

Exploring the essential elements of meaningful
public participation in next generation impact
assessment: the Colombian context

by

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ABSTRACT

The research explored the essential elements of meaningful public participation in next generation impact assessment (NGIA), in relation to the Colombian Environmental Impact Assessment (EIA) process. The goals of the research were to test and inform these elements further and identify approaches to achieving more meaningful public participation in Colombian EIAs. Qualitative methods were used in the research, with data collection including a document review and semi-structured one-on-one interviews with EIA participants in Colombia. Data showed that public participation in Colombian EIA is framed by laws and guidelines, especially Law 99 of 1993 and Decree 2076 of 2015. Guidelines require project proponents to conduct thematic sessions with communities covering preliminary information about the project, impact assessment and management measures workshops, and a presentation of results. Additional mechanisms for public participation include public environmental hearings, the intervening third party, and the right to petition. These practices are common ways for the public to participate in the EIA process in Colombia. Interview participants indicated that the strengths of this process include access to information, legislation and guidelines, and increasing community interest. Challenges include access to education, transparency issues, political violence, armed conflict, and infrastructure deficits in rural areas. These challenges hinder effective participation and lead to power imbalances and conflicts. Exploring the 10 essential elements of meaningful public participation in this context indicated that implementing these elements could enhance the public participation process in EIAs in Colombia – particularly early and ongoing participation, fair and open participation, and learning-oriented approaches. Overcoming challenges such as illiteracy in some communities,

conflicts of interest, and public infrastructure deficits in rural areas is, however, also fundamental for achieving more meaningful public participation in the Colombian context.

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Seguimos.

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ABBREVIATIONS AND ACRONYMS

ANLA: Autoridad Nacional de Licencias Ambientales (National Environmental Licensing Authority)

EA: Environmental Assessment

EIA: Environmental Impact Assessment

DANE: Departamento Nacional de Estadística (Spanish acronym)

IA: Impact Assessment

NGIA: Next Generation Impact Assessment

CHAPTER 1: INTRODUCTION

1 Background Context

For many decades Environmental Impact Assessment (EIA) has been implemented worldwide as a tool for planning and making decisions in the development and operations of infrastructure projects that can have social and environmental consequences (Morrison-Saunders et al., 2020; Toro et al., 2010; Vanclay, 2009). The outcomes of EIA processes contribute to identifying, assessing, and proposing mitigation measures for the potential negative effects of the projects while looking for ways to enhance positive effects and deciding if the project should proceed. According to Ortolano and Shepherd (2012), more than one hundred countries implement EIA as a requirement for a project's development. In those countries, proponents must make an assessment and submit it to governmental agencies for approval – often termed an environmental licensing process. In some parts of the world, EIA understanding has evolved and broadened to impact assessment (IA) approaches, bringing new concepts related to sustainability, gender and human well-being, meaningful public participation, and other social-environmental aspects that EIA practitioners consider to benefit present and future generations (Sinclair et al., 2022; Sinclair et al., 2018).

In a global context, there have been some consistent problems with EIA implementation since its inception with the passage of the US National Environmental Policy Act (NEPA) in 1970. Some of these systemic problems remain because many project owners and proponents do not view assessment processes as beneficial or useful (Sinclair & Doelle, 2015; Sinclair et al., 2018). Among these problems, inadequate public participation is considered among the most challenging issues. As I outline in Chapter 2,

there are many reasons for this, such as a participatory process happening too late in the assessment process - if it happens at all - lack of information, lack of capacity, etc.

Moreover, proponents and government agencies often view public participation as an information process meant for just sharing information with the public rather than a participative one, where people's comments are inputs to decision-making.

In some democratic countries, such as Colombia, including the public in the IA process often refers to making documents available to them and developing open-house events for discussing the environmental studies conducted (Toro et al., 2010). However, in most of these contexts, structured and formal public participation in EIA is not required by law (Fitzpatrick & Sinclair, 2003; Lee, 2006). This fact opens the possibility of exploring innovative aspects of public participation in other jurisdictions that can enhance EIA processes in Colombia and other countries.

In the Colombian context, Ortolano and Shepherd (2012) state that varied factors such as private industries' power and political interests, tend to have the greatest influence on the EIA decision-making process. The development of a proposed action or project is often guided by the objectives of the project's owner and the country's political dynamics. Following this, research by Toro et al. (2010) concluded that despite all the EIA regulations existing in Colombia, the process is not yielding effective results. The authors noted a variety of reasons for the ineffectiveness but identified the lack of meaningful public participation as a central problem.

Toro et al. (2010) stated that public participation processes in Colombia are inequitable because they are only for black and indigenous communities when a project directly impacts their regions. Concerning the rest of the communities settled in those

regions, public participation is concentrated on information sharing from the project's proponent. This translates into an inability to influence the project's decision-making process and consequently a lack of trust from the public in the goodwill of the project's proponent with regards to potential environmental and social impacts. These facts provide fertile ground for exploring the possibility of implementing some of the elements of meaningful public participation in the Colombian context.

In response to changes in local and global settings, as well as requirements requiring that social and environmental impacts be considered, EIA methods, goals, and concepts have evolved over the past five decades (Sinclair et al., 2018). As part of this evolution, in some countries, EIA is starting to be undertaken with an emphasis on sustainability, meaningful public participation, and human well-being. This is known as Next Generation Impact Assessment (NGIA) (Doelle & Sinclair, 2021; Gibson, 2002; Gibson et al., 2016). Implementing NGIA encourages broader social reflection, thought, and understanding by better capturing the interests of stakeholders and the public (Sinclair et al., 2018). This latter characteristic is known as meaningful public participation and it is one of the key components of NGIA.

Meaningful public participation in NGIA aims to establish a better approach and means to achieve public participation in impact assessment processes. Meaningful public participation invites EIA practitioners to enhance the processes through active, early, and effective involvement of interested parties in any project (government bodies, authorities, experts, the public, non-governmental organizations, etc.) (Sinclair et al. 2021; Sinclair et al., 2022). The evolution of this concept comes from recurrent concerns regarding the traditional participation approaches in EIA, as noted above and expanded on in Chapter 2.

