

CIVIC SPACE FOR PARTICIPATION IN CLIMATE POLICIES IN COLOMBIA (UPDATE 2023)



Imprint

© 2024 Independent Institute for Environmental Issues, Berlin

Publisher

Unabhängiges Institut für Umweltfragen - UfU e.V.
Independent Institute for Environmental Issues

Contact

Greifswalder Str. 4 10405 Berlin, Germany
Phone: + 49 (30) 428 49 93-0
E-Mail: mail@ufu.de
www.ufu.de

German research team

Independent Institute for Environmental Issues (UfU e.V.): Sarah Kovac, Fabian Stolpe, Larissa Donges, Franziska Sperfeld, Sophie Dolinga, Anne Nemack

Colombian research team

Lina Muñoz Ávila (Universidad del Rosario), Alejandra Cifuentes (Universidad Católica de Temuco)

Design

Nicole Jaecke
www.fija.de

This study has been realised in the context of the project “Strengthening Civil Society for the Implementation of National Climate Policy”. The project is coordinated by Friends of the Earth Germany in partnership with the Independent Institute for Environmental Issues (UfU e.V.), Censat – Agua Viva Colombia, Greens Movement of Georgia – Friends of the Earth Georgia and the Center for Environmental Initiatives “Ecoaction” Ukraine.

Supported by:



Project Duration: 2018 - 2024
www.international-climate-initiative.com

Citation

Independent Institute for Environmental Issues (UfU e.V.), Lina Muñoz Ávila & Alejandra Cifuentes 2024: Civic space for participation in climate policies in Colombia. Berlin

Table of Contents

Imprint	2
1 Summary	4
2 Introduction	6
3 Methodology	7
4 Colombia - Country Portrait	9
4.1 National climate policy	10
5 Civil society’s climate engagement and its right to participate	14
5.1 Fundamental requirements	14
5.2 Legal framework for participation	15
5.3 Governance and structures	18
5.4 In practice: participation processes	18
5.5 Capacity building	20
6 Recommendations for strengthening civil society participation in climate policy and improving future NDC reviews	22
7 Conclusion	23
Bibliography	24
Appendix	26

1 Summary

This study analyses the situation of civil society participation within the context of climate policies in Colombia, building upon the country’s commitment to international agreements such as the Paris Agreement and the Escazú Agreement. It examines the civic space available for Colombian civil society organizations (CSOs) engaged in climate issues, considering factors like the social and political environment, legal prerequisites, and the institutional framework for climate-related participation.

Colombia’s historical experiences of civic conflict and violence have made civil society participation challenging, including security concerns for environmental defenders. High levels of corruption further erode trust in public institutions, hindering effective civil society participation. Despite these challenges, Colombia has taken significant steps towards establishing a legal framework for environmental participation, including the signing and ratification of the Escazú Agreement.

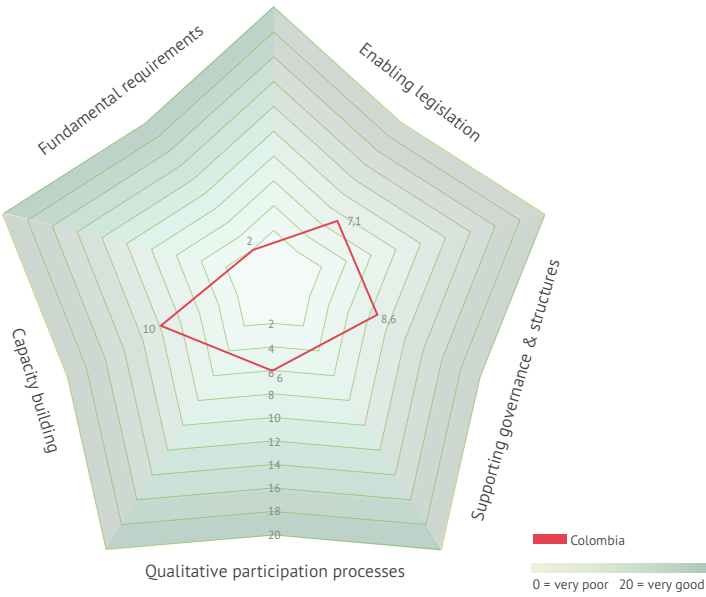
Colombia’s legal framework sets out principles of democratic participation and requires public involvement in decisions affecting various issues, including environmental and climate policies. Colombia has introduced participation mechanisms such as public consultations, surveys, and dialogues, including engagement with indigenous, Afro-Colombian, and peasant communities. Despite these efforts, challenges persist, particularly concerning accessibility to participation spaces, especially in remote areas.

Key policies like the National Climate Change Policy (PNCC) emphasise public participation in climate actions and planning processes. However, in practice, civil society has often found limited involvement, particularly in the development of the country’s National Determined Contributions (NDCs). To facilitate dialogue with civil society, the National Council on Climate Change (CNCC) was established, acting as a consultative body within the Intersectoral Commission on Climate Change (CICC). Furthermore, Regional Climate Change Nodes play a crucial role in developing and implementing climate policies on the regional and local level, incorporating civil society representation. However, their limited legal status affects their autonomy and capacity to influence national policies. Furthermore, the Colombian government has made efforts to build capacity for climate action, offering educational tools and programmes for different stakeholders to raise awareness and knowledge on climate change.

Following the analysis of the situation of civil society participation in climate affairs in Colombia, it was evaluated and its shortcomings identified. Based on this, the following proposals for improving civil society participation in Colombia were developed:

- Colombia should fully implement the Escazú Agreement’s requirements into national law to promote policy coherence, inter-sectoral coordination, and a balanced approach to environmental and climate decision-making.
- To enhance legitimacy and public support, there should be broader and more effective civil society participation in the preparation of the Comprehensive Sectorial Climate Change Management Plans (PIGCS) and Comprehensive Territorial Climate Change Management Plans (PIGCCT).
- Colombia should ensure the safety of environmental and human rights defenders by allowing open expression of concerns and providing access to judicial and administrative bodies.

Figure 1: Assessment of the civic space for participation in climate policies in colombia (scaled to a maximum of 20 points per criterion)

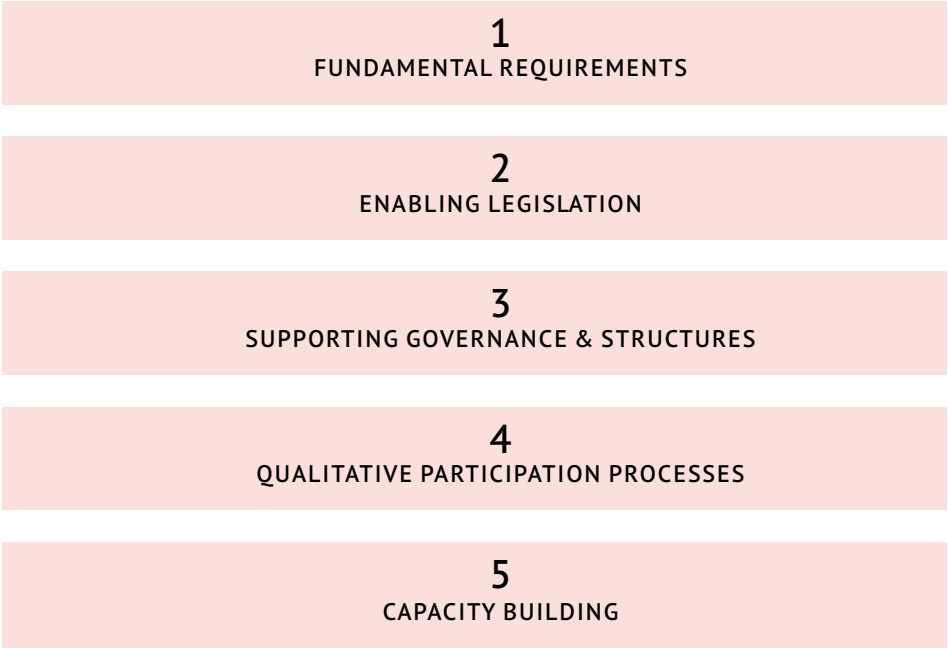


2 Introduction

Through the ratification of the Paris Agreement and the ongoing ratification of the Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean (Escazú Agreement), Colombia has committed to take ambitious action to keep average global temperature rise below 2°C above pre-industrial levels and to develop and maintain standards of civil society participation in environmental and climate affairs. This study now tries to draw a realistic picture of the actual situation of civil society participation within Colombian climate policies. For this purpose, the civic space for participation of Colombian civil society organisations (CSOs) working on climate issues was analysed and evaluated. Moreover, the social and political environment, legal prerequisites for environmental participation and activism, and framework conditions for climate-related participation were investigated. In doing so, the study looks at selected participatory practices e.g. within policy development processes related to planning and implementation of climate mitigation and climate change adaptation. The focus here is on participatory processes implemented by state bodies, agencies, or CSOs, in which civil society can participate. Building on this status quo analysis, barriers to meaningful, effective and long-term civil society participation in Colombia were identified and recommendations developed on how to overcome them.

