Rainforest Foundation Norway

REDD+ projects in the Colombian Amazon: social challenges and lack of transparency

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Preface

By Julio César Estrada Cordero, Senator of the Republic of Colombia

My dear brothers and sisters of the indigenous peoples of the Colombian Amazon, distinguished government authorities of Colombia and respected members of the international community.
With gratitude and deep respect, I address you at this serious moment of global and regional climate crisis that warrants focusing on the protection of the rights and territories of indigenous peoples.

As an Amazonian indigenous person belonging to the Guanano People and Senator of the Republic of Colombia, I am pleased to share and highlight the information presented in the report prepared by the consultant Dominique Schmid for Rainforest Foundation Norway.

The aforementioned report offers a critical, analytical and current perspective on the situation of REDD+ in the Colombian Amazon, especially showing the extensive coverage of REDD+ projects and their impact on our indigenous territories, as well as the economic estimate of carbon credits that exceeds the 390 million dollars by July 2023. In itself, this analysis highlights critical aspects that deserve our attention.

The lack of transparency in contractual agreements by REDD+ project developers generate among our peoples and communities a high level of uncertainty about the equitable distribution of benefits and the due respect for our indigenous governance structures. Likewise, the geographical location of these projects raises concerns about their effectiveness in controlling and reducing deforestation in Colombia, since 70% of them have been developed, paradoxically, in areas of low deforestation. This invites us to join and focus efforts both to keep the forest conserved and to reduce its deforestation or degradation.

A crucial aspect that the report highlights is the recurring limitation and violation of the fundamental right to Free, Prior, and Informed Consent in the development of these projects. This situation represents a direct violation of the territorial rights of indigenous peoples, and therefore it is urgent to establish mechanisms that guarantee consultation in all processes linked to REDD+, respecting our knowledge systems and self-government structures, but also social and environmental conditions agreed upon in the United Nations Framework Convention on Climate Change (UNFCCC).

I call on the Colombian government to agree with indigenous peoples on solid measures that ensure our effective participation in the processes linked to REDD+ so that there is a fair and equitable distribution of the benefits derived from the commercialization of carbon credits or, in the future, other environmental assets, such as water bonds and biodiversity bonds. I invite you to consider the challenges presented in this report as an opportunity to decide on culturally and territorially relevant policies and regulations for our peoples.

Likewise, to advance the materialization of the principle of transparency in the subscription and implementation of REDD+ projects in Colombia, I consider it essential that these initiatives ensure the direct participation of our communities in the formulation, monitoring, follow-up and evaluation phases of the projects, as well as such as in the validation, certification and commercialization of carbon credits or other environmental assets, always within the framework of intercultural dialogue and respect for our knowledge systems.

Additionally, I consider it imperative to adapt and adopt, in agreement with our authorities and representative organizations, a system of public and official registration of the REDD+ projects that are carried out in our country, which minimally contemplates a) an adequate methodology, modules, components and procedures for the collection, access and use of information b) a system that guarantees the effectiveness of those recorded acts and information against third parties c) official evaluation and monitoring mechanisms of the execution of projects, progress statuses and reports d) control of strict and prior legality regarding the absence of territorial conflicts, full application of social and environmental safeguards, and compliance with Free, Prior, and Informed Consent.

In this context, I deeply thank Rainforest Foundation Norway for provoking these reflections, an effort that I value and consider significant to continue advancing towards the respect and protection of the rights of indigenous peoples in the challenging context of climate change and the conservation of biodiversity.

Likewise, as an Amazonian indigenous person and as a senator of the Republic, I demand that the government of Colombia comply with the Free, Prior, and Informed Consent for the construction of the REDD+ mechanism from the knowledge systems of the indigenous peoples of the country, since it is one of the fundamental agreements derived from the construction of the National Development Plan 2022-2026.

Finally, I request the solidarity of the international community to join us in this call for justice and equity, supporting the implementation of policies and instruments that safeguard the rights and territories of indigenous peoples in environmental conservation projects such as REDD+ or others. United, we can be agents of change and defend our ancestral rights, preserving cultural and environmental wealth for future generations in the Amazon and for the benefit of all humanity.

May our voices be heard and our actions be powerful in protecting our land and our people.

With respect and solidarity,

Julio César Estrada Cordero
Senator of the Republic of Colombia
Guanano Indigenous People

Summary of main findings:

- REDD+ projects cover at least 56% of the area of legally recognized Indigenous territories in the Colombian Amazon, with 33 of 36 carbon project located on Indigenous territories.
- These projects have verified about 67.5 million carbon credits by July 2023, with an estimated gross market value of over USD 390 million. The contract project developers have signed with the communities are not publicly available thus it is not possible to assess how much the communities received.
- The lack of transparency about contractual details means that community members remain in the dark about the benefits and conditions of the REDD+ project their community participates in.
- About 70% of the projects are in departments with low deforestation rates, situated far away from the deforestation front in the Colombian Amazon, and the Indigenous territories generally have very low deforestation. This calls into question the extent to which the REDD+ projects are addressing deforestation in Colombia.
- There are four cases where projects overlap, creating a risk of double issuing carbon credits. These overlaps can go unidentified and unaddressed due to the lack of a central registry with spatial data of carbon projects.
- Despite "*consulta previa*", being enshrined in the Colombian constitution, some Colombian courts have denied or limited "*consulta previa*" regarding REDD+ projects on the basis that the projects are community initiatives and conservation efforts that doesn't pose a threat to the environment.
- The Constitutional Court, however, has not ruled on "*consulta previa*" for private sector REDD+ projects. In fact, the Constitutional Court selected the legal case of the Baka Rokarire REDD+ for judicial review, where the Pirá Paraná Indigenous Council filed a lawsuit at a lower court for the violation of their fundamental rights to cultural integrity, self-determination, self-government, and territorial integrity. This review could result in a legal precedent on how to safeguard fundamental rights when REDD+ projects are being implemented.
- Interviews with community members show that there is limited knowledge about the projects, even among community leaders, which calls into question whether the projects are really bottom-up initiatives from the communities. Community members also generally expressed that they expected "*consulta previa*" to apply also in the case of REDD+ projects.
- Interviews also reveal social conflicts within communities that originate, at least in part, from the REDD+ projects including the risk of negative impacts on traditional self-governance structures and conflicts about the distribution of (potential) carbon payments.

Introduction

In 2021, the voluntary carbon market hit a 1 billion USD record market value, with forest and other land use credits making up over 61 percent of the traded credits (Ecosystem Marketplace, 2021). However, market interests in credits from forests has cooled off following a series of critical reports that question the environmental and social integrity of carbon projects, also related to the rights of Indigenous peoples.

The Colombian population counts over 1,9 million Indigenous Peoples (DANE, 2019), and about 34 percent of Colombian land (almost 38 million hectares) is legally recognized as Indigenous territory or collective lands of Afro-descendent communities, of which just over 28 percent are divided in 644 "resguardos" (Herrera Arango, 2018).[1] With this, Indigenous communities steward over 25 percent of the country's forests, which make up more than half of the country's land mass. Colombia hosts the second most REDD+ projects in the world (Simonet *et al.*, 2020) and by mid-June 2023, 36 projects were operational or under development within the Colombian Amazon region alone, which is home to 295 legally formalized "resguardos".[2]

Colombia's climate legislation as well as land and carbon rights generate favorable conditions for the development of REDD+ projects for the voluntary carbon market. Since the implementation of the 1991 Constitution, collective land tenure rights of Indigenous, and Afro-Colombian communities, as well as other ethnic minorities, are legally protected, granting them the authority to exercise legal control over their territories in accordance with their own customs and procedures (Colombia, 2015). Colombia is also one of the few countries in the world where carbon rights are legally tied to land ownership (Rights and Resources Initiative, 2021). Hence, communities with legally recognized collective territories can define and negotiate the terms of a private sector REDD+ project, which is normally done with private project developers. Forest carbon offsetting is also embedded into the Colombian climate policy and are part of Colombia's National Development Plan 2018-2022 (Minambiente, 2017; World Bank, 2018).

Further, Colombia has a carbon tax of approximately USD 5 per emitted ton of CO_2 (law 1819 of 2016), but since 2017 companies are allowed to buy carbon credits generated in Colombia instead to offset their tax obligation (decree 926 of 2017) (Carbon Market Watch, 2021). This resulted in a

[1] Territories is a legal term through which the ownership of land is recognized to Indigenous peoples, Afro-Colombian, and peasant communities in the form of "resguardos", lands of Afro-Colombian communities and peasant reserve zones. "Resguardos" are the collective property of Indigenous people and in accordance with Articles 63 and 329 of the Colombian Constitution. "Resguardos" are inalienable, imprescriptible, and unseizable (Mosquera, Tamayo and Tapia, 2015).
[2] Own calculation. See section 2 of this report.

boom of offsetting projects, as 23 of the 36 REDD+ projects currently under development in the Amazon region have been initiated in or after 2018.[3]

The REDD+ mechanism[4] has fostered important positive outcomes at country level because it has put a spotlight on the importance of securing local and customary land tenure rights (Larson *et al.*, 2013). REDD+ has also stressed the significance of addressing underlying governance challenges that contribute to deforestation and forest degradation and as a result, substantial efforts and resources have been committed to assist REDD+ country participants to strengthen regulatory and institutional frameworks related to sustainable forest governance and monitoring (Williams and De Koning, 2016). However, these positive impacts are often overshadowed by a growing number of studies that put the social and environmental benefit of REDD+ projects into question. REDD+ projects have been linked to evictions and displacement (Howson, 2018), tensions and conflicts over participation and non-participations as well as over land and resource access (Sikor and Cầm, 2016; Kemerink-Seyoum *et al.*, 2018; Massarella *et al.*, 2018), and restrictions on agroforestry and hunting can negatively impact local food security (Tabeau *et al.*, 2017).

