



JUST ATONEMENT INC.

justice  
hope peace unity equal opportunity  
golden age  
progress sustainability democracy freedom  
human rights harmony civilization

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Just Atonement Inc. is a legal non-profit that trains new human rights defenders to address threats to human rights, a livable planet, and the international rule of law.

JAI was founded in the United States of America in 2017.

JAI was founded to address the challenges arising from the intersection of climate change, global peace, and threats to the rule of law and the habitability of the planet.

JAI submits this written submission with respect to the Universal Periodic Review of Colombia.

### SUMMARY OF CONCLUSIONS

**1. Colombia's broad ecological diversity is threatened by human activities and climate-related sources.** Possessing 10% of the Earth's biodiversity and 314 ecosystem varieties, Colombia is ranked as the second most biodiverse nation in the world. From mass deforestation to glacier loss to global temperature increases, Colombian biodiversity faces substantial and growing threats.

**2. The present and escalating deterioration of the Earth's climate system also threatens human life and the national economy.** Climbing average global temperatures and increased rainfall threaten glacier melt in highland ecosystems leading to flooding, landslides, water scarcity, and broad environmental degradation. From rising seas and storm surges, Colombia's coasts are susceptible to floods. Volatile weather patterns, droughts, and water pollution may trigger water shortages hindering agricultural production—a significant source of food security and export revenue for Colombia.

**3. Despite a history of natural resource extraction and degradation, Colombia has recently made promising climate policy commitments.** Since the 1980s, when oil production substantially increased in the country, Colombia has extracted and transported billions of barrels of oil across the world. Moreover, deforestation led to the loss of nearly 12.2 million acres of tree cover between 2001 and 2021 alone. Newly elected president Gustav Petro,



however, has promised to prioritize climate action by protecting forests, reducing emissions from deforestation, commencing a transition away from oil investment, and ending fracking.

**4. The effects of the five-decade Colombian conflict continue to reverberate.** Since 1964, paramilitary groups, crime syndicates, and guerrilla groups have waged a low-intensity asymmetric war against the Colombian government. Through the conflict, roughly 1 million hectares of forest have been lost<sup>1</sup>, primarily in fragile natural forest ecosystems<sup>2</sup>. Contests over land control have additionally caused increased insecurity over water access. Finally, the prospect of post-conflict infrastructural and economic development threatens the ecological resilience of forested areas and could adversely affect national biodiversity.<sup>3</sup>

## CLIMATE CHANGE

### *Impact of Climate Change*

#### Drought and Water Shortage

**5. Despite a wealth of natural freshwater resources, many Colombians are experiencing water stress.** Colombia possesses the sixth highest volume of renewable freshwater in the world. Nevertheless, roughly 1.4 million residents lack access to clean water and one third of the Colombian population lives under water stress. According to Colombia's Institute of Hydrology, Meteorology and Environmental Studies, 391 municipalities presently face the risk of water shortages, and more municipalities are predicted to follow.

**6. Climate change threatens water availability.** Extreme droughts and severe floods have already challenged water availability across the nation. As average temperatures rise and anomalous weather patterns increase, so too will the frequency of droughts, floods, and El Niño and La Niña activity, all presenting distinct threats to water availability in Colombia. The increasingly frequent and lengthy dry periods in the tropical zone challenge communities that have historically relied on rain water collection for consumption.

**7. Water pollution similarly threatens water availability and ecosystem resilience across the nation.** Due to intense pesticide and fertilizer use and substantial discharges from the industrial sector, direct contact with the waters in many regions is hazardous, due to the extreme level of contamination.

**8. The ongoing civil conflict contributes to the limits and inequality of Colombian water availability.** Colombia's lands are constrained by an extreme inequality of distribution: about 80% of the land is owned by 14% of landowners. Colombia's armed conflict is tied to the control of land by individuals and organizations that have been granted exploitation rights by the state. The resultant inequality and instability of land control creates heightened



water insecurity across the nation.

**9. The effects of widespread water shortages will be magnified in rural Colombia.** The economies of rural and remote regions of Colombia depend on agricultural revenue. These revenues are destabilized by anomalous precipitation patterns and increasing water pollution across the nation. For example, the coffee export industry—critical to the national economy—is threatened by rising temperatures, changing weather patterns, and decreasing glacier melt (caused by the rising temperatures). The World Bank predicts that climate change will impact 14% of the GDP corresponding to agriculture by 2050, and that – without adaptation – 80% of the nation’s crops in over 60% of their current areas of cultivation will be threatened by climate change.