Meaningful public participation needs to be a vital aspect of every EIA process as an enabling tool for transparent, dynamic, efficient, successful, and participative project development. Chapter 2 lists and describes each one of the essential elements of meaningful public participation. These elements are key to the development of the present research because they allow the building of a base to explore the status of public participation in the Colombian context and suggest the potential implementation of the essential elements of meaningful public participation to enhance EIA processes.

For an EIA process to have legitimacy and value, assessment regimes must support and boost meaningful public participation (Salomons & Hoberg, 2014; Sinclair et al. 2021; Sanchez et al., 2023). As mentioned before, this statement is applicable in the Colombian context due to the recurrent lack of opportunities for meaningful public participation during all the phases of the EIA process. In a country such as Colombia, this is due to the poor social conditions where projects such as national roads, transmission lines, mines, etc., take place, and where commuting facilities, infrastructure, and basic services are limited for most of the people living in the countryside.

2 Purpose Statement

The purpose of the research was to explore the essential elements of meaningful public participation in NGIA, regarding the EIA process for major projects in Colombia. The broad goals include further testing and informing the elements of meaningful public participation and establishing ways to encourage more meaningful participation in EIA in Colombia.

3 Research Objectives

To achieve the purpose of the study, I set the following objectives:

- Identify current public participation practices used in EIA processes of major projects in Colombia.
- Determine the essential elements of meaningful public participation in the NGIA that are potentially applicable to the Colombian EIA processes.
- Document shortcomings in the essential elements of meaningful public participation from a Colombian perspective.
- Suggest approaches for achieving more meaningful public participation through the EIA process of major projects in Colombia.

4 General Approach

Qualitative methods were used to achieve the purpose and objectives of this research. According to Creswell (2014), qualitative research helps analyze human issues or look for answers to certain questions through one or more people's understanding of the implications or significance of an action or issue. The methods used to collect data included a document review and semi-structured one-on-one interviews. The document review helped to identify current public participation practices in EIA processes in the Colombian context and consolidate the essential elements of meaningful public participation of the NGIA that are potentially applicable in the Colombian EIA process. The interviews focused on identifying potential implementation approaches of the essential elements of meaningful public participation in the NGIA in the Colombian context as well as the shortcomings of these elements from the Colombian perspective. Interviewees were village leaders, members of the local and national government, environmental consultants, representatives from non-government organizations (NGOs), and project proponents who have had experience in public participation in EIA. For analyzing the data collected, I used the software NVivo to facilitate sorting and analyzing the information by themes and help

establish some recommendations for achieving more meaningful public participation in EIA in Colombia. The detailed methods are described in Chapter 3.

5 Limitations

According to Creswell (2014), qualitative research implies a particular researcher's methods for collecting data, understanding it, validating it, and elaborating on the possible outcomes. Thus, one limitation of the study was that I could not review all EIS documents establishing current practices for EIA in Colombia that could provide data for the baseline of my research. In addition, as part of the same limitation, I could not interview all the stakeholders involved in the EIA process of major projects in Colombia, therefore the data collected came from some key actors in the process that I could identify.

6 Organization of Thesis Document

The thesis is organized into six chapters. Following this Introductory chapter, the second chapter includes a review of the literature to build a baseline for achieving the purpose of my research, as well as to identify the common practices of public participation in EIA processes of major projects in Colombia. The third chapter establishes the research design and methods, including the specific methods used to achieve the purpose and objectives of my research. The fourth chapter is about Public Participation in EIA in Colombia, which includes data to describe how public participation is currently being managed for major projects in Colombia. The fifth chapter captures the voice of stakeholders, which includes my results and interpretations of the data collected from interviews with stakeholders about the essential elements of meaningful public participation. Finally, the sixth chapter contains conclusions and suggestions from the findings of my research.

CHAPTER 2: PUBLIC PARTICIPATION IN ENVIRONMENTAL IMPACT ASSESSMENT

1 Defining Environmental Impact Assessment

From a global perspective, the definition and usage of the terms Environmental Assessment (EA), Impact Assessment (IA), and Environmental Impact Assessment (EIA), are not unanimous. In some jurisdictions, these terms are interchangeable and refer to a planning tool that forecasts the possible environmental impacts of a project and can propose alternatives and management measures (Ortolano & Shepherd, 1995; IAIA & IEA, 1999; Vanclay, 2009; Hanna, 2009; Morgan, 2012; Sinclair et al., 2022). In Colombia, the Environment and Sustainable Development Ministry and the National Authority for Environmental Licences (ANLA for its Spanish acronym) define EIA as the main tool for identifying and assessing the potential impacts of a project and for proposing management measures for preventing, mitigating, correcting, and compensating for those impacts in the General Methodology for the Making of Environmental Studies (2018). Therefore, in the present research, EIA refers to the process and elements established in the description of an EIA in the Colombian context, including public participation.

1.1 Environmental Impact Assessment - EIA

EIA informs the parties interested in a project of potential environmental impacts and, in some cases, about possible alternatives (Ortolano & Shepherd, 1995; IAIA & IEA, 1999; Vanclay, 2009; Sinclair et al., 2022). Thus, EIA is applied not only for assessing impacts but also to improve the quality of the decisions regarding how projects might affect the environment and local communities. For example, in Colombia in 2019, a proponent planned to explore for gas in the northern area of the country near a local natural park and

small villages in La Union, Sucre, that is traditionally dedicated to agriculture and cattle raising. Although the communities living there had no previous participation or experiences with such projects, they were concerned about the environmental and social impacts. Thus, community leaders and local authorities wanted to learn about the basics of EIA, share knowledge and experiences, and request ways to participate in the EIA process. Based on the theory and experience, EIA is a process for considering communities' concerns about their environment and well-being when making decisions about projects that may impact them (Sinclair & Doelle, 2015; Meredith, 2004).