The environmental benefit of projects is often contested on the grounds that baseline deforestation rates (the hypothetical counterfactual against which the reduction of emissions due to the project is calculated) is overestimated. For example, West and others (2023) examined 26 forest carbon offsetting projects in six countries and found that methodologies to calculate baselines need urgent revision as most of the projects in their sample have not significantly reduced deforestation or reduced deforestation was in fact much lower than claimed. In a systematic review of 33 studies evaluating the effectiveness of forest carbon projects Pelletier and others (2016) showed that deforestation was reduced in less than 23% of the studies

Indigenous, Afro-Colombian, and other ethnic groups in Colombia have the fundamental right of "consulta previa" – prior consultation - when legislative or administrative measures or projects are to be implemented in their territories[5]. But how this right and other fundamental rights apply to REDD+ projects remain contested. In two cases, Colombian courts have ruled that the right to "consulta previa" does not apply for private sector REDD+ projects because projects are community-driven and do not pose a threat to the communities. The Colombian constitutional court has selected a case for judicial review, which could result in a change in how the rights of

[3] For 6 out of 36 projects information about project start date is not available.
[4] REDD+ as the United Nations mechanism for Reducing Emissions from Deforestation and Forest Degradation (REDD) in developing countries.
[5] 'Consulta previa' as defined in the constitutional court in Colombia includes free, prior, and informed *consent*, and free, prior and informed *consultation*.

Indigenous peoples apply and need to be safeguarded in relation to REDD+ projects (Bermúdez, 2023).

This report will look at the voluntary carbon market in Colombia and provide an overview of the carbon projects currently operating or under development in the Colombian Amazon, with a particular view to how Indigenous communities are affected by REDD+ projects. This is based on desk research of publicly available data from the carbon registries. Further, the report will investigate how REDD+ projects are perceived by Indigenous communities, based on interviews with 38 Indigenous people whose communities participate in four different REDD+ projects. Together, the report gives a condensed insight into how projects impact Indigenous Peoples in the Colombian Amazon.

1. Overview of carbon projects in the Colombian Amazon

To define the Amazon region, the report used SINCHI's definition, which includes the entire area of the departments Amazonas, Caquetá, Guainía, Guaviare, Putumayo, and Vaupés as well as parts of the departments of Meta, Nariño, and Vichada (see figure 1) (SINCHI, no date).

Figure 1 - Amazon region Colombia (SIAT-AC, no date)

Project standards and number of projects

The most used project standards for REDD+ projects in Colombia are the Verified Carbon Standard (VCS), the Certified Carbon Standard (Cercarbono), the BioCarbon Registry Standard (BCR), and COLCX. By mid-July 2023, the registries of these certification programs listed 43 projects in the Amazon region all stages of development (figure 2).[6]

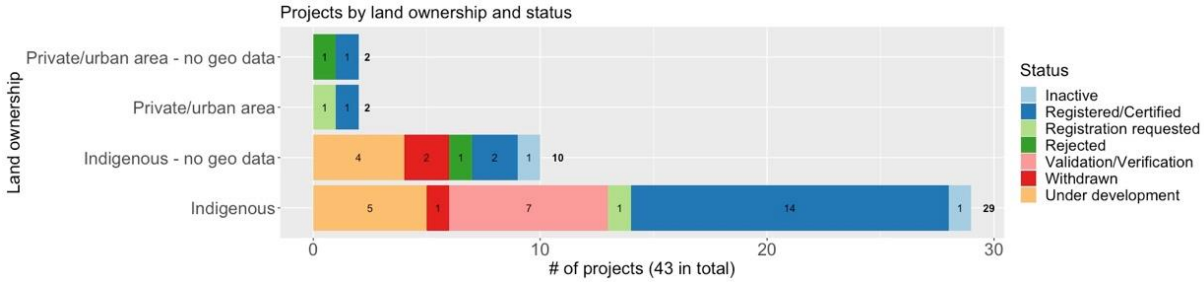


Figure 2 - Projects by land ownership and status

A total of 36 of these projects are either registered and certified, in the process of becoming registered or under development (figure 3). Two projects were rejected by the project standard, three projects were withdrawn from registration by the project developers, and two projects are inactive. 33 of the 36 projects who are registered/certified or under development are located on legally recognized Indigenous territory. The remaining three on privately owned land or urban areas (figure 3). Hence, the majority of REDD+ projects are being implemented on Indigenous territories. According to the Project Design Documents (PDD) of these projects, they are estimated to produce over 700.5 million tons of carbon credits combined. According to the project registries, about 67.3 million tons of emissions reductions or removals were verified by 15 July 2023 (table 1). According to Ecosystem Marketplace, the average price of a forestry credit on the voluntary carbon market in 2021 was USD 5.80 (Ecosystem Marketplace, 2022). Hence, the verified credits had an estimated gross market value of over USD 390 million based on the 2021 price.

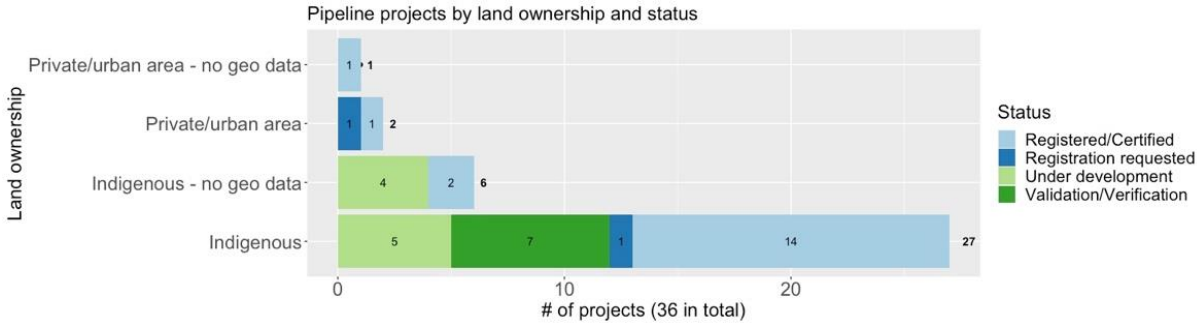


Figure 3 – Categorization of project registered or under development by land ownership and status

[6] The full project list is available as supporting data from [add website where data is published]