### Biodiversity

**10. Direct human intervention and climate change related sources pose considerable threats to Colombia’s pronounced biodiversity.** Possessing 10% of the Earth’s biodiversity and 314 ecosystem varieties, Colombia is ranked as the second most biodiverse nation in the world and is one of the Earth’s ten “megadiverse” countries. Of Colombia’s 85 ecosystems, 17 have been classified as *endangered*, and 20 have been classified as *critically endangered*.

**11. Mass deforestation threatens both biodiversity loss and an increase in CO<sub>2</sub> emissions.** Between 2001 and 2021, Colombia lost 12.2 million acres of tree cover, representing a 6% decrease in tree cover. This loss is matched by an insufficient 4.77 million acres of new tree cover. With the Amazon Rainforest, and other Colombian forests, acting as the Earth’s lungs – converting a considerable amount of atmospheric CO<sub>2</sub> to oxygen – this loss in tree cover equates to a 2.75Gt increase in CO<sub>2</sub> emissions.

**12. A broad range of Colombian species are under threat.** 36% – or 665 – of the 1853 plant species evaluated by the World Wildlife Fund are presently threatened with extinction. Of the nation’s 284 terrestrial animals, 131 are *vulnerable*, 112 are *endangered*, and 41 are *critically endangered*. Other categories of species face similar threats. If present trends continue, the World Wildlife Fund predicts that bees, hummingbirds, parrots, and spider monkeys – among others – will be entirely lost from the nation’s ecosystems.

**13. Threats to biodiversity implicate a variety of human rights,** including the right to a clean, healthy, and sustainable environment, the right to health, the right to culture, and the right to life. We encourage Colombia to consider the human rights implications of biodiversity loss and to implement a human rights-based approach to biodiversity loss.

### Glacier Loss



**14. Colombia will suffer extensive glacier loss if current melt rates persist.** A 2018 report by Colombia's Institute of Hydrology, Meteorology and Environmental Studies (IDEAM in Spanish)<sup>4</sup> indicates that, at the current rate of glacier melt, all six of Colombia's glaciers will disappear by the year 2050. Already, the nation has lost roughly 340 of the 374 square kilometers of glacier area that existed in the year 1850 – representing a 92% loss in surface area.

**15. Ecological idiosyncrasies heighten the sensitivity of Colombia's glacial areas to the effects of climate change.** Compared to the global average, Colombia's glaciers are retreating more rapidly due to sensitivities to current climate conditions, altitudinal and topographical variations, and proximity to volcanic zones.<sup>5</sup> The Santa Isabel glacier, for example, suffered a 37% surface area reduction between 2016 and 2018 alone.<sup>6</sup>

**16. The disappearance of Colombia's glacial areas represents an irreparable loss of indigenous and cultural heritage.** The Arhuaco, Kankuamo, Kogi, and Wiwa indigenous peoples consider the Colombian mountains of the Sierra Nevada de Santa Marta – a site of glacial melting – to be sacred lands. In the cultures of these indigenous people, conservation is considered a moral law, and the degradation of their sacred mountain range is equivalent to sacrilege. Threats to culture of indigenous peoples could threaten the self-determination of indigenous peoples. Colombia may also have international legal obligations to preserve and protect cultural connection to lands and territories threatened by climate change under the *Daniel Billy* decision from the Human Rights Committee in 2022.

#### Coastal and Riverine Flooding

**17. Rising sea levels and storm surges threaten Colombia's coastal zones.** It is estimated that by 2050-2060, the sea level on Colombia's Caribbean and Pacific Coast could increase by 40 to 60 cm by 2050-2060 compared to measurements in 1961-1990. This rise could affect over a million people, primarily those living in urban areas.

**18. Existing riverine flooding will be exacerbated by increasing glacier melt.** Riverine flooding has long presented a major hazard to Colombia, particularly in the lower basins and valleys. In 2021, for example, over 50,000 people were estimated to have been affected by flooding along rivers in northern Colombia. The effects of quickening glacier melt paired with those of the El Niño phenomenon will likely cause the frequency of these floods to steadily increase as global temperatures continue to rise.

