national level, rather than simply focusing on one key figure.</li> <li>Request the Superior Council for Criminal Policy to analyze the operations of organized criminal groups involved in land grabbing that promotes deforestation and to propose criminal policy guidelines on the matter to the national government. This strategy should be oriented to identify the promoters or intellectual perpetrators who represent the strongest links in the chain of land grabbing.</li> </ul>	<p>FGN, PGN, CGR, Secretariat for Transparency, Public Forces, DNI</p> <p>Superior Council for Criminal Policy, Minjusticia</p>

Risk: asymmetry in the capacity of the Regional Prosecutor's Offices to act against illegality.	Who is responsible for implementation?	Risk: There is no verification of the properties to be registered and the restrictions in the land use planning guidelines.	Who is responsible for implementation?
<ul style="list-style-type: none"> <li>We recommend that the Superior Council for Criminal Policy evaluate the feasibility and advisability of introducing legal reforms to the Colombian criminal code, Law 599 of 2000. This would explicitly include a criminal offense of 'land grabbing' whose governing verbs include negotiating with land that cannot be traded, as well as acts aimed at disguising irregular land tenure as legal.</li> <li>Request the Criminal Policy Advisory Commission to study the possibility of amending the penalties associated with environmental crimes, to adjust the penalties to clearly define the figure of the 'Grabber' and to design a criminal strategy directed against the strongest links in the chain of land grabbing operations.</li> <li>Concentrate investigation and prosecution efforts on the highest links in the land grabbing chains, which requires the deployment of intelligence activities aimed at tracing the financial flows that finance the land grabbing, as well as implementing mechanisms to neutralize land grabbing suppliers.</li> </ul>	<p>Superior Council for Criminal Policy, Minjusticia</p> <p>Superior Council for Criminal Policy, Minjusticia</p> <p>Public Forces, FGN, DNI</p>	<p><b>Regulatory or policy proposals.</b></p> <ul style="list-style-type: none"> <li>Enforce Circulars 555 and 605 of 2020 issued by the Superintendence of Notaries and Registries to be operated with the FGN to document land transactions in the Northwestern Amazon Deforestation Arc, a process facilitated by the ADC<sup>17</sup>.</li> <li>The Superintendence of Notaries and Registries, specifically through its Delegate for the Protection, Formalization and Restitution of Lands, could define a policy to focus its actions in the region. This policy should order the notary's offices present in the analyzed area to report informal land sale transactions located in protected areas or indigenous reserves. To this end, we recommend that the Superintendence issue a circular indicating to the local notary's offices that they must report such transactions.</li> </ul>	<p>Superintendence of Notaries and Registries, ANT, FGN</p> <p>Superintendence of Notaries and Registries</p>
<p><b>Promote institutional or social capacity building.</b></p> <ul style="list-style-type: none"> <li>Strengthen the capacities of technical and investigative teams in regional prosecutors' offices, control authorities and judges currently funded by the Amazon Deforestation Control (ADC) Project.</li> <li>Strengthen judicial and administrative processes aimed at sanctioning those responsible for land grabbing and make them liable of the recovery of grabbed areas. To this end, the FGN, the Judicial Branch (criminal jurisdiction), the PGN, the CGR, and the environmental authorities should work together.</li> </ul>	<p>FGN, Regional environmental authorities, Superior Council of the Judiciary, Local and regional governments, International cooperation agencies, Public Forces</p> <p>International cooperation agencies, Superior Council of the Judiciary, FGN, PGN, CGR, Regional environmental authorities, Minambiente, Mindefensa, Public Force, High Counselor's Office for Defense and National Security</p>	<p><b>Promote institutional or social capacity building.</b></p> <ul style="list-style-type: none"> <li>Promote effective coordination and articulation between the National Land Agency (ANT) and the Superintendence of Notaries and Registries to facilitate the issuance of early warnings on real estate transactions associated with the properties located in the Northwestern Arc of the Amazon. For this purpose, we suggest adopting the circular issued by the FGN and the Superintendence of Notaries and Registries, as well as creating an inter-institutional coordination mechanism, which could be a technical roundtable with the participation of delegates from the FGN, the Superintendence of Notaries and Registries and ANT. This technical roundtable should meet periodically and should define the appropriate mechanisms for generating early warnings about real estate transactions in the region, taking into account the efforts that each institution is carrying out.</li> </ul>	<p>ANT, Superintendence of Notaries and Registries, FGN</p>
<p><b>Strengthen information and the access to it.</b></p> <ul style="list-style-type: none"> <li>Develop a centralized system capable of managing interoperability between information systems, as well as coordinating the necessary institutional entities to enforce land use, occupation, and possession restrictions. This system will be of particular importance for the processes carried out by the FGN and PGN.</li> <li>Use the geo-viewers and databases created from the USAID-funded ADC Objective 3 of the program <i>Riqueza Natural</i>, implemented by Chemonics and FCDS, to facilitate the retrieval of information for case documentation and configuration.</li> </ul>	<p>Minambiente, PNN, Mininterior, ANT, Regional Environmental Authorities, Local and Regional Governments, Superintendence of Notaries and Registries, FGN, PGN</p> <p>FGN, Regional environmental authorities, Local and regional governments, International cooperation agencies</p>	<p><b>Strengthen information and the access to it.</b></p> <ul style="list-style-type: none"> <li>Make an assessment of the information available, both official and that generated by civil society, to review the possibilities of interoperating and strengthening data.</li> </ul>	<p>Superintendence of Notaries and Registries, ANT, Regional environmental authorities, NGOs, International cooperation agencies, Social leaders</p>

17 USAID's ADC is an intervention strategy to generate changes in deforestation dynamics and positive impacts on biodiversity conservation.



<b>Risk: limited capacity of municipalities and governors' offices to act in response to land grabbing incidents.</b>	<b>Who is responsible for implementation?</b>
<p><i>Regulatory or policy proposals</i></p> <ul style="list-style-type: none"> <li>Propose that research findings be a reference for international technical cooperation programs in relation to interventions to be carried out in the Northwestern Arc of the Amazon.</li> <li>To create a special agrarian or land jurisdiction, which will be in charge of all aspects related to land and the rural sector in Colombia. This proposal is foreseen in the Final Agreement for the Termination of the Conflict and the Construction of a Stable and Lasting Peace, which proposed the creation of a single agrarian jurisdiction with comprehensive competencies in relation to rural matters.</li> <li>Implement a pilot program for the recovery, formalization and regularization of the nation's wastelands, which cannot be transferred. The program should include the recovery of lands grabbed in PNN, in areas of the Forest Reserve Zones as per Law 2 of 1959, in Indigenous Reserves and in those that are outside the agricultural frontier defined by the Rural Agricultural Planning Unit (UPRA).</li> <li>Increase the budget allocated to law enforcement in the environmental sector.</li> </ul>	<p>International cooperation agencies, Local and regional governments, Regional environmental authorities</p> <p>Minjusticia, Congress</p> <p>Superintendency of Notaries and Registries, Minagricultura, PNN, ANT, Mininterior, UPRA</p> <p>Minambiente, Mindefensa, High Council for National Defense and Security</p>
<p><i>Promote institutional or social capacity building</i></p> <ul style="list-style-type: none"> <li>Establish a robust civil service with high quality standards and strict entry requirements, so that those who reach public office in the local governments have the necessary knowledge and ethical qualities to improve the functioning of the institutions. This should be complemented with training and updating processes for independent contractors.</li> <li>Provide local governments with the technical and legal tools to enable them to fully comply with their mission and to confront and denounce illegal land grabbing processes and their links to organized crime.</li> <li>Provide greater support to park rangers to protect PNN, as they are the front line in Colombia's fight against land grabbing and deforestation. Focus on securing the PNNs for the park guards so that they can maintain their presence in these areas. Give them a clear centralized channel through which they can communicate with the Public Forces (Army, Police) in case they face threats of violence, and generate rapid response programs to protect their lives with the Public Forces and with the PNN risk management offices.</li> </ul>	<p>Administrative Department of Civil Service</p> <p>Local and regional governments, international cooperation agencies, Minambiente, Mindefensa, regional environmental authorities, Public Forces</p> <p>Minambiente, PNN, Mindefensa, High Council for Defense and National Security, Public Forces, FGN</p>
<p><i>Strengthen information and the access to it.</i></p> <ul style="list-style-type: none"> <li>Create a digital map that is periodically updated to establish which areas, and their communities, may be most at risk of being targeted by land grabbers, to assess where additional support is needed in the departments of Meta, Guaviare and Caquetá. This map should be fed by a map of wastelands, which currently does not yet exist in the country and should be worked upon. This map should be administered by an independent body created for this purpose.</li> </ul>	<p>Minambiente, ANT, Regional environmental authorities, PNN, Ideam, Ombudsman's Office, Office of the United Nations High Commissioner for Human Rights for Colombia.</p>



## 4 A cross cutting approach to corruption and organized crime

During this research, it became evident that many of the underlying problems of the four drivers are interdependent. These findings were key since they allowed the identification of opportunities to improve some of the fundamental elements of natural resource governance. This is the case, for example, of issues related to legitimacy in decision making (e.g., Jurisdictional or competency conflicts); transparency (e.g., Lack of transparency of information, poor access to information, and difficulties in requesting accountability); inclusiveness (e.g., The need for local communities' Life Plans to be taken into account in decision making); justice (e.g., Identification of the fact that criminal policy falls mainly on the weakest links in the chain and that it should be redistributed to the other actors in the drivers); integration (e.g., The need to make systems interoperable, namely those which contain information on the drivers and facilitate their regulation and control), as well as issues related to the capacity of the authorities in charge of monitoring these drivers (e.g., Weaknesses in technical, financial, administrative, and technological capacities).

Therefore, the findings described herein guided the roadmap for the formulation of recommendations that, when analyzed together, will result in the strengthening of natural resource governance in Colombia. Thus, this section offers concrete information on the priority actions that were identified to provide solutions to the identified problems. Details on the rationale for these recommendations as well as the main actors that were identified and that could advocate for their implementation may be consulted with the TGNR team.

### 4.1 Findings



#### **An evident and strong relationship between corruption and criminality**

Although at the beginning of the project the intention was for the analyses of corruption and organized crime to be carried out independently, as the study progressed the variables became organically integrated. The TGNR project found that the two phenomena are intertwined in such a way that it becomes difficult to identify the point at which an activity can be said to no longer be “criminal” and consequently become an act of corruption, and vice versa. This intertwining shows that on numerous occasions corrupt actors leverage criminal structures to achieve their objectives (e.g., Actors with political and/or economic power who use Mafia-style groups for land grabbing), and that criminal actors use acts of corruption so that their criminal economies are not dismantled.



#### **“Invisible” actors at the helm of illegal economies**

The presence of “invisible” actors, whom no one dares to identify, was evident in all of the drivers. These people enjoy significant economic and/or political power that allows them to influence, both regionally and in some instances nationally, administrative actions, legislative or regulatory processes, the appointment of public officials, or even political elections. These “invisible” actors lead and finance a substantial part of the activities that operationalize the analyzed drivers, and they employ various types of corruption to achieve their economic objectives.



#### **The weakest links in the illegal chain are criminalized and persecuted**

The different public policies and the strategies used by police or the military have focused on identifying and pursuing the weakest links in the value chains. These weak points are usually local communities in direct contact with natural resources, who have historically inhabited the area, and who are instrumentalized by the real criminal actors. For instance, they might be used by intermediaries who are responsible for the execution of the drivers' activities in the territories, or the “invisible” actors who finance the operations of each of these illegal economies.



#### **Institutional weaknesses constitute a cross-cutting risk**

Institutional weaknesses that persist over time, associated with the low capacities of public servants, lax and ineffective processes and procedures, high staff turnover, lack of funding, as well as the constant omission of duties and



responsibilities, become elements that provide impetus to corruption and organized crime in the four drivers.

Among these institutional weaknesses, deficient traceability systems can be included. In other words, there are no comprehensive tools that allow the tracking, from extraction to commercialization, of legal products derived from gold mining, forestry harvesting, and wildlife trade. Thus, this makes control actions ineffective and ultimately facilitates the laundering of illegal products. Moreover, there is also a lack of adequate oversight systems for processes that aim to provide land access. Those oversight tools are necessary for controlling the illegal land grabbing of wastelands, Forest Reserve Zones, Indigenous Reserves, and PNN, among others.



### **Systems of subsistence use of natural resources at the service of criminality**

The legal regimes for subsistence use of natural resources (subsistence hunting, subsistence fishing, and subsistence mining) are being instrumentalized by criminal actors. This instrumentalization takes advantage of several factors, including a scarce presence of the State in key natural resource extraction territories (e.g., Areas where basic services, security, etc. are not provided), State weaknesses in controlling these activities, Mafia-style groups' territorial control, and the absence of opportunities for local communities to generate income from the sustainable use of natural resources.



### **Government actions are not aligned with the contexts and needs of local communities**

This type of situation causes friction between the relevant authorities and local communities, generates distrust in public institutions, and increases the vulnerability of these communities to being exploited by criminal actors. Thus, we identified that there is a need to strengthen the capacities of local communities to participate in decision making and to improve participation mechanisms.



### **Weaknesses in the management of public information and a lack of transparency in its dissemination**

Although there are multiple environmental information systems in the country that store large volumes of information, sometimes this information is not of high quality (e.g., Data on wildlife seizures does not identify the species). Moreover, there is often inadequate interoperability of the systems, or public entities have difficulties accessing them because of restrictions (e.g., The FGN has difficulties to access the Ideam's satellite images in PlanetScope), among other shortcomings.

The above makes it impossible for public policy decisions to be made based on information that reflects the reality of the country, as well as hindering the appropriateness of the actions prioritized to counteract environmental problems. These weaknesses in the management of information make the monitoring and control tasks of the relevant authorities even more burdensome, and ultimately contribute to the unsuccessful prosecution of the actors involved in these criminal activities.



### **A partial approach to the deforestation problem**

Although deforestation is more frequently being recognized as a national problem and there are institutional responses to it, the understanding of its relationship with other problems, such as corruption and criminality, is incipient. Therefore, and as an example, there are very few cases in which deforestation has been linked to money laundering, drug trafficking, or human rights violations. This is reflected in the low number of investigations that thoroughly analyze the problem, and therefore the actions taken to mitigate deforestation do not have the desired impact.