Project ID	Project Title	Project status	Land title holder	Project Type	Total project area (ha)	Department	Registration Date	Estimated GHG removals (ton CO2e)	Verified Emission Reductions or Removals
Bio09	Proyecto de Mitigación Forestal Resguardo Indígena TICOYA	Registered/Certified	Indigenous	REDD+	141,841	Amazonas	06/11/2019	2,263,951	652,151
Bio13	Proyecto de Conservación Kaliawiri REDD+	Registered/Certified	Indigenous	REDD+	486,050	Guainia, Vichada	24/04/2020	25,293,958	5,206,011
Bio19	DABUCURY REDD+	Registered/Certified	Indigenous	REDD+		Guaviare	20/10/2021	8,501,119	2,673,100
Bio20	El Tigre REDD+	Registered/Certified	Indigenous	REDD+	47,063	Meta	05/05/2022	1,719,967	252,445
Bio24	Aire de Vida "FIIVO JAAGAVA KOMUYA JAG+Y+" Monochoa REDD+	Registered/Certified	Indigenous	REDD+	417,884	Caqueta	28/04/2022	13,923,383	2,670,717
Bio31	Proyecto Nuestro Aire de Vida "Kai KOMUYA JAG+Y+" REDD+ Puerto Zábalo y Los Monos	Registered/Certified	Indigenous	REDD+	624,581	Caqueta	26/04/2022	31,508,950	5,726,418
Bio35	CRIMA Predio Putumayo y Andoque de Aduche REDD+ Project	Registered/Certified	Indigenous	REDD+	1,018,662	Amazonas, Caqueta	14/10/2022	45,910,034	8,146,378
Bio36	Putumayo REDD+	Registered/Certified	Indigenous	REDD+	66,153	Nariño, Putumayo	13/04/2023	2,270,999	210,616
Bio49	Proyecto REDD+ de los pueblos Indígena del Vaupés YUTUCU y Otros	Under development	Indigenous	REDD+	3,896,190	Vaupes		1,029,348	
Bio52	Proyecto REDD+ Huitora	Under development	Indigenous	REDD+	90,245	Caqueta		2,500,000	
Bio56	REDD+ Awia Tuparro +9	Under development	Indigenous	REDD+	450,562	Guainia, Vichada		NA	
Eco052	Makaro Ap+ro	Validation/Verification	Indigenous	REDD+	525,383	Vaupes		19,520,448	353,459
Eco053	BAKA ROKARIRE ¬IA TIR+¬DITO	Registered/Certified	Indigenous	REDD+	715,706	Vaupes		15,724,369	1,538,581
Eco055	Awakadaa Matsiadali	Registered/Certified	Indigenous	REDD+	505,971	Guainia		11,302,487	1,631,346
Eco056	Jocü Bucürö Apürö	Registered/Certified	Indigenous	REDD+	51,647	Guaviare		1,097,212	127,581
Eco064	"Planeta agradecido con el Resguardo Indígena Bajo Río Guainía y Río Negro"	Registered/Certified	Indigenous	REDD+	465,248	Guainia		42,795,035	2,994,009
Eco067	Proyecto REDD+ Zona Isana y Surubi	Validation/Verification	Indigenous	REDD+	133,806	Vaupes		4,941,653	
Eco100	PITUGUCAJUDE	Registered/Certified	Indigenous	REDD+	345,352	Vaupes		8,305,318	1,057,980
Eco102	Proyecto Agrupado YAAWI IIPANA REDD+	Validation/Verification	Indigenous	REDD+	671,145	Guaviare		21,610,198	2,459,016
Eco118	Cavadacavu Coreivu Jocu Bucuro Rë, Ñujë Ñecuvä Aiye Baquepe	Validation/Verification	Indigenous	REDD+	282,319	Vaupes		6,645,107	-
Eco146	Planeta Agradecido con el Resguardo indígena Bajo Río Guainía y Río Negro II	Validation/Verification	Indigenous	REDD+	291,442	Guainia		8,244,345	-
Eco148	Proyecto de Conservación UNU-MAI REDD+	Under development	Indigenous	REDD+	143,044	Guainia		10,950,881	-
Eco152	GUAINIA REDD+ PROJECT	Validation/Verification	Indigenous	REDD+	667,943	Guainia		20,537,273	-
Eco155	Awakadaa Jiduaa	Validation/Verification	Indigenous	REDD+	571,060	Guainia		13,142,060	-
VCS1566	REDD+ Project Resguardo Indigena Unificado Selva de Mataven (RIU SM)	Registered/Certified	Indigenous	REDD+	1,150,212	Vichada	08/12/2016	108,670,562	25,215,479
VCS2297	REDD+ Project Pueblos indígenas resguardando la selva (REDD Project Predio Putumayo)	Registration requested	Indigenous	REDD+	3,968,228	Amazonas		70,974,466	-
VCS3145	Proyecto REDD++ PANI	Under development	Indigenous	REDD+	1,690,702	Amazonas		58,618,223	-
COLCX-14-0018	PELIWAISI REDD+ UNUMA VICHADA	Registered/Certified	Indigenous	REDD+		Vichada			2,171,923
COLCX-14-0021	DEIYIABENA REDD+ NÜKAK	Under development	Indigenous	REDD+		Guaviare			-
COLCX-14-0022	Conservando la Vida del Mundo, 'Mowíchina arü Maü, Ríos Cotuhe y Putumayo	Registered/Certified	Indigenous	REDD+		Amazonas		80,492,178	3,806,895
COLCX-14-0030	REDD+ JUGLE IJEWET	Under development	Indigenous	REDD+		Guainia		28,391,430	-
COLCX-14-0032	KÚVAY MACÄRÖ VIDI REDD+ CARURÚ	Under development	Indigenous	REDD+		Vaupes, Guaviare		6,618,700	-
COLCX-14-0034	Proyecto REDD+ San Felipe	Under development	Indigenous	REDD+		Guainia			
Eco014	Recuperación de suelos degradados con el uso de incentivos financieros en el centro y oriente de Colombia	Registered/Certified	Private/urban area	Afforestation, reforestation	2,823	Meta		373,538	453,585
VCS2084	CONSERVATION PROJECT REDD+ SUR DEL META BOSQUES DE PAZ, SUSTENTO DE VIDA	Registration requested	Private/urban area	REDD+	339,438	Meta		26,696,589	-
Eco048	Granja Solar de Inírida	Registered/Certified	Private/urban area	Mini-grid energy		Guainia		n/a	3,034
Total								**700,573,781**	**67,350,724**

Table 1 – REDD+ projects in the Colombian Amazon registered/certified, have requested registration, in development

Data availability

Generally, very little data about the projects is publicly available. According to Resolution 1447 from 2018) carbon projects must be registered in RENARE, Colombia's national registry for GHG mitigation activities. RENARE was created to increase transparency in the sector, but the database provides very little information on the projects, and it has been offline since August 2022. So, it largely does not fulfill its purpose of increasing transparency.

Most registries with the carbon project standards publish a PDD that provides information on the technical specifications of the project, such as the project design methodology and some social aspects such as stakeholder engagement like socialization activities. However, the quality of information varies strongly between registries, particularly on the social aspects. Projects developed under the COLCX standard have the poorest data availability of all standards as they neither publish a PDD or the geospatial data of the projects. Out of the 36 projects, six are COLCX projects and all these projects are located on Indigenous territories (see figure 3 – "Indigenous – no geodata"). For all other projects, a full PDD or a summary is available. However, geospatial data is missing for one of these, which is a mini-grid energy project located on private/public land close to Cesar Gaviria Trujillo airport in Guainía (figure 4). 34 projects are REDD+ projects and one is a reforestation project (figure 4).

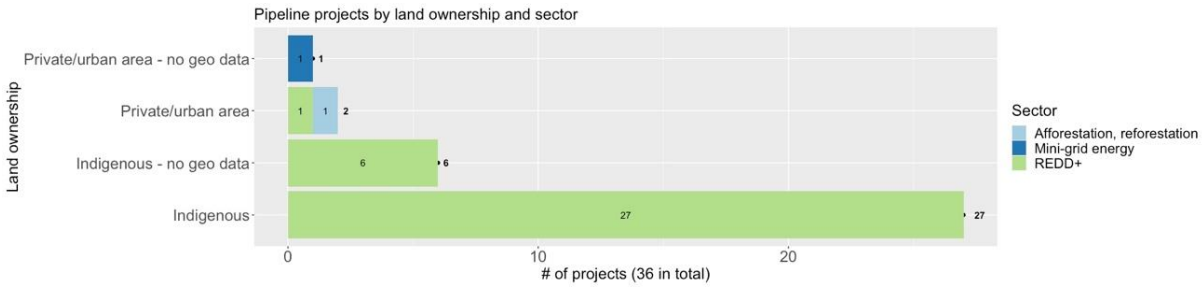


Figure 4 – Pipeline / registered projects by land ownership and sector

The PDDs often do not provide information that is relevant to reconstruct many processes that impact how socially just projects are (SINCHI, 2023). For example, information about how socialization activities were conducted, who participated in them, or how and to what extent communities deliberated about the participation in the projects (within each community's own governance structure), or ultimately also who signed the contracts is largely absent or incomplete. PDDs often refer to annexed documents as containing relevant information, including agreements or contracts, however, these annexes are never publicly available. The confidentiality of project contracts and related legal documents further limits the transparency of projects and the sector (SINCHI, 2023). Furthermore, it creates knowledge asymmetries between communities that are

part of a REDD+ project and the project developer that is responsible for the technical project design and marketing of carbon credits (SINCHI, 2023, p. 67). The lack of publication of key documents means that it is practically impossible for the public to know how revenues are shared and the knowledge asymmetry inevitably puts the project developer in a more powerful position.

Communities with collective land titles have the fundamental rights to self-governance with established internal political structure and decision-making mechanisms. There is also a high level of trust in leading community members to decide in the interest of the entire community. Given clear political structures and trust, not every community member has the expectation to be informed about every development within the territory. However, lack of transparency becomes an issue when it affects the decision-making mechanisms and community structure and REDD+ might exacerbates these issues. Even leading community members remain in the dark about the nature and conditions of the REDD+ projects their communities participate in.

Project developers active in the Colombian Amazon

The most active project developers are Corporación Masbosques (7 projects), South Pole Group, Human Forest SAS (former Waldrettung SAS), Biofix Consultoria SAS, and Amazon Carbon Bonds SAS (all with 3 projects). Furthermore, a range of other project developers exist with two or fewer projects. These are consolidated as "other" (figure 5). Cercarbono is the most used standard with 15 projects, followed by BioCarbon with eleven projects, COLCX with six projects, and VCS with four projects (figure 5).