An EIA employs baseline information and some analyses to predict some of the potential environmental and social impacts of a proposed project, such as the gas exploration project noted above (Rozema & Bond, 2015; Noble, 2015; Morrison-Saunders & Fischer, 2006). By providing this information before the development of any project, the negative impacts can be prevented or mitigated, and its potential positive impacts can be strengthened. In most cases, negative effects that remain after prevention or mitigation measures are identified and addressed with offset measures. In addition, through public participation, EIA also provides a tool for enhancing the quality of discussions and coordination between the different actors and interested parties involved in the project decision-making processes (Toro et al., 2013; Noble, 2015; Alshuwaikhat, 2005). Thus, public participation in EIA processes is a cornerstone in the success and legitimacy of the project decision processes and their outcomes (Sinclair, Diduck, et al., 2022; Sinclair & Doelle, 2015; Salomons & Hoberg, 2014).

Public participation in EIA processes was envisaged as an approach to involve communities and other interested parties (Lwesya Sibale & Fischer, 2023; Devlin et al.,

2005). In most cases, in the global context of EIA, involving communities and other interested parties is a requirement of the environmental and governmental authorities to grant permission for project development. In essence, public participation was designed to consider the views and concerns of interested parties and communities regarding the impacts a project could bring to their environment, interests, and well-being (Sinclair, Diduck, et al., 2022). However, achieving this purpose has been a challenge for varied reasons including a lack of resources and knowledge, power imbalances, lack of early participation, and low rates of participation others (Sanchez et al., 2023; Sinclair et al., 2021; Sinclair et al., 2015).

2 The Next Generation of Impact Assessment

Next Generation Impact Assessment is an innovative approach to EIA processes that proposes addressing project assessment with an emphasis on sustainability, meaningful public participation, and human well-being (Doelle & Sinclair, 2021; Gibson, 2002; Gibson et al., 2016). NGIA involves applying a combination of 14 basic elements considered critical to the successful application of EIA in different jurisdictional contexts.

Implementing these elements has potential benefits, such as boosting broader social reflection, thought, and understanding by better capturing the concerns and interests of the interested parties and the general public (Sinclair & Doelle, 2021; Sinclair et al., 2018). The elements include:

- 1. sustainability-based purpose, scope and criteria for evaluations and decisions,*
- 2. application of integrated, tiered assessments covering all potentially significant undertakings at the regional, strategic and project levels,*
- 3. interjurisdictional cooperation, collaboration and upward harmonization,*

4. *respect for Indigenous knowledge, rights and authority and facilitation of reconciliation,*
5. *assessment streams for assessments of projects and regional/strategic undertakings of different character and significance,*
6. *meaningful public participation,*
7. *full-process learning,*
8. *early process initiation,*
9. *rigorous and credible impact assessments focused on cumulative and interactive effects and uncertainties,*
10. *comparative evaluation of potentially reasonable alternatives, including the null option,*
11. *credible, accountable and authoritative decision-making for assessed undertakings, policy-making and other core initiatives under IA,*
12. *follow-up of compliance with conditions, effect predictions, and effective response to monitoring findings,*
13. *independent and impartial implementation and administration, and*
14. *effective, efficient and fair process.*

Meaningful public participation is a key element in this novel approach to EIA processes (Sinclair, Diduck, et al., 2022). By better involving the concerns and interests of the communities in the EIA process of a project, the proponent has more chances of achieving good and long-lasting relationships with communities and interested parties, as well as having a more socially and environmentally responsible project (Sinclair, Doelle, et

al., 2022). The idea of meaningful public participation is central to this research and is outlined in the next section.

2.1 Meaningful Public Participation

After many decades of attempts to involve the public in EIA processes of projects that might affect the region where projects take place, EIA practitioners and scholars have explored ways to improve public participation in those processes. As stated by several authors (Sinclair & Burdett, 2024, Sanchez et al., 2023, Sinclair, Diduck, et al., 2022), the public is requesting more chances to participate in the decision-making processes that have effects on their regions, people, and environment; and their key concerns about current public participation processes in EIA include the following:

1. *perceived inefficiencies,*
2. *accelerated decision processes,*
3. *lack of broad and early participation,*
4. *lack of shared decision-making,*
5. *undervaluing public contribution and different forms of knowledge,*
6. *information and communication deficiencies,*
7. *limited participant assistance,*
8. *weak participation in follow-up and monitoring,*
9. *power imbalances,*
10. *limited capacity to engage in the IA process.*

The reasons for these key concerns vary depending on the context and historical relationships between communities and project owners, government, and interested parties in EIA processes. However, some of the most common reasons are weak community

engagement/participation plans, external pressures for quick decision-making, placing too much trust in technical assumptions, insufficient funding, and imbalanced resources, skills, and capacities (Sinclair & Burdett, 2024; Sanchez et al., 2023). Regarding trust in technical assumptions in the development of an EIA in Colombia, it is common for project owners and EIA practitioners to hold the perception that community members involved in the EIA processes are not able to contribute to the process when it comes to technical or complex ideas or approaches because of the specific knowledge they might require. However, one of the claims from the communities is the inclusion of their perspective about concerns or views of the potential impacts of the project. This is, in fact, one of the most recurring concerns of community members in the assessment of proposed projects, that their technical and non-technical concerns are not being heard.

Concerns such as the ones described above led EIA practitioners and scholars to develop and propose the notion that public participation in EIA needs to be “meaningful”, which refers to a better approach and means to achieve public participation in EIA processes (Sinclair et al. 2021). Meaningful public participation invites EIA practitioners to enhance the processes through active, early, and effective involvement of interested parties (government bodies, authorities, experts, the public, non-governmental organizations, etc.) in any project (Sinclair et al., 2022). To achieve meaningful public participation in EIA processes, scholars in this field have proposed 10 essential elements (Sinclair & Burdett, 2024, Sanchez et al., 2023). Table 1 includes a brief description of these essential elements of meaningful public participation.

Table 1 Essential Elements of Meaningful Public Participation in IA Processes.
Adapted from Sinclair & Burdett, 2024, Sanchez et al., 2023, Sinclair and Diduck 2015.