3 Methodology

The analysis of the status quo of the situation of civil society participation in climate affairs and civic space was conducted based on the research team’s local knowledge, and contacts and experiences in the country. It included literature review, analysis of relevant legislation and policy documents, as well as interviews with local experts and stakeholders. For the evaluation of the country’s civic space for participation, the concept of the ‘participation handprint’ and its associated standardised evaluation scheme was used¹. The evaluation scheme comprises **5 criteria with 25 indicators**.



The indicators have different scoring options and an associated scoring system, where some indicators are weighed higher than others. In total, a maximum score of 59 points can be achieved. By scaling each criterion to a maximum of 20, the criteria are balanced out evenly. To answer the questions of the evaluation scheme, information was collected through focus groups and interviews conducted between November 2022 and March 2023. The involved experts representing different CSOs were selected based on their experiences with participation processes in the country.

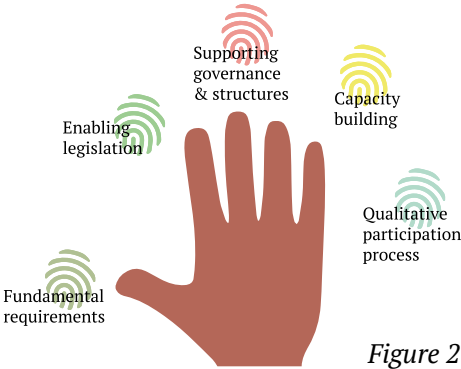
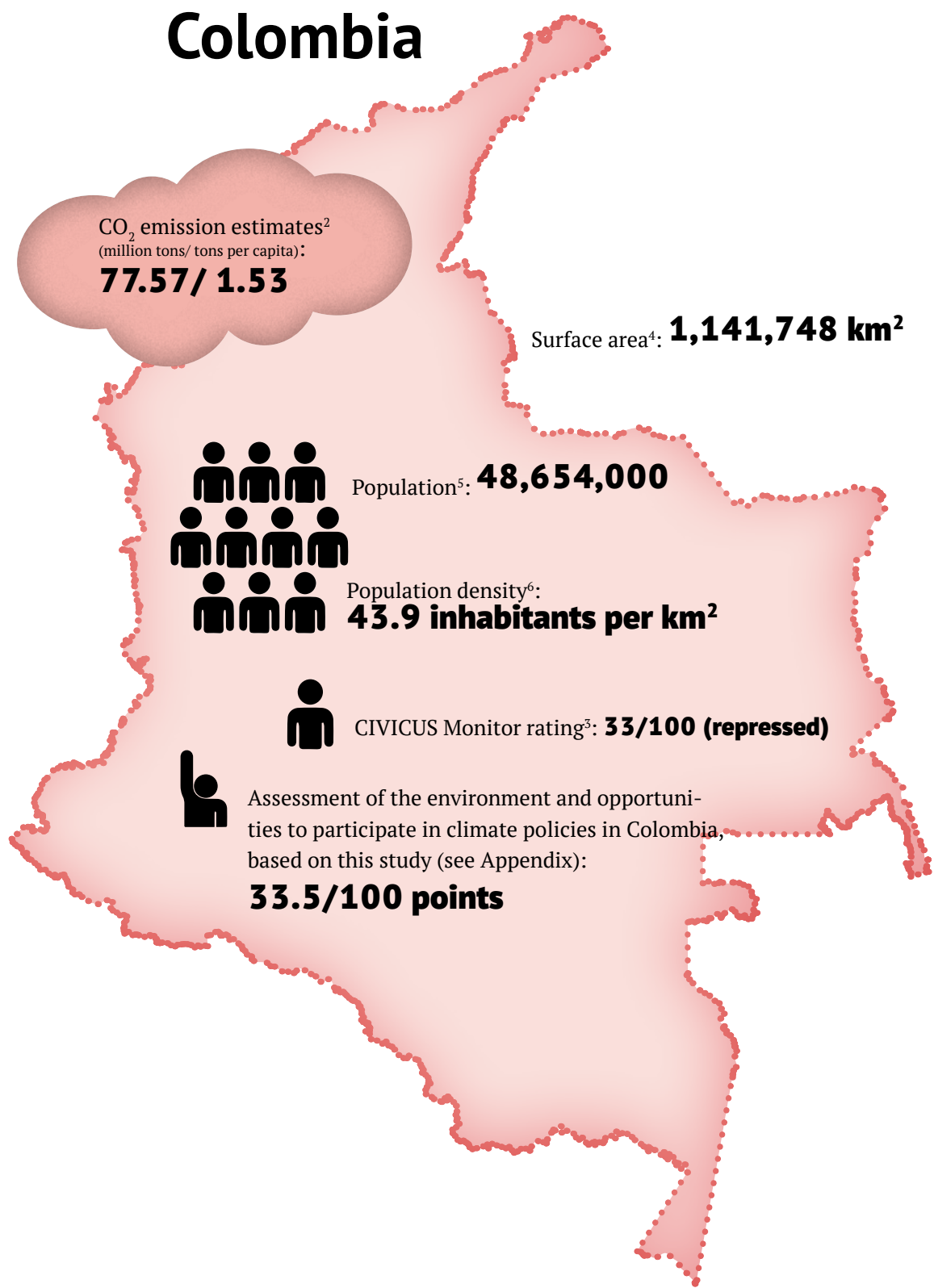


Figure 2: The Participation Handprint

¹ Donges, L.; Stolpe, F.; Sperfeld, F.; Kovac, S. (2020). Civic space for participation in climate policies in Colombia, Georgia and Ukraine. Independent Institute for Environmental Issues. www.ufu.de, accessed on 13 March 2023.



² https://edgar.jrc.ec.europa.eu/report_2022 , accessed 13 June 2023

³ CIVICUS Monitor is a research tool built by civil society that aims to share data on the state of civil society freedoms (civic space) all over the world. It analyses to what extent states fulfill their duty to protect the freedom of association, the freedom of peaceful assembly and the freedom of expression. Each country is assigned a rating of the following categories: open, narrowed, obstructed, repressed or closed. For more information: <https://monitor.civicus.org>, accessed 13 June 2023.

⁴ https://data.un.org/CountryProfile.aspx/_Docs/CountryProfile.aspx?crName=Argentina , accessed 07 June 2023

⁵ Ibid.

⁶ Ibid.

4 Colombia - Country Portrait

General Information

Colombia is a republic in the northern part of South America and the second largest country in South America in terms of population. It borders both the Pacific Ocean and the Caribbean Sea and on the mainland Panama to the northwest, Venezuela to the east, Brazil to the southeast, Peru to the south and Ecuador to the southwest. Bogotá is the economic and cultural centre of Colombia and the country’s capital. In contrast to many other Latin American states, Colombia is characterised by a decentralised urban system. In addition to Bogotá, other large cities have developed, such as Medellín, Cali and Barranquilla, among others. Colombia is characterised by a very uneven population distribution. While the Andean region and the Caribbean lowlands have a total population of about 39 million, Amazonia, Orinoco and Chocó have a total population of only about 1 million. This means that about half of the country’s area is very sparsely populated. In terms of biodiversity, Colombia ranks second in South America: ten percent of the world’s species are present on Colombian territory. With an enormously high biodiversity and due to the large number of endemic species and diverse ecosystems, Colombia is one of the so-called megadiverse countries. Democracy in Colombia has long been considered struggling, and the country faces many societal challenges from historic (often violent) internal conflicts, corruption, police violence and social inequality.

In the last 10 years, the territorial development in Colombia has undergone important changes that have determined government strategies for environmental protection. In 2010, during Juan Manuel Santos’ first term in office, the so-called “locomotives” for growth and employment generation were defined, within which mining development and energy expansion were positioned as one of the most promising measures for the country’s economy. This opened the door for international companies to exploit minerals in Colombia, which triggered multiple environmental conflicts over access to water, contamination of water bodies, and human rights violations, among others.

On the other hand, the 2014-2018 National Development Plan focused on achieving total peace in country, through the signing of the Final Agreement for the Termination of the Conflict and the Construction of a Stable and Lasting Peace. The implementation of this agreement has contributed to environmental conflicts. These include tensions over land tenure and conflicts over use and access to land, deforestation, and the increase in illicit crop cultivation and the change and/or loss of communities’ livelihoods.