#### Export Industry



**19. Most major Colombian exports are threatened directly or indirectly by the effects of climate change.** In 2021, the export of goods and services accounted for 16.41% of Colombia's GDP. Top exports included crude petroleum, coal briquettes, coffee, gold, and refined petroleum, exported largely to the United States. As newly-elected President Petro pursues a scaleback of fossil fuel exploration and production, some pillars of the Colombian economy (the first, second, and fifth largest exports) will be threatened. Moreover, with the prospect of increasing water shortages and weather unpredictability (discussed above), Colombia's agricultural sector will be threatened by the effects of climate change, thereby threatening the third pillar of Colombia's export industry. We encourage Colombia to ensure that the transition off of fossil fuels is done in a just manner and protects the ability of vulnerable communities to have dignified work in non-fossil-fuel-based economic sectors.

#### *Colombia's Contribution to Climate Change*

**20. Colombia presently accounts for 0.25% of annual global CO<sub>2</sub> emissions.** This represents a decline from the nation's 1994 peak of 0.29% of annual global CO<sub>2</sub> emissions.

**21. Colombia's CO<sub>2</sub> emissions have plateaued at an elevated level.** Between 2001 and 2021, Colombia's annual CO<sub>2</sub> emissions rose by 63%, to 91.7 million tons, or an increase of 35.76 million tons. While this annual level represents a slight decline from its 2016 peak, the nation's emissions remain high.

**22. Widespread deforestation drives Colombia's share of greenhouse gas emissions.** In 2014, deforestation – including land use modification toward pasture land and crop land – accounted for nearly half of the nation's annual.

#### *Colombia's Climate Change Policies*

**23. Colombia enacted an ambitious climate action law in 2021.** The law outlines 16 pillars through which the Colombian government seeks to achieve carbon neutrality and climate resilience. Several of the most ambitious goals enshrined in the law include achieving carbon neutrality by 2050, reducing CO<sub>2</sub> emissions by 51% by 2030, securing 30% of protected territories by 2022, establishing carbon budgets, and reducing net deforestation to 0 hectares/year by 2030.

**24. Newly-elected President Gustavo Petro promises continued climate transformation.** Since his 2022 election, President Petro has espoused a vision of shifting the country from an extractivist model that is dependent on fossil fuel production toward one that democratizes the use of clean energies. During his campaign and since his election, Petro has proposed a wide range of environmental goals, including a total ban on licenses for fracking pilot



projects. We commend Colombia for pursuing an ambitious climate agenda.

**25. We commend Colombia for activating a robust and innovative domestic green bond market.** With the issuance of a \$200 million green bond in September 2021, Colombia became the second Latin American nation to issue such a bond and the second to do so in its domestic market. Colombia has issued subsequent such bonds and finance ministry officials view the issuances as the beginning of a permanent program. Colombia has identified \$427.7 billion in green projects that are eligible for financing through the bonds.

**26. We commend President Petro for advancing his campaign promise of correcting Colombia's land ownership inequality.** Due to decades of civil land conflict and entrenched economic inequality, land ownership in Colombia has long been concentrated in the hands of few. As highlighted above, lack of land access also creates a lack of access to fresh water sources, heightening water insecurity across the country. President Petro has rightly pursued and signed an agreement to purchase roughly 7.41 million acres in pursuit of a plan to return land to landless communities. The Petro government is also reportedly giving women priority in land titling – reflecting a further commitment to reducing land ownership inequality.

**27. We commend the Colombian for ratifying the Escazú Agreement and making concomitant commitments.** The international agreement – drafted in 2018 and ratified by Colombia in October 2022 – imposes certain duties upon signatories with relation to the rights of environmental defenders, aims to liberalize access to environmental information, and recognizes the rights of current and future generations to a healthy environment and sustainable development. Subsequent to ratification, the Ministry of the Environment announced five short-term goals, including a strategy for aiding environmental defenders and an information system pertaining to environmental conflicts.