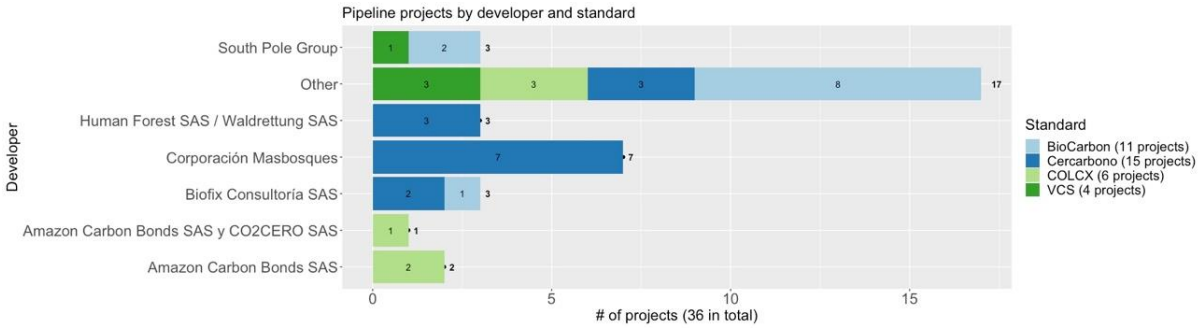


Figure 5 – Pipeline / registered projects by developer and standard

Project locations and geospatial data

To obtain geospatial data on the projects we consulted the PDDs and the geospatial files available from the registries. In our analysis we looked at (1) the project area, (2) the eligible area, and (3) the area of the Indigenous territories (table 2). The PDDs contain information about the size for all 3 area types for just 16 out of 36 projects. For the priorly mentioned mini-grid energy and

afforestation and reforestation project (ARR), only the project area is defined in the PDDs because for these types of there is no distinction between the project area and eligible area as for REDD+ projects. Also, these two projects are not implemented on Indigenous territory.

The eligible area is defined as the area within the project area that fulfills the requirements of the methodology according to which the project is developed (e.g. maturity, height, or density of the forest). Both these values are only available for 21 REDD+ projects. In 15 of these projects, the eligible makes up more than 95% of the project area, which suggests that the areas mainly consist of forests with low prior deforestation and degradation.

When looking at the location of the projects, it is evident that the majority of projects are located in Amazon departments with comparably low deforestation rates. Deforestation in the Colombian Amazon is largely concentrated to Caquetá, Guaviare, Meta, and Putumayo (Global Forest Watch, 2022). However, only about 30% of the 36 projects are located in these departments (figure 6).

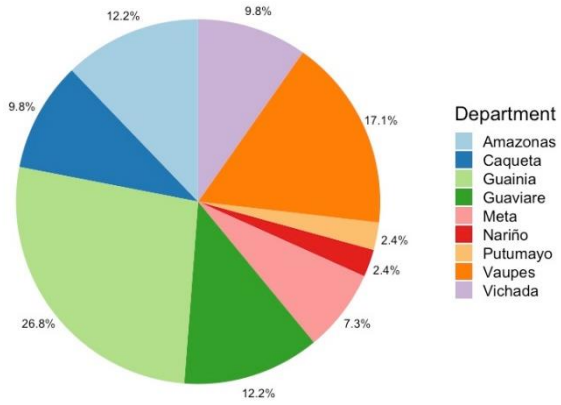


Figure 6 – Under development or registered/certified projects by department

Based on the available data, there are 18 projects where we can assess how much of each participating Indigenous community's territory is part of the project area. In 16 of these projects, the entire territory is part of the project (see table 2: area "resguardo" in % of project area), hence the entire territory is used to calculate the eligible area. In two cases, the territories are larger than the project area and in two of them the territories are around 50% and 150% larger than the project area (Eco146, Eco155). In both cases, the "resguardos" are split between two projects without any overlap. Hence, individual communities are either part of one or the other project. In the Eco146 project[7] only 37.5% of the "resguardo" is part of the project. The other area (that is not included in the Eco146 project) is part of the inactive "Flor de Inírida" project developed by

[7] The Planeta Agradecido con el Resguardo indígena Bajo Río Guainía y Río Negro II project developed by Masbosques.

Ciprogress (VCS1821 – see supporting data). According to the PDD of Eco155[8] the part of the "resguardo" that is not included in this project is part of the Eco055 (Awakadaa Matsiadali) project. Eco146, Eco155, and Eco055 are developed by Corporación Masbosques. Splitting communities within a "resguardo" across projects can be troublesome as it can generate loss of cohesion between the communities and as such rapture community structures (SINCHI, 2023, p.66).

[8] The Awakadaa Jiduaa project developed by Masbosques

Project ID	Project Title	Project Status	Land title holder	Project Type	Eligible area (ha)	Total project area (ha)	Area resguardo (ha)	Eligible area in % of project area	Area resguardo in % of project area	Area spatial data (ha)	Spatial data in % of eligible area	Spatial data in % of project area
Bio09	Proyecto de Mitigación Forestal Resguardo Indígena TICOYA	Registered/Certified	Indigenous	REDD+	141 841	141 841	141 841	100	100	141 278	99,6	99,6
Bio13	Proyecto de Conservación Kaliawiri REDD+	Registered/Certified	Indigenous	REDD+	358 065	486 050		73,67		483 970	135,16	99,57
Bio19	DABUCURY REDD+	Registered/Certified	Indigenous	REDD+	81 000		112 999			97 544	120,42	
Bio20	El Tigre REDD+	Registered/Certified	Indigenous	REDD+	14 132	47 063	47 063	30	100	15 496	109,65	32,93
Bio24	Aire de Vida "FIIVO JAAGAVA KOMUYA JAG+Y+" Monochoa REDD+	Registered/Certified	Indigenous	REDD+	353 583	417 884	417 884	84,61	100	417 618	118,11	99,94
Bio31	Proyecto Nuestro Aire de Vida "Kai KOMUYA JAG+Y+" REDD+ Puerto Zábalo y Los Monos	Registered/Certified	Indigenous	REDD+	609 025	624 581	624 581	97,51	100	624 488	102,54	99,99
Bio35	CRIMA Predio Putumayo y Andoque de Aduche REDD+ Project	Registered/Certified	Indigenous	REDD+	1 003 131	1 018 662		98,48		1 018 083	101,49	99,94
Bio36	Putumayo REDD+	Registered/Certified	Indigenous	REDD+	63 190	66 153	66 153	95,52	100	67 350	106,58	101,81
Bio49	Proyecto REDD+ de los pueblos Indígena del Vaupés YUTUCU y Otros	Under development	Indigenous	REDD+		3 896 190	3 896 190		100	849 489		21,8
Bio52	Proyecto REDD+ Huitora	Under development	Indigenous	REDD+	80 000	90 245		88,65		90 236	112,8	99,99
Bio56	REDD+ Awia Tuparro +9	Under development	Indigenous	REDD+		450 562				464 738		103,15
COLCX-14-0018	PELIWAISI REDD+ UNUMA VICHADA	Registered/Certified	Indigenous	REDD+	419 888							
COLCX-14-0021	DEIYIABENA REDD+ NÜKAK	Under development	Indigenous	REDD+	824 842							
COLCX-14-0022	Conservando la Vida del Mundo, 'Mowíchina arü Maü, Ríos Cotuhe y Putumayo	Registered/Certified	Indigenous	REDD+								
COLCX-14-0030	REDD+ JUGLE IJEWET	Under development	Indigenous	REDD+	142 000							
COLCX-14-0032	KÚVAY MACÄRÖ VIDI REDD+ CARURÚ	Under development	Indigenous	REDD+	256 476							
COLCX-14-0034	Proyecto REDD+ San Felipe	Under development	Indigenous	REDD+	759 200							
Eco014	Recuperación de suelos degradados con el uso de incentivos financieros en el centro y oriente de Colombia	Registered/Certified	Private/urban area	ARR	2 823	2 823				1 729	61,25	
Eco048	Granja Solar de Inírida	Registered/Certified	Private/urban area	Mini-grid energy								
Eco052	Makaro Ap+ro	Validation/Verification	Indigenous	REDD+	504 668	525 383	525 383	96,06	100	201 461	39,92	38,35
Eco053	BAKA ROKARIRE ~IA TIR+~DITO	Registered/Certified	Indigenous	REDD+	702 360	715 706	715 706	98,14	100	712 781	101,48	99,59
Eco055	Awakadaa Matsiadali	Registered/Certified	Indigenous	REDD+	467 806	505 971	505 971	92,46	100	520 225	111,21	102,82
Eco056	Jocũ Bucũrõ Apũrõ	Registered/Certified	Indigenous	REDD+	47 734	51 647	51 647	92,42	100	96 690	202,56	187,21
Eco064	"Planeta agradecido con el Resguardo Indígena Bajo Río Guainía y Río Negro"	Registered/Certified	Indigenous	REDD+	453 526	465 248	465 248	97,48	100	465 248	102,58	100
Eco067	Proyecto REDD+ Zona Isana y Surubi	Validation/Verification	Indigenous	REDD+		133 806				133 677		99,9
Eco100	PITUGUCAJUDE	Registered/Certified	Indigenous	REDD+	338 736	345 352	345 352	98,08	100	343 624	101,44	99,5
Eco102	Proyecto Agrupado YAAWI IIPANA REDD+	Validation/Verification	Indigenous	REDD+	651 118	671 145	671 145	97,02	100	664 367	102,03	98,99
Eco118	Cavadacavʉ Coreivʉ Jocʉ Bʉcʉro Rẽ, Ñʉjẽ Ñecʉvã Aiye Baquepe	Validation/Verification	Indigenous	REDD+	278 379	282 319	282 319	98,6	100	281 358	101,07	99,66
Eco146	Planeta Agradecido con el Resguardo indígena Bajo Río Guainía y Río Negro II	Validation/Verification	Indigenous	REDD+	291 442	291 442	756 690	100	259,64	291 442	100	100
Eco148	Proyecto de Conservación UNU-MAI REDD+	Under development	Indigenous	REDD+	131 854	143 044	143 044	92,18	100	140 020	106,19	97,89
Eco152	GUAINIA REDD+ PROJECT	Validation/Verification	Indigenous	REDD+	615 728	667 943	667 943	92,18	100	520 225	84,49	77,88
Eco155	Awakadaa Jiduaa	Validation/Verification	Indigenous	REDD+	539 952	571 060	891 383	94,55	156,09	565 154	104,67	98,97
VCS1566	REDD+ Project Resguardo Indigena Unificado Selva de Mataven (RIU SM)	Registered/Certified	Indigenous	REDD+	1 150 212		1 856 836	100		1 484 510	129,06	
VCS2084	CONSERVATION PROJECT REDD+ SUR DEL META BOSQUES DE PAZ, SUSTENTO DE VIDA	Registration requested	Private/urban area	REDD+	339 438	339 438		100				
VCS2297	REDD+ Project Pueblos indígenas resguardando la selva (REDD Project Predio Putumayo)	Registration requested	Indigenous	REDD+	3 893 277	3 968 228		98,11		3 795 165	97,48	95,64
VCS3145	Proyecto REDD++ PANI	Under development	Indigenous	REDD+	1 652 839	1 690 702		97,76		1 689 276	102,2	99,92