Element	Description
<i>Access to information</i>	Reliable information needs to be available to the public and presented in an understandable style.
<i>Access to public hearings</i>	Communities should have access to this type of participatory activity, offering the chance for a collaborative and friendly discussion.
<i>Adequate notice</i>	Adequately advising communities of upcoming events or opportunities to be part of participatory activities in the IA process
<i>Decisions impact</i>	The community's input in the participatory activities in the IA processes should have the potential to modify the final decisions.
<i>Deliberative forums</i>	Purposeful approaches to participation in IA processes are needed to promote real discussion and collaboration, enhancing mutual learning in the process.
<i>Early and ongoing participation</i>	Ideally, public participation should start before the official IA process starts, before IA planning and decisions are made.
<i>Fair and open</i>	Participation in the IA process should be open to everyone interested in the project, not only to those geographically related. The participation process needs to be flexible and suitable to the context.
<i>Learning oriented</i>	Every IA process has the potential to be a learning tool, promoting collective knowledge, IA accuracy, and IA process implementation.
<i>Opportunities for public comment</i>	Encourage the use of active approaches for public participation (expert panels, workshops, etc.) that allow people to provide input to the IA process.
<i>Participant assistance</i>	Participants should be supported with resources to achieve meaningful participation in the process. Support can be in the form of funding, training, access to experts in IA, etc.

The above 10 essential elements of meaningful public participation are based on many years of experience in EIA condensed in literature and the expertise and more recent research of EIA scholars and practitioners in Canada (Sinclair & Burdett, 2024, Sanchez et al., 2023). The elements can be adjusted to the extent and specificities of a project (Sanchez

et al., 2023). However, the benefits expected from achieving meaningful public participation in the EIA process greatly depend on the context where it takes place, regarding the legislation, policies, guidelines, and in some cases, the political dynamics of the place.

2.1.1 Essential Elements of Meaningful Public Participation

As stated above, community members' concerns about public participation in EIA processes lead practitioners and academics to explore and develop new approaches and means to make this participation more meaningful. The following paragraphs describe each of the 10 essential elements proposed by Sinclair and Burdett (2024) to achieve meaningful public participation in EIA processes.

2.1.1.1 Access to Information

To build trust, facilitate informed decision-making, and empower stakeholders to engage in the EIA process actively, access to information is vital (Harvie & Koutsamanis, 2024; Sinclair & Burdett, 2024a). Stakeholders should have straightforward access to all the information and remarks from the environmental authority, project proponent, and other participants in an EIA process (Sanchez et al., 2023; Sinclair, Diduck, et al., 2022). This element emphasizes:

1. **Transparency:** Providing clear, accurate, and timely information about the EIA process, decisions, and potential impacts.
2. **Comprehensibility:** Presenting information in a way that is understandable to non-experts, avoiding too technical vocabulary and using plain language.
3. **Availability:** Making information available through multiple channels, such as online platforms, meetings, and printed materials.

4. Responsiveness: Ensuring that stakeholders can request additional information and receive prompt responses to their inquiries.

Access to information is vital in this context as it allows the public to understand the potential impacts of a project, allowing them to participate meaningfully in the EIA process; this includes understanding the project's scope, potential environmental and social impacts, and proposed impact management measures.

2.1.1.2 Access to Public Hearings

In the EIA context, Public Hearings provide an official platform for stakeholders, including the public, to express their views, concerns, and suggestions about an EIA process for a project planned to be developed in their territories (Wright et al., 2024; Sinclair & Burdett, 2024a). Particularly in Colombia, these hearings are seen as one of the most influential tools for participation in EIA in a regulatory process for a project seeking an environmental licence (ANLA, 2018). They offer an opportunity for direct interaction between the communities, other interested parties, project proponents and the decision-makers in the process, aiming to promote transparency and accountability in the EIA and decision-making process. In essence, these hearings are designed to allow the participation of those who might be directly affected by the project and others with relevant experience and interests in the environmental and social affairs in discussion (Wright et al., 2024).

2.1.1.3 Adequate Notice

This means adequately advising communities of upcoming events or opportunities to be part of participatory activities in the EIA process, thus ensuring that potential participants have enough time and information to be prepared before the kick-off meeting and ongoing discussions in the assessment of a project (Harvie & Koutsamanis, 2024;

Sinclair & Burdett, 2024a). This is an important element for the basis of meaningful public participation during the real opportunities in the EIA process given to the public to participate and provide informed opinions and concerns (Harvie & Koutsamanis, 2024). Project proponents and environmental authorities should seek to advise the potentially impacted communities of upcoming opportunities to participate in the EIA process and encourage them to do so. In this process, all the means and tools available depending on the conditions of the territory must be employed, including printed ads, local radio, and social media. The notice must be prompt and intentional in encouraging the public to become conscious of the type of project under development, the information available, and the opportunities to provide input in the EIA process.

2.1.1.4 Decision Impact

Decision impact refers to the influence that communities' input can have on the decision-making in the EIA process of a given project. This element highlights that for public participation to be meaningful, the comments, ideas, and opinions gathered from the community in participatory activities should have a concrete and visible impact on the decisions made for the EIA process and its outcomes (Sinclair & Burdett, 2024a). Public input should be treated with the potential of modifying the final decisions (Hardy et al., 2024). Historically, this has been one of the elements that the public cares about most. In Colombia and any other jurisdiction, communities will want to participate in the processes if they feel they are listened to and that their contributions and concerns are seriously considered in the decision-making process and the final decisions made by a project proponent and environmental authorities.

2.1.1.5 Deliberative Forums

Participation approaches in the EIA process, including spaces, methodologies and programs should evolve into settings and opportunities to promote real discussion and collaboration, enhancing mutual learning among all the participants and developing shared ideas and suggestions in the process (Thompson, 2024; Sinclair & Burdett, 2024a). This type of forum in an EIA process would consider the complexities of a territory and the diverse ideas, needs, and interests of the community and stakeholders potentially affected by a project. These forums are vital to enable an exchange of ideas, understanding, and negotiation between stakeholders, including project proponents, environmental authorities, the government, and community members (Thompson, 2024). Various methods have been proposed to undertake these forums, including *chat rooms, conferences, mediation, boards, and sharing circles*; additionally, there is the potential to employ futures techniques such as *envisioning and scenario development* (Thompson, 2024; Sinclair & Burdett, 2024a).