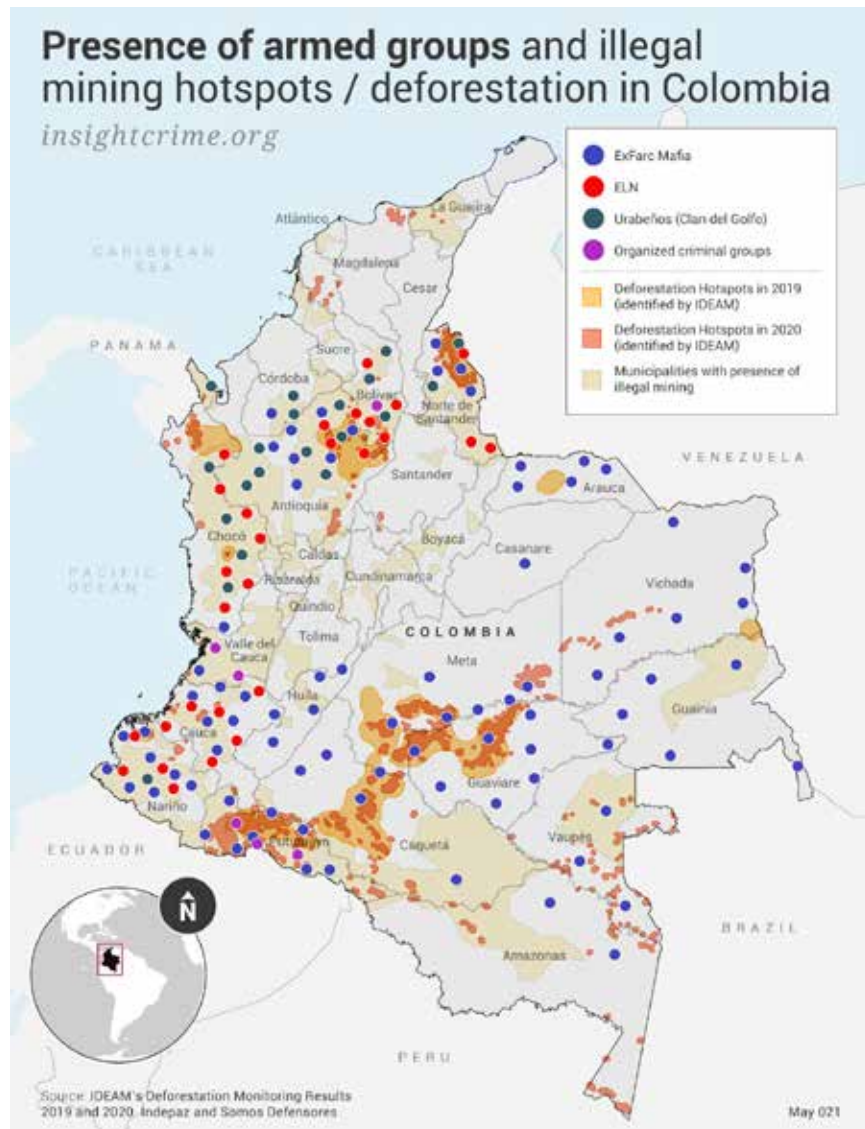


### **Drug trafficking and armed conflict have overshadowed the importance of the drivers**

Colombia's historical problems have overshadowed and reduced the visibility of environmental crimes in the country, as well as the ways in which organized crime and corruption have permeated the trade of gold, timber, and fauna, or the land grabbing. Decades of armed conflict and the characteristic centralism of governments have prevented the country from looking directly at its environmental wealth in order to guarantee its protection and generate sustainable development processes that improve the living conditions of the inhabitants of the Amazon and Pacific regions. See [Figure 6](#).



Figure 6. Armed conflict and deforestation



**The importance of environmental crimes and their effects on other areas of interest for the country is either unknown or overlooked**

Crimes affecting natural resources are often overlooked by environmental authorities, law enforcement authorities, control entities, and judges. This phenomenon would seem to reflect the fact that the seriousness of the environmental crimes associated with the analyzed drivers is still not recognized nor that their effects go beyond the environmental scope, such as:

- The analyzed drivers are facilitators and a source of financing for Mafia Style Groups to perpetuate their territorial control in the Amazon and Pacific.
- The country has not quantified the economic impacts derived from these illegal activities. These include, for example, unfair competition for industries that fully comply with legal provisions on the use of natural resources, or the favoring of smuggling and money laundering.
- The drivers negatively affect human health and well-being. For example, they can facilitate the conditions for the appearance of zoonotic diseases such as COVID-19, cause mercury poisoning and soil degradation, dispossess local communities of their territories, pollute the air as a result of the burnings necessary for land grabbing, put at risk the source of income and subsistence of local communities (e.g., Threat of extinction of timber species that can be traded), among other factors.
- Serious environmental liabilities are generated, which in 2014 represented approximately 3.5% of the country's GDP (Minambiente, 2014), requiring large amounts of public resources in order to be addressed.



**The enactment of regulations is not a guarantee of compliance**

Although there are legal frameworks aimed at preventing the illegal practices of illegal logging, wildlife trafficking, illegal mining, and land grabbing, it is evident that these problems persist in the territories. This is often because the regulations are not widely recognized by the population, do not consider the cultural traditions of natural resource use, or simply do not take into account the contexts and realities in which they are expected to be applied.

## 4.2 Cross-cutting recommendations to strengthen the fight against deforestation



### **Declare an ecological emergency and establish an environmental baseline**

Based on the provisions of Article 215 of the Political Constitution, this declaration would allow for the swift enactment of norms to timely tackle the deforestation crisis that the country is currently experiencing. The main idea behind this recommendation lies in the fact that the speed of decision making and the adoption of some of the proposals contained herein could be decisive for mitigating the environmental impacts derived from the drivers analyzed. In this sense, as a first step, this declaration should facilitate the identification and delimitation of areas that are at risk or threatened by deforestation and/or with ongoing processes due to the development of activities associated with the four drivers. This delimitation is necessary to the extent that existing information is not detailed enough to reveal which are the main areas affected by all four drivers (e.g., Areas with forest degradation due to illegal logging that is not necessarily reflected in Ideam data). Thus, the declaration should be made nationally, but with a focus on the Amazon, Orinoco and Pacific eco-regions, and should include the requirement to target affected departments and municipalities within a period of no more than one year.

In line with the above, a decree shall be issued ordering the establishment of a baseline on the status of forests, renewable natural resources, land occupation, and the use and exploitation of mining resources. The construction of this baseline shall have a maximum term of six (6) months.

Within the framework of this declaration, a new special regime for the use and exploitation of natural resources could be designed to benefit local communities. To this end, we propose creating a special legal regime for the use and exploitation of renewable (fauna and forest resources) and non-renewable (mining) subsistence natural resources for areas with processes or threats of deforestation, aimed at mitigating the weaknesses that have been identified in the subsistence regimes currently in force. Thus, for example, this program would require plans for the reconversion of these activities to alternative productive systems and connect the producers with the markets.

In addition, special regulations could be created for the use of fauna, flora, forestry, water, and mining resources identified in high-risk areas or those undergoing deforestation.

A declaration of this type could also be aimed at bringing together the various initiatives that are currently undergoing advocating for a climate emergency to be declared. It could be a good opportunity to identify and determine the magnitude of the risks that the analyzed drivers pose to the environment in regards to climate change. Therefore, we recommend promoting a coordinated effort to identify the various ongoing initiatives and accompanying their implementation.

Finally, it should be emphasized that the use of these extraordinary powers must include an exhaustive analysis of the implications that the decisions adopted would have on the local communities in such a way that their rights are not violated. On this point, it is essential that the Constitutional Court, when controlling the legality of the decrees issued by virtue of its extraordinary powers, weighs up all the factors that have an impact on these decisions and which are not limited to the environmental sphere.



### **Amend Article 323 of the Criminal Code**

We suggest supporting the legislative initiatives currently underway, and in the case that they are not successful, promoting new bills that provide for the inclusion of crimes against the environment (set forth in Title II, X and XI) as a source crime of the criminal offence of money laundering. This amendment would make it possible to prosecute behaviors associated with deforestation through money laundering offences and to investigate or exert control mechanisms on certain operations through the Financial Superintendency.



### **Support the enactment and approval of Bill 283 of 2019 House of Representatives**

The cross-cutting analysis of the drivers highlights that the relevance and effectiveness of the provisions of Title XI of the Criminal Code, which contains the crimes against the environment, should be evaluated. In consideration of the principle of adaptability that should be an essential axis of the governance

of natural resources, we identified the need to evaluate whether it is necessary to create specific criminal offences for land grabbing and deforestation, as well as analyzing the convenience of increasing the penalties for environmental crimes. For this purpose, the TGNR recommends that the Superior Council of Criminal Policy be requested to carry out said analysis. In the event that the results of the analysis are favorable, we suggest supporting the enactment process of Bill 283 of 2019, which is currently ongoing in the Colombian Congress.



### **Reform the Basic Legal Circular of the Financial Superintendency and the Financial System Organic Statute**

The reform is aimed at creating an instrument similar to SARLAFT that would allow financial entities and the competent authorities to exercise greater control over operations that involve financing deforestation, forest degradation, or biodiversity loss. The amendment to the Basic Legal Circular should include the activities of mining, illegal logging, wildlife trafficking, cattle ranching, agriculture, and other phenomena associated with land grabbing as they are related to money laundering.



### **Amend Law 1333 of 2009**

Amend and regulate the environmental sanctioning regime in such a way that it provides for certain objective technical criteria that allows to identify can be both an environmental violation and a crime. As a result of this identification, the regulation should foresee the obligation of the environmental authorities to send official copies to the FGN and the PGN of those conducts that could presumably constitute a crime. This compulsory sending of official copies could be regulated in the environmental sanctioning regime through an amendment of article 21 of the abovementioned law.



### **Design a special regime for the use and exploitation of natural resources**

In use of the powers provided in Article 47 of the National Resources Code, we recommend that the Minambiente create special renewable natural resources reserves in which community regimes for subsistence use and exploitation will be established, aimed at populations that require them. These should be created in strategic zones that will reduce the pressure of illegal activities on the forests.



### **Prioritize the environmental agenda in the country's criminal policy**

Criminal policy in Colombia must recognize that environmental crimes linked to the drivers are a threat to national security since they are a lucrative source of income for criminal actors that exercise de facto control over certain terri-

tories of the country, violate human rights, and transgress fundamental rights of citizens. In this regard, we recommend that the Superior Council of Criminal Policy conduct an analysis of the organized criminal groups involved in the drivers. As a result of this analysis, it should develop a new policy axis that aims to mitigate these phenomena.



### **Promote the analysis of the findings in conjunction with other sectors**

The findings of the TGNR show that in order to mitigate the phenomena of corruption and organized crime that promote the drivers, the environmental sector should seek contributions from the following three (3) sectors:

- **Anti-corruption:** corruption is considered a driving force for multiple crimes, which is why the fight against corruption is one of the priorities of the international political agenda. The importance that has been attributed to anti-corruption measures represents an unparalleled opportunity to undertake cooperative actions between countries with a view to curbing the corruption phenomena that enables and facilitates the environmental crimes analyzed by the TGNR.
- **Organized Crime:** as mentioned, the criminal phenomena identified in the analysis are not limited to minor acts, but on the contrary, have serious implications at the national level and they even have international tentacles. To that extent, articulating the environmental sector with the organized crime one could provide transnational cooperation tools that facilitate the dismantling of criminal networks.
- **Human Rights:** bearing in mind that environmental crimes have significant social repercussions and that the analyzed drivers are generally accompanied by violations of local communities' rights (e.g., in the form of extortion, work for very low wages, threats, assassinations of social leaders, among others), it is essential that the environmental sector be linked to human rights initiatives in Colombia.



### **Include the findings in the electoral agenda for the next four-year period**

For these purposes, we suggest carrying out a coordinated process between the government and the environmental sector to identify those recommendations that are not of an urgent nature. That is, those that due to their nature cannot be issued by means of the extraordinary powers emerging from the ecological emergency declaration, and that contribute to the fulfillment of international commitments or goals that have been set for the Colombian State. As a result, these initiatives could be included in the next National Development Plan.





### **Create municipal committees for the control of activities causing deforestation**

We propose the creation of these committees in areas at risk of, or suffering from, deforestation processes. These committees should integrate the municipal police, administrative, judicial and control authorities, representatives of the relevant national institutions, as well as law enforcement authorities in order to establish a mandatory chapter on planning the fight against deforestation in the Municipal Development Plans. The creation of these Committees would be of great use as they can become an agent of CONALDEF in the territories, being responsible for proposing, promoting, accompanying, and supporting the implementation of the guidelines and action plan determined by this body at a national level.



### **Create a legal presumptions regime of land grabbing for wastelands**

This legal presumptions regime would be applicable to the wastelands located in deforested areas prior to their corresponding geographic identification. This new legal regime should create precautionary measures that allow the physical and legal recovery of such lands if certain transactions or actions that give rise to the presumption of land grabbing are evidenced. These legal presumptions could include the purchase and sale of tenancies, obtaining credit or insurance for livestock or agricultural activities in areas outside the agricultural frontier, leases or sharecropping on the same types of land, among others. This initiative should be coordinated with the current initiatives outlined by the Colombian government that are aimed at achieving these objectives.



### **Create a certificate of origin for dairy and meat products**

We recommend creating a certification system headed by the ICA and the CARs that accredits the origin of meat and dairy products, aiming to guarantee that these are not associated with land grabbing nor deforested areas. These certifications should constitute a part of the actions undertaken under the framework of Zero Deforestation Agreements for the dairy and meat supply chains.

## **4.3 Recommendations for strengthening the anti-corruption fight**

This section addresses recommendations for improving institutional responses to the identified corruption risks, as well as strengthening the anti-corruption capacities of the different actors involved. Thus, the recommendations provided herein are aimed at supporting the prevention, detection, and sanctioning of illegal practices and counteracting the multiple drivers that foster the illegal economies of the drivers.



### **Redefine the environmental governance scheme**

The environmental governance system must be redefined to address the identified problems and to increase its effectiveness. To this end, we suggest: (i) adapting the powers of environmental authorities (at regional and national levels); (ii) creating a specific management model for the environmental authorities through the Integrated Planning and Management Model regulated in Decree 1499 of 2017, which allows the transition from particular planning models of each institution to an integrated planning model, which in turn facilitates strategic and collective decision making, and; (iii) increasing social empowerment and citizen participation in decision making by linking environmental sector representatives with departmental and municipal planning councils and to the bodies defined by the National Environmental System (SINA).



### **Strengthen institutional capacities in regards to the drivers**

To achieve this objective, we suggest the implementation of a comprehensive training plan for public officials involved in the drivers. This plan should: (i) provide officials with training on the legal frameworks and technical aspects of the drivers; (ii) design a master's degree in Management for the Control of Deforestation; (iii) be part of the career plan for public servants and have periodic evaluations; (iv) have a scholarship plan for master's or doctoral research; and (v) have a program focused on strengthening the capacities of the Community Action Boards and other community actors.



### **Bring together the information systems for areas at risk or undergoing deforestation**

The articulation of these information systems seeks to facilitate decision making of the relevant authorities through complete and timely information. To this end, we suggest: (i) carrying out, through the Ministry of Information Technology and Communications (MinTIC), a diagnosis of the different en-

environmental information systems relevant to the monitoring and control of the drivers, in order to identify interoperability failures; (ii) designing and implementing an action plan with each sector involved in the trade of products in the legal gold, timber, fauna, and agricultural chains to standardize the information generated on production, transportation, and trading, in order to facilitate the identification of products of illegal origin; (iii) promoting, by means of a collective pact, the mandatory use of the Interoperability Framework for Digital Governance (MIGD) designed by the MinTIC; (iv) promoting agreements and standards with the Colombian Presidential Agency for International Cooperation (APC-Colombia) so that projects financed with international cooperation resources aimed at the creation of information systems comply with the MIGD; and (v) promoting an interoperability roundtable in the MinTIC to bring together all the information from the SIAC, SIGOT, Mining Land Registry, SIMCO, SIAME, Multipurpose Cadastre, Registry of Public Instruments and the Mercantile Registry.



