

Submitter Information

Type of Submitter

Natural person

Country

Colombia

Name

IVAN

City

MORELIA

Last name

SALAZAR PENNA

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■ Please indicate if you would like the submitter's information to be handled confidentially

Identification document:

* Colombian citizen ID

X NO

ID number.

16186444

Signature

Ivan Salazar P.

Country to which the submission refers (Colombia or the U.S)

Colombia

Compliance with the requirements of Article 18.8.2

The Secretariat must determine whether the submission meets the requirements laid out in Article 18.8.2 of the APC. To facilitate compliance with said requirements, text fields and spaces for uploading files are provided below.

Account of the facts

Provide a concise account of the facts, with relevant and sufficient information regarding the assertion that one of the two countries is failing to effectively enforce its environmental laws.

In 2020, through Resolution 008 dated on February 14, the Ministry of the Environment and Sustainable Development, through the Colombian National Park Agency, registered the El Danubio Natural Civil Society Reserve (RNSC160-18), which is listed in the single national registry of protected areas and can be verified via the following link: <https://runap.parquesnacionales.gov.co/area-protegida/1600>

Worryingly, since 2022 we have been pressured by the municipal administration of the mayor's office of Morelia, Caquetá.

The latter entered into a solidarity contract with the community action board (JAC by its Spanish acronym) of the village of Caldas in 2022. We reported the municipal administration (led at the time by the planning secretary Carlos Trujillo) that this was an environmental determinant and its conservation is established by the environmental authority itself, CORPOAMAZONIA, and that any internal processes must be checked with landowners and the environmental authority as determined by Decree 1996 of 1999. This was explained via a cellphone call on several occasions, preventing any irregularities or damage within the area protected by the Colombian National Park Agency. In addition, there was an aggravating factor: the leaders of the Caldas community action board gave us no announce or explanation regarding the work that would be carried out within the El Danubio natural reserve, in violation of the internal statutes of the JAC itself.

It is important to report that the aforementioned JAC refuted this, but the municipal administration of Morelia has not responded to the fundamental petition in which we question whether the leaders of the JAC live in Caldas village, as required by law. This is a clear violation of the regulations, given that part of the community of Caldas village did not participate in the election and the leaders were allegedly installed by the municipal administration itself.

The aforementioned work is planned for a rural school inside the reserve, however, a teacher of said school is involved in the resolution issued by the municipal administration and also acts as the secretary of the JAC, which is a clear conflict of interest. The foregoing because he does not live in the village, and the Departmental Education Secretariat was notified that he has been providing the service intermittently and is therefore aware that it is a protected area and that serious irregularities exist with the education service, due to the fact that said plot of land does not legally belong to the Secretariat (Official notice from the Caquetá Governor's Office). This is aggravated by the fact that the secretariat has been informed that 'ghost children' (children who don't exist) have been enrolled at the school and that the school meals program has been legalized (payments for children who don't exist) by giving out school meals, causing detriment in the years 2020, 2021 and 2022. The Departmental Education Secretariat was notified of the situation, but despite the complaint being made to this entity no solution has been provided to date.

This lends itself to issues of corruption and irregularities in the area with the aim of generating pressure through education, which we have never opposed, but these rigged and irregular practices are used to carry out another process, that of obtaining this plot of land for the municipal administration.

We would like to report that the municipal administration of Morelia wants the school to form part of its assets in order to turn the natural reserve into a right of way for different people. This would give access to people who enter noisily on motorbikes and create a disturbance in the area for the species that we have been protecting and conserving.

In addition to this, the mayor Hernán Florez Cuellar informed me in previous years that he would like me to hand over said land. I told him that it could not be donated because it cost me money, and because I have been carrying out a life project of conservation and that land is for protection due to its strategic nature as the source of over 15 water springs that supply Morelia's water system and provide water for endangered species. In response, he said he would continue moving forward with the process.

Attached the files with the supporting evidence for your submission (documents, videos, photographs, etc.)

As a result, he came out with a project entitled "THE CONSTRUCTION OF A WATER MAINS NETWORK AND POTABLE WATER TREATMENT FOR THE URBAN AREA OF THE MUNICIPALITY OF MORELIA". I then started to investigate the reason why he had requested said plot of land from me.

Notification was provided to the environmental authority (CORPOAMAZONIA), the Caquetá Governor's Office (Caquetá Departmental Plan), the media, the Ministry of Housing, City and Territory, the Colombian National Park Agency, the Comptroller's Office, the Public Ministry's Office, and the Attorney General's Office. Despite this, to date we are unaware of the enforcement of the regulations and respect for the environmental rights of a PROTECTED AREA, resulting in my being persecuted. I respectfully request that my case be analyzed as a departmental leader with regard to the environment and nature tourism, a position I resigned from due to said pressure.