2.1.1.6 Early and Ongoing Participation

Ideally, public participation should start before the official EIA process starts, before assessment planning and decisions are made, and sustain public involvement throughout the process (Johnston & Sinclair, 2024; Harvie & Koutsamanis, 2024; Sinclair & Burdett, 2024a). This approach would enhance participants' trust in the process itself, the potential outcomes, and the decisions made (Harvie & Koutsamanis, 2024). Given the variety of environmental and social conditions and dynamics in any territory, early participation helps tailor the planning and execution of the participatory activities to the real context and potential participants in the EIA process. To boost trust in the EIA process, individuals should be able to participate in the initial stages of projects, activities, regional assessments, and strategic initiatives (Harvie & Koutsamanis, 2024). Early participation

can help to set objectives, formulate engagement approaches, determine procedures for implementing them, and establish mechanisms to review and adjust them if needed throughout the process.

2.1.1.7 Fair and Open

In many jurisdictions, including Colombia, this element is crucial to the EIA process and often the most controversial. Public participation in EIA should be accessible to anyone wishing to engage, through adaptable and suitable means, strategies and processes, to the context and participants needs (Harvie & Koutsamanis, 2024). This approach would increase the opportunities for collective learning by incorporating external participants into the EIA process (Hardy et al., 2024). In our interconnected world, geographical location does not solely determine the impact of or interest in a project, and anyone should have the chance to participate, learn, and express their support or opposition to a proposed project or initiative (Hardy et al., 2024; Sinclair & Burdett, 2024a). In many EIA cases, limiting public participation to the geographical context of the project discards potential participants who could contribute with knowledge and experience to the EIA process and its outcomes and approach it from a wider and global perspective.

2.1.1.8 Learning Oriented

This element refers to the potential that the EIA process has at different levels to create opportunities for collective learning in the process's early stages and throughout its progress. To achieve this goal, public participation strategies and programs should be intentionally planned and designed with an emphasis on learning (Sinclair & Burdett, 2024a). Regardless of the context and conditions of the territory where an EIA process is being undertaken, there will be some form of learning resources, experts in different themes and disciplines, official information, etc., that could contribute to gaining knowledge

collectively during the public participation activities in the EIA process (Harvie & Koutsamanis, 2024). As stated by Sinclair and Burdett (2024), learning should be encouraged in public participation in at least three areas: between participants' knowledge and backgrounds, the accuracy of the EIA predictions and outcomes, and the EIA process itself.

2.1.1.9 Opportunities for Public Comment

This element refers to the creation of spaces, platforms and tools that allow the public to express their opinions, concerns, and suggestions about a project during the EIA process. It is essential to provide the public with opportunities to engage through methods that encourage purposeful debate and face-to-face discussions, promoting mutual learning. These methods and tools should be selected based on the participant's needs concerning their age, physical condition, location, etc. (Sinclair & Burdett, 2024a). Additionally, nowadays the internet and virtual meeting tools enable face-to-face conversations to occur remotely, which is an important factor in countries such as Colombia, where the population living in the territories where EIA takes place is usually distant from the main towns. For the methods and tools potentially selected for public comment, it is important to prioritize the active ones, allowing real-time engagement and discussion.

2.1.1.10 Participant Assistance

Aiming to support participants with resources to achieve meaningful participation in the EIA process, this element refers to facilitating the necessary means, tools, and accommodations to enable community members in any territory to participate effectively (Harvie & Koutsamanis, 2024; Hardy et al., 2024). Participant assistance must be tailored to the necessities a community has. It can be financial support, training and education on the topics and basic skills for public participation in EIA, access to experts in EIA to

address specific issues, commuting facilities, etc., to build the communities' capacities and experience over the time to enhance their participation in EIA processes (Sinclair & Burdett, 2024a). In developing countries such as Colombia, this is an important element to implement to achieve more meaningful public participation, given the challenging conditions some communities face in rural areas concerning long-distance travel to towns, rural road conditions, lack of economic resources, etc.

3 The Colombian Context

The Republic of Colombia is in the northwest corner of South America, and according to the National Department of Statistics (Spanish acronym, DANE), its population is about 48.2 million (DANE, 2018). Colombia is divided into six regions (Caribbean, Pacific, Insular, Andine, Orinoquia, and Amazonia) and 32 departments, similar to what in other countries are known as provinces. Each department has urban and rural areas, organized as municipalities for cities and towns, and small villages in the countryside.

Colombia is one of the most biodiverse countries in the world due to its variety of flora, fauna, soils, ecosystems, habitats, and bioregions (Pardo Martínez & Alfonso P, 2018). Precisely because of this richness in biodiversity, Colombia prioritizes environmental conservation through the proposal and implementation of programs for environmental conservancy, recovery, and sustainability to offset the negative impacts of anthropic activities on natural resources and ecosystems (Toro et al., 2010; Costanza et al., 2017). Parts of the planning and implementation of these programs involve the public by increasing community awareness about the importance of protecting and advocating for the conservation of natural resources.

Regarding the socio-political context in Colombia, it has been deeply marked by violence, often driven by a complex mix of ideological, economic, and social factors (Turel, 2013; González, 2004). Beginning in the mid-20th century, the country experienced intense political division, known as the “La Violencia” period (1948–1958), a civil war between the Conservative and Liberal parties that left an estimated 200,000 people dead (Turel, 2013). This violence laid the groundwork for the rise of various armed groups, including left-wing guerillas such as the Revolutionary Armed Forces of Colombia (Spanish acronym FARC) and the National Liberation Army (Spanish acronym ELN), and right-wing paramilitary organizations. Throughout the late 20th and early 21st centuries, Colombia was plagued by widespread drug trafficking, which funded both guerrilla and paramilitary groups, further intensifying the violence. The state struggled to maintain control, with the violence appearing in urban and rural areas, affecting millions of people. Despite peace agreements, such as the 2016 deal with the FARC, the country continues to deal with the lingering effects of armed conflict, social inequality, and the challenge of integrating former guerillas into society (Justice for Colombia, n.d.).