Legend:

- REDD+ projects with eligible area within a 5% margin of the project area
- REDD+ projects with project area within a 5% margin of the area of the indigenous territorry
- Outliers

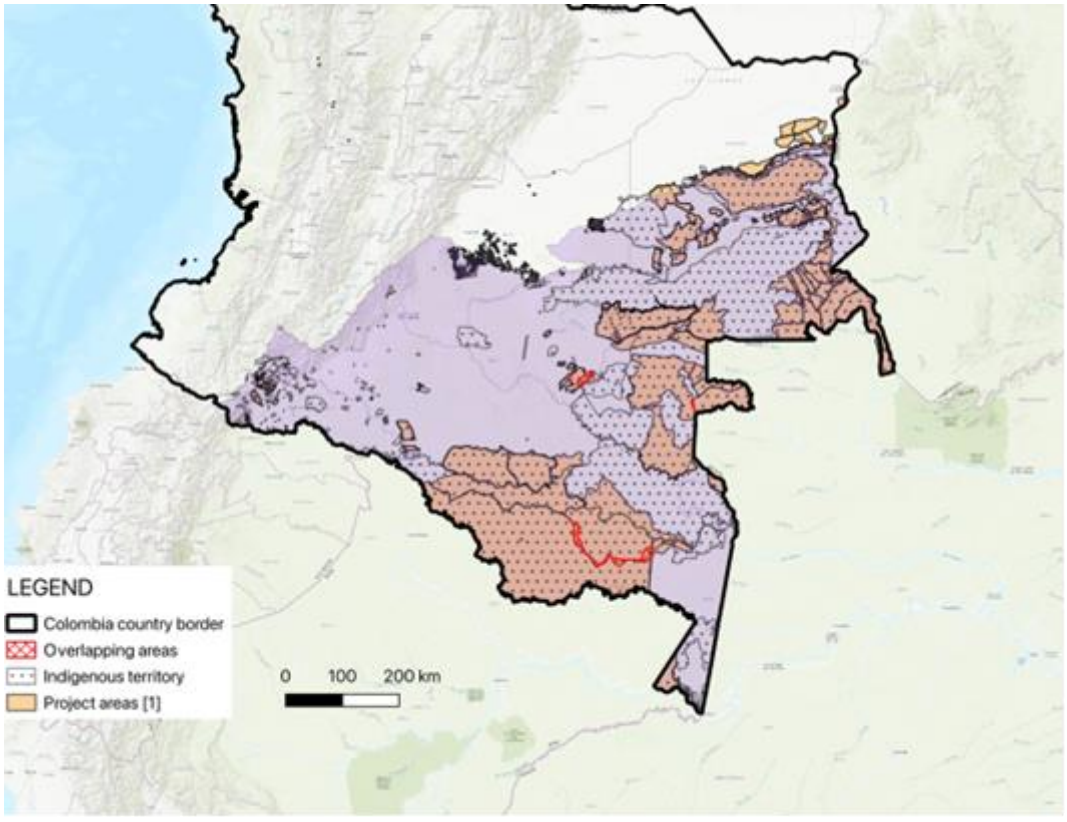
Table 2 - Spatial information on carbon projects in the Colombian Amazon

Based on the Unique ID the standard can be determined: Bio =BioCarbon, COLCX, Eco = Cercarbono (Eco refers to Ecoregistry, Cercarbono's registry, and VCS

Geospatial and overlap analysis

Geospatial data is available for 28 of the 36 projects. For most of the projects the spatial size of the files corresponds to the project area, or the size is somewhere between the project and eligible area (table 2). This is not surprising given the fact that project area, eligible area, and the area of the territory are often close to each other. But there are five strong outliers. The size of the ARR project (Eco014) corresponds to only approximately 60% of the project area. This area might correspond to the first instance of the project, but this cannot be verified through publicly available data. The case is similar for Eco052 and Eco152 where the area of the geospatial files only corresponds to less than 40% and less than 80 % of the project area. Then, in two cases (Eco056 and VCS1566) the area of the geospatial files is around 100% and 30% larger than the project areas. In Eco056 the file contains other areas that are not part of the project but for VCS1566 the difference cannot be explained based on the information available in the PDD. Hence, the spatial data of these projects does not provide a clear picture of the project locations.

Map 1 shows how much of the Amazon region is covered by voluntary sector projects, the extent to which Indigenous territories are affected, and which projects overlap.



Map 1 - overview of all projects

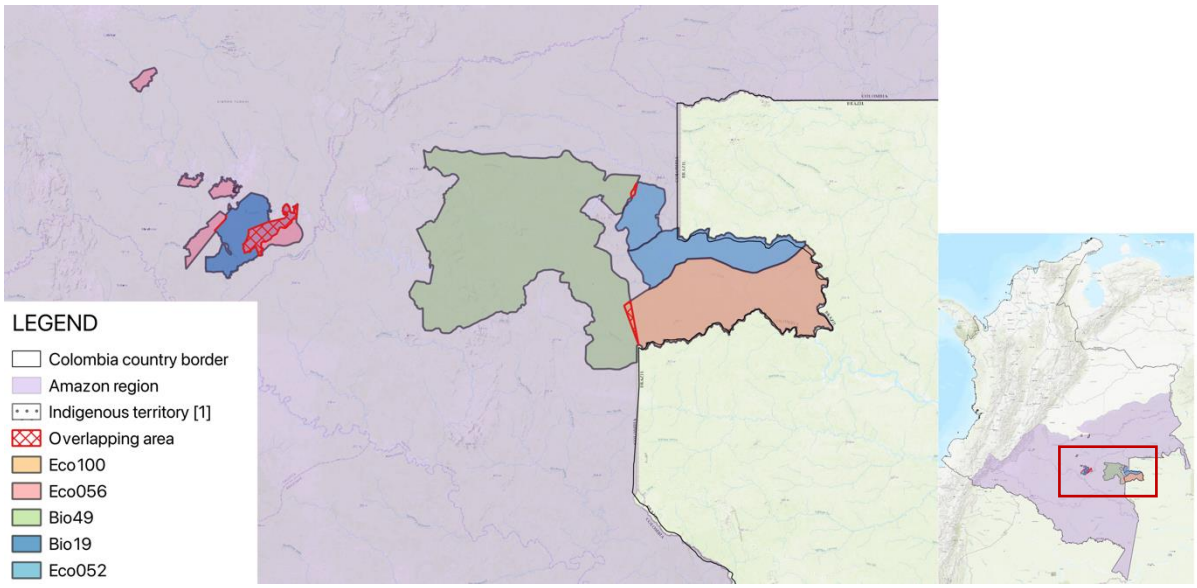
The legalized Indigenous territories within the Colombian Amazon region cover about 27.2 million hectares.[9] Our analysis shows that the projects where we could obtain geospatial data cover about 56% of the area of the Indigenous territories. This figure is slightly lower than the figure recently published by SINCHI (2023, p. 30), who calculated that about 66% of the Indigenous territory within the Amazon region is potentially covered by a REDD+ project. That is logical, as SINCHI calculated the affected area based on the entire area of the "resguardos" with a REDD+ present on its territory even if the entire "resguardo" is not covered by the project, whereas our calculation is based on the actual area size of the geospatial project data obtained. The real numbers on how much of the Indigenous territories that are covered and impacted by carbon projects could be higher as there are some projects for which no spatial data is yet available.