### **Expand the access and transparency of public environmental information**

In order for the different stakeholders to have access to the country's public environmental information, we suggest the implementation of mechanisms that broaden such access and guarantee the transparency of information. To this end, the following is proposed: (i) linking the entities that manage the different environmental information systems to the open data initiatives called by the National Government; (ii) designing, with the support of the MinTIC, a sectoral open data plan that allows scaling up access to available public information; (iii) designing a course or training plan on transparency and access to information with an environmental approach; (iv) including the ministries responsible for policies related to deforestation and biodiversity loss in the Inter-American Open Data Program; (v) conducting an independent study financed by international cooperation to identify the standards of storage and classification of information in light of the provisions of Law 1712 of 2014; (vi) linking environmental authorities in the structuring of an open government action plan with an environmental approach and the fight against deforestation and biodiversity loss; and (vii) promoting, through Asocars, a program to strengthen transparency and guarantees for access to public information.



### **Strengthen knowledge on the drivers' promoters and funders**

In order to achieve a better understanding of the power structures that promote and finance the illegal economies of the drivers, the knowledge on the actors involved must be strengthened. To this end, we suggest the elaboration of a sectorial study by the CGR on corruption in the four economies that arise from the exploitation of mineral resources, fauna, flora and access to land.



### **Deepen the understanding of the relationship between corruption and criminality associated with deforestation and biodiversity loss through a quantitative lens**

We suggest that international cooperation be called upon to deepen and refine the findings of this project so that it is possible to quantify in detail the impacts of corruption and organized crime. As an example, these future analyses could include the following aspects: (i) analyzing the modalities of fauna and flora trafficking according to species, along with the quantification of trafficked individuals, main buyers and quantification of the income they generate, or identifying the amounts of gold being laundered through jewelry stores; (ii) analyzing in depth the failures in regulatory implementation or legal loopholes in free trade zones or zones with special customs provisions (e.g., Leticia) that facilitate the operation of the drivers; (iii) analyzing the relationship between impunity for environmental crimes and corruption via case studies; (iv) quantifying the number of corruption investigations opened against public officials in relation to the drivers and how many of them have ended in convictions; (v) observing, by means of an independent study, the way in which corrupt practices operate within each of the environmental and agricultural sector authorities in charge of regulating the drivers, as well as in the control agencies, public forces, and other relevant authorities, and how these corrupt acts affect the decision making that impacts law enforcement on deforestation and the four (4) analyzed drivers. These efforts could be complemented by collaboration with the National Police's Police Intelligence Directorate (DIPOL), the Inspector General's Agency for Taxes, Revenues and Parafiscal Contributions (ITRC), the National Intelligence Directorate (DNI) and UIAF.



### **Addressing the drivers from the State's anti-corruption public policy**

Although progress has been made in the consolidation of a Conpes to coordinate the fight against corruption, to date the environmental scope of the objectives, strategies, goals, and indicators is not clear. To solve this, we suggest that the National Government provide guidelines on the following aspects: (i) the link between corruption and organized crime in regards to environmental issues; (ii)

the policy for the fight against corruption to be developed should allow for the cross-cutting treatment of corruption phenomena in the four drivers analyzed; and (iii) guarantee sanctioning and damage remedies.



### **Promote a regulatory framework and management guidelines to protect corruption whistleblowers**

A whistleblower statute should be created to offer guarantees, considering at least: (i) anonymity policies and protection of whistleblowers' personal data; (ii) strengthening of internal whistleblowing channels for reporting acts of corruption in public entities; (iii) defining the resources available to the whistleblower in the event of possible retaliation; (iv) effective sanctions for persons who carry out retaliation; (v) presumption of good faith of the whistleblower when filing a report or complaint of corruption in the event of possible retaliation for slander; (vi) immunity for the whistleblower when disclosing information; (vii) the right of the whistleblower to refuse to denounce; (viii) guaranteeing the freedom of the whistleblower on the manner in which the report will be filed; (ix) guaranteeing the anonymity of the sources when the whistleblower is a journalist; (x) advisory mechanisms for the filing of complaints; (xi) protection mechanisms for whistleblower's relatives; and (xii) including the category of whistleblower of acts of corruption as a subject of protection within the victim and witness protection program of the PGN and the FGN.



### **Amend Article 46 of Law 1952 of 2019 (Single Disciplinary Code)**

This amendment would imply that any public servant who facilitates activities that endanger natural forests or promote deforestation by means of a material or formal breach of their duties, would be deemed to have committed a serious offense. In this regard, it is important to mention the need to advocate for the initiative being promoted by PGN, through which they propose to reform the Single Disciplinary Code.



### **Influence the debates and discussions of Bill 341/20**

This bill incorporates fundamental aspects to mitigate corruption and its manifestations in the analyzed drivers. The main discussions in which it is suggested to participate are: (i) protection for whistleblowers reporting acts of corruption or crimes against the environment; (ii) strengthening the liability of legal persons for acts of corruption and hardening of their sanctions; (iii) adjustments to Law 1615 of 2013 on the administration of assets under the process of forfeiture of ownership; (iv) the principle of due diligence that implies the obligation to implement a system to prevent the risk of money



laundering, financing of terrorism, and proliferation of weapons; and (v) the modality of punitive damages, which includes the threat of damages, continued damages and those consummated by acts of abuse or deviation of power in favor of a private benefit.



### **Promote a session of the National Moralization Commission**

We propose convening a session of the National Moralization Commission, in which corruption associated with deforestation is the focal point. In this session, we recommend presenting the results of the TGNR and calling for the design of a coordinated action plan to boost the institutional response and commitment in this area.



### **Strengthen the Regional Moralization Commissions**

The commissions for the departments (states) of Chocó, Nariño, Guaviare, Caquetá, Meta, Putumayo, and Amazonas should include a joint activity in their action plan to control deforestation linked to the drivers. This plan should seek to: (i) evaluate the possibility of bringing cases for collective investigation or sanction; (ii) provide training so that the Commissions understand illegal economies; and (iii) create public hearing sessions with the affected communities and social organizations in the territories.



### **Improve transparency in procedures and services**

We suggest that the Administrative Department of the Public Service include a tool in the Corruption Risk Assessment mechanism for the analysis of the procedures that have been identified as facilitators for the drivers.



### **Develop sectoral anti-corruption plans focused on the fight against deforestation**

We suggest that these plans be prepared by the corresponding ministries, with a focus on prevention and mitigation of corrupt practices by means of short, medium, and long-term actions that mitigate deforestation corruption.



### **Create a preventive project under the responsibility of PGN**

We suggest that this project be led by the Office of the Attorney General Delegate for the Defense of Public Assets, Transparency and Integrity, and the Office of the Attorney General Delegate for Environmental Affairs. The aim is to identify acts of corruption related to deforestation, and based on this, determine the sanctions that will help prevent new acts from occurring.



### **Strengthen Objective 3 of the National Electronic Commerce Policy (Conpes 4012)**

To achieve this objective, we suggest strengthening institutional capacities with actions aimed at visibility, prevention, and detection of corrupt and criminal activities and practices such as those analyzed by the TGNR.



### **Promote sectoral integrity agreements of the companies operating each drivers' sector**

We propose creating four (4) sectoral self-regulating agreements for the generation of actions by the companies to reduce the incidence and impacts of corruption in their businesses. These agreements can be processed through their respective unions and with the support of international cooperation, civil society organizations promoting integrity, and sustainable use of natural resources.



### **Promote the ratification of the Escazú Agreement**

We recommend promoting the ratification of the Escazú Agreement by the Colombian Congress. To this end, we recommend that the international cooperation sector support the actions of the "Alianza Ahora!" working group, which includes WWF Colombia, AIDA, Dejusticia, Foro por Colombia, Asociación Ambiente y Sociedad, the Faculty of Jurisprudence of Universidad del Rosario, the Network for Environmental Justice in Colombia, and the Environment and Public Health Clinic of Universidad de los Andes, among others. At the same time, we also recommend that the international cooperation sector promote a meeting with trade unions (e.g., ANDI, Consejo Gremial) and detractors of the ratification to discuss the provisions of the Escazú Agreement and clarify its scope. Finally, we recommend that the international cooperation sector, together with ECLAC and the United Nations, make an appeal to the National Government, as well as to the main opposition party to the bill in Congress, to expedite and approve the ratification of the Agreement.

## 4.4 Recommendations and proposals for tackling organized crime

The research showed that most of the actions undertaken by the State fail to have an appropriate scope in terms of the type of illegality and actors involved in the drivers. The following section takes a specific look at the treatment of organized crime from the perspective of prevention and detection.



### Strengthen working alliances with international cooperation and the private sector

The fight against organized crime requires an adequate coordination of State entities for its effective understanding and dismantling. To a large extent, the risks and problems identified in the study revealed the need to bring together the processes, procedures, mechanisms, actors, and resources for the same purpose. In this sense, we recommend that the national government seek greater cooperation from international or multilateral organizations to counteract organized crime related to the environment. To this end, consideration should be given to: (i) promoting regional and binational agreements, such as the Leticia Pact; (ii) encouraging cooperation and coordination mechanisms between Minambiente, the CARs, and police and FGN investigation groups with international peer entities to strengthen forensic methods for identifying the origin of trafficked wildlife; and (iii) linking transportation, tourism, and financial entities through Private Public Partnership (PPP) mechanisms.



### Promote inter-institutional coordination in the fight against organized crime

We suggest the monitoring and management of political and administrative actions to attack the deforestation drivers. To this end, we propose: (i) complementing the data obtained by other institutions with strategic information on wildlife trafficking; (ii) promoting greater inter-institutional coordination between the Police, the Army, and the FGN for sharing intelligence information; (iii) promoting more frequent CIFFs; and (iv) promoting the creation of a centralized database on crimes and transactions related to land grabbing.



### Strengthening State intelligence activities

Efforts should be intensified to identify the actors that control and finance the analyzed drivers, as to date information on many of them is nonexistent, especially those associated with timber and wildlife trafficking. To this end, we recommend: (i) creating tools for tracking money flows to identify the financiers; (ii) focusing investigations on discovering the actors and operations of criminal networks, their political-administrative relations, detection supply sources for the development of activities (e.g., mercury, fuel, etc.) and the way they are coordinated with other international criminal structures; (iii) coordinating the intelligence sector with the financial, tax, and military ones; and (iv) detecting the areas where most criminal action occurs to assign a greater number of criminal investigators and judges for legalizing detentions.



### Adjusting the model of territorial and military intervention

The current intervention model focuses on military operations to combat deforestation in different territories. However, we suggest a change in the strategy to bring it in line with the objectives of Conpes 3934 on Green Growth, Conpes 4021 on Control of Deforestation and Sustainable Forest Management, the FGN Strategic Direction 2020 – 2024, and the provisions of the National Development Plan (Law 1955 of 2019). These adjustments should aim at prioritizing the identification and capture of the financial backers and determiners, as they are of greater strategic interest to counteract illegal practices. Additionally, we recommend not to base the model exclusively on military actions, but instead coordinating the creation of first-order institutions such as courts, schools, hospitals, and administrative headquarters of the CARs, which allow the provision of services to the territories most vulnerable to deforestation.



### Strengthening control on money laundering

In addition to the aforementioned amendment to Article 323 of the Criminal Code, we propose that: (i) the UIAF support the investigations of the bodies in charge of identifying suspicious transactions; (ii) the PPP that provide support from financial institutions for the oversight and tracing of funds derived from the drivers; and (iii) the mechanisms such as the Mansion House Declaration be promoted and adopted.



### Promoting integrity in the drivers' business sector

The illegal economies of the analyzed drivers are a threat to the competitiveness of legal actors and initiatives for the sustainable use and management of natural resources. Therefore, we recommend that: (i) the Mincomercio and the Minagricultura identify in detail the relationships between legal companies, land grabbing, and trade of products that come from areas with land use restriction; and (ii) the monitoring of areas where livestock is raised, or agricultural products are grown be strengthened.



### Assessing the risk in the implementation of initiatives - Action without harm

The TGNR identified that, given the threats that these drivers represent for local communities and the risks derived from being instrumentalized by criminal actors, the implementation of the recommendations proposed herein must be accompanied by an exhaustive analysis of the security conditions in the areas where the initiatives will be carried out, as well as the appropriate mechanisms for their implementation.

These considerations seek to guarantee the principle of action without harm: in other words, the implementation of the recommendations proposed herein should not lead to an increase in the risks already suffered by public officials of the regional environmental authorities or the PNN, as well as local communities. This is particularly relevant for social leaders, who are promoters of initiatives aimed at mitigating corruption and organized crime in their regions. For this purpose, the TGNR designed a traffic light assessment, available in [Annex 5](#), that identifies the risk levels associated with the potential implementation of recommendations and interventions in the territories, aiming to facilitate decision makers in analyzing the risks associated to the implementation of specific actions.

Please note that the traffic light assessment provided in [Annex 5](#) is merely one of the possible tools that could be designed to identify the risks associated with the implementation of the recommendations. To that extent, its adoption and use is only a suggestion and each actor in charge of executing the recommendations may use the mechanism it considers most suitable.





Figure 7. Murders of social leaders and deforestation



## 5 Concluding remarks

The information obtained by the TGNR confirms the existence of certain phenomena that many key stakeholders in the environmental sector had already suspected. This includes, for example, the fact that there are links between the four drivers and other illegal economies, or that organized crime and corruption overlap with the operation of the drivers and that they have multiple tentacles at the national, regional, and local levels. Another example is that the laws and regulations that are conceived and formulated from the urban centers do not necessarily reflect the needs of the territories with the greatest natural wealth, nor do they adequately solve the problems of the analyzed drivers. But in addition to this, it is important to highlight some other factors associated with the drivers that are often overlooked.

### Environmental impacts

The detrimental effects of illegal gold mining, illegal logging, wildlife trafficking, and land grabbing on forest cover loss and biodiversity cannot be viewed in isolation. It is clear that there is a close relationship and negative chain or cumulative effects on ecosystems and human well-being (Figure 8). Although in public policies and programs considerable relevance is placed on the actions for controlling deforestation associated with land grabbing and illegal gold mining, the effect of illegal logging on the degradation of forest ecosystems and the importance of controlling it to reduce greenhouse gas emissions should not be overlooked, as according to reports by Ideam it may even have a larger affected area than the deforested areas. In some of the periods analyzed by Ideam, degradation was responsible for at least 50% of total forest CO<sub>2</sub> emissions in the Amazon and Pacific regions, all of which generates impacts on ecological connectivity, loss of habitats, and impacts on the structure and functionality of forests.