3.1 Environmental Impact Assessment in Colombia

In concordance with its definition, in Colombia EIA is employed as the main tool for decision-making in the environmental licensing process for major projects all around the country (Toro et al., 2013). Since Law 99 was issued in 1993 in Colombia, the environmental licensing process was officially established and structured, which included the legal framework for introducing EIA as a requirement of the licensing process (Law 99, 1993). Figure 1 provides an overview of the environmental licensing process in Colombia,

highlighting the community engagement phase (public participation) as input to the EIA drafted report.

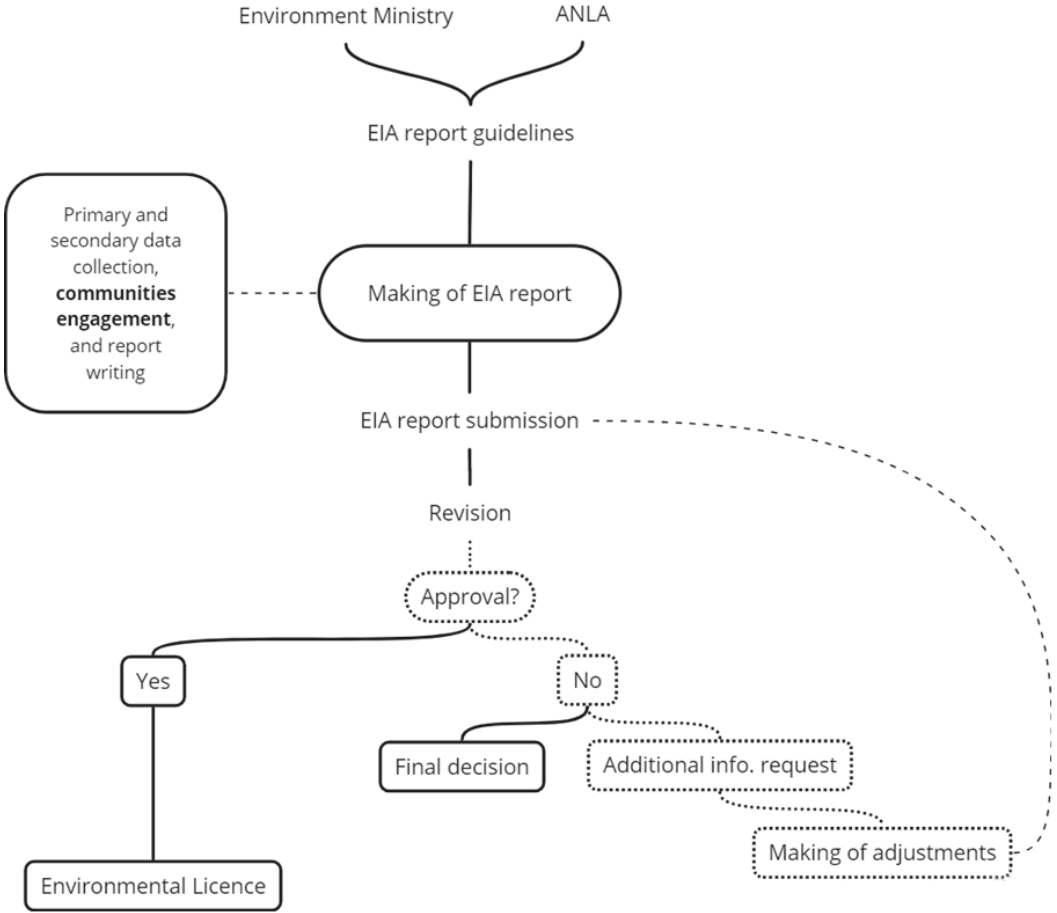


Figure 1 Environmental Licensing Process in Colombia

As noted in Figure 1, EIA is an element within the environmental licensing process and an independent process before licencing. My research focused only on the EIA process. Historically, the legal framework in Colombia has been more focused on the environmental licensing process and natural resources management rather than the EIA process (Toro et al., 2010; Zárate Yepes, Gómez Quintero, et al., 2016). For example, a specific assessment procedure or methodology for an EIA is not provided by the Colombian legal framework. The existing guidelines under the law require a description of the methods employed

including considerations and criteria to use them in an assessment process that allows a qualitative and quantitative impact analysis of a project (Zárate Yepes, Gil Hernández, et al., 2016). In this process, the project's owner has the freedom to plan the EIA methods and components if they have the support of being successfully used in previous scenarios and similar projects and follow the existing guidelines or terms of reference for making EIA reports (Cardona-Almeida et al., 2022). For some practitioners, this makes EIA processes ineffective due to the lack of methodological guidelines to ensure fairness.

Regarding the existing environmental regulation in Colombia that provides a legal framework and context for the environmental licensing and EIA processes, these are some examples:

1. 1974, Decree 2811, the Natural Resources Code: first national legislation dedicated to environmental matters. This decree made an environmental licensing process compulsory for all projects that might cause environmental impacts.
2. 1991, the Political Constitution of the Republic of Colombia: it includes almost fifty environment-related articles.
3. 1993, Law 99: it created the National Environmental System and included the term Environmental Impact Study (EIS) in the national law for the first time as well as the framework and regulations for environmental licensing in Colombia.
4. From 1959 to 2019: a variety of environmental resolutions, decrees, and laws establishing some specifications regarding water, soil, and air quality parameters, solid waste treatment procedures, climate change policies, guidelines for environmental studies, etc.