The spatial analysis revealed that there are four projects which overlap, according to their own spatial data (maps 2 and 3). Project Eco100 (Cercarbono standard, developed by Corporación Masbosques) overlaps with Bio49 (BioCarbon standard, developed by South Pole Group). The absolute overlap between these two projects is about 4,395 hectares. Bio49 has another overlap with Eco52 (BioCarbon standard also developed by Corporación Masbosques). In this case the spatial overlap is only about 938 hectares. However, because the spatial data available for Eco52 only encompasses about 40% of its own project area (as mentioned above), a larger overlap was possible but was ruled out by conducting a visual comparison between the maps provided in the PDDs. The largest overlap of about 24,292 hectares was calculated between Bio019 (BioCarbon standard, developed by Terra Commodities) and Eco056 (Cercarbono standard, developed by Corporación Masbosques). Eco56 is also an outlier in terms of spatial data as discussed above, as the area of the spatial file is about double the size of the project area. Hence, the actual overlap here is potentially smaller. However, what is striking in this case is that the "resguardo" Vuelta del Alivio is participating in both projects and both projects are registered. Combined they have issued over 2.8 million carbon credits. The fact that the Vuelta del Alivio "resguardo" is included in both projects with their entire territory poses a risk for double issuance of credits. It also highlights the need for a centralized database to avoid this type of potential double contracting.

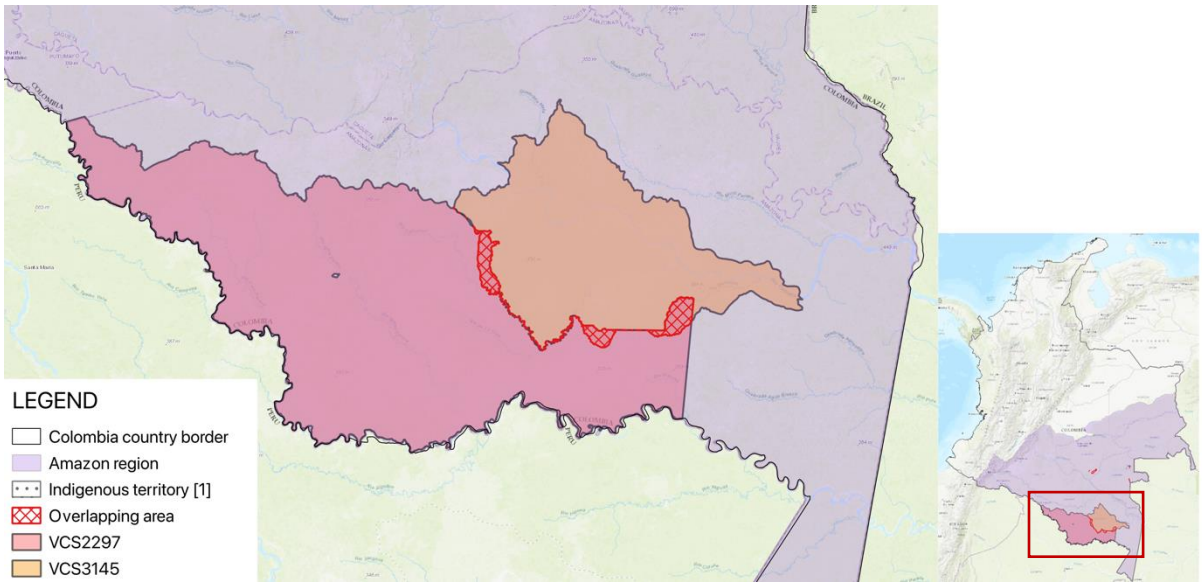
When doing the overlap analysis, we disregarded small overlaps between projects that were along the lines of project boundaries as these can easily be caused by the fact that the Indigenous territories' boundaries are not always exactly captured on spatial files plus there can also be a discrepancy due to the spatial software used. This could also be the case in the spatial overlap of VCS3145 developed by Biotrade and VCS2297 by South Pole Group. While the projects overlap by

[9] This does not consider the titling claims of Indigenous communities or ancestral territories.

over 90,000 hectares (map 3), the overlap represents only about 5% of the total project area and is around the project boundaries. A possibility for the overlaps that go beyond potential issues of unclear boundaries could be that some project developers try outdo each other by providing better value propositions to communities that are in fact already participating in another project (SINCHI, 2023). In workshops SINCHI conducted for their research project, participants continuously highlighted that RENARE should be kept up to date and have a map viewer to avoid situations of double contracting and overlapping project areas (SINCHI, 2023; p.66). Without a centralized database either developed by the government or the carbon registries, which includes the spatial data of the projects and all participating communities within a "resguardo", it will be very difficult to avoid the problem of project overlaps.



Map 2 - spatial overlap of projects 1/2



Map 3 - spatial overlap of projects 2/2

2. Social dimension of projects

To avoid negative social consequences for affected communities, a range of social safeguards are being promoted in relation to REDD+, with the aim to better protect local communities (Arhin, 2014). Some are multilateral frameworks such as the UN-REDD's Operational Guidance on the Engagement of Indigenous Peoples and Other Forest Dependent Communities (UN-REDD, 2009). The guideline defines three core safeguard principles: (1) a rights-based approach that must adhere to guidelines set out to protect the rights of Indigenous Peoples,[10] (2) adherence to Free Prior and Informed Consent (FPIC), and (3) the assurance of broad representation of Indigenous Peoples and other forest dependent communities in all stages of project development. However, REDD+ countries have the liberty to flexibly interpret and enforce safeguards in line with national regulations and customs (Carodenuto and Fobissie, 2015) and in Colombia implementation of national safeguards has been insufficient as the country does not have a system of institutions and regulations that can fully guarantee them (Gaia Amazonas, 2023). Then, also private safeguarding guidelines exist, often embedded in project development standards. How and to what extent communities are consulted and included in project design and implementation therefore depends on a set of national and private regulations or guidelines, but also the project developer itself.

Communities involved and socialization activities

There is a large difference in the PDDs when it comes to describing the communities participating in the project and what socialization activities[11] were conducted. For example, of the 33 projects located on Indigenous territory, 14 PDDs do not specify the names of all the communities involved.[12] Generally, the publicly available information only gives a blurred picture of how actors (developers, investors, communities, traditional associations) are connected in the REDD+ sector in Colombia.

When studying the socialization activities and consultation activities, the PDDs have large differences in what detail are described. From most of the PDDs it is difficult to determine the quality and actions of the activities or even how many people or communities were reached. PDDs often refer to undisclosed appendices for discussion points of the meetings or attendance lists. Two PDDs reveal that agreements were entered before the consultation activities took place (Bio09, Bio13) but then describe the consultation process that followed afterwards in detail. The

[10] Including the United Nations Declaration on the Rights of Indigenous Peoples, the UNDG Guidelines on Indigenous Peoples' Issues, and the ILO Convention No. 169.

[11] Socialization refers to activities within communities that explain the objectives and process of the REDD+ project, clarify doubts and questions, and collect suggestions and ideas. Socialization is a crucial information mechanism and if well designed and executed is an important tool to secure the buy in from community members for the project. But, it is not a replacement for free, prior, and informed consent.

[12] 7 projects BioCarbon projects, 2 EcoRegistry projects, 3 COLCX projects, 2 VCS projects

Bio09 PDD also states in detail how the community assemblies were held and that also for the contract conditions consent was given. It is reasonable that some sort of agreement is made between leaders and the project developers before larger scale consultation and socialization activities are planned and conducted, but because the priorly signed agreements are not publicly available it is impossible to judge whether these are binding.

Lastly, a range of PDDs argue that "consulta previa" is not necessary with some also referring to the legal decisions of the courts that support this claim. In the next section members of Indigenous communities participating in REDD+ projects shed light on this issue and further show that socialization activities might not be as effective as described in the PDDs, as community members and community leaders appear to know very little about the projects.

3. Consulta previa

"Consulta previa" – prior consultation - is enshrined in the Colombian legislation since 1991 (Colombia, 1991) and it is a fundamental right of Indigenous, Afro-Colombian, and other ethnicities in Colombia. The national courts' interpretation is the main guide to understanding the mechanism of "consulta previa", its objectives, its elements and when it should be carried out. According to the courts "the objective of the consultation is to genuinely attempt to reach an agreement with the indigenous and Afro-descendant communities on measures that directly affect them (i.e., norms, policies, plans, programs, etc.)".[13] The "consulta previa" has to be carried out in accordance with the customs of each ethnic group and it becomes mandatory as soon as administrative or legislative measures affect these groups (Amparo Rodríguez, 2008). According to the courts, "effect" is understood as the potential positive or negative impact "on the social, economic, environmental or cultural conditions that constitute the basis of the social cohesion of a given ethnic community".[14] A ruling of the Colombian Supreme Court[15] in 1997 indicated the parameters for carrying out the "consulta previa" with the following criteria: (1) "consulta previa" is a right of a collective nature that must respond to the principle of good faith and must be carried out before the decision is made, (2) it is carried out through a process of a public, special and mandatory nature in which due process is guaranteed (principle of opportunity), (3) it is carried out prior to the adoption of administrative or legislative measures or decisions on projects that

[13] See for example, ruling 123 of 2018, T-129 of 2011, C-389 of 2016, SU-133 of 2017, SU- 217 of 2017, T-298 of 2017 and T-103 de 2018
[14] SU-123 of 2018
[15] Ruling SU-039 of 1997

may affect them, and (4) during the entire process, access to information is guaranteed, which must be provided in a clear, truthful and, above all, timely manner.[16]

Legal challenges against REDD+

Despite this constitutional right, if and to what extent the "consulta previa" should be applied in REDD+ actions in the voluntary sector and national program remains disputed. The Colombian courts limited or suspended the requirement to "consulta previa" in relation to one private REDD+ project and to Visión Amazonía, the national REDD+ program.