Meanwhile, during the government of Iván Duque, 2018-2022, the country’s development strategies focused on issues such as peace, equity and education. Regarding environmental policies, the country adopted the green taxonomy as a classification system for economic activities and assets in order to achieve environmental objectives, developing green capital markets and boosting the mobilisation of private resources to meet the goals of the National Development Plan, as well as international environmental commitments resulting from the Paris Agreement and the Sustainable Development Goals. During this same period, the Colombian Nationally Determined Contribution (NDC) was updated, increasing its ambition to 51% reduction of greenhouse gas (GHG) emissions. Furthermore, the Long Term Strategy for Carbon Neutrality and Climate Resilience (E2050) was published and the Escazú Agreement on access to information, participation and justice in environmental matters in Latin America and the Caribbean was signed.

Currently, the government strategy of President Gustavo Petro considers environmental protection as an essential pillar for national well-being and environmental and social justice. It recognises the fight against climate change as fundamental basis for socio-ecological transitions required to achieve sustainability and peace throughout the country. This vision is a clear response to the historically high amount of environmental conflicts in Colombia. The Atlas of Environmental Justice lists 134 environmental conflicts, which are mainly associated with the extraction of minerals and construction materials, burning and exploitation of fossil fuels, and climate justice⁷.

The National Development Plan (PND) aims to make the country a leader in humanity and nature, based on five transformations that aim to enable the country to achieve sustainability and climate resilience. To reach this, enabling conditions are defined that must be achieved at the subnational and local level, including frameworks for climate change adaptation and mitigation; implementation of economic, socio-ecological, energy and cultural transitions; conflict resolution, and biodiversity conservation⁸.

To establish these enabling conditions, the PND includes strategic actions that will allow the country to move from an extractivist economy to a productive economy that takes advantage of biodiversity as a driver of territorial development. These actions include the following stipulations:

- _ land-use planning has to be based on water availability and has to consider climate change
- _ human security and social justice have to be guaranteed
- _ the human right to food has to be protected
- _ productive activities should be diversified with a view to internationalisation and climate action
- _ social and economic gaps should be reduced, guaranteeing adequate access to opportunities, goods and services.

These actions aim to strengthening local governance and increasing environmental justice to achieve the transformations for the next 4 years proposed by the PND⁹.

4.1 National climate policy

Within the framework of the climate commitments acquired by Colombia before the United Nations Framework Convention on Climate Change (UNFCCC), the country has made progress in defining a political and legal framework that allows it to increase its ambition in terms of climate change adaptation and mitigation, environmental management, and disaster risk management. However, as discussed in this section, the country has yet to establish significant transformations to achieve its climate objectives.

In 2020, under the Paulatina Pressure Mechanism, established in Article 4 of the Paris Agreement¹⁰, Colombia updated its NDC and committed to reduce GHG emissions by

7 Environmental Justice Atlas (2022). For Colombia 134 cases have been reported so far. <https://ejatlas.org/country/colombia>, accessed 30 July 2023

8 DNP (2023). Bases del Plan Nacional de Desarrollo 2022-2026. Colombia Potencia Mundial de la Vida. Departamento Nacional de Planeación: <https://colaboracion.dnp.gov.co/CDT/portalDNP/PND-2023/2023-03-17-bases-plan-nacional-desarrollo-web.pdf>, accessed 30.07.2023

9 Ibid.

10 Article 4 of the Paris Agreement states that Nationally Determined Contributions (NDCs) should be increasingly ambitious, taking into account common but differentiated responsibilities and in accordance with the national circumstances and respective capabilities of each Party.

51% compared to the baseline scenario in 2030¹¹; establish carbon budgets for the period 2020-2030 by 2023 at the latest; and reduce black carbon emissions by 40% compared to the 2014 level. In terms of adaptation, the NDC update includes 30 targets in areas such as watershed protection and conservation; urban domestic wastewater treatment; disease prevention and health promotion; and resilient infrastructure. It also incorporates eight crosscutting issues in climate change management: food security; just transition of the workforce; human rights; generational equity; differential approach; gender equity; circular economy and the protection of water, ecosystems and biodiversity.

Complementary, in 2021 the country defined the E2050 Long-Term Strategy¹², as a process for identifying the necessary transformations that must occur in the country to build long-term socio-ecological climate resilience. In this way, the E2050 is a state policy instrument that establishes the overall targets towards which the NDCs and other national and subnational public policy instruments must evolve for the long-term reduction of GHG emissions and the strengthening of the climate resilience of the territories. The Strategy has 9 commitments¹³ and 48 transformation options for the socio-ecological transition. Thus, the E2050 pays special attention to the gender approach, the means of implementation (including financing and education) and disaster risk management as fundamental aspects to maximise the results of carbon neutrality and climate resilience¹⁴.

Obviously, the Colombian state has made progress in defining a comprehensive roadmap to address the climate crisis, developed through different types of public instruments. In order to facilitate the understanding and implementation of these instruments, as well as the country's commitments to address the climate crisis, in 2021 the Congress passed Law 2,169, which promotes the country's low-carbon development by establishing minimum targets and measures for carbon neutrality and climate resilience. In this way, the Law defines and develops the pillars of the transition to carbon neutrality, climate resilience and low-carbon development, in addition to establishing the targets and measures (adaptation and mitigation) in the different sectors of development and territorial planning, as well as the means of implementation necessary to meet the targets.

However, with regard to development and implementation of the policies and standards described above, Colombia has made slow progress. The Climate Action Tracker 2022 describes it as insufficient to address the climate crisis, as it is not aligned with national long-term objectives and is not compatible with the global goal of not exceeding a temperature increase of 1.5°C. This situation indicates that the country needs to take steps to reduce its carbon footprint and take more ambitious and accelerated action to reduce its emissions, starting with making its economy independent of fossil fuels, especially coal on which it relies for about 10% of its energy supply and accounted for about 13% of total exports in 2020. If the country continues on the same development path, it will not meet the NDC targets by 2030. Therefore, it is required to increase international cooperation and ambition of sectors, as well as to promote the necessary transformations to align with global GHG emission reduction targets¹⁵.

11 This represents a maximum emissions peak for the country of 169.44 million tCO2eq in 2030.

12 The E2050 document is available at <https://e2050colombia.com/documentos/>, accessed 30 July 2023

13 The commitments defined in the E2050 are: knowledge and climate governance; integrated management of biodiversity and ecosystem services; sustainable production and consumption; just transition of the workforce; sustainable rural development differentiated by regions; city-regions with integrated urban development; diversification of the energy matrix; sustainable mobility and infrastructure; implementing the adaptive capacity of the population and the health system.

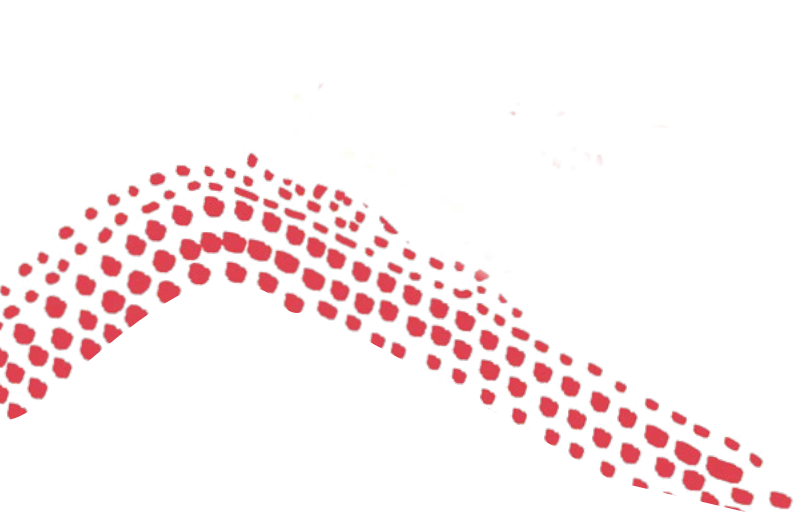
14 Government of Colombia (2021). Estrategia climática de largo plazo de Colombia E2050 para cumplir con el Acuerdo de París. MinAmbiente. MinAmbiente, DNP, Cancillería, AFD, Expertise France, WRI. <https://e2050colombia.com/documentos/>, accessed 30 July 2023

15 Climate Action Tracker (2022). Evaluación de la Gobernanza Climática en Colombia. <https://climateactiontracker.org/countries/colombia/>, accessed 07 July 2023

To reach this, the country faces important challenges regarding land use planning and development. The lack of political and regulatory coherence with climate objectives stands out. This becomes particularly visible through Law 2,128 of 2021, which declared the use of natural gas to be of national interest, limiting the transition to other types of energy alternatives to fossil fuels. Likewise, policies in the Amazon work against the climate objectives by promoting deforestation, new hydrocarbon projects, road developments, mining and the opening of new areas for livestock and agribusiness¹⁶.