5. General Methodology for the Making of Environmental Studies (2018): guiding principles for elaborating and submitting environmental studies required by the law. This methodology includes a general guideline for community engagement during the EIA process for projects.
6. Terms of Reference for Environmental Studies: general guidelines for the making of environmental studies specified by industry and type of project, such as the exploration, production, or transportation of oil and gas, mining, construction of national roads, construction and operation of transmission lines, pipelines, among others.

3.2 Colombian Involvement in International Agreements That Might Influence Public Participation in EIA Processes

From a political perspective, the basis of public participation and community involvement in government decisions was established by the 1991 Colombian constitution with three pillars: to include more rights for citizens, mainly for Indigenous and minorities; to encourage more involvement of the public in government decision-making; and to reinforce the respect of civil rights. Beginning in 1991, the national context was settled for allowing the involvement of the public in government decision-making and related affairs. As a consequence, the Colombian state started to get involved in international agreements related to civil rights and public participation in government matters.

For example, in 1994, Colombia signed the United Nations Conference on Environment and Development, the Convention on Biological Diversity, the United Nations Conference on the Human Environment, and the Convention on the Environmental Impact Assessment in a Transboundary Context. Being part of these agreements started

shifting the perception and approach of the Colombian government in actioning regulations and associated guidance towards the human-environment dynamic of the country and the development of common interests. Among others, it caused some national laws to contemplate EIA processes as a part of decision-making before project development and including communities in those processes. Such inclusion in the EIA process was an early result of the international agreements in the Colombian context due to the necessity to include local knowledge about the social-ecological diversity and dynamics where projects take place or regions of interest for conservation. Increasing public awareness about the potential environmental impacts of projects at local and national levels was another important reason for signing such agreements and for involving the public in decisions. Over the years, this opened the paths for public participation in government decision-making processes in affairs related to the environment.

Colombia signed the Escazú Agreement, a “Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean” in 2019. The Escazú Agreement is a regional agreement for guaranteeing the right of access to environmental-related data, public participation in environmental and natural resources decision-making processes, and justice in environmental affairs (Sanchez et al., 2023). The agreement was adopted in Escazú, Costa Rica on March 04, 2018, inviting the countries of Latin America and the Caribbean to join this regional attempt to enhance community involvement in environmental affairs. On November 05, 2022, a step towards the implementation of the Escazú Agreement in Colombia was taken by the Colombian President Gustavo Petro ratifying the Escazú Agreement and approving Law No. 2273 (Republic of Colombia, 2022).

More recently, on August 28th, the Colombian Constitutional Court reached a definitive decision regarding the approval and applicability of the Escazú Agreement in the Colombian context. This law would allow any Colombian citizen to access information about private or governmental initiatives that might negatively impact the environment. In addition, it established some protection criteria for environmentalists and possibilities of public participation in decision-making in environment-related matters from prosecution. Colombian Minister of Environment and Sustainable Development, Susana Muhamad, stated:

It is excellent news on the eve of COP16, the decision of the Constitutional Court to give the green light to the Escazú Agreement. What does the Escazú Agreement imply for citizens? It means the guarantee of their rights to participate in environmental decisions, that environmental authorities, and companies, must provide transparent information about these decisions and that we must guarantee the rights of environmental defenders so that they are not stigmatized and defend their lives. (MADS, 2024)

Even though the final approval of the Escazú Agreement has been just made and the guidelines for its actual implementation are pending; it is expected to have a positive influence in the public participation processes in EIA. Communities and diverse stakeholders see the approval of this agreement as a step forward to a more transparent participation process in EIA and other environmental matters in Colombia.

3.3 Public Participation in EIA Processes in Colombia

Concerning public participation in EIA processes, Law 99 (1993) included regulations for its implementation and guidelines have been developed for its application.

In 2015, decree 1076 in its article 2.2.2.3.3.3. stated that communities should be informed of the scope of the project, with emphasis on the impacts and management measures proposed, and the feedback gathered during this phase should be evaluated and, if suitable, integrated into the environmental impact analysis (Decreto 1076, 2015). The General Methodology for the Making of Environmental Studies (2018), included a general guideline for citizen participation (as labelled in the Colombian context; in this document, the term used is public participation) during the EIA process in any project requiring an environmental licence (see Figure 2). This methodology establishes that the owner of a project intending to obtain the licence must socialize and participate with communities of the territories that are in the project's area about the EIA process and results, as well as with the local and regional jurisdictions (MinAmbiente, 2018). In addition, the socialization and participation process must be done with any social organization or institution present in the project area that might be affected by the execution of the project. This guideline aims to ensure that the communities potentially affected by a project, know the essential information of the EIA, of the project itself, its possible environmental and social impacts, and the mitigation measures proposed by the project owner (IISD, 2015). In addition, it offers an opportunity for the public to provide feedback about the project and its potential implications.

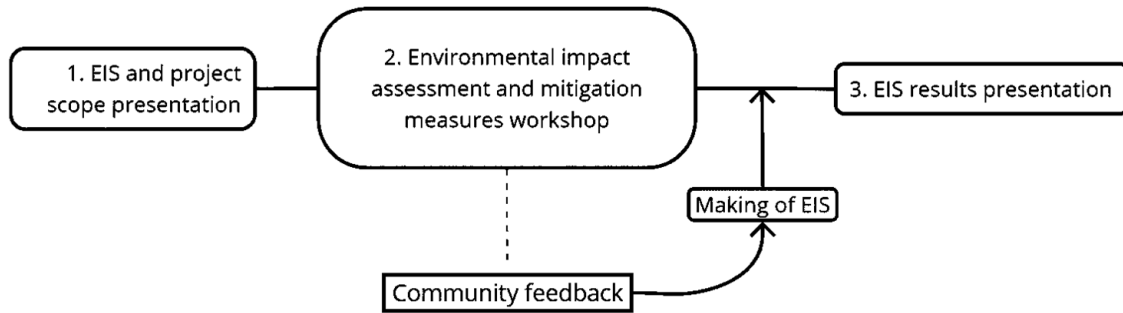


Figure 2 Public Participation process for EIA proposed in the General Methodology for the Making of Environmental Studies (2018) in Colombia

Public participation events for EIA processes in Colombia are usually conducted through open-house sessions. To satisfy the public participation process, the project's owner organizes events to conduct the three required thematic sessions shown in Figure 2. The first session is for sharing information about the project and the EIA planning. The second session is to be a community workshop to present the project's potential impacts and mitigation measures, and to gather input from the community about their concerns and considerations. The third session is a presentation of the EIA results and the next steps in the process. These three sessions are developed with the community of each district in the project's area. The project owner must gather evidence from the sessions conducted to support the process during the revision of the EIA by the environmental authority. However, despite these procedures, guidelines, and the previously described legislative context, public participation in EIA processes in Colombia still faces challenges in full and genuine implementation.