The first ruling was related to the REDD+ project "Selva de Matavén" (Resguardo Indígena Unificado de la Selva de Matavén), which is currently one of the largest REDD+ projects in Colombia involving 224 communities over a size of 1,477,115 hectares in the department of Vichada (Mediamos and ACATISEMA, 2017). Some of the communities filed a lawsuit before the Superior Court of Justice about the violation of their right to "consulta previa". In 2015 the court ruled that the right to "consulta previa" was not violated because (1) ACATISEMA (the Association of Indigenous Traditional Authorities (AATI) in that region) sought to form an alliance with MEDIAMOS (the project developer) in order to develop this project, (2) the project had been socialized by representatives of the Indigenous communities of the "resguardo", which equivalents an admittance to the knowledge of the project, and (3) since the project had the aim of conservation and forest recovery it did not pose a threat to the integrity of the Indigenous communities, hence "consulta previa" was not required (Minambiente, 2020).

The second ruling was related to Visión Amazonía. The Andoque People of the Aduche "resguardo" (department of Amazonas) filed a complaint at the Constitutional Court, arguing that Visión Amazonía violated their fundamental right to "consulta previa" (Minambiente, 2020). Visión Amazonía consists of five pillars (1) forest governance, (2) development and sustainable sector planning, (3) agro-environmental development, (4) Indigenous Peoples environmental governance, and (5) enabling conditions (FAO, 2020). The court ruled that the right of "consulta previa" must be granted only for the governance pillar (number 4) because it affected the communities' rights to their territory, but "consulta previa" was not required for the other four pillars.[17] The court further noted that "consulta previa" did not apply in cases where there was no direct impact on Indigenous communities, which is in line with one of the parameters defined by the Supreme

[16] Other legal frameworks for Prior Consultation in Colombia: Political Constitution Art. 79 - Paragraph 330, Presidential Directive No. 01 of 2010, Code of Administrative Procedure and Administrative Litigation, Presidential Directive No. 10 of 2013, and Decree 2613 of 2013

[17] Ruling (Sentencia T-063/19, 2019)

Court. In the same ruling, the court noted that no concept related to "consulta previa" and REDD+ existed.

In another case the Pirá Paraná Indigenous Council (the highest authority in the Pirá Paraná region) filed a "tutela"[18] against a REDD+ project for the violation of their fundamental rights to cultural integrity, self-determination, self-government and territorial integrity (Bermúdez, 2023). This case was related to the Baka Rokarire project in the department of Vaupés, developed by Masbosques and registered with EcoRegistry (Cercarbono standard). It has a total project area of over 715,000 hectares, which is the entire size of the participating communities' territory. In the tutela, the Council also requested the safeguarding of these fundamental rights. The judge in the first instance rejected the Council's arguments, arguing that the "tutela" was not the adequate judicial mechanism in this case and this decision was upheld by the appeal judge (Climate Change Litigation Database, 2023).

In April 2023, the Constitutional court decided to review the Baka Rokarire case because the court considered it important to provide a clear judicial guideline regarding these types of projects, particularly in relation to Indigenous rights (Climate Change Litigation Database, 2023). The selection of the case by the Constitutional court is an important development and their ruling could become a crucial precedent how the rights of Indigenous Peoples and other ethnic groups must be safeguarded in relation to REDD+ projects. Furthermore, in August 2023 the Superior Court of Justice decided in favor of the Indigenous Council of Cumbal (department of Nariño) as the court ruled that the REDD+ on this territory has been implemented without the Council's consent and suspended the project until the right to "consulta previa" is guaranteed.[19]

Communities views on social safeguards and consultation

To get an understanding of how communities are involved in project design and decision making around REDD+ for the voluntary carbon market, 30 Indigenous people have been interviewed.[20] Out of the 30 interviewees, 16 people either are part of the AATI leadership, are the captain of their community, or have another leadership role in the community. They represent ten Indigenous communities who participate in one of four selected REDD+ projects (appendix 1). Additionally, eight other Indigenous leaders or members of local organizations have been

[18] The "tutela" (*Acción de Tutela* in full) is a tool based on constitutional law in Colombia. Any Colombian has the right to file a "tutela" if they consider their fundamental rights to be threatened or violated (Corte Constitucional, no date)
[19] Tutela No. 2023000095-00, 2023
[20] Semi-structured interviews were conducted.

interviewed. All interviews were conducted in August 2022.[21] The goal was to find the level of knowledge and the extent to which the projects impact the communities.

When asking about "consulta previa", all but one interviewee were aware of their constitutional right and 19 out of the 30 interviewed community members expected "consulta previa" to be a requirement for this type of project. A leader of the Association of Traditional Authorities (AATI)[22] in Vaupés specifically referred to the Selva de Matavén ruling and highlights why he disagrees with it:

> "*... their [project developers] story is that the project is ours and that they are just the intermediaries. And since it's ours, there is no "consulta previa". But no, they are the ones negotiating with other multinational companies that continue to pollute the environment. So, they are part of the business and that is why there should be a* "consulta previa". *We have rights and these rights are being ignored.*"

Few interviewees had a clear idea of how the consultation should take place, but some indicated that an absence of such a consultation would be a violation of their fundamental right.[23] Another few stressed the importance of consulting more than the leaders of the community,[24] and that the consultation should take place before the contract is agreed, as this would protect the communities from negative impact. [25] Lastly, one respondent explained that the "consulta previa" was not necessary for such projects as projects were community initiatives and do not come from the outside, referring to the Selva de Matavén ruling.[26]

How much are communities involved?

While only a minority of the interviewees were not aware of the project in their community,[27] the interviews revealed that the level of knowledge about project activities, responsibilities, benefits, or conditions is generally low. Only 5 out of 16 interviewed leaders (all AATI leaders or captains)[28] knew about the responsibilities of participation, project duration, and what split of the carbon

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[21] The interviews were conducted in the framework of Dominique Schmid's PhD thesis research in collaboration with Carolina Castro. It was funded by the "States, Nationalism, and the Relationship between Ethnic Diversity and Public Goods Provision" project (ETHNICGOODS) (ERC Grant agreement ID: 864333).

[22] Within a "resguardo" the AATI together with the traditional authorities of the communities are the formal public governance entities

[23] 2 AATI leaders from the Vaupés department, 1 captain from the Amazon department

[24] 2 captains, 1 community leader from 2 Indigenous communities in the Amazon department

[25] 1 captain, 1 community leader, and 3 members of 3 Indigenous communities from the Vaupés department

[26] AATI leader from the Amazon department

[27] 1 AATI leader, 1 leader, 4 members from 3 Indigenous communities in the Vaupés department

[28] 3 captains from the Vaupés department, 2 AATI leaders from the Amazon department

sales they would receive. Ten respondents did not know what the project was about, only that it was about "reforestation" or that "money is supposed to come in".[29] Eleven respondents did not have any knowledge about the projects (including one AATI and one community leader). Four had knowledge of either the project duration or the core activity of the project - no logging or limitation on shifting agriculture (chagras) - but no detailed information.[30] Focusing on knowledge about REDD+ mechanism, only one of the respondents had profound knowledge of the mechanism of such projects, including the fact that credits are used for offsetting.[31] Two had some knowledge of the mechanism (both captains)[32] but were not aware that credits were used for offsetting. Four had some but very limited knowledge,[33] and 23 had no knowledge about the mechanism behind such projects.

The findings of the interviews suggest that there is a significant knowledge gap about the projects even amongst leaders. Only five of the 16 interviewed leaders had strong knowledge about the project and nine did not have any knowledge about the fact that projects are used for offsetting. On the one hand, this knowledge gap could be a result of poorly designed and executed consultation and socialization activities. On the other hand, it could also result from asymmetric access to information, bad practices in the transparency of information, and difficult access to effective means of communication on the part of the Indigenous leaders in the territory within their organizations. Nonetheless, these results suggest that there is very limited knowledge in the communities about these projects. Thus, it is hard to justify that these projects are in fact bottom-up initiatives as argued by the court. SINCHI also found out in their workshops that communities participate very little in decision-making related to REDD+ projects (SINCHI, 2023, p. 68). The project developers are also largely not considered as being partners, as it would be expected in bottom-up or community driven projects. This is emphasized by the opinion of an AATI leader in the Vaupés department where the project developers are considered the "bosses", which is the same term that Indigenous people used to refer to rubber companies 100 years ago:

> "*I don't understand why they work with the companies [project developers]. In my community they call the companies "the bosses" ("los jefes")*".