At the local scale, the limited technical and economic capacities of the authorities to formulate and implement the Territorial Integrated Climate Change Management Plans (PIGCCT) represent a critical issue for the development of climate actions at the speed required to meet national objectives. This, coupled with the weak political and regulatory articulation including contradictory actions in land-use planning instruments, development plans and PIGCCTs, makes municipal capacity to mainstream climate change management in land use planning one of the great challenges in Colombia.

Furthermore, in Colombia climate change is often perceived as an issue that only concerns the environmental sector and is not considered as a determinant of territorial development and human well-being. The lack of information systems to support decision-making and the weak participation of civil society and communities fuel this challenge. In many cases the public instruments generated to address climate change do not respond to the needs of the territory or the expectations of its inhabitants. In this sense, implementing the NDC and the E2050 requires capacity building, harmonisation with other public policy instruments, and systemic and participatory national and regional planning with a territorial, differential, ethnic and gender focus to progress towards a just transition.



16 Botero, R., & Rojas, A. (2018). Transformación de la Amazonía. Repercusiones del efecto sinérgico entre políticas erráticas e ingobernabilidad. Colombia Amazónica(9), 11-31. <https://sinchi.org.co/files/publicaciones/revista/pdf/11/1%20transformacin%20de%20la%20amazonia%20repercusiones%20del%20efecto%20sinrgico%20entre%20politicas%20errticas%20e%20ingobernabilidad.pdf>, accessed 30 July 2023

Climate policy objectives and climate policy engagement of the elected government in 2022 (following the government's programme):

After almost three months of debate, on 4 May 2023, the two congressional bodies approved the draft law that enacts the National Development Plan 2002-2026 (Plan Nacional de Desarrollo 2022-2026. Colombia Potencia Mundial de la Vida, PND), which defines the executive branch's roadmap for the coming years. The PND proposes a productive transformation based on knowledge and harmony with nature, thus promoting the objective of achieving total peace, overcoming historical injustices and exclusions, and guaranteeing that the conflicts will not be reignited. It also establishes guidelines to generate a change in the relationship between Colombian society and nature, based on the recognition of life in all its diverse forms.

Article 3 sets out the 5 axes of transformation of the PND that seek to make Colombia a leading territory in climate action. These are: territorial planning around watersheds; human security and social justice; the human right to food; productive transformation, internationalisation and climate action, and regional convergence.

The Plan has different articles that enable the management of the climate crisis and its effects to be positioned as a development axis on a national scale, thus supporting the country's progress towards carbon neutrality and the implementation of sufficient strategies for climate resilience and just transition. These aspects include:

1. In the axis of productive transformation, internationalisation and climate action, the PND aims to diversify productive activities so that they take advantage of natural capital and deepen the use of clean energy, guaranteeing human rights and building resilience to climate risks.
2. Creation of Territorial Water Councils in each of the eco-regions and strategic territories prioritised in the PND, which seek to strengthen multilevel, differential, inclusive and fair governance of water and territorial planning around this resource, seeking the consolidation of functional territories with a focus on adaptation to climate change.
3. Article 38 creates the National Coordination Strategy for the Adaptation to Climate Change of Human Settlements and Resettlements, led by the National Unit for Disaster Risk Management. This will coordinate with the sectoral entities of the national level and territorial entities, the actions of resettlement, urban legalisation, improvement of human settlements and land management, as direct action for disaster risk reduction, GHG mitigation and adaptation to climate change.
4. Article 72 transforms the Fondo Mujer Emprende into the Fondo Mujer Libre y Productiva, which will allow the design and implementation of actions and financial and non-financial instruments to support and finance projects and initiatives that promote autonomy, economic empowerment and the dignity of women's work in Colombia with a focus on environmental sustainability and adaptation to climate change.
5. Article 226 raises the possibility of Colombia advancing in the development of scientific research in Antarctica with the aim of contributing to the knowledge of the planet's climatic and environmental phenomena, promoting Colombia to become a regional and global power for research on the climate crisis.

Furthermore, the PND contains different points that support Colombia's energy transition, based on strategies and mechanisms that lead to a real implementation of this process in the country. In this way, the PND sets a clear path for Colombia to move towards carbon neutrality and climate resilience, taking advantage of nature's contributions to human well-being and recognising the cultural diversity of the country.

5 Civil society's climate engagement and its right to participate

5.1 Fundamental requirements

Civil society participation in environmental and climate affairs in Colombia is threatened by the fact that Colombia has a long history of civic war and internal violent conflicts between the national and regional governments, paramilitary groups, criminal syndicates, and communist guerrilla groups. Due to this violent history, many Colombians were facing physical and psychological threats during their lives and mistrust between different parts of the society, conflicting parties and the regional and national governments increased over the years. Despite many peace initiatives during the last years and some successes achieved in this field, the Heidelberg Institute for International Conflict Research (HIIC) still lists one conflict of the "limited war" level and five conflicts of the "violent conflict" level for Colombia in 2022¹⁷. Furthermore, the lives of people who publicly advocate for the environment, so-called environmental defenders, are not safe and there is no guarantee that their fundamental rights will be respected. According to the Global Witness report, Colombia continues to record one of the highest numbers of murders of environmental defenders in the world, with at least 33 registered cases¹⁸. The reasons for this are conflicts over unequal land use and tenure; the substitution of illicit crops for alternative legal crops; forced displacement of citizens; hydrocarbon exploitation; mining; and the lack of guarantees for the implementation of the Peace Accord. According to the Civicus Monitor, Colombia is at a repressive level, mainly because of insufficient guarantees to enable free demonstration and the increase of cases of violence during demonstrations¹⁹. This shows that the legal framework for participation in environmental matters in Colombia requires guarantees that allow civil society's fundamental rights and duties to be exercised safely, as well as the development of broad, deliberate, inclusive and informed spaces that allow social actors to express their concerns and visions of the territory in the face of the climate crisis.

Another fundamental aspect that makes environmental participation in Colombia difficult is the fact that the country has high levels of corruption that reduce the legitimacy and trust of social actors in public administration. The Corruption Perceptions Index published by Transparency International, ranks Colombia as a country with high levels of corruption with a value of 39 points, placing it in 91st place out of 180 countries analysed²⁰. Therefore, reducing corruption levels and increasing public transparency are critical issues to achieve the level of social legitimacy necessary for long-term policies, such as those addressing climate issues. Not having this level of legitimacy and trust in public institutions undermines the exercise of participatory democracy. It limits the influence of social actors on public management, both in the decision-making process and in the execution of decisions and the control of their results, which is reflected in greater resistance to the implementation of policies and therefore in their degree of efficiency and effectiveness.

17 Heidelberg Institute for International Conflict Research – HIIC (2023). Conflict Barometer 2022.

18 Global Witness (2022). Una década de resistencia. Diez años informando sobre el activismo por la tierra y el medio ambiente alrededor del mundo. <https://www.globalwitness.org/es/decade-defiance-es/#resource-library>, accessed 30 July 2023

19 Civicus Monitor (2022). El poder ciudadano bajo ataque 2022. Un informe a partir de los datos del CIVICUS Monitor. <https://civicus.contentfiles.net/media/assets/file/Informe2021ES.pdf>, accessed 30 July 2023

20 Transparency International. (2022). Corruption perceptions index 2021. https://images.transparencycdn.org/images/CPI2021_Report_EN-web.pdf, accessed 30 July 2023

5.2 Legal framework for participation

Colombia signed the Escazú Agreement²¹ on 11 December 2019, because of the demand of civil society in the framework of the Environment Roundtable of the Great National Dialogue. The Congress of the Republic approved it on 5 November 2022 through Law 2,273 of 2022. To finalise the ratification process, the Constitutional Court is currently conducting an automatic review of the constitutionality of the text of the treaty in relation to the 1991 Political Constitution.

If the Constitutional Court's ruling determines that the Escazú Agreement is constitutional, the country would take on the challenge of implementing complementary actions to the legal framework on environmental participation in Colombia and developing new actions that guarantee the security of environmental and land defenders, based on the full and effective guarantee of the standards of environmental democracy. This Agreement, as a human rights treaty, represents an opportunity for Colombia to move forward in an accelerated, fair, equitable and inclusive manner in mitigating and adapting to climate change.

Specifically, the Agreement is a catalyst for climate action by encouraging actions to be implemented under the principles of transparency, accountability and maximum publicity, which are developed through processes of early and effective participation of civil society. It also generates the enabling conditions for climate actions to favour just transition, since through the rights of access to information, public participation and justice in environmental matters, it promotes the empowerment and commitment of different actors to climate action. It strengthens the public policy cycle as it is formulated in response to the needs of the citizens and it increases transparency and trust in public institutions, as well as the legitimacy of their actions. Furthermore, it contributes to the reduction of environmental conflict by guaranteeing the protection of human rights.