Corpoamazonia: Carried out a visit to the protected area that proved me to be right but began requesting permits for the reserve. As a result I sent a justifying letter and asked about the legislation, in response to which there is a "positive silence" in my favor. Process currently under investigation: PS-06-18-479-0013-23 FILE NO. 4043, DATED 2022.

Attorney General's Office: Investigation into the logging that has taken place in the El Danubio Natural Reserve due to environmental damage and crimes against the public administration.

Caquetá Regional Comptroller's Office: Reported that no detriment had occurred when this is not the case, due to the fact that public funds cannot be invested in private land, which would be alleged EMBEZZLEMENT.

Public Ministry's Office: Granted powers to the municipal ombudsman's office, but without guarantees

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Ministry of Environment and Sustainable Development: Referred to the Environmental Authority for competence.

Ministry of Housing, City and Territory: Set out that everything is OK because a water concession exists in favor of the Morelia Mayor's Office, which infringes the rights of the village of Caldas and the natural reserve, and we were never informed about said projects.

Caquetá Governor's Office: The Departmental Water Plan and the Education Secretariat are not fulfilling their role correctly with regard to the legislation, and in clear violation of it, and create pressure with projects in the area without disseminating information about them.

Communication media: Provide support by reporting on events and acting as proof.

Morelia Mayor's Office, Police Inspectorate and municipal ombudsman's office: These entities are pressuring the natural reserve, violating due process, constitutional legislation and laws, and communities.

First Court of Morelia: Issued a ruling that is being evaluated by the Ombudsman Office due to a violation of the due process of an indigenous community and the natural reserve.

Court of Belén de los Andaquies: Checked and assessed a motion for the protection of fundamental rights to prevent the rights of the population in the area being violated.

Ombudsman Office: Has been advising the population about its rights.

In the space below, indicate which law(s) or regulation(s) you believe is/are not being effectively enforced (if applicable, mention the relevant articles or provisions).

GENERAL LAWS:

- Colombian Political Constitution of 1991
- Law 99 of 1993 and its regulatory decrees. Whereby the Ministry of the Environment is created, the public sector responsible for managing and conserving the environment and renewable natural resources is reorganized, the National Environmental System (SINA) is structured, and other provisions are enacted.
- Law 388 of 1997 (land-use planning) and its regulatory decrees
- Decree 2844 of 2010. Whereby organic regulations regarding budgets and the National Development Plan are established.
- Law 1454 of 2011 and its legislative decrees. Whereby organic regulations regarding land-use planning are enacted and other provisions are modified.
- Law 1712 of 2014 and its legislative decrees. Whereby the law of transparency and the right to access national public information are created and other provisions are enacted.
- Decree 1072 of 2015. Whereby the Sole Regulatory Decree for the labor sector is issued.
- Decree 1076 of 2015. Whereby the Sole Regulatory Decree for the environmental and sustainable development sector is issued.
- Decree 1077 of 2015. Whereby the Sole Regulatory Decree for the housing, city and territory sector is issued.
- Resolution 0312 of 2019. Whereby the minimum standards of the Workplace Health and Safety Management System are defined.
- Colombian Technical Standard NTC-ISO 10005 - Quality Control Systems / Directives for Quality Control Plans.

DISASTER RISK MANAGEMENT LAWS:

- Decree 2340 of 1997: Whereby measures for organizing the prevention and mitigation of forest fires and other provisions are enacted.
- Law 46 of 1988. Whereby the National System for Disaster Prevention and Response is created and structured, extraordinary powers are granted to the president of Colombia, and other provisions are enacted.
- Document CONPES 3146 of 2001. Strategy to consolidate the implementation of the National Plan for Disaster Prevention and Response (PNPAD by its Spanish acronym) in the short and medium term.
- Decree 510 of 2011. Whereby directives for the formulation of the Action Plan for Responding to the Emergency and Mitigating its Effects are adopted.
- Law 1523 of 2012. Whereby the national disaster risk management policy is adopted, the National Disaster Risk Management System is established, and other provisions are enacted.
- Resolution 154 of 2014. Whereby the guidelines for the formulation of emergency and contingency plans for the management of disasters and emergencies related to the provision of public domestic water, sewage and trash collection services, and other provisions are enacted.
- Decree 1807 of 2014. Whereby Article 189 of Decree-Law 019 of 2012 is regulated in what pertains to the integration of risk management into land use plans, and other provisions are enacted.