[29] 1 AATI leader, 1 captain, 1 community leader, 2 community members from 4 Indigenous communities in the Vaupés department and 2 captains, 1 leader, 2 members of 3 Indigenous communities in the Amazon department 6

[30] 2 leaders, 1 member of 2 Indigenous communities in the Vaupés department, 1 captain in the Amazon department

[31] AATI leader from the Amazon department

[32] 2 captains from the Vaupés department

[33] AATI leader from the Vaupés department, AATI leader, 2 captains from the Amazon department

The interviews show a lack of acceptance of the project: 10 respondents were completely against the project. Amongst the explanations given were that projects are against customs and beliefs of Indigenous peoples, that projects are either not beneficial for the communities or because of mistrust of how leaders would handle incoming funds. An AATI leader from the Vaupés department mentioned being against the mechanism of offsetting:

> "*...it shouldn't be that way? That developed countries continue to pollute while we in the Amazon rainforest continue to avoid deforestation. That's not good.*"

Although just over a third of respondents were in favor of the project, many were still unhappy with it. 13 respondents were in favor of the project, but out of them, three mentioned that they are unhappy with the current project developer and project conditions. Seven of the 13 said that they are only in favor of the project because families need the money or out of the belief that Indigenous people should be paid as a form of recognition for their conservation effort. Some of the respondents only conditionally approve the projects: three said that families need the money, but it was against Indigenous beliefs; one said that families need the money, but it should not affect their way of living; two did not have an opinion but said that families need the money or payments should be made in recognition of their conservation efforts.

This shows on that there is a variety of views and opinions regarding these projects. Important to mention is also that over 30 percent of the respondents mentioned the need to cover necessities such as soap or salt and to send kids to school as the reason why they approve of the project. Hence, acceptance of the project might be driven by the urgent need for poverty alleviation but can also go against the cultural values of communities. This can cause frustration, particularly in the event of projects failing to meet these financial expectations.

How do the projects impact the communities?

When there is broad and active involvement from community members in the design and decision making of REDD+ projects and when benefits are shared equally, projects can make a meaningful contribution to a community's livelihood. However, this is not always the case as some of the interviewees highlighted internal conflicts and inequity as negative effects of REDD+ projects. Seven of the 38 interviewees[34] raised the issue that some community members seem to benefit more than others from the projects because they receive payments or other benefits for tasks related to project management. Hence, despite projects being implemented on collective land,

[34] Former leader of OPIAC, 2 AATI leaders, 1 community member from 3 Indigenous communities the Vaupés department, 1 captain from the Amazon department

benefits might not always be collectively shared, creating income disparities and inequality as some community members have access to assets that others do not.[35] These individual benefits and the prospect of carbon payments motivated some community members to assume leadership positions based on economic or material motivations. This implies that sociological mechanisms of self-government can be impacted by projects. The following quote from an AATI leader highlights this mechanism:

"They [projects] are creating a social problem. Now everyone wants to be a captain [leader of the community] to receive money. But to be a captain you used to need to have ancestral knowledge and much more, but not anymore."

Apart from the potential sociological impact of projects, there are also conflicts in relation to how incoming carbon payments should be managed and invested. As highlighted above, only about a third of the interviewees were positive about the project, some of which only because they hope for poverty alleviation. The high rate of discontent with the project and feeling of exclusion in the decision making, also generates suspicion and mistrust regarding the use of the resources that come from these projects. In particular, there is no consensus on whether the resources should be invested in common goods or distributed equitably to each family, creating further conflicts.[36] In some cases trust in leaders to manage incoming funds is already fractured based on prior experience from other (non-carbon) projects.[37] It was also stated that some project developers have accentuated internal conflicts by putting pressure on leaders to sign contracts, by advancing payments to some members of the community or through other questionable practices when they highlight conflicting positions among members of the communities about the willingness to participate in the project.[38]

Another issue that interviewees raised was that their eco-philosophy comes into conflict with a mechanism that offers a financial value for this traditional form of relationship. Five interviewees are skeptical about the financial payment for an ancestral practice of respect for the forest that is not traditionally based on monetary motivations.[39] Although a range of interviewees consider it important to receive this money given their conditions of poverty, they fear that in the long term

[35] Former OPIAC leader
[36] 1 captain, 3 members of 3 Indigenous communities in the Vaupés department and 1 captain, 1 leader, 1 member of 1 Indigenous community in the Amazon department
[37] 1 AATI leader, 1 captain from 2 Indigenous communities in the Vaupés department
[38] AATI leader, 1 member of 2 Indigenous communities in the Vaupés department, member from 1 Indigenous community of the Amazon department, 1 employee of a civil society organization working in both departments on REDD+.
[39] Former OPIAC leader, 3 AATI leaders, 1 captain from 3 Indigenous communities in the Vaupés department

the transmission of the Indigenous knowledge system, which is also what steers the protection of the forests, will be lost.

4. Conclusion

By covering at least 56% of the area of Indigenous territories in the Colombian Amazon, it is clear that REDD+ projects have a significant impact on Indigenous communities in Colombia. And while some Colombian courts have ruled that the constitutional right of Indigenous peoples to "consulta previa" does not apply to REDD+ projects, the interviews presented in this report show that community leaders and members do not share this view and believe that "consulta previa" should apply. In their view, the projects are primarily initiated and managed by the project developers, with limited knowledge and ownership in the communities. The lack of consultation, socialization, and community ownership related to the project create dissatisfaction and sometimes conflict within communities. Ongoing cases in the Colombian courts, including a case selected for review by the Constitutional Court, can change how the rights guaranteed to Indigenous peoples in Colombian law is applied to REDD+ projects, hopefully leading to better safeguarding of Indigenous rights.

The lack of publicly available data on carbon projects in Colombia greatly inhibits transparency about both individual projects and the sector as a whole. Project contracts are generally treated as confidential. There is no functional public registry with spatial data and maps of all registered carbon projects, which makes it possible for spatial overlaps between projects to go unidentified and unaddressed. Based on the spatial data available in Project Design Documents from the project developers, we were able to identify four cases where the project areas overlap. In one of these cases the same "resguardo" is participating in two projects. This is a potential case of double issuing as the same emission reductions could be verified and issued as carbon credits to two different projects.

Further, 33 of the 36 carbon projects that are registered/certified, seeking registration or under development are occurring on Indigenous territories. 70% of the projects are in departments with very low deforestation rates, away from the deforestation front in Colombia, and Indigenous territories in the Colombian Amazon for the most part has experienced little deforestation. This calls into question whether the REDD+ projects in Colombia really are a tool for reducing deforestation – if so, they are primarily tackling deforestation on the margins and not addressing the major drivers in the deforestation hotspots.

Since almost all REDD+ carbon projects in the Colombian Amazon are on Indigenous territories, and not where deforestation is highest, it suggests that the projects should primarily be an Indigenous enterprise, based on their initiatives and advancing their priorities and needs. However, as shown in this report, that is not necessarily the case. Without confidential contract information we are unable to assess how much of the estimated total value of the carbon credits (390 million USD) communities are receiving. The interviews with community members and leaders revealed that the projects are mainly outside initiatives from the project developers with limited community knowledge and ownership, resulting in a power imbalance between the communities and project developers.

To address the report's findings, we recommend the following:

- The Colombian government should greatly enhance the transparency and regulation of the carbon project sector in Colombia.
- There needs to be a central and public database to log REDD+ projects and project areas, with mandatory public disclosure of accurate spatial data of the projects. This is to give more opportunity to multiple stakeholders to access detailed information about REDD+ projects but also to avoid issues of double counting.
- Social safeguards should be improved for Indigenous communities. By actively involving local communities in the design of project activities, project developers could ensure equitable and more long-lasting projects.
- There is a need for broader socialization activities of REDD+ projects, as activities are often concentrated around a few locations per project, having limited reach.
- These findings further stress the need to revise the legal requirement of "consulta previa" for REDD+ projects, as well as the need to go beyond "consulta previa" and apply rights of self-governance and self-determination, to make the project truly initiated, owned and managed by the communities, in accordance with their governance structures.

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5. Appendix: List of interviewees conducted

Project title	Department	Interviewees
Makaro Ap+ro	Vaupés	1 captain, 1 leader, 3 members of 1 Indigenous community
Baka Rokarire ~IA TIR1~DITO	Vaupés	2 AATI leaders
REDD Project of the Indigenous Peoples of Vaupés YUTUCU and Others[40]	Vaupés	3 captains, 3 leaders, 7 members of 4 Indigenous communities
TICOYA	Amazon	2 AATI leaders, 3 captains, 1 leader, 4 members of 4 Indigenous communities
Other interviews	Vaupés and Amazon	- Former employee of a nature conservation organization active in multiple Latin American countries - Former leader of OPIAC - 4 AATI leaders - 2 employees of 2 local foundations that focuses on Indigenous Peoples' rights and wellbeing
Total		38 interviewees

[40] The YUTUCU project was withdrawn from the VCS certification cycle in October 2022 out of frustration with the duration of the certification process (AATIAM, AATIVAM, ASATRAIYUVA, ASOUDIC and AZATIAC, 2022). Despite the fact that activities were implemented, no payments were made because of lack of certification. The project is now under development with the BioCarbon standard.

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