However, as the full implementation process of the Agreement into Colombian legislation is expected to be a lengthy process, it is also important to look at the current legal situation regarding civil society participation. Colombia does not have specific laws that regulate citizen participation in climate issues, however, the 1991 Political Constitution enshrines that Colombia is a democratic, participatory and pluralistic state, which includes a series of mandates that enable public participation in all decisions that may affect the political, economic, administrative, environmental, social and cultural spheres²². In this way, participation in Colombia is constituted as a fundamental right and a citizen's duty, which is developed through political, administrative and judicial mechanisms²³.

At the public policy level, the National Climate Change Policy (PNCC) establishes public participation as part of its strategic lines, supported by one of its instrumental lines that defines the production of information accessible to the entire public, which allows the incorporation of climate change management in public and private decisions to achieve climate resilience and carbon neutrality²⁴. Likewise, the aforementioned policy establish-

21 CEPAL (2018). Acuerdo Regional sobre el Acceso a la Información, la Participación Pública y el Acceso a la Justicia en Asuntos Ambientales en América Latina y el Caribe. Comisión Económica para América Latina y el Caribe (CEPAL). <https://www.cepal.org/es/acuerdodeescazu>, accessed 30 July 2023

22 Rodríguez, G. (2021). Yo participo, tú participas, otros deciden: la participación ambiental en Colombia. Bogotá: Friedrich-Ebert-Stiftung en Colombia (Fescol).

23 Corte Constitucional. SU-095 of 2018. Exploración y explotación de recursos naturales no renovables del subsuelo deben ser adoptadas por autoridades nacionales en coordinación y concurrencia de las autoridades territoriales. <https://www.corteconstitucional.gov.co/relatoria/2018/SU095-18.htm>, accessed 30 July 2023

24 MADS (2017). Política Nacional de Cambio Climático. Ministerio de Ambiente y Desarrollo Sostenible (MADS). https://www.minambiente.gov.co/images/cambioclimatico/pdf/Politica_Nacional_de_Cambio_Climatico_-_PNCC/_PNCC_Politicas_Publicas_LIBRO_Final_Web_01.pdf, accessed 30 July 2023

es that the Colombian Comprehensive Territorial Climate Change Management Plans (PIGCCT) must be the product of a participatory planning process with various stakeholders, who also acquire responsibilities for the achievement of climate objectives.

With regard to public participation in climate change management, Colombia's PNCC defines public participation, especially of the most vulnerable groups and individuals, as one of its guidelines, as an aspect on which the formulation of appropriate adaptation and mitigation actions depends, enabling the country to move towards climate-resilient and low-carbon development²⁵.

This mandate is developed in the guiding principles for the implementation and regulation of the Climate Change Law (Law 1,931 of 2018), and is also part of the purposes of the Colombian National Climate Change Governance System (SISCILIMA). The application was mainly through the National Strategy for Education, Training and Public Awareness on Climate Change, which aims to "provide guidelines for the implementation of programmes and projects that promote access to information, public awareness, training, education, research and participation to help build capacity at local, regional and national levels on climate change"²⁶.

The political commitment to involve civil society in decisions related to climate change is reflected in the PIGCCT formulation guide, especially in the preparatory phase, which states that both the formulation and implementation of these instruments will involve the proactive participation of the various citizens, including representatives of the public and private sectors, non-governmental organisations and the productive sector²⁷. Despite this, the PNCC lacks concrete measures to promote "spaces for consultation and joint work between the institutions of the different sectors and civil society organisations involved in the issue"²⁸. This situation is reflected in the process of drafting the country's NDCs, which has a participation strategy, but in practice civil society found that there was insufficient involvement and participation of ethnic groups. The spaces carried out under this strategy were limited to gathering information on people's perspectives on climate change, rather than inclusion in the development of the specific objectives of the country's second NDC²⁹. Strengthening participatory climate governance in the country would require more concrete and coordinated actions that help to make better decisions that are in line with the interests of social actors³⁰. This would translate into higher levels of effectiveness and efficiency, as well as increased accountability and transparency of public administration in the face of the climate crisis³¹.

²⁵ Ibid.

²⁶ IDEAM, MAVDT, PNUD (2010). Estrategia Nacional de Educación y Sensibilización de Públicos sobre cambio climático. Instituto de Hidrología, Meteorología y Estudios Ambientales-IDEAM, Ministerio de Ambiente, Vivienda y Desarrollo Territorial-MAVDT, Programa de las Naciones Unidas para el Desarrollo (PNUD). <http://www.ideam.gov.co/documents/40860/219937/ESTRATEGIA+NACIONAL+DE+EDUCACION+CAMBIO+CLIMATICO.pdf>, accessed 30 July 2023

²⁷ MADS, PNUD (2022). Guía para la formulación e implementación de los planes integrales de gestión del cambio territoriales. Ministerio de Ambiente y Desarrollo Sostenible, Programa de las Naciones Unidas para el Desarrollo. <https://www.minambiente.gov.co/documento-entidad/guia-para-formulacion-e-implementacion-de-los-planes-integrales-de-gestion-del-cambio-climatico-territoriales-pigcct/>, accessed 30 July 2023

²⁸ MADS (2017)

²⁹ Aguilar, M. (2020). Observaciones y comentarios al borrador de actualización de la NDC de Colombia. Fundación Ambiente y Sociedad. <https://www.ambienteysociedad.org.co/>, accessed 30 July 2023

³⁰ Bárcena, A., & de Miguel, C. (2016). Más ciudadanía para el desarrollo sostenible. Notas de la CEPAL N°88, June 2016. Comisión Económica para América Latina y el Caribe : <https://www.cepal.org/es/articulos/2016-mas-ciudadania-desarrollo-sostenible>, accessed 30 July 2023

³¹ United Nations (2012). Declaración sobre la aplicación del Principio 10 de la Declaración de Río sobre el Medio Ambiente y el Desarrollo. Comisión Económica para América Latina y el Caribe. https://www.cepal.org/sites/default/files/pages/files/n1244046_esp.pdf, accessed 30 July 2023

Furthermore, Law 1931 of 2018 establishes principles that guide public participation in climate change management in the country, such as self-management and co-responsibility, which call on all social actors to address the climate crisis. This norm defines guidelines for the generation of and access to transparent and timely climate information to support decision-making. It assigns to the ministries that are part of the SISCLIMA, within the framework of their competencies, the responsibility to generate and compile the information necessary to report on the progress of the PIGCCTs and the Integrated Sectoral Climate Change Management Plans (PIGCCS). Such information should be available in the National Climate Change Information System that is part of the main institutional arrangements for climate change management in Colombia defined in the country's updated NDC to 2020.

In terms of forest conservation and the fight against deforestation, a relevant issue to achieve carbon neutrality and climate resilience in the country, the Integrated Strategy for Deforestation Control and Forest Management (EICDGB), was developed through a process of early participation and dialogues with different actors that have an impact on the country's forests³². However, the country still faces challenges so that the implementation of projects for Reducing Emissions from Deforestation and Forest Degradation (REDD+) does not violate the fundamental guarantees of communities and ethnic groups.

Finally, it is worth highlighting the Guidelines elaborated by the Colombian Ministry for the Environment and Sustainable Development (MADS) and the United Nations Development Programme (UNDP) for the integration of the gender approach in projects, programmes, plans and policies for climate change management in the environment and sustainable development, industry, mining and energy, transport and agriculture sectors. These guidelines provide guidelines and recommendations to guarantee a just transition through gender equality in climate change mitigation and adaptation. In this way, the guide develops the gender approach as a way to open new spaces for women's participation in actions to build climate resilience and achieve carbon neutrality³³.

The above shows that Colombia has an institutional, legal and public policy framework on climate change that includes guarantees for access to information and public participation. These circumstances constitute enabling factors that can be strengthened through environmental democracy and thus contribute to the creation of conditions that facilitate the coherent and comprehensive implementation of the country's climate goals. Environmental and climate laws in Colombia are compatible with the pillars of access to information and environmental participation defined in the Escazú Agreement, however, the country fails in their effective application. This is evident in the participation processes that occur in the framework of the construction of public planning and development instruments, which in many cases are reduced to spaces for consultation without direct incidence of the opinions of civil society and communities in decision-making.

³² MADS, IDEAM (2017). Bosques Territorios de Vida. Estrategia Integral de Control de la Deforestación y Gestión de los Bosques. Ministerio de Ambiente y Desarrollo Sostenible (MADS), Instituto de Hidrología, Meteorología y Estudios Ambientales (IDEAM). https://www.minambiente.gov.co/images/Estrategia_Integral_de_control_a_la_Deforestacion_y_Gestion_de_los_Bosques.pdf, accessed 30 July 2023

³³ MADS, PNUD (2021)

5.3 Governance and structures

To support dialogue with civil society on Colombian climate change policy, the National Council on Climate Change (CNCC) was created as a permanent consultative body of the CICC within the framework of the Intersectoral Commission on Climate Change (CICC) and the objectives of SISCLIMA to promote citizen participation in climate change decision-making. Its role is to advise on decision-making to promote coordination with trade unions, social organisations, the Fifth Congressional Commissions and academia.