Illegal gold mining and land grabbing have a direct impact on freshwater ecosystems (mercury contamination, or contamination from materials used in agriculture, and cattle ranching, which are productive activities in areas illegally grabbed) and soils (compaction, erosion, loss of nutrients and organic matter). All of the above, together with wildlife trafficking, affects animal populations and their interrelationships with their natural habitats, which are intervened by the already mentioned drivers. Deforestation in the country contributes to climate change, the worst environmental crisis facing the world, as the loss of forests generates large greenhouse gas emissions. Understanding that the solution to this problem requires a global commitment, Colombia has ratified several international treaties and developed national policies, making a commitment to the fight



against climate change and the protection of biodiversity. However, the achievement of these goals can be hindered by corruption and organized crime, since as explained above, they enable conditions that allow deforestation, forest degradation, and biodiversity loss

### A threat to national security

The confirmation of the fact that organized crime and corruption are intertwined, together with the details gathered during the TGNR on the operation of the drivers, allows us to conclude that the environmental crimes associated with illegal gold mining, illegal logging, wildlife trafficking, and land grabbing are not problems that are exclusively limited to the environmental sphere. Rather, on the contrary it was found that these drivers can be considered a threat to the country's national security. This is because they represent illicit businesses that generate lucrative income, comparable to drug trafficking<sup>18</sup>, with which the following are financed: (i) organized armed groups (GAO and GAOR) that exercise territorial control in certain regions of the country, preventing the effective presence of the State; (ii) groups that have been classified as terrorists (e.g., ELN, FARC (now dissidents)) (US State Department, 2021; CSN, 2020); and (iii) international criminal networks that have the resources and economic power to weaken state institutions through corruption (Matthew & McDonald, 2004; Fiscalía General de la Nación, 2020).

The relevance of these environmental crimes in national security has been portrayed by the Federal Bureau of Investigation (FBI) in its speech to the U.S. Congress on December 5, 2019, in which they explained how the precious metals market has been permeated by transnational organized crime networks. Importantly, they emphasized that these metals, including gold, coming from countries like Colombia, Mexico, Venezuela, Peru, or Guyana, represent not only a threat to U.S. security and international security, but also a threat to human rights (FBI, 2019).

<sup>18</sup> By 2018, illegal gold mining in Colombia was estimated to represent illegal revenues of \$10.1 billion pesos (Portafolio, 2018), and timber trafficking contributed illegal revenues of US\$750 million per year (Mongabay, 2018). Although specific figures for wildlife trafficking in Colombia are unknown, it is worth noting that this phenomenon has been estimated at US\$7.8 - 10 billion per year worldwide (WWF Australia, 2021). In terms of land grabbing, although there are no figures that reflect the income on a national level, it is possible to calculate that the land grabbed in the Northwestern Amazonian Arc (ANA) represents an approximate income of COP\$1,500,000 to COP\$2,000,000 per hectare. If we take into account the estimate that by September 2020 the lands deforested by this phenomenon represented 5,590 hectares, this driver would generate revenues worth COP\$11,180,000,000,000 in the ANA alone. These figures are not neglectable when compared to the income produced by drug trafficking, which in 2019 was estimated at COP\$19 billion (La República, 2019).

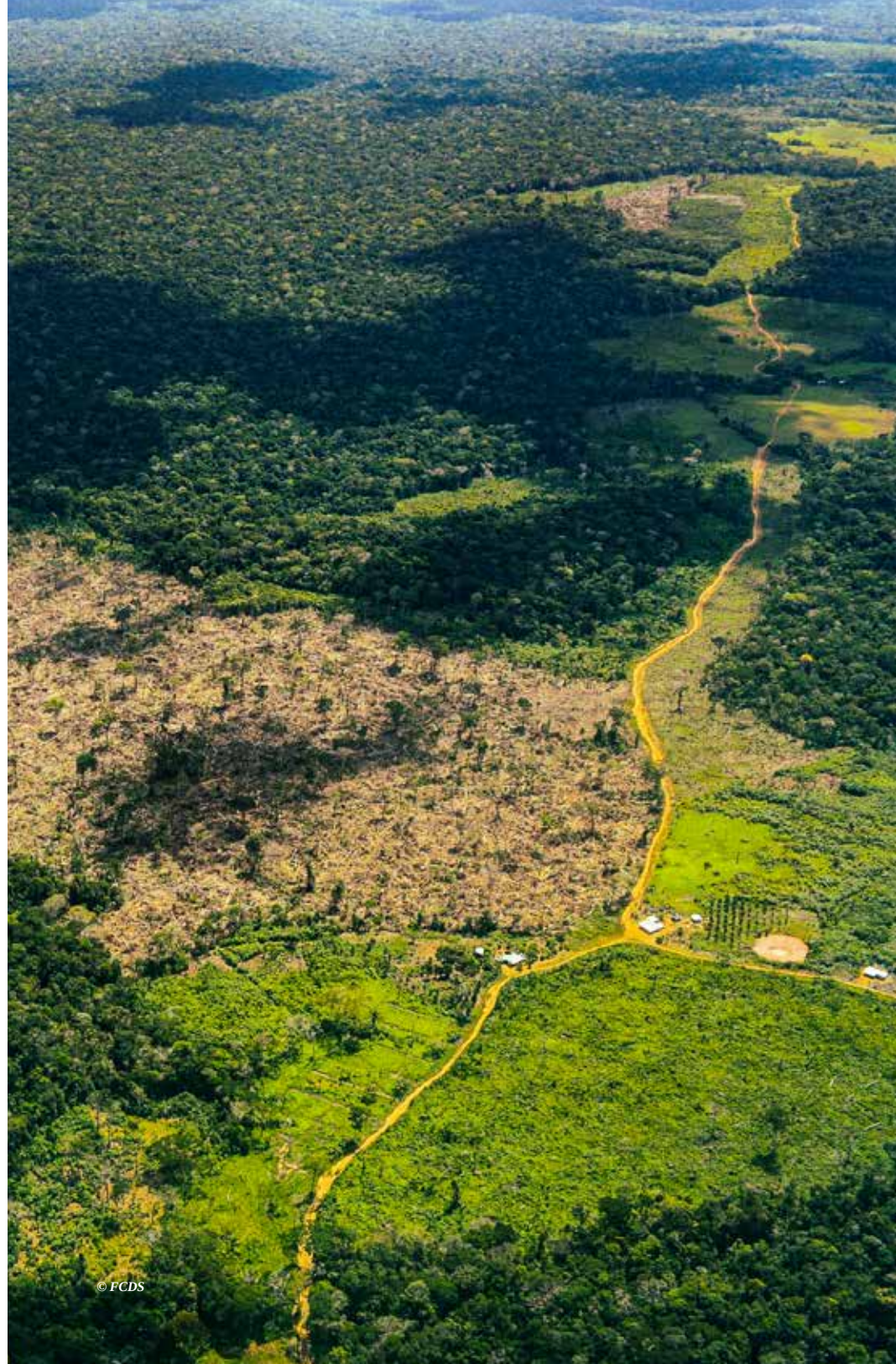
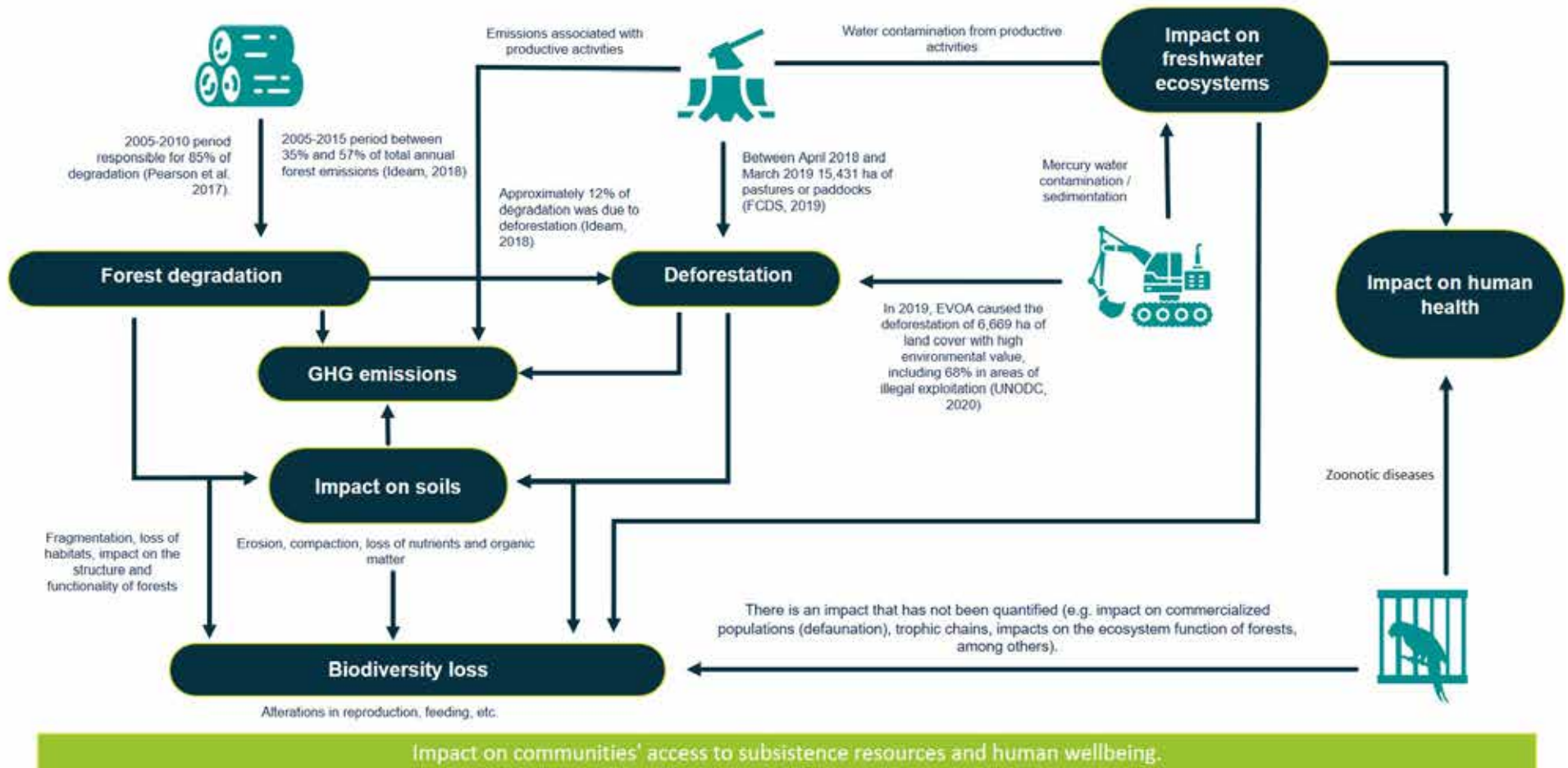




Figure 8. Environmental impacts

## Effects of drivers on ecosystems





On the other hand, and as indicated by Rodríguez et al. (2017), there is a multidimensional relationship between armed conflict and the environment and natural resources. Evidently, there are different factors that may contribute to the perpetuation of the armed conflict in Colombia. Specifically, the lack of State control over access to and use of natural resources can lead to new tensions in the territories due to environmental degradation and limitations on access to ecosystem services. Furthermore, it can result in natural resources continuing to be seen by illegal armed groups as a source of financing for their criminal actions. The above highlights that, in order to build peace, it is necessary that environmental protection and sustainable management of natural resources be a transversal axis in the actions implemented in the current stage of the Peace Agreement.

Therefore, as a first conclusion we would propose that illegal gold mining, illegal logging, wildlife trafficking, and land grabbing represent a threat to the stability and internal security of the country, to the fundamental and human rights of its citizens, as well as to the structures of the State.



## Economic implications

Yet the implications of these drivers for the country are not limited to the aforementioned: there are also economic implications that have not yet been properly assessed. The first of these refers to the loss of profits that these drivers imply for the State's coffers. If the country were to promote the sustainable use of gold, timber, and wildlife and it were able to ensure the ideal conditions for their international trade, it would find a substantial source of income through taxes, tariffs, and royalties. For example, it is estimated that the country has lost royalties corresponding to 20 tons/year of gold that would have been illegally traded on international markets.

In line with this, a significant portion of the illegal income generated by these drivers returns to the national economy through money laundering. In addition to the taxes foregone, money laundering undermines the stability of the country's legal economy, generates price distortions in goods and services, and can lead to the loss of control over the country's economic policy. An example of this is what some analysts have labelled "criminal dumping". The way in which this phenomenon operates is that illegal money obtained from the sale of illegal gold or timber, or from wildlife trafficking, is used to purchase merchandise abroad (e.g., jewelry in Panama, tennis shoes or T-shirts in China) which are then imported into Colombia. In the case of land grabbing, this phenomenon occurs through livestock which is purchased in neighboring countries (e.g., Venezuela) and is then used as a mechanism for money laundering, as the investment is recovered through the sale of meat or dairy products. These products are then sold in the country at below-market prices, which affects legal entrepreneurs whose prices are no longer competitive. Thus, criminal dumping is an anti-competitive practice and erodes the country's productivity, generating serious consequences for the national economy.

Another economic aspect that tends to be overlooked is related to the environmental liabilities generated by the four analyzed drivers. Thus, for example, by 2020 it was estimated that there are approximately 109,000 hectares affected by illegal alluvial mining in the country that must be recovered (UNODC, 2020). This represents an approximate environmental liability of \$11 billion pesos, which must be assumed by the State. However, this figure does not yet quantify the environmental liabilities generated by the use of mercury, the real magnitude of which is still unknown.

Other economic repercussions would point to considerable losses in Gross Domestic Product (GDP). According to Conpes 4021 of 2020, Colombia could lose around \$1.5 trillion pesos of GDP if forest hectares are reduced to 48.8 million by

2030. Moreover, this figure does not take into account the liabilities that may be associated with climate change, even more so when Latin American countries contribute substantially to this phenomenon through land use change and silviculture (ECLAC, 2018). Thus, it could be concluded that the economic impacts associated with environmental crimes that promote deforestation are not insignificant, and they should be duly analyzed in the measures adopted in response to the drivers.

### Social and human health impacts

Likewise, the social and human health impacts of environmental crimes tend to be underestimated. In terms of human health impacts, for example, there are strong indications that wildlife trafficking can trigger serious zoonotic diseases, such as the COVID-19, which appears to be the result of transmission to humans from an animal trafficked in a market in Wuhan, China (PGN, 2020). Whereas in terms of mining, the Constitutional Court of Colombia, in its T-622 ruling of 2016, concluded that the vapors released during the burning of amalgams not only affect artisanal miners, but also the community in general. This is because mercury vapors are deposited on surfaces where food is prepared, on clothing, on the ground, or fall into bodies of water affecting, in this case, those local communities that depend on the Atrato River in Chocó. The importance of this is not insignificant if one takes into account that mercury can have harmful effects on the central nervous system, as well as the respiratory, cardiovascular and skin systems. Therefore, in its ruling the Constitutional Court ordered the National Government to carry out toxicological and epidemiological studies of the Atrato River, its tributaries, and the surrounding communities.