The project entitled "THE CONSTRUCTION OF A WATER MAINS NETWORK AND DRINKING WATER TREATMENT PLANT FOR THE URBAN AREA OF THE MUNICIPALITY OF MORELIA" does not have 30% viability with the environmental authority regarding the water concession permit in order to continue with the project. I attach a copy of the report. Said project was approved and facilitated, and the municipal and departmental entities did not follow the technical requirements concerning Resolution 661 of 2019 by the Ministry of Housing, City and Territory.

The project entitled "THE CONSTRUCTION OF A WATER MAINS NETWORK AND DRINKING WATER TREATMENT PLANT FOR THE URBAN AREA OF THE MUNICIPALITY OF MORELIA" does not include a description of the current population of the community of the **MURUI-YU-PAHUER INDIGENOUS RESERVE**, which will be affected due to its social and cultural characteristics. It also omits information regarding its population density, income levels, economic activities, population projections, growth and future trends benefited by the project.

The project also has shortcomings in other procedures, such as topographic study and analysis; geological, geomorphological, geotechnical and soil investigations; hydraulic and hydrological studies of the target body of water as inputs for the design of discharge structures and the management of risk; and archaeological studies, among others.

STRUCTURAL AND GEOTECHNICAL LAWS:

- Decree 1400 of 1984. Whereby the Colombian Earthquake-Resistant Construction Code is adopted.
- Law 400 of 1997. Whereby standards regarding earthquake-resistant construction are adopted.
- Decree 926 of 2010 - Colombian Earthquake-Resistant Construction Regulations NSR-10. Ministry of the Environment, Housing and Territorial Development.
- Decree 945 of 2017. Whereby Decree 926 of March 19, 2010 is modified and other provision are enacted. Ministry of Housing, City and Territory.

In the project entitled "THE CONSTRUCTION OF A WATER MAINS NETWORK AND DRINKING WATER TREATMENT PLANT FOR THE URBAN AREA OF THE MUNICIPALITY OF MORELIA", the provisions of Article 11 of Decree 1996 of 1999 have not been taken into account. Rights. "Duly registered landowners in Natural Civil Society Reserves..." Landowners have not been contacted despite being an environmental determinant in the 30m buffer zone around the boundary of the water source that forms part of the El Danubio Natural Reserve.

Promoting the effective implementation of environmental legislation:

Indicate the reasons for which you believe the submission is focused on promoting compliance with environmental laws, instead of harassing industry.

ENVIRONMENTAL LAWS:

- Law 2 of 1959. Concerning the forest economy of the nation and the conservation of renewable natural resources.
- Resolution 1433 of 2004. Whereby Article 12 of Decree 3100 of 2003 is regulated with regard to sanitation and discharge management plans, and other determinations are adopted.
- Resolution 2145 of 2005. Whereby Resolution 1433 of 2004 regarding sanitation and discharge management plans is partially modified.
- Resolution 1285 of 2006. Whereby the terms of reference are adopted regarding the production of environmental impact studies for the construction and operation of domestic wastewater treatment plants, and other determinations are adopted.
- Resolution 1503 of 2010. Whereby the general methodology for the presentation of environmental studies is adopted.
- Decree 3930 of 2010. Whereby Heading I of Law 9a of 1979 and Chapter II of Heading VI, Part III of Decree-Law 2811 of 1974 are partially regulated with regard to water uses and liquid waste, and other provisions are enacted.
- Decree 1640 of 2012. Whereby instruments for the planning, organization and management of hydrographic basins and aquifers are regulated, and other provisions are enacted.
- Resolution 1541 of 2013. Whereby permissible air quality and immission levels are established, the procedure for evaluating activities that generate offensive odors is defined, and other provisions are enacted.
- Decree 1287 of 2014. Whereby criteria for the use of biosolids generated in municipal wastewater treatment plants are established.
- Resolution 631 of 2015. Whereby the parameters and maximum permissible limits for one-time discharging into surface water bodies and public sewage systems are established, and other provisions are enacted.
- Decree 1076 of 2015, Sole Regulatory Decree of the environmental and sustainable development sector.
- Resolution 472 of 2017. Whereby the comprehensive management of the waste generated in construction and demolition activities is regulated, and other provisions are enacted.
- Decree 050 of 2018. Whereby Decree 1076 of 2015 (Sole Regulatory Decree of the environmental and sustainable development sector) is partially modified with regard to the regional environmental microbasin councils (CARMACs) and the regulation of water resources and discharges, and other provisions are enacted.