At the regional level, the Regional Climate Change Nodes are the main body for developing and implementing climate change mitigation and adaptation policies. Their members include representatives of civil society, trade unions and representatives of the private sector, academia and non-profit institutions (Decree 298, 2016). As a result, they are important institutions for public participation in climate affairs. The results of public participation in these bodies should be incorporated into the formulation of the PIGCCT.

These bodies are intended to facilitate cross-stakeholder planning of climate change mitigation and adaptation measures in the regions and to promote the development of regional and sub-national climate change strategies that are coherent with the national level. In order to bring the issues discussed within the regional climate change nodes to the national level, the Directorate for Climate Change and Risk Management appoints a person in charge of maintaining constant communication with the nodes and monitoring the activities and initiatives developed in these bodies. Nevertheless, the capacity of the regional nodes to support the implementation of the national climate policy is limited, and therefore their capacity to bring the discussions of the social actors to the national level is also limited. One of the reasons for this situation is the lack of legal status of the nodes, which means that they cannot hire independent staff, have their own budget and take legal action. This limits their autonomy in implementing projects or legal initiatives that are deemed necessary by the members of the nodes.

5.4 In practice: participation processes

According to MADS, the process of updating the Colombian NDC was developed based on the “Participation Strategy for the NDC Update Process”, prepared with the technical support of the World Wildlife Fund (WWF). This strategy included the following forms of participation:

- _ Sectoral workshops (November 2019) for the update of the mitigation, adaptation and means of implementation components.
- _ workshops with the 9 NRCCs to include the regions’ perspective in the process (May 2020)
- _ a survey of 150 experts (8 and 22 October 2020)
- _ public consultation on the draft NDC (available from 6 to 26 October 2020)
- _ dialogues with representatives of indigenous, Afro-Colombian and peasant communities (October 2020)
- _ Spaces for dialogue with youth and women through the Climate Promise initiative and WWF.
- _ a second round of workshops with NRCCs.

For the public consultation of the NDC, a deadline of 20 days was set for receiving comments. Despite the short time available to review the document, civil society made important comments that were included, such as the inclusion of gender equality, human rights and different approaches to ethnic communities and vulnerable groups.

Another participation process worth mentioning took place in the framework of the development of the Long Term Strategy for Carbon Neutrality and Climate Resilience (E2050). More than 2100 people from around 500 institutions participated in this process in the more than 300 meeting and working spaces that were set up. This allowed for the participation of representatives from public and private institutions, civil society, and indigenous and Afro-Colombian communities. The spaces were led by the strategy elaboration team with the participation of the National Organisation of Indigenous Peoples (ONIC), WWF and the civil society collective “Voces 2030 Colombia”, and with financial support from Expertise France. In the case of ethnic communities, non-formal conversation spaces were opened to set the roadmap for continuing the participatory process during the implementation of E2050. In addition, more than 70 meetings were held during the 19 months of strategy development, including workshops and bilateral meetings with inter-institutional expert groups. With regard to organised and non-organised civil society, nine regional workshops were held under the leadership of the Voices 2030 Colombia collective, with more than 370 participants, including young people, women and representatives of grassroots organisations. These made it possible to define and specify the scope and content of the Strategy’s commitments and the transformation options it contains.

Consequently, spaces for participation in the formulation of public climate policies have been created in Colombia to promote public participation in environmental and climate issues. However, in some areas of the country, it is difficult for stakeholders to get to participation spaces due to difficult internet connectivity, infrastructure and mobility conditions. This aspect is not taken into account in participatory measures, resulting in communities living in areas far from urban centres not being able to influence decision-making processes on climate issue.

5.5 Capacity building

In the course of implementing Article 6 of the UNFCCC, the Colombian state formulated the National Strategy for Education, Training and Public Awareness on Climate Change. This aims to “establish guidelines for the implementation of programmes and projects to promote access to information, public awareness, training, education, research and participation in order to contribute to capacity building at the local, regional and national levels on climate change”³⁴. Within the framework of the action plan of this strategy, educational tools have been developed for different target groups, such as virtual courses, videos, information brochures and more. These tools aim to build capacity among the different actors and raise public awareness on climate change.

In addition, the Colombian Ministry of Environment and Sustainable Development (MADS) has developed the National School of Environmental Education (Savia), which offers virtual courses in the field of climate change, covering topics such as general aspects of climate change, forest fire prevention and REDD+ projects, among others. Savia’s activities also include environmental education activities with students from schools and universities in the country to promote biodiversity conservation.

In order to facilitate citizen participation in environmental decision-making, MADS has created spaces, mechanisms and measures to promote citizen participation and thus strengthen the influence of citizens and stakeholders on public decisions and actions carried out by the Ministry and its subordinate agencies. Within this framework, MADS defines the following areas for participatory processes:

- **Participation in identifying environmental problems** that need to be addressed and compiling basic environmental information that is fundamental to the development and formulation of targeted policy and planning measures. Participation in this area takes place through public consultations and electronic channels.
- **Participatory planning and/or budgeting:** In this area, MADS seeks to involve citizens and stakeholders in the formulation, implementation and monitoring of policies, plans, programmes, projects and procedures to facilitate decision-making. It also seeks to involve citizens in the allocation of a certain proportion of the ministry’s budget. This will enable programmes and projects of particular interest to citizens to be given special support in line with the current development plan.
- **Collaboration and open innovation:** This is a space opened by MADS where citizens can learn about and participate in the challenges and progress of innovation towards the sustainable development of the country.
- **Accountability:** A space has been created for public institutions to report, explain and publish the results of their management to citizens, civil society and other public bodies.
- **Social control:** Within its definition as the right and duty of citizens to participate individually or collectively in the monitoring of public administration, MADS has various modalities for social control, including the complaints channel and accountability measures.

The above-mentioned objectives were developed and formulated as part of the elaboration of principles of participation and open government of the Colombian state, but

³⁴ IDEAM, MAVDT, PNUD (2010)

their implementation is very challenging and in practice, it is not always guaranteed that the results of the participatory processes actually have an impact on decision-making. However, the introduction of these principles has made it compulsory for public authorities to officially adhere to them, thus strengthening their capacity and sensitivity with regard to citizen participation.

In addition to capacity building in the area of participation, environmental authorities in Colombia have developed strategies to build capacity on climate issues in local authorities and support them in mainstreaming climate change in the preparation of land use planning instruments (plans, baselines and zoning plans). For example, the Corporación Autónoma Regional de Cundinamarca has developed the guide “Orientations for the integration of climate change in land use plans (POT, PBOT, EOT)”. It contains methodological proposals for local authorities with the aim of strengthening the link between climate change and risk management in land use planning. The aim is to support municipalities to adapt to the impacts of climate change and to design their municipal development concepts for low-carbon and climate-resilient development.



6 Recommendations for strengthening civil society participation in climate policy and improving future NDC reviews

The analyses presented in the previous chapters show that the Colombian State, as part of the process of formulating and monitoring public policies, regulations and planning and management instruments on climate change, provides for measures that are relevant to the exercise of rights of access to information and public participation. However, there are still challenges in the country to strengthen the full exercise of these rights in the context of climate policies. This chapter presents recommendations derived from the analysed status quo of conditions for civil society participation in climate affairs in Colombia. This includes a brief presentation of the identified barriers and challenges to effective participation. The following recommendations are country-specific and are intended to guide national policy makers, other relevant actors for climate-related policy formulation and participation, such as international institutions and donors, as well as civil society itself.

Full and effective implementation of the Escazú Agreement

The full and effective implementation of the Escazú Agreement and the incorporation of all its requirements into Colombian national law will strengthen policy and regulatory coherence, inter-institutional and inter-sectoral linkages and the balance between top-down and bottom-up processes in environmental and climate policy decision-making. This contributes to the creation of an architecture of good governance that promotes the efficiency, effectiveness, sustainability and legitimacy of public policies, strategies for sustainable development and climate action.

Strengthening participation in the preparation of the Comprehensive Sectorial Climate Change Management Plans (PIGCS) and Comprehensive Territorial Climate Change Management Plans (PIGCCT) to increase their legitimacy

In terms of public participation on climate issues, the PIGCCS and PIGCCT have an initial planning horizon until 2029 and will then be implemented over a 20-year period. The opportunity of their preparation should be used to ensure that the legitimacy and public support for their measures is guaranteed beyond the periods of the current legislature through the broad and effective participation of the different sectors and stakeholders.