In terms of social impacts, it is possible to conclude that environmental crimes may be associated with: (i) the murder of environmental leaders who seek to prevent criminal activities in their territories (Figure 7); (ii) forced displacements due to land grabbing; (iii) child prostitution and human trafficking in areas with a high presence of criminal networks (e.g., the triple border between Colombia, Peru, and Brazil) (Proética, 2020); or (iv) the decomposition of the social fabric of indigenous or Afro-descendant communities as a result of the money received as a consequence of the instrumentalization of some of their members by criminal networks.

### Governance mechanisms

These social, political, and economic impacts raise the importance of promoting the strengthening of natural resource governance mechanisms as a suitable response for mitigating and preventing corruption and the proliferation of organized crime. A robust governance, based on the principle of transparency, would allow the existence of timely, complete, and high-quality information to facilitate decision making. Moreover, it would guarantee access to this information to strengthen the processes of citizen oversight and control, as well as the fluidity in the processes carried out by the control agencies. Thus, the ratification of the Escazú Agreement would be the cornerstone for strengthening the principle of transparency in the governance of natural resources in the country.

At the same time, the strengthening of governance in Colombia must be based on the due application of the principles of inclusiveness and justice. To this end, mechanisms must be explored to ensure not only the participation of multiple actors in decision-making, but also that there is equal weight given to each one of their voices. In other words, it is necessary to ensure that the voices of all stakeholders are heard and duly considered in decision making. In this way, the promotion of an adequate distribution of the costs and benefits associated with the management of natural resources could be promoted, which would minimize biased decisions. To achieve this, the TGNR invites decision makers to consider the implementation of mediation and consultation mechanisms in which community stakeholders, the private sector, and citizens in general can see their opinions fairly reflected in decisions on natural resource management. The appointed representative would discuss and coordinate decisions with the leaders designated by the other sectors to ensure that a unified position is presented to the National Government, thus guaranteeing the inclusiveness of all stakeholders.

Moreover, the challenges posed by the administration and management of natural resources in the country require an intersectoral and multidisciplinary approach. In this sense, the TGNR Project highlighted the importance of strengthening the links between the environmental sector, the private sector, the financial sector, the security sector, and NGOs dedicated to other issues (e.g., corruption, criminality, financial crimes, financing of terrorism, among others). As an example, it was crucial for the TGNR to conduct the research with Transparencia por Colombia, who have been working for decades on anti-corruption issues in the public and private sector in the country. Similarly, the research results highlight the importance of an intersectoral approach to design tools that mitigate corruption risks and guarantee legality. Such is the case



of the recommendations regarding the creation of a certification mechanism for meat and dairy products, the importance of the Zero Deforestation Agreements, the collaboration of airlines and IATA in the implementation of controls to prevent wildlife trafficking, the role of the financial sector in dealing with money laundering resulting from the drivers, or the coordination with experts in the analysis of organized crime and criminal policy for the design of appropriate legal sanctioning instruments that allow the dismantling of criminal networks.

Thus, it can be concluded that the governmental responses that ought to be adopted to prevent and mitigate these phenomena must be approached holistically. This means that the analyses and mitigation proposals for these phenomena that are undertaken by the national government, international cooperation agencies, NGOs, and any other key actors cannot be limited to environmental impacts, and they therefore must necessarily address social, political, and economic factors such as corruption and organized crime. Without this consideration, the efforts in combatting deforestation, degradation, and biodiversity loss will be in vain.

Therefore, the results of the Transparent Governance of Natural Resources project provide key inputs that contribute to the understanding of environmental issues and their relationship with phenomena such as corruption and organized crime in Colombia, as well as to the generation of measures to address them. This research raises awareness on the importance of the role of the environmental sector in addressing these two phenomena and the great opportunity that exists to incorporate environmental issues into other public agendas (e.g., corruption, criminal policy, human rights, public health, etc.). This consequently demonstrates that the coordinated effort of stakeholders at different levels (e.g., national, regional, and local) and from different sectors (e.g., government, civil society, private sector) is essential in ensuring transparent and effective governance systems, which are fundamental for addressing the problems of deforestation and environmental degradation that place the natural and social capital of our country at risk.





## 6 Referencias

CEPAL, 2018. La Economía del Cambio Climático en América Latina y el Caribe. Una visión gráfica. **Obtenido de:**

<https://www.cepal.org/es/publicaciones/42228-la-economia-cambio-climatico-america-latina-caribe-vision-grafica>

Corte Constitucional de Colombia. (2016). Sentencia T-622 de 2016: Río Atrato como sujeto de Derechos. **Obtenido de:**

<https://www.corteconstitucional.gov.co/relatoria/2016/t-622-16.htm>

Consejo de Seguridad Nacional – CSN. (2020). Acta del 17 de enero de 2020.

**Obtenido de:**

[https://www.uiaf.gov.co/sistema\\_nacional\\_ala\\_cft/normatividad\\_sistema\\_documentos\\_28/documentos\\_interes\\_ala\\_cft/acta\\_consejo\\_seguridad\\_nacional\\_17\\_30531](https://www.uiaf.gov.co/sistema_nacional_ala_cft/normatividad_sistema_documentos_28/documentos_interes_ala_cft/acta_consejo_seguridad_nacional_17_30531)

Departamento de Estado Americano. (2021). Foreign Terrorist Organizations.

**Obtenido de:**

<https://www.state.gov/foreign-terrorist-organizations/>

Departamento Nacional de Planeación. (2020). Conpes 4021. Política Nacional para el Control de la Deforestación y la Gestión Sostenible de los Bosques. Bogotá, D.C.

El Tiempo, 2019. El negocio sucio de vender gasolina para el narcotráfico.

<https://www.eltiempo.com/politica/gobierno/concordia-2019-fiscalia-revela-venta-ilegal-de-gasolina-360972>

Environmental Investigation Agency. (2019). Condenando el Bosque: ilegalidad y falta de gobernanza en la Amazonia colombiana. **Obtenido de:**

[https://content.eia-global.org/posts/documents/000/000/894/original/Condenando\\_el\\_Bosque.pdf?1561565558](https://content.eia-global.org/posts/documents/000/000/894/original/Condenando_el_Bosque.pdf?1561565558)

Federal Bureau of Investigation – FBI. (2019). Illicit Mining: Threats to U.S. National Security and International Human Rights. **Obtenido de:**

<https://www.fbi.gov/news/testimony/illicit-mining-threats-to-us-national-security-and-international-human-rights-120519>

Fiscalía General de la Nación (2020). Fiscalía General de la Nación 2020 – 2024. Resultados en la calle y en los territorios. Direccionamiento Estratégico 2020 – 2024.

Instituto de Hidrología, Meteorología y Estudios Ambientales - IDEAM. (2020). Sistema de Monitoreo de Bosques y Carbono (SMBYC). **Obtenido de:**

<http://smbyc.ideam.gov.co/>

La República. (2019). Narcotráfico pesa hasta \$19 billones en el Producto Interno Bruto de Colombia. **Obtenido de:**

<https://www.larepublica.co/economia/narcotrafico-pesa-hasta-19-billones-en-el-producto-interno-bruto-de-colombia-2933774>

Matthew, Richard; McDonald Bryan. 2004. Networks of Threats and Vulnerability: Lessons from Environmental Security Research. ECSP Report. Issue 10.

**Obtenido de:**

<https://www.wilsoncenter.org/sites/default/files/media/documents/publication/ACF445.pdf>

Mongabay, 2018. Así funciona el tráfico de madera en Colombia. **Obtenido de:**

<https://es.mongabay.com/2018/10/trafico-de-madera-en-colombia-amazonia-bosques/>

Organización de las Naciones Unidas Contra la Droga y el Delito - UNODC. (Octubre de 2020). Explotación de oro de aluvión Evidencias a partir de percepción remota 2019. **Obtenido de:**

[https://www.minenergia.gov.co/documents/10192/24243172/EVOA\\_2020\\_Espa%C3%B1ol.pdf](https://www.minenergia.gov.co/documents/10192/24243172/EVOA_2020_Espa%C3%B1ol.pdf)

Procuraduría General de la Nación - PGN. (2020). Directiva N. 014 de 2020. Fernando Carrillo Flórez, 13 de abril de 2020.

Portafolio, 2018. Los capos que mueven \$10 billones al año en minería ilegal.

**Obtenido de:**

<https://www.portafolio.co/economia/mineria-ilegal-mueven-10-billones-de-pesos-523307>

Proética, 2020. Triple Trata. Estudio comparativo de la legislación, políticas públicas y casos emblemáticos en materia de trata de personas en la Triple Frontera – Perú, Colombia y Brasil. PROÉTICA Consejo Nacional para la Ética Pública, Lima, 2020

WWF Australia. (2021). Illegal wildlife trade and poaching. **Obtenido de:**

<https://www.wwf.org.au/what-we-do/species/illegal-wildlife-trade-and-poaching#gs.061htz>

# Annex 1. Illegal gold mining

Figure 1-A. Value Chain - Legal and Illegal Gold Mining

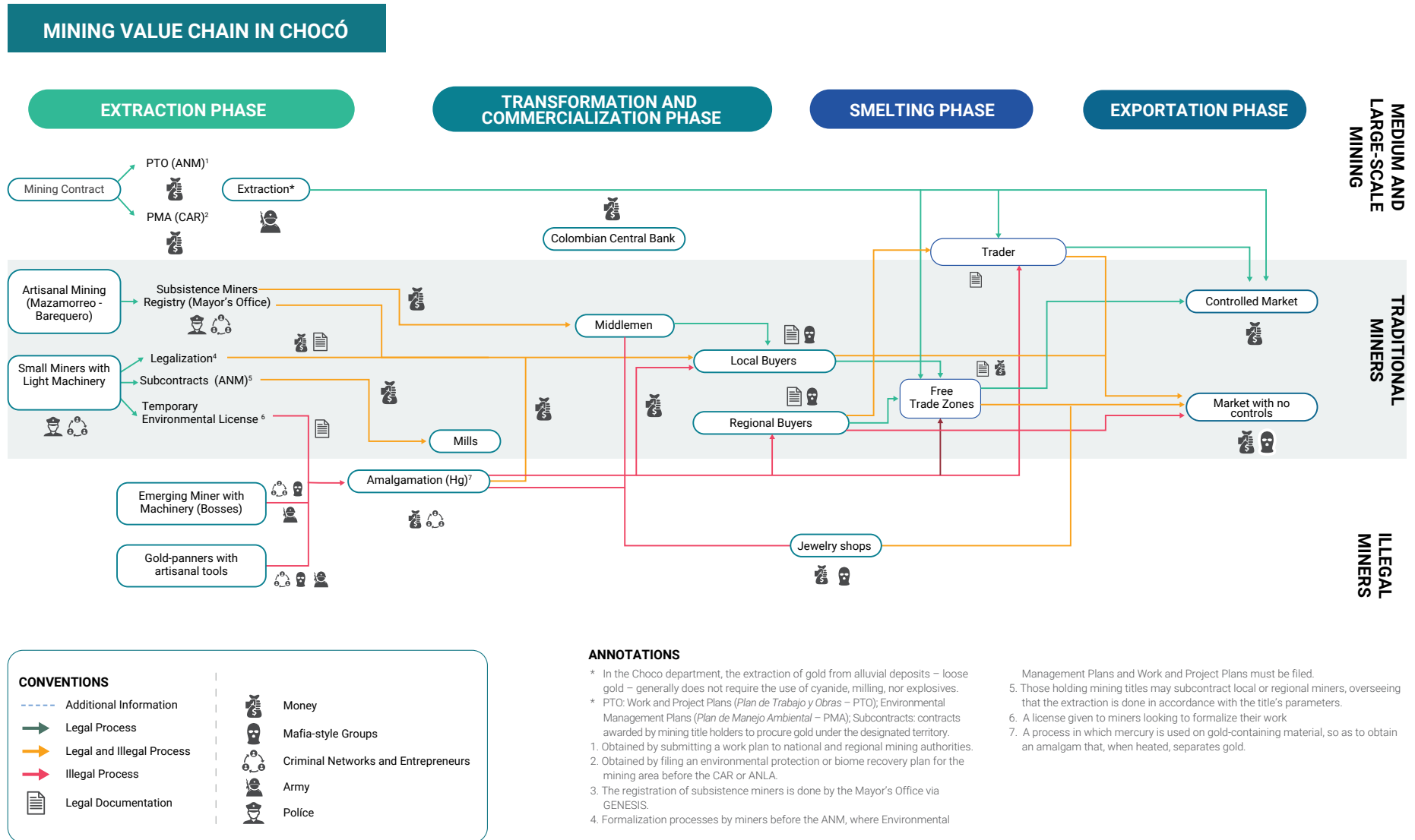


Figure 2-A. Financing of illegal gold mining

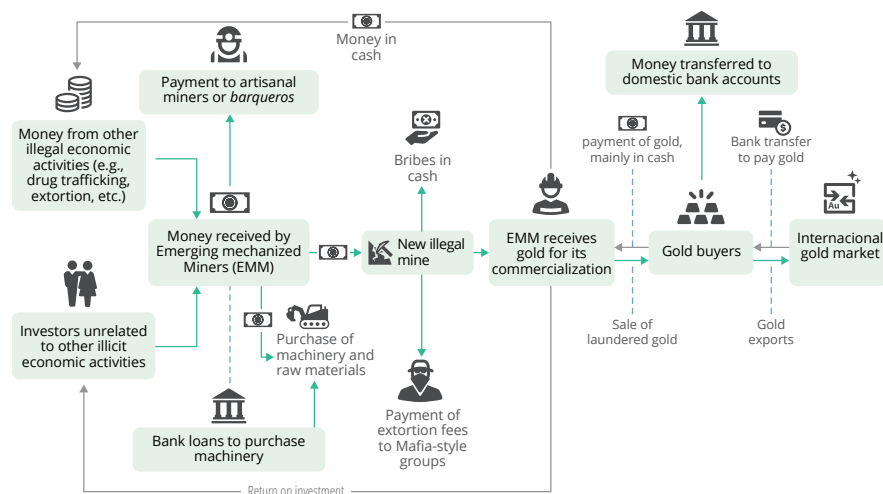


Table 1-A. Main findings facilitating illegal gold mining

Finding	What makes this possible?
<b>Limited control over supply materials</b>	<ul style="list-style-type: none"> <li>• Insufficient municipal controls on fuel consumption in mining areas</li> <li>• Low controls on the entry of smuggled mercury</li> </ul>
<b>Heavy machinery controls are inadequate</b>	<ul style="list-style-type: none"> <li>• Satellite monitoring only applies at the sale of new machinery</li> <li>• Controls on heavy machinery are not integrated with the RUNT platform</li> <li>• There is no integrated monitoring system for heavy machinery</li> </ul>
<b>Deficient control by municipal authorities in the registration of subsistence miners</b>	<ul style="list-style-type: none"> <li>• Limited technical, administrative, and financial capacity of municipal authorities</li> <li>• Limited capacity to access information systems</li> <li>• Deficiencies in POTs and Life Plans</li> <li>• Illegal registration of outsiders as subsistence miners by criminal networks</li> </ul>
<b>Lack of control by the mining authority and municipal authorities over the production of subsistence miners</b>	<ul style="list-style-type: none"> <li>• The production is controlled at the trading centers without contrasting or verifying the amount of gold actually produced</li> <li>• The municipal authority has no jurisdiction or capacity to verify production</li> <li>• Instrumentalization of subsistence miners to inflate production</li> </ul>
<b>Limited monitoring systems over the illegal extraction</b>	<ul style="list-style-type: none"> <li>• There are no real-time tracking and monitoring systems for illicit mining</li> <li>• No early warning system in place</li> </ul>
<b>Limited access to formalization</b>	<ul style="list-style-type: none"> <li>• Complex and time-consuming entry controls for formalization programs</li> <li>• Unfunded formalization programs</li> <li>• Environmental authorities with limited capacity for analysis and monitoring of licenses required for formalization</li> </ul>
<b>Limited access to credit for miners to improve the production process and comply with sector regulations</b>	<ul style="list-style-type: none"> <li>• Banking system distrusts mining sector and won't grant loans</li> <li>• The national government has no support or funding programs for miners.</li> </ul>