**28. Colombia has integrated ESG principles into various economic sectors.** Since 2021, infrastructure development guidelines have included Environmental, Social and Governance (ESG) criteria in the structuring, financing, operation, and monitoring of projects. Similarly, a major Colombian financial regulator now requires the integration of ESG and climate risks in the investment policies and governance structures of pension funds and insurance companies. The regulator has also heightened ESG and sustainability disclosure and reporting requirements and promulgated supervisory expectations for banks pertaining to climate risk management.

**29. Colombia is adopting a variety of strategies to adapt to the expected effects of climate change.** Colombian adaptation strategy is guided by the National Adaptation Plan to Climate Change (PNACC in Spanish). Additionally, in its 2020 revision to their Nationally Determined Contribution, Colombia outlined 30 ambitious adaptation goals pertaining to



ecological conservation, planning and implementation, information management and monitoring, and evaluation.

## HUMAN RIGHTS VIOLATIONS

### **30. Environmental activists in Colombia face grave and persistent threats.**

According to a recent report by Global Witness, Colombia is the most dangerous nation in the world for environmental defenders. Over the past decade, 322 environmental activists have been murdered in Colombia. Only one other nation, Brazil, experienced more such killings.

**31. Indigenous people are disproportionately affected by environmental persecution.** Despite composing just 3.5% of the population, more than half of the environmental defenders killed in Colombia since 2016 have been indigenous.

## RECOMMENDATIONS

**32. Colombia should join the Global Coal Exit List.** Coal presently accounts for 10% of Colombia's power supply. Coal energy also composed roughly 13% of the nation's exports in 2020. In accordance with the nation's existing decarbonisation commitment, we recommend that Colombia join the Global Coal Exit List by ending its dependence on coal-powered energy and coal exports.

**33. Continue advancing the clean energy transition away from fossil fuels.** Newly-elected President Petro has committed Colombia to the goal of achieving carbon neutrality by 2050. As we await the Petro administration's plan for achieving decarbonisation, we commend the administration for this goal and encourage the administration to continue pursuing a transition away from fossil fuels.

**34. Augment water infrastructure to cope with increasing insecurity and shortages.** Given its present and growing water insecurity, Colombia must overhaul its water infrastructure. As suggested by the World Bank<sup>7</sup>, any improvements in water security would generate substantial social, environmental, and economic returns for the nation.

**35. Enforce or reform the 2016 Peace Accords to resolve the ongoing civil conflict.** While the five-decade civil conflict in Colombia was officially concluded with the signing of the 2016 Peace Accords, guerilla, paramilitary, and drug trafficking groups have since grown and driven increased violence across the nation. The government's failure to effectively implement the peace agreement has resulted in increased violence in historically conflictive territories across the country. At particular risk amid the violence are environmental defenders, 332 of whom have been killed since the ratification of the peace agreement.



**36. The Petro government must fulfill its campaign promise of land redistribution.** As noted above, land distribution in Colombia is exceedingly unequal, and rural peasants, Indigenous peoples, and Afro-Colombians have long been excluded from land ownership. Past redistribution efforts – spanning multiple decades throughout the 20th century – have largely failed. Contrasting these previous efforts, Colombia now has stronger institutional frameworks that will allow the newly installed President Petro to honor his campaign promise of prioritizing land redistribution.

### Acknowledgements

*This submission was prepared by Dave Inder Comar (Stanford 2001, Stanford 2002, NYU School of Law 2005) and Ethan McKenzie (Pennsylvania College of Technology 2021, Harvard Law School 2025)*

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<sup>1</sup> Baptiste et al., *Greening Peace in Colombia*, 1 *Nature Ecology & Evolution* 1, 1 (2017).

<sup>2</sup> Morales, L. *Peace and Environmental Protection in Colombia. Proposals for Sustainable Rural Development* (2017); <http://go.nature.com/2l1gIRz>

<sup>3</sup> Baptiste et al., *supra* note 1.

<sup>4</sup> INSTITUTO DE HIDROLOGÍA, METEOROLOGÍA Y ESTUDIOS AMBIENTALES, *INFORME DEL ESTADO DE LOS GLACIARES COLOMBIANOS* (2018).

<sup>5</sup> *Id.* at 4.

<sup>6</sup> *Id.* at 6.

<sup>7</sup> <https://www.worldbank.org/en/news/feature/2020/09/02/colombia-water-security>