Protection of the rights of environmental and human rights defenders and pacification of environmental conflicts

The early, full and effective participation of different territorial stakeholders can be an effective strategy to reduce environmental conflicts related to land rights, environmental degradation and climate change. By enabling citizens and communities to participate in the decisions that affect their territory, the emergence of protest and conflict can be avoided. However, it is important to ensure that all citizens, especially representatives of vulnerable groups, can express themselves freely and openly and raise their concerns without putting themselves or their families at risk as a result. This requires ensuring that every citizen has effective and timely access to judicial and administrative bodies in order to create an enabling environment for the work of environmental and human rights defenders, based on adequate measures to recognise, protect and promote their rights.

7 Conclusion

Colombia faces complex hurdles regarding civil society participation in environmental issues in general, including climate affairs. Historical conflicts, violence, and threats have created a culture of mistrust among different members of society. This makes it difficult for environmental defenders to exercise their rights safely. High levels of corruption further undermine trust in public institutions, hindering the effectiveness of participatory democracy. While Colombia has established legal frameworks and mechanisms for public participation, the implementation of these measures remains challenging. Participation processes, while existent, do not always result in meaningful impact on decision-making. Ensuring equal access to participation spaces, especially in remote areas, remains a challenge that needs to be addressed. The signing and current ratification of the Escazú Agreement represents a historic milestone for Colombia that can help improve the civic space in Colombia. However, the incorporation of the principles and requirements of this agreement into national law, and especially the subsequent implementation in practice, is still expected to be a lengthy process with many challenges.

Regarding climate policies, Colombia has shown commitment to addressing climate change through its national climate policy framework and aligning it with the Paris Agreement. The country has set ambitious targets for reducing GHG emissions, protecting ecosystems, and promoting climate resilience. However, there are critical challenges that need to be addressed to effectively achieve these goals. Colombia faces the need to accelerate and scale up its climate action efforts. The current trajectory is insufficient to meet the national climate objectives and global targets. Furthermore, there is a lack of political and regulatory coherence with climate objectives. This becomes obvious through policies that promote deforestation, hydrocarbon projects, and mining in the Amazon region. These actions run counter to the country's climate goals. At the local level, limited technical and economic capacities hinder the effective formulation and implementation of Territorial Integrated Climate Change Management Plans (PIGCCTs). Municipalities struggle to mainstream climate change management into land use planning, highlighting the need for capacity building and better coordination.

To improve civil society participation in Colombia, implementation of the recommendations developed in this study, including full implementation of the Escazú Agreement at the national level, greater participation in the preparation of climate plans, and full protection of environmental defenders, would be necessary. While Colombia has made significant strides in its climate policy framework, addressing the outlined challenges and implementing the mentioned recommendations will be crucial for the country to effectively tackle the climate crisis and ensure meaningful civil society participation in climate action.

Bibliography

A

Aguilar, M. (2020). *Observaciones y comentarios al borrador de actualización de la NDC de Colombia*. Fundación Ambiente y Sociedad. <https://www.ambienteysociedad.org.co/>, accessed 30 July 2023

B

Bárcena, A., & de Miguel, C. (2016). *Más ciudadanía para el desarrollo sostenible*. Notas de la CEPAL N°88, June 2016. Comisión Económica para América Latina y el Caribe : <https://www.cepal.org/es/articulos/2016-mas-ciudadania-desarrollo-sostenible>, accessed 30 July 2023

United Nations (2012). Declaración sobre la aplicación del Principio 10 de la Declaración de Río sobre el Medio Ambiente y el Desarrollo. Comisión Económica para América Latina y el Caribe. https://www.cepal.org/sites/default/files/pages/files/n1244046_esp.pdf, accessed 30 July 2023

Botero, R., & Rojas, A. (2018). Transformación de la Amazonía. Repercusiones del efecto sinérgico entre políticas erráticas e ingobernabilidad. Colombia Amazónica(9), 11-31. <https://sinchi.org.co/files/publicaciones/revista/pdf/11/1%20transformacin%20de%20la%20amazonia%20repercusiones%20del%20efecto%20sinrgico%20entre%20polticas%20errticas%20e%20ingobernabilidad.pdf>, accessed 30 July 2023

D

Donges, L., Stolpe, F., Sperfeld, F., Kovac, S. : *Civic space for participation in climate policies in Colombia, Georgia and Ukraine*. (2020) Independent Institute for Environmental Issues. Berlin. ISBN 978-3-935563-42-0

DNP (2023). *Bases del Plan Nacional de Desarrollo 2022-2026. Colombia Potencia Mundial de la Vida*. Departamento Nacional de Planeación: <https://colaboracion.dnp.gov.co/CDT/portalDNP/PND-2023/2023-03-17-bases-plan-nacional-desarrollo-web.pdf>, accessed 30.07.2023

G

Government of Colombia (2021). *Estrategia climática de largo plazo de Colombia E2050 para cumplir con el Acuerdo de París*. MinAmbiente. MinAmbiente, DNP, Cancillería, AFD, Expertise France, WRI. <https://e2050colombia.com/documentos/>, accessed 30 July 2023

H

Heidelberg Institute for International Conflict Research. (2020). *Conflict Barometer 2021*.

I

IDEAM, MAVDT, PNUD (2010). *Estrategia Nacional de Educación y Sensibilización de Públicos sobre cambio climático*. Instituto de Hidrología, Meteorología y Estudios Ambientales-IDEAM, Ministerio de Ambiente, Vivienda y Desarrollo Territorial-MAVDT, Programa de las Naciones Unidas para el Desarrollo (PNUD). <http://www.ideam.gov.co/documents/40860/219937/ESTRATEGIA+NACIONAL+DE+EDUCACION+CAMBIO+CLIMATICO.pdf>, accessed 30 July 2023

M

MADS (2017). *Política Nacional de Cambio Climático*. Ministerio de Ambiente y Desarrollo Sostenible (MADS). https://www.minambiente.gov.co/images/cambioclimatico/pdf/Politica_Nacional_de_Cambio_Climatico_-_PNCC/_PNCC_Politicas_Publicas_LIBRO_Final_Web_01.pdf, accessed 30 July 2023

MADS, PNUD (2022). *Guía para la formulación e implementación de los planes integrales de gestión del cambio territoriales*. Ministerio de Ambiente y Desarrollo Sostenible, Programa de las Naciones Unidas para el Desarrollo. <https://www.minambiente.gov.co/documento-entidad/guia-para-formulacion-e-implementacion-de-los-planes-integrales-de-gestion-del-cambio-climatico-territoriales-pigcct/>, accessed 30 July 2023

MADS, IDEAM. (2017). *Bosques Territorios de Vida. Estrategia Integral de Control de la Deforestación y Gestión de los Bosques*. Ministerio de Ambiente y Desarrollo Sostenible (MADS), Instituto de Hidrología, Meteorología y Estudios Ambientales (IDEAM). https://www.minambiente.gov.co/images/Estrategia_Integral_de_control_a_la_Deforestacion_y_Gestion_de_los_Bosques.pdf, accessed 30 July 2023

R

Rodríguez, G. (2021). *Yo participo, tú participas, otros deciden: la participación ambiental en Colombia*. Bogotá. Friedrich-Ebert-Stiftung en Colombia (Fescol).

Appendix

Assessment of the environment and opportunities to participate

Criterion 1 Fundamental requirements

Indicators	Scores	Score
a. Stability and peace (What is the intensity of the ongoing conflicts?) ³⁵	0 = high intensity of conflict (limited war or war going on) 1 = medium (violent crisis going on) 2 = low intensity of conflict (non-violent crisis or dispute going on) 3 = very low intensity of conflict (no dispute, crisis or war going on)	1
b. Anti-corruption and transparency (What is the perceived level of corruption?) ³⁶	0 = highly corrupted, CPI of 0 1 = corrupt, CPI equal to or under 50 2 = clean, CPI higher than 50 3 = very clean, CPI of 100	0
c. Security of environmental defenders (Are environmental defenders secure from threats?) ³⁷	0 = alarmingly weak security for environmental defenders (more than one murder documented) 1 = weak security for env. defenders (one murder documented) 2 = Environmental defenders are somewhat secure (no murders documented)	0
d. Political commitment (Is political participation of civil society related to the environment and climate backed by high-level political bodies and decision makers?)	0 = no 1 = yes, to some extent 2 = yes, fully	0
	Max. score: 10	6

35 This indicator and related scoring is based on the Conflict Barometer 2022 by HIIK (<https://hiik.de/conflict-barometer/current-version/?lang=en>, accessed 24 May 2023). The Conflict Barometer uses a five-level model, defining disputes and non-violent crises as non-violent conflicts with a low conflict intensity, violent crises as violent conflicts with medium conflict intensity and limited wars and wars as violent conflicts with high conflict intensity.