Table 2-A. Key findings facilitating the processing and trading of illegal gold

Finding	What makes this possible?
<b>Controls on brokers (gold trading centers) are inadequate as they allow for manual systems of operation</b>	<ul style="list-style-type: none"> <li>• Identity theft of subsistence miners</li> <li>• Falsification of documents by changing the dates, amounts of gold, fragmenting transactions, etc.</li> <li>• Fraudulent relationship between traders and non-subsistence miners</li> <li>• Lack of process automation</li> </ul>
<b>There is a variety of gold traders ranging from the rural to the international level, which masks the illegal phenomenon</b>	<ul style="list-style-type: none"> <li>• The regulations do not take into account the realities of the territories, making it difficult for them to be applied</li> <li>• High price differentials throughout the illegal gold value chain</li> </ul>
<b>High barriers to gold trading for small-scale gold miners</b>	<ul style="list-style-type: none"> <li>• Export requirements and procedures perceived as being complex</li> <li>• Discretionary decision-making by customs inspectors</li> <li>• Lack of training on mining standards among customs inspectors</li> </ul>
<b>Lack of requirement to registry jewelry shops on RUCOM could facilitate illegal gold trading</b>	<ul style="list-style-type: none"> <li>• Jewelry stores are not obliged to verify the lawful origin of gold</li> <li>• Jewelry stores do not verify the lawful origin of the jewelry they buy for sale</li> </ul>

Table 3-A. Key findings facilitating the export of illegal gold

Finding	What makes this possible?
<b>Limited control of international trading companies located in Free Trade Zones</b>	<ul style="list-style-type: none"> <li>• It is not possible to contrast the quantities of gold entering the free trade zone with the quantities being exported</li> <li>• The Tax and Customs Police cannot exercise controls over the activities carried out in the Free Trade Zones</li> </ul>
<b>Up to a third of the gold production leaving the country is smuggled allowing money laundering</b>	<ul style="list-style-type: none"> <li>• Presence of Mafia-style groups in mining areas</li> <li>• It is a product that is difficult for the authorities to control, given the ease with which it can be moved and the difficulty of differentiating it from legal gold</li> <li>• Lack of effective controls on gold smuggling</li> </ul>



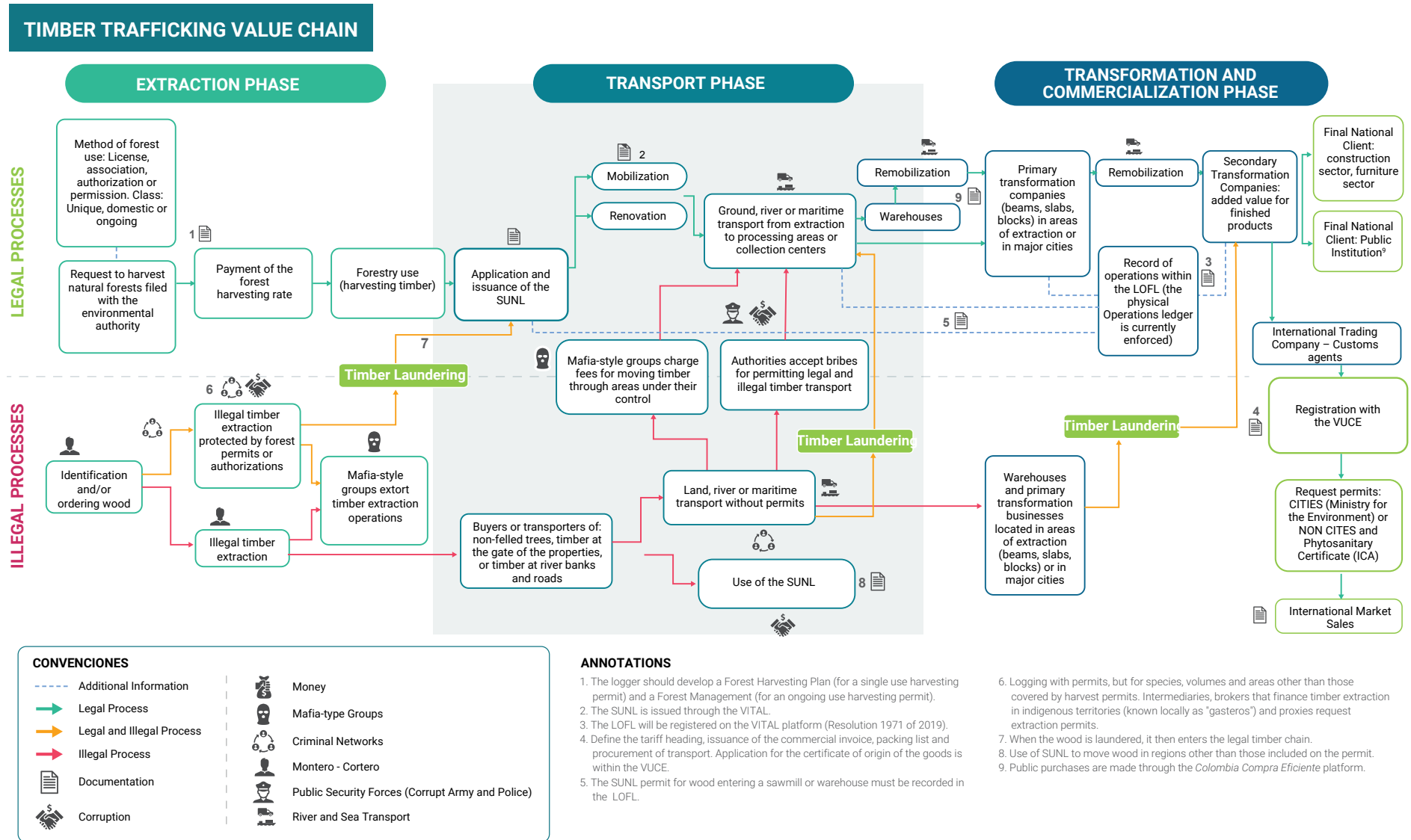
Table 4-A. Main cross-cutting findings on the illegal mining chain

Finding	What makes this possible?
<b>Tensions between mining, environmental, and ethnic regulations</b>	<ul style="list-style-type: none"><li>• Failure to implement the 4th and 5th chapters of Law 70 of 1993.</li><li>• The existence of Forest Reserve Zones of Law 2 of 1959 in conflict with mining areas</li><li>• Outdated, precarious or absent mining analyses in land-use planning instruments</li></ul>
<b>Lack of spaces for comprehensive dialogue</b>	<ul style="list-style-type: none"><li>• Interactions with local communities are limited to legal prior consultations</li></ul>
<b>Lack of adequate systems to trace gold</b>	<ul style="list-style-type: none"><li>• The current traceability system is limited to the commercialization phase, which lacks digital means of guaranteeing the authenticity of transactions</li><li>• The current traceability system relies to a large extent on the certificate of origin issued by the miners themselves, over which there is no adequate control</li></ul>
<b>Inadequate and fragmented information systems</b>	<ul style="list-style-type: none"><li>• The AnnA does not have an evaluation and monitoring information module</li><li>• Information on environmental licenses is outdated</li><li>• Systems have problems of interoperability and access for public sector and civil society stakeholders</li></ul>



## Annex 2. Illegal logging

Figure 3-A. Value chain of legally and illegally sourced timber



**Table 5-A.** Main findings facilitating illegal timber harvesting

Findings	What makes this possible?
<b>Deficient forestry management by the environmental authorities in the issuance and verification of forest harvesting permits or authorizations</b>	<ul style="list-style-type: none"> <li>• Technical, administrative, and financial deficiencies on the part of the environmental authorities in evaluating, controlling, and monitoring forest harvesting in the territory</li> <li>• Existence of gaps in the availability of forestry information (areas, species and volumes harvested, seizures, among others)</li> <li>• Forest areas without a POF that defines in which areas harvesting is possible</li> <li>• There is no marking system, which prevents the traceability of the timber from its origin (moment in which harvesting takes place)</li> <li>• Harvesting or forest management plans are not rigorously reviewed, leading to problems of plagiarism or fraudulent information</li> </ul>
<b>Obtaining of harvesting permits under the patronage of criminal or entrepreneurial networks</b>	<ul style="list-style-type: none"> <li>• There are disincentives to legality for the communities, as they consider the procedures to be complex, time-consuming, costly, and that they do not take into account the contexts of the communities, and that there are obstacles imposed by the environmental authorities. These disincentives make illegal logging seem more attractive and communities do not log directly, but do so through middlemen.</li> <li>• There is no regulation for the development of agreements or contracts between communities and middlemen, defining, among other things, the liability of the parties</li> </ul>

**Table 6-A.** Main findings facilitating the movement of illegally sourced timber

Findings	What makes this possible?
<b>Forgery, plagiarism, mis-selling or falsification of Single Online National Transport Permits (SUNL).</b>	<ul style="list-style-type: none"> <li>• The technological platform for obtaining SUNL has flaws that make it vulnerable to falsification or tampering of permits by officials, facilitating the laundering of timber. For example, the platform does not set a limit for uploading information on renewals and remobilizations</li> <li>• The absence of a log marking system in the field limits the efficiency of the tool</li> <li>• Technical, administrative and financial shortcomings of the environmental authorities in forest management and in the evaluation, control and monitoring of timber transport</li> </ul>
<b>Weaknesses in the control of timber transportation</b>	<ul style="list-style-type: none"> <li>• No control checkpoints are properly established or prioritized according to the needs of the illegal logging driver</li> <li>• There are cases of bribes being paid to allow the transport of timber</li> <li>• Weak coordination between the environmental authorities and the Public Forces to carry out controls on timber transportation</li> </ul>

**Table 7-A.** Main findings that facilitate the processing and sale of illegally sourced timber

Findings	What makes this possible?
<b>Fraudulent records in the LOFL, or the failure to complete it</b>	<ul style="list-style-type: none"> <li>• Lack of implementation of the LOFL, despite the existence of the technological developments for its operation. As a result, to date the SUNLs issued are not online linked with the transaction ledgers held by the processing companies.</li> <li>• Low capacity of the environmental authorities to control the timber entering the warehouses and sawmills, which should be carried out by contrasting the information in the forestry operations ledgers with the timber present in these places (inventory to be carried out by the official)</li> </ul>
<b>Inadequate controls on timber imports in Leticia</b>	<ul style="list-style-type: none"> <li>• The special customs regime in Leticia generates weaknesses in shipment control, since shipments with a value of less than USD 1,000 only have to present a purchase invoice. This leads to having multiple small imports of timber to bypass the custom regulations.</li> <li>• Weak border control by customs agencies in relation to timber trade</li> <li>• There is a deficiency in the articulation of the entities that should exercise control at the border.</li> </ul>
<b>The Guide for public procurement purchases of timber that should guarantee its legal source is not rigorously implemented.</b>	<ul style="list-style-type: none"> <li>• Weakness in the use of qualifying criteria in public procurement processes to ensure that the timber purchased by the public entities is of legal origin.</li> <li>• Trade that does not favor legal timber producers due to anticompetitive practices arising from illegal timber suppliers that offer the timber at lower prices.</li> </ul>

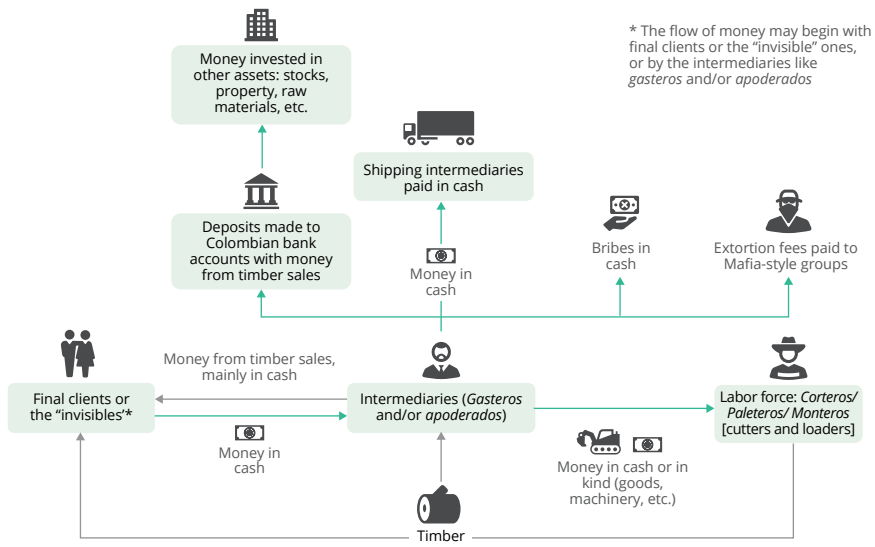
**Table 8-A.** Main cross-cutting findings in the illegal logging value chain

Findings	What makes this possible?
<b>Administrative, technical and financial weaknesses in forest management</b>	<ul style="list-style-type: none"> <li>• Autonomous nature of the environmental authorities makes controls and oversight of the forestry sector inadequate and inefficient. This situation also generates greater technical discretionary powers in decision making.</li> <li>• Lack of qualified personnel, high staff turnover.</li> <li>• Although the Minambiente has issued forest control and monitoring protocols, these are not applied by the environmental authorities because they are not legally binding.</li> <li>• Weak coordination between environmental authorities, local governments, law enforcement agencies, Public Forces and judicial bodies to counteract the different forms of illegality associated with forest resources.</li> </ul>
<b>Weakness in the traceability system and in the availability of information for monitoring forest harvesting</b>	<ul style="list-style-type: none"> <li>• The traceability process is incomplete from the beginning of the value chain because the trees harvested are not identified nor geo-referenced.</li> <li>• Inefficient traceability mechanisms that prevent the tracking of timber from extraction to processing in sawmills and warehouses. This allows the laundering of timber.</li> <li>• Lack of interoperability between forestry information systems, which generates a lack of transparency in the availability and access to information for monitoring the forestry value chain.</li> </ul>