DRINKING WATER AND BASIC SANITATION LAWS:

- Resolution 330 of 2017. Whereby technical regulations for the drinking water and basic sanitation sector are adopted, and Resolutions 1096 of 2000, 0424 of 2001, 0668 of 2003, 1459 of 2005, 1447 of 2005 and 2320 of 2009 are repealed.
- Resolution 650 of 2017. Whereby a temporary article is added to Resolution 330 of 2017.
- Resolution 501 of 2017. Whereby technical requirements related to chemical composition and information are issued, which must be met by any tubes, ducts and accessories for use in water main, sewage, sanitary and rainwater systems and domestic hydro-sanitary installations that may be acquired by people who provide water and sewage services, and Resolutions 1166 of 2006 and 1127 of 2007 are repealed.
- Resolution 115 of 2018. Whereby Article 19 of Resolution 0501 of 2017 is modified, whereby technical requirements related to chemical composition and information are issued, which must be met by any tubes, ducts and accessories for use in water main, sewage, sanitary and rainwater systems and domestic hydro-sanitary installations that may be acquired by people who provide water and sewage services, and Resolutions 1166 of 2006 and 1127 of 2007 are repealed.
- Resolution 884 of 2018. Whereby technical requirements for water and basic sanitation projects in rural areas that are carried out under the differential schemes defined in Part 3, Heading 7, Chapter 1 of Book 2 of Decree 1077 of 2015 are established.
- Resolution 1063 of 2016. Whereby requirements are established for the presentation, feasibility and approval of projects in the drinking water and basic sanitation sector that request financial support from the government, as well as those that have been prioritized as part of departmental water plans and any programs implemented by the Ministry of Housing, City and Territory through the Vice-Ministry of Water and Basic Sanitation, and other provisions are enacted.

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ETHNIC AND PLANNING LAWS:

Because they are rights that have been established by constitutional law and due to it being supported by the environmental authority itself.

As planning and land-use tools, but despite this there is pressure and none of the planning principles are followed at local, departmental and national level.

This generates pressure on those of us who are dedicated to conservation and protection based on the Constitution and the law, leading to fatigue and persecution.

Communication with the competent authorities:

Indicate whether the competent authorities have been given prior written notification of the issue, and whether a response was obtained.

Attach a copy of the communication(s) and the corresponding response(s).

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Criteria of Article 18.8.4

After determining compliance with the requirements, the Secretariat shall determine whether the submission merits a response from the Party in question. In making this determination, the Secretariat shall consider the following criteria:

Indicate the reasons why you consider that the submission is not frivolous and whether harm to the submitter is alleged.

Harm is not only caused to the submitter but to the entire population and the Amazon itself as a subject of rights; this case could be replicated across all of Colombia, given that I am working with academia to study the infringement of rights based on an environmental perspective and the law itself, and we see the different state entities operating at a snail's pace.

Please indicate whether the submission raises issues whose further study would contribute towards fulfilling the goals of [Chapter 18 of the APC](#) and the [Environmental Cooperation Agreement](#).

This is certainly the case, as there are areas across the whole of Colombia where the same thing will be happening but there is a total lack of awareness of the regulations and laws. The population, and the rural population in particular, is not aware of these instruments for asserting their fundamental rights.

In the space below, provide information as to whether private remedies available under the Party's law have been pursued

At present, they have been requested but no progress has been made by the entities.

You can add or attach supports of the above.

Provide evidence that the submission is not based solely on news from the communication media.

We attach supporting evidence about what has been reported regarding a local issue, occurring in Florencia and Morelia (Caquetá), Caldas village, which could also occur across all of Colombia and could be a study case for being able to work with RUNAP, SINAP, SIDAP and SIMAP. There is a need to sound the alarm, as I am an academic researcher of these cases and it is happening to me, violating various rights of the population and the protected natural reserve.

RUNAP: SINGLE REGISTRY OF PROTECTED AREAS

SINAP: NATIONAL SYSTEM OF PROTECTED AREAS

SIDAP: DEPARTMENTAL SYSTEM OF PROTECTED AREAS

SIMAP: MUNICIPAL SYSTEM OF PROTECTED AREAS

ENTITIES THAT ARE PART OF THE ROUNDTABLE AT NATIONAL, DEPARTMENTAL AND MUNICIPAL LEVEL,
MINISTRIES

ESCAZÚ AGREEMENT: Highly important, the rural population does not know this tool or how to make use of it.