36 This indicator and related scoring is based on the Corruption Perception Index 2022 by Transparency International (<https://www.transparency.org/en/cpi/2022>, accessed 24 May 2022). According to Transparency International a scoring of zero means “highly corrupt” and 100 is “very clean”. The scoring “1=corrupt” and 2=clean” was set by UFU. Transparency International defines corruption as the “abuse of entrusted power for private gain”, whereas “transparency is about shedding light on rules, plans, processes and actions. (...) “It is the surest way of guarding against corruption, and helps increase trust in the people and institutions on which our futures depend.” (www.transparency.org/what-is-corruption, accessed 24 May 2023).

37 If possible, this indicator and related scoring is based on the Global Witness Report “Decade of defiance” which documents the murder of land and environmental activists in 2021 (<https://www.globalwitness.org/en/campaigns/environmental-activists/decade-defiance>, accessed 24 May 2023). It is important to note that the absence of murder does not mean that there are no other threats, attacks or harassments of environmental defenders and activists.

Criterion 2 Enabling legislation

Indicators	Scores	Score
a. Commitment to international conventions and agreements (Did the country sign and ratify (accept, approve, accede to) the Aarhus Convention or the Ezcazú Agreement, requiring civil society participation related to the environment and climate?)	0 = no, neither signed, nor ratified (accepted, approved, acceded to) 1 = signed, but not ratified (accepted, approved, acceded to) 2 = ratified (accepted, approved, acceded to)	1
b. National laws requiring the proactive participation of civil society (To what extent does/do <ul style="list-style-type: none">the constitution,national framework laws regarding environment and climate,strategic environmental assessment laws,or climate-related sectoral laws (regarding energy, industry, transport, forest or land use) obligate the state or state agencies at national level to proactively seek the participation of civil society in decision-making related to the environment and climate, going beyond the official notification of participatory events?) ⁴³⁸	0 = no, neither signed, nor ratified (accepted, approved, acceded to) 1 = signed, but not ratified (accepted, approved, acceded to) 2 = ratified (accepted, approved, acceded to)	1
c. National laws requiring timely participation (To what extent does/do <ul style="list-style-type: none">the constitution,national framework laws regarding environment and climate,strategic environmental assessment laws,or climate-related sectoral laws (regarding energy, industry, transport, forest or land use) require timely participation (before a decision is made and so that there is enough time for a public authority to consider the public comments) of civil society in decision-making related to the environment and climate?)	0 = none of the laws assessed 1 = a few of the laws assessed 2 = most of the laws assessed 3 = all laws assessed	1

38 If there is a primary law requiring participation that affects several subordinate laws, these are also counted.

<p>d. National laws requiring information regarding the participation process (To what extent does/do</p> <ul style="list-style-type: none">the constitution,national framework laws regarding environment and climate,strategic environmental assessment laws,or climate-related sectoral laws (regarding energy, industry, transport, forest or land use) <p>require all information relevant to decision-making processes relating to the environment and climate to be made available to civil society, without civil society having to make an official information request?)</p>	<p>0 = none of the laws assessed 1 = a few of the laws assessed 2 = most of the laws assessed 3 = all laws assessed</p>	<p>1</p>
<p>e. National laws requiring the consideration of civil society's comments (To what extent does/do</p> <ul style="list-style-type: none">the constitution,national framework laws regarding environment and climate,strategic environmental assessment laws,or climate-related sectoral laws (regarding energy, industry, transport, forest or land use) <p>require the state or state agencies at the national level to take due account of civil society's comments in decision-making relating to the environment and climate?)</p>	<p>0 = none of the laws assessed 1 = a few of the laws assessed 2 = most of the laws assessed 3 = all laws assessed</p>	<p>1</p>
<p>f. National laws requiring notification of civil society on the decision made along with the reasons and considerations on which the decision is based (To what extent does/do</p> <ul style="list-style-type: none">the constitution,national framework laws regarding environment and climate,strategic environmental assessment laws,or climate-related sectoral laws (regarding energy, industry, transport, forest or land use) <p>require the state or state agencies at the national level to promptly inform civil society about the decision and provide a written response explaining which comments were taken into account as well as giving reasons for dismissing others?)</p>	<p>0 = none of the laws assessed 1 = a few of the laws assessed 2 = most of the laws assessed 3 = all laws assessed</p>	<p>1</p>
	<p>Max. score: 17</p>	<p>6</p>

Criterion 3 Supporting governance & structures

Indicators	Scores	Score
<p>a. Governance structure (Is there an institutional body or mechanism, such as a committee, division or centre, supporting and coordinating participation processes relating to the environment and climate?)</p>	<p>0 = no 2 = yes</p>	<p>2</p>
<p>b. Institutional coordination & cooperation (Are national participation processes relating to the environment and climate coordinated across different vertical and horizontal political levels?)</p>	<p>0 = no 1 = there is weak coordination and cooperation 2 = there is good coordination and cooperation 3 = there is very good coordination and cooperation</p>	<p>1</p>
<p>c. Financial resources (Are civil society actors financially supported to participate in environmental/climate policy, e.g. through an allowance, reimbursement of travel costs or funding of staff members?)</p>	<p>0 = no 1 = yes, to some extent 2 = yes, fully</p>	<p>0</p>
	<p>Max. score: 7</p>	<p>3</p>

Criterion 4 Qualitative participation processes

Indicators	Scores	Score
<p>a. Early participation (At what stage was civil society involved in the process?)</p>	<p>0 = only after most of the decisions have been made 1 = after the first draft of the document/plan/strategy 2 = directly from the beginning</p>	<p>1</p>
<p>b. Broad, inclusive invitation (Was a wide variety of representatives of civil society (CSOs and wider public) invited to participate, including for instance those representing youth, gender, indigenous groups, and minority ethnic groups?)</p>	<p>0 = no civil society representatives invited 1 = not a wide variety invited, just a few selected CSOs 2 = either just CSOs or just the wider public invited 3 = yes, a wide variety invited</p>	<p>1</p>
<p>c. Timely invitation (Was civil society invited early enough to participate?)</p>	<p>0 = some days in advance 1 = less than one month in advance 2 = more than one month in advance</p>	<p>0</p>

d. Adequate participation formats (How was civil society involved in the process?)	0 = through information 1 = through consultation 2 = through several interactive formats, fostering dialogue and collaboration	1
e. Transparency and information (Was information about the technical background and the participation process available to civil society?)	0 = no 1 = yes, to some extent 2 = yes, a lot of information	1
f. Available documentation (Was documentation about the discussions and results available to civil society?)	0 = no 1 = yes, to some extent 2 = yes, fully	0
g. Transparent review of recommendations (Were recommendations and views from civil society reviewed in a transparent manner?)	0 = no 1 = yes, to some extent 2 = yes, fully	1
h. Evaluation and feedback process (Was there an evaluation and feedback process regarding the participation procedure?)	0 = no 1 = yes	0
	Max. score: 16	5

Criterion 5 Capacity building

Indicators	Scores	Score
a. Environmental education (Is national formal and non-formal environmental and climate education offered to the public?)	0 = no 1 = yes, some education on offer 2 = yes, a lot of education on offer	1
b. Public awareness raising on participation rights and opportunities (Is information about public participation rights and opportunities available to the public?)	0 = no 1 = yes, to some extent 2 = yes, fully	1
c. CSO capacity building on climate change, climate policy, policy dialogue, organisational development, cooperation and networking (Is there capacity building on topics such as climate change, climate policy, policy dialogue, organisational development, cooperation or networking for CSOs?)	0 = no 1 = yes, some capacity building available 2 = yes, a lot of capacity building available	1

d. Capacity building on participation and stakeholder engagement for governments (Is there capacity building on participation and stakeholder engagement for national governments and state officials?)	0 = no 1 = yes, some capacity building available 2 = yes, a lot of capacity building available	1
	Max. score: 8	4
Max. total score		59
		19

In 2015, Colombia and many other countries around the world adopted the Paris Agreement to limit global warming and its impacts. However, current national commitments (Nationally Determined Contributions – NDCs) are insufficient to keep the global average temperature rise this century below 1.5°C above pre-industrial levels. Time is running out and rapid and far-reaching changes are needed across all sectors.

Civil society actors play a crucial role in developing and implementing climate policies, as they act as nature's advocate and voice, driven by the desire to protect the environment and preserve healthy living conditions for human beings.

The publications “**Civic space for participation in climate policy**” aim to analyse the status and conditions of climate-related participation and concrete examples of participatory policy-making in different countries. The analyses examine how national civil society participates in national policy processes related to the Paris Agreement. The studies also identify country-specific barriers to meaningful, effective and long-term participation, and provide recommendations for overcoming these barriers. This report presents the results of the Colombia analysis.

More information in the full study

- **Argentina**
- **Chile**
- **Costa Rica**
- **Georgia**
- **Kazakhstan**
- **Republic of Moldova**
- **Ukraine**

For more information visit www.ufu.de/en/projekt/zivikli

Published by the Independent Institute for Environmental Issues (UfU e.V.)



UfU Independent Institute
for Environmental Issues

www.ufu.de/en