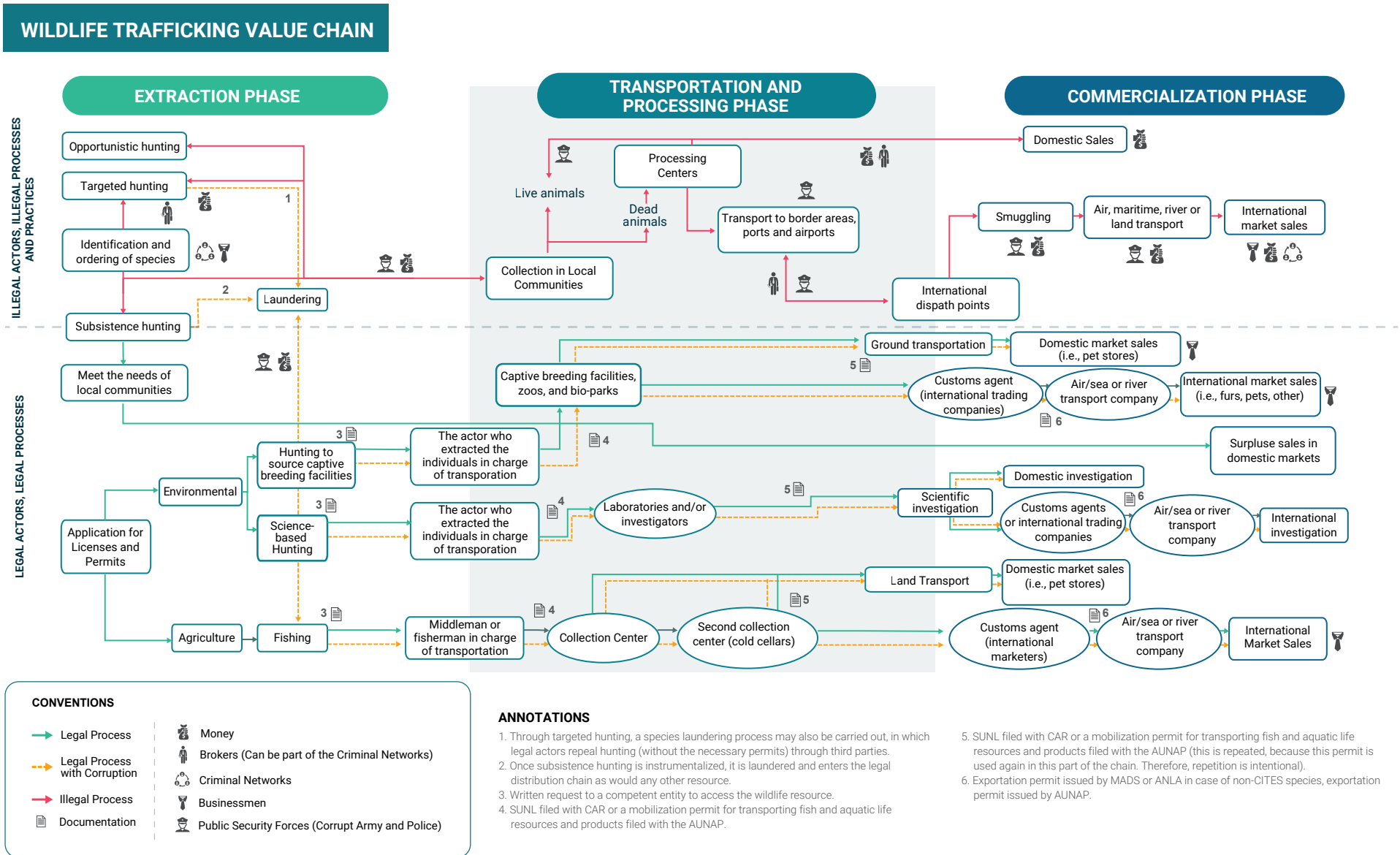
Findings	What makes this possible?
<p><b>Deficient regulation for sanctioning and disqualifying those who violate the forestry regulatory framework, whether by forestry actors or by public officials through acts of corruption</b></p>	<ul style="list-style-type: none"> <li>• The capacity of environmental authorities to detect legal violations is limited.</li> <li>• People such as middlemen (proxies and <i>gasteros</i>) who violate the law and instrumentalize local communities, continue to make illegal use of the forest resource, requesting and receiving new permits to harvest, transport and trade timber.</li> <li>• The actions of the judicial bodies have focused on attacking the weakest links of the illegal logging value chain, which has no significant impact on the driver.</li> </ul>

Figure 4-A. Financing of illegal logging



# Annex 3. Wildlife Trafficking

Figure 5-A. Value Chain - legal and illegal wildlife trade



**Table 9-A.** Main findings that facilitate the illegal extraction of wildlife

Finding	What makes this possible?
<b>Abuse of subsistence hunting or fishing provisions</b>	<ul style="list-style-type: none"> <li>• Legal provision that allows the sale of surpluses.</li> <li>• Absence of controls or deficient controls on subsistence hunting by environmental authorities.</li> <li>• Jurisdictional conflicts between indigenous communities and environmental authorities.</li> <li>• Lack of productive schemes for the use of fauna accessible to local communities.</li> </ul>
<b>Violation of hunting permits (source hunting, scientific hunting or commercial hunting) or fishing permits</b>	<ul style="list-style-type: none"> <li>• Absence or deficiency in permit controls to be exercised by the relevant authorities (environment and agriculture).</li> <li>• Deficiency in the delimitation of the competencies, purposes and objectives of the environmental and agricultural sectors with respect to the use of fishery and hydrobiological resources.</li> <li>• Deficiencies in the marking systems that allow the laundering of specimens obtained illegally from the wild.</li> <li>• Absence or deficiency of controls on marking systems by environmental authorities.</li> <li>• Seizures, voluntary surrender and reception of animals are limited and are relegated to the actions of the law enforcement agencies due to insufficient resources on the part of the environmental authorities.</li> </ul>

**Table 10-A.** Main findings that facilitate the processing and transportation of illegal wildlife

Finding	What makes this possible?
<b>Existence of a culture of wildlife ownership that is socially accepted</b>	<ul style="list-style-type: none"> <li>• Lack of political will to manage wildlife trafficking as a public policy problem.</li> <li>• Wildlife trafficking is underestimated as an environmental and criminal issue.</li> <li>• Priority is given to other crimes considered more serious (e.g., drug trafficking).</li> <li>• These circumstances mean that there are few controls at this stage.</li> </ul>
<b>Deficiency in the resources allocated (e.g., human resources, technical training, technological resources) to control wildlife trafficking</b>	<ul style="list-style-type: none"> <li>• Imbalance in the attention paid to wildlife trafficking compared to other crimes (e.g., drug trafficking), or to the exploitation of other natural resources (e.g., hydrocarbons).</li> <li>• The Operational Action Plans of the environmental authorities sometimes do not contemplate wildlife trafficking or it is treated superficially. As an example, Amazonas lacks a CAV to handle seized wildlife.</li> <li>• Lack of training of law enforcement officers, prosecutors, and environmental authorities to identify endangered species listed in Red Books and contained in CITES' appendices, or to identify species that are not allowed to be traded due to their current conservation status.</li> <li>• Lack of coordination between the environment and agriculture sectors to exercise controls on ornamental fish trafficking.</li> </ul>

**Table 11-A.** Main findings facilitating illegal wildlife trade.

Finding	What makes this possible?
<b>Concealment and/or falsification of documents necessary for trade</b>	<ul style="list-style-type: none"> <li>• Deficiencies in the control of the documents required to trade fauna (e.g., CITES or non-CITES permits), or customs forms.</li> <li>• Deficiencies in cargo inspections due to lack of knowledge, skills and/or technological tools.</li> </ul>
<b>Deficiency in the resources allocated (e.g., human resources, technical training, technological resources) to control wildlife trafficking</b>	<ul style="list-style-type: none"> <li>• Imbalance in the attention given to wildlife trafficking compared to other crimes (e.g., drug trafficking).</li> <li>• The Operational Action Plans of the environmental authorities sometimes do not consider wildlife trafficking, or it is treated only in a superficial manner.</li> <li>• Lack of training of law enforcement officers, prosecutors, and environmental authorities to identify endangered species listed in Red Books and contained in CITES appendices, or to identify species that are not allowed to be traded due to their current conservation status.</li> <li>• Lack of coordination between the environment and agriculture sectors to exercise controls on ornamental fish trafficking</li> </ul>

**Table 12-A.** Main cross-cutting findings that facilitate the operation of the wildlife trafficking value chain

Finding	What makes this possible?
<b>Deficiencies in the identification and traceability of wildlife</b>	<ul style="list-style-type: none"> <li>• Lack of knowledge, skills and resources for wildlife identification.</li> <li>• Inefficient wildlife marking systems.</li> <li>• Poor monitoring and control of the implementation and use of wildlife marking systems.</li> </ul>
<b>Shortcomings in procedures, protocols, adequate and uniform treatment of seized or apprehended species</b>	<ul style="list-style-type: none"> <li>• Conflict of competencies and lack of clarity of duties and functions between public entities.</li> <li>• Lack of adequate communication channels between public entities to coordinate joint actions.</li> <li>• Deficient information systems (e.g., Police seizure information is not species specific, deficient information and poor follow-up of specimens under the care of CAVs, CAV-Rs, foster homes, etc.).</li> <li>• Insufficient public interest and access to information on apprehended or seized specimens by law enforcement or environmental authorities; animals that have entered the care and evaluation system run by environmental authorities; animals inventoried in captive breeding facilities and laboratories; and animals in zoos.</li> <li>• Seizure figures are not consistent among different state entities (e.g., law enforcement and environmental authorities).</li> <li>• Nonexistence, low presence and lack of control of CAVs and CAV-Rs.</li> <li>• Reintroduction of seized or confiscated individuals to the wild, without technical support or adequate oversight.</li> </ul>
<b>Insufficient number of judges in the affected areas prevents timely prosecution</b>	<ul style="list-style-type: none"> <li>• Deficient identification and prioritization of areas affected by wildlife trafficking in the Amazon and the Pacific.</li> </ul>



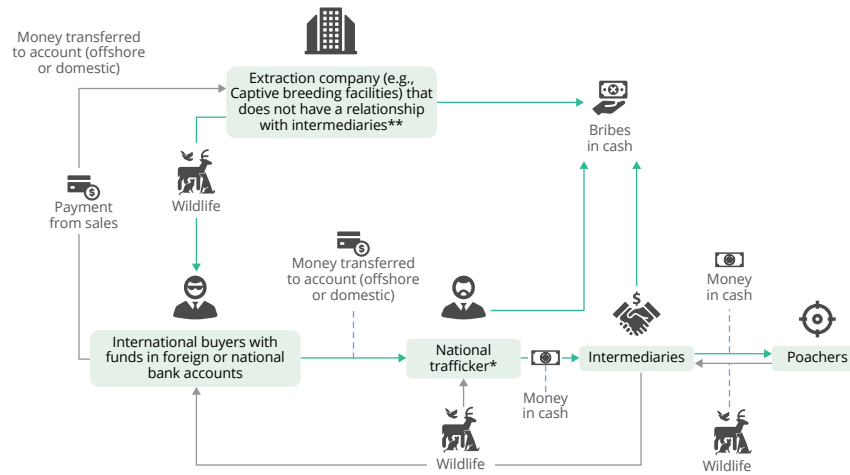
## Finding

**Low presence of FGN units at the local and regional level and weaknesses in addressing environmental issues and coordinating work with law enforcement, environmental authorities and AUNAP**

## What makes this possible?

- Limited presence of prosecutors in the researched areas for personal security reasons.
- Imbalance in the attention given to wildlife trafficking compared to other crimes (e.g., drug trafficking).
- Wildlife trafficking is underestimated as an environmental and criminal issue.
- Few experts or specialists to accompany the prosecutors' investigative work, which means little effectiveness in some of the controls or investigative work carried out by the police and the FGN. For this reason, it is particularly important to coordinate and accompany the environmental authorities, who on many occasions make up for this deficiency.

Figure 6-A. Financing of wildlife trafficking



\* Though the flow of money may originate from buyers and traffickers with foreign bank accounts, trafficking operations may begin with Colombian accounts and traffickers that finance the operation and receive payments from abroad once the illegal operation is completed.

\*\* Captive breeding facilities do not necessarily use local intermediaries or poachers. As reflected in the value chain, part of the trafficking activities take place when captive breeding facilities use their permits to capture wild animals for breeding purposes (which they can carry out without intermediaries) and exceed the limits authorized in these permits.



# Annex 4. Land grabbing

Figure 7-A. Consolidation of the Road Network

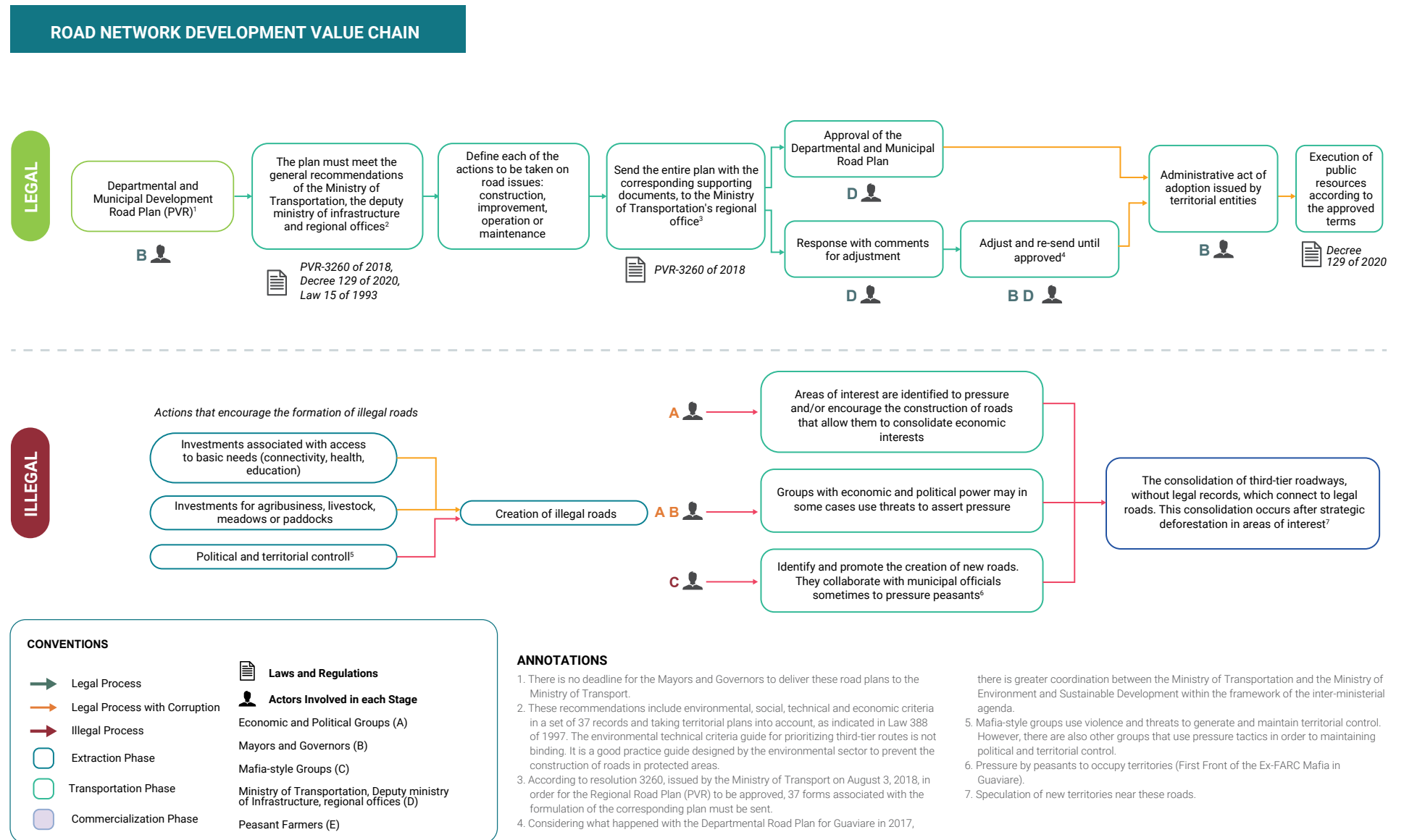


Figure 8-A. Land Grabbing patterns

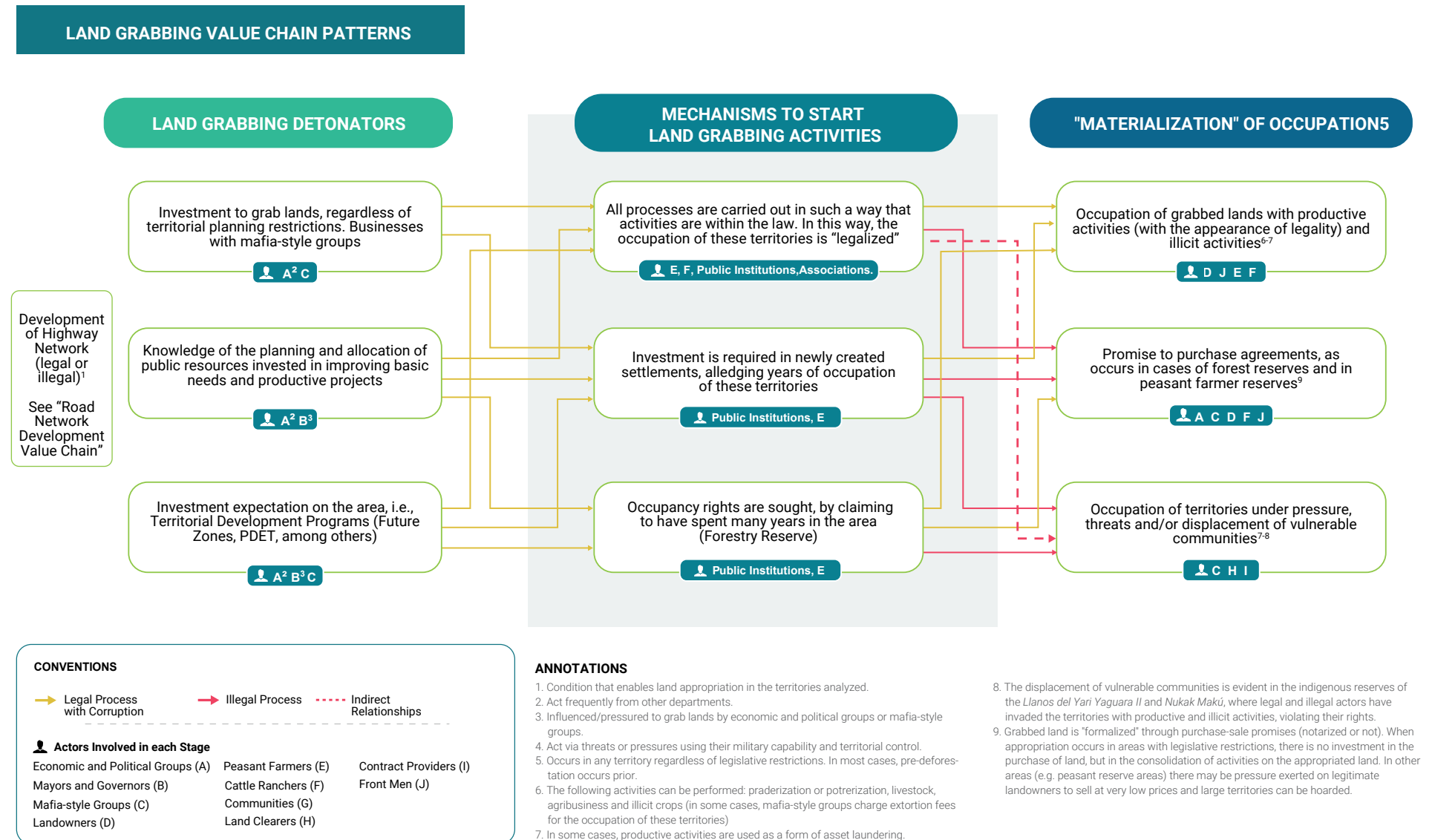
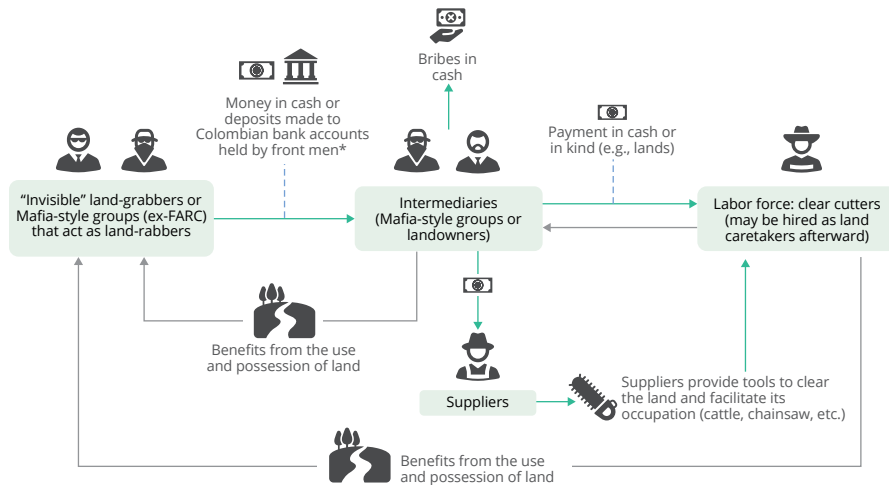




Figure 9-A. Financing of land grabbing



\* Though the way in which certain land-grabbing enabling transactions take place has not been verified, it is likely that they occur in cash or as deposits made to Colombian bank accounts. It is also likely that land-grabbing might be financed by public investments on rural development programs

## Annex 5. Traffic light assessment of security risks in the areas to be intervened

In addition to managing a differential and intersectional approach and doing no harm, we recommend developing a security risk traffic light assessment and a bi-directional risk analysis in the territories to be intervened based on study variables such as the presence of criminal actors, illegal economies, humanitarian variables, among others. This approach is fundamental, as interventions and projects aimed at mitigating the drivers of deforestation and biodiversity loss while going against the interests of criminal networks and mafia-style groups, could represent a risk for the local communities that support these initiatives.

The risk traffic light assessment helps determine, for example, whether holding a socialization meeting in the field could make environmental leaders and local community members targets of threats and violence. At the same time, it lays the groundwork for taking action without harm.

Variable	Medición (1-5)	Calificación (Puntos)
Ex FARC	<ul style="list-style-type: none"> <li>Sporadic presence - transient municipality: 1 point</li> <li>Isolated presence of militiamen and/or guerrillas: 2 points</li> <li>Strong presence of militiamen and/or guerrillas: 3 points</li> <li>Strong presence shared with other illegal actors: 4 points</li> <li>Total dominance without other illegal actors: 5 points</li> </ul>	
ELN	<ul style="list-style-type: none"> <li>Sporadic presence - transient municipality: 1 point</li> <li>Isolated presence of militiamen and/or guerrillas: 2 points</li> <li>Strong presence of militiamen and/or guerrillas: 3 points</li> <li>Strong presence shared with other illegal actors: 4 points</li> <li>Total dominance without other illegal actors: 5 points</li> </ul>	
Organized Crime Structures	<ul style="list-style-type: none"> <li>Sporadic presence - transient municipality: 1 point</li> <li>Isolated presence of militiamen and/or guerrillas: 2 points</li> <li>Strong presence of militiamen and/or guerrillas: 3 points</li> <li>Strong presence shared with other illegal actors: 4 points</li> <li>Total dominance without other illegal actors: 5 points</li> </ul>	
Armed actors or conflictive dynamics in neighboring municipalities	<ul style="list-style-type: none"> <li>Weak presence close to the municipality, but not in the neighboring municipality: 1 point</li> <li>Strong presence close to the municipality, but not in the neighboring municipality: 2 points</li> <li>Weak presence in neighboring municipality: 3 points</li> <li>Strong presence in neighboring municipality: 4 points</li> <li>Strong presence in neighboring municipality with political and/or economic motivation: 5 points</li> </ul>	
Coca crops	<ul style="list-style-type: none"> <li>1 to 292 Hectares: 1 point</li> <li>293 to 585 Hectares: 2 points</li> <li>586 to 878 Hectares: 3 points</li> <li>879 to 1171 Hectares: 4 points</li> <li>1172 or more: 5 points</li> </ul>	
Prioritized for eradication	No: 0 points Yes: 1 point	
Crystallizers	<ul style="list-style-type: none"> <li>One crystallizer: 2 points</li> <li>Two crystallizers: 4 points</li> <li>Three or more crystallizers: 5 points</li> </ul>	
Strategic territory for transnational organized crime	<ul style="list-style-type: none"> <li>Movement corridors</li> <li>Departure points (coast or land border)</li> <li>Collection center</li> <li>Money laundering</li> <li>Geographical characteristics or infrastructure</li> </ul>	Rated from 1-5 depending on how many of the numbered characteristics the municipality in question has
Illegal mining	No: 0 points Yes: 1 point	
Corruption	Small corruption: 1 point Grand corruption: 3 points Endemic corruption: 5 points	

Variable	Medición (1-5)	Calificación (Puntos)
<b>Extorsion</b>	No: 0 points Yes: 1 point	
<b>Timber trafficking</b>	No: 0 points Yes: 1 point	
<b>Wildlife trafficking</b>	No: 0 points Yes: 1 point	
<b>Municipality prioritized with PDET, PNIS or future Zones</b>	No: 0 points Yes: 1 point	
<b>Anti-personnel mines (IEDs)</b>	<ul style="list-style-type: none"> <li>Isolated reports of presence of mines: 1 point</li> <li>Constant reports of presence of mines: 2 points</li> <li>Recent report of presence of mines: 3 points</li> <li>(2) villages with recent reports of landmine presence: 4 points</li> <li>More than two villages with recent reports of landmine presence: 5 points</li> </ul>	
<b>Enforced Disappearance</b>	<ul style="list-style-type: none"> <li>From 0.1 to 4.69 as a rate per 100,00 inhabitants: 1 point</li> <li>4,70 to 9,39: 2 points</li> <li>De 9,40 to 14,07: 3 points</li> <li>De 14,08 to 18,77: 4 points</li> <li>From 18,78 onwards: 5<sup>19</sup> points</li> </ul>	
<b>Displacement</b>	<ul style="list-style-type: none"> <li>From 0,1 to 70 as a rate per 100.000 inhabitants: 1 point</li> <li>From 70,11 to 140,21 as a rate per 100.000 inhabitants: 2 points</li> <li>From 140,22 to 210,32 as a rate per 100.000: 3 points</li> <li>From 210,33 to 280,43 as a rate per 100.000: 4 points</li> <li>From 280,44 onwards as a rate per 100.000<sup>20</sup>: 5 points</li> </ul>	
<b>Homicides</b>	<ul style="list-style-type: none"> <li>From 0,1 to 8,2 as a rate per 100.000 inhabitants: 1 point</li> <li>From 8,3 to 16,5 as a rate per 100.000 inhabitants: 2 points</li> <li>From 16,6 to 24,61 as a rate per 100.000 inhabitants: 3 points</li> <li>From 24,62 to 32,82 as a rate per 100.000 inhabitants: 4 points</li> <li>From 32,83 as a rate per 100.000 inhabitants onwards<sup>21</sup>: 5 points</li> </ul>	
<b>Homicides and Threats to Social Leaders. Highlight environmental leaders</b>	<ul style="list-style-type: none"> <li>Between 1 and 2 cases: 1 point</li> <li>Between 3 and 4 cases: 2 points</li> <li>Between 5 and 6 cases: 3 points</li> <li>Between 7 and 8 cases: 4 points</li> <li>From 9 cases onwards: 5 points</li> </ul>	
<b>Recruitment and Use of Minors</b>	No: 0 points Yes: 1 point	
<b>Threats to government officials</b>	No: 0 points Yes: 1 point	

19 The disappearance rate for 2019, according to the calculation made by InSight Crime, is  $6794 \times 100,000 / 48,258,494 =$  rate of 14.07.  
 20 The displacement rate for 2019, according to the calculation made by InSight Crime is  $101,499 \times 100,000 / 48,258,494 =$  rate of 210.32.  
 21 The homicide rate for 2019, according to the calculation made by InSight Crime is  $11,880 \times 100,000 / 48,258,494 =$  rate 24.61

Variable	Medición (1-5)	Calificación (Puntos)
<b>State Operatives</b>	<ul style="list-style-type: none"> <li>Between 1 and 2 operatives: 1 point</li> <li>Between 3 and 4 operatives: 2 points</li> <li>Between 5 and 6 operatives: 3 points</li> <li>Between 7 and 8 operatives: 4 points</li> <li>From 9 operatives onwards: 5 points</li> </ul>	
<b>Incidents between illegal actors.</b>	<ul style="list-style-type: none"> <li>1 incident in the last year: 1 point</li> <li>2 incidents: 2 points</li> <li>3 incidents: 3 points</li> <li>4 incidents: 4 points</li> <li>more than 5 incidents in the last year: 5 points</li> </ul>	
<b>Incidents between illegal or informal actors and the Law Enforcement Agencies</b>	<ul style="list-style-type: none"> <li>1 incident in the last year: 1 point</li> <li>2 incidents: 2 points</li> <li>3 incidents: 3 points</li> <li>4 incidents: 4 points</li> <li>more than 5 incidents in the last year: 5 points</li> </ul>	
<b>TOTAL</b>	<b>LOW from 0 to 31 points</b> <b>MEDIUM from 32 to 63 points</b> <b>HIGH 64 onwards</b>	[suma de puntos]



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**WWF**

**WWF Colombia** has been present for around 30 years in the country with programs for conservation, resource management, social governance, public policy influence on priority environmental issues and public awareness to generate more responsible consumption practices and lifestyles to reduce our ecological footprint.

**Organizations that contributed information and methodologies for the analysis:** Corporación Transparencia por Colombia, InSight Crime y Fundación para la Conservación y el Desarrollo Sostenible.