Regarding other legal means for public participation (citizen participation mechanisms, as labelled in the Colombian context) enabled by national acts, in Colombia, the ANLA lists them in its Guidelines for Citizen Participation for Environmental

Licensing released in 2018. Table 2 lists and describes the main aspects of the mechanisms outlined in the ANLA’s 2018 guidelines.

Table 2 *Citizen’s Participation Mechanism in Colombia.*

Source: ANLA, 2018.

Citizen participation mechanism	Key aspects
<i>Intervening Third-Party (Tercero Interviniente)</i>	<ul style="list-style-type: none"> - Communities have the right to intervene in environmental administrative proceedings related to projects, expressing their concerns and providing relevant information. - This mechanism allows interested parties to participate actively in decision-making in the environmental licensing process.
<i>Right to Petition (Derecho de Peticion)</i>	<ul style="list-style-type: none"> - Communities can submit formal requests or petitions to the ANLA, seeking information, expressing complaints, or making suggestions related to Environmental Impact Assessment processes. - The ANLA must respond to these petitions within the established timeframes by the law.
<i>Public Environmental Hearings (Audiencia Publica Ambiental)</i>	<ul style="list-style-type: none"> - These public hearings provide a platform for dialogue between project proponents, authorities, and potentially affected communities. - Participants can express their views, ask questions, and raise concerns about the Environmental Impact Assessment of proposed projects.
<i>Prior Consultations (Consulta Previa)</i>	<ul style="list-style-type: none"> - For projects affecting indigenous communities or ethnic groups, the ANLA ensures prior consultations. - Indigenous communities participate in decision-making processes, to protect their rights and cultural heritage.

These mechanisms have been established in the Colombian context at different moments in the evolution of the legal framework of environmental issues. Article 69 of Law 99 of 1993 established the Intervening Third-Party (Tercero Interviniente) figure; which permits any individual or entity to seek acknowledgment as a third-party participant in administrative processes started by the environmental authority; Law 99 of 1993 also created the Public Environmental Hearings (Audiencia Publica Ambiental) and the Decree 330 of 2007 further established some of their regulations. These participation instruments could be employed in the licensing processes for granting, changing, or annulling permits or licenses for projects that have or potentially have environmental impacts (Law 99, 1993). The Right to Petition (Derecho de Peticion) was created with the 1991 Constitution, to protect essential rights, including the right to a healthy environment (Constitucion Politica de Colombia, 1991). Prior Consultation (Consulta Previa) in environmental affairs in Colombia is regulated by Law 99 of 1993, for projects affecting Indigenous communities or ethnic groups; as per the scope of this research, prior consultation will not be further detailed. According to ANLA, these mechanisms promote transparency, inclusivity, and informed decision-making in Colombia within the environmental licensing framework (ANLA, 2018).

According to the ANLA's Sub-directorate of Citizen Participation Mechanisms, since implementing the participation mechanisms in the environmental framework in Colombia, claims and litigation processes have indirectly influenced governmental approaches and planning regarding public participation (ANLA, 2020). As stated in ANLA's (2020) institutional report on citizen participation mechanisms, the surge in the utilization of the third-party intervention mechanism has been noticeable since 2017, with a

significant increase observed in 2019 and 2020. Regarding Public Environmental Hearings, from the creation of ANLA in 2011 to the 2020 institutional report, 68 hearings sessions were conducted for 62 different projects, some of which had multiple sessions. These trends suggest an increased desire by the public to be informed about projects that can affect them and their territories. As a result of the implementation of these citizen participation mechanisms, since late 2019 ANLA has been establishing a new strategy for enhancing institutional presence in the rural territories where projects take place; this strategy focuses on improving communication channels and taking into account the requirements of the communities and their priorities, which would be considered in the decision-making process for evaluation and environmental licensing (ANLA, 2020).

It has been said that historical power imbalances in any country, and strong beliefs regarding spatial and socioeconomic dynamics, can trigger social and environmental conflicts when EIAs are being developed for a project (Carmona & Puerta Silva, 2020; Barandiaran & Rubiano-Galvis, 2019). When these types of conflicts happen, they might result from factors other than a deficient EIA process (Cardenas, 2022). Meaningful public participation might be highly influenced by the settings where the EIA process occurs. In developing countries such as Colombia, when projects are developed in remote countryside areas, there are usually social conflicts due to the communities' elevated expectations regarding socioeconomic benefits that might fulfill basic needs that are not covered by the state (Cardona-Almeida et al., 2022; Carmona & Puerta Silva, 2020; Toro et al., 2010). Consequently, meaningful public participation can be more difficult to achieve since communities' predispositions concerning their interests might differ from the project's scope and focus.

In addition, some of these projects seek to attract international and private investments to boost the national economy through the integration of new financial resources into the market, increase tax revenues, and in the end to have more control over the territories (Cardona-Almeida et al., 2022; Carmona & Puerta Silva, 2020). Whether this is the case or not, this perception influences the public participation processes and approaches from both the project's proponent and the public in Colombia. Proponents might be less rigorous in implementing public participation processes in a setting where they take for granted the development of the project in response to local dynamics. Consequently, social conflicts are expected to arise through the process. Communities settled in the territories feel their participation is just one more step in an EIA process rather than providing input for decision-making. As Carmona and Puerta (2020) stated, EIAs serve more as an enabling process for projects than as a participative and all-inclusive tool to avoid or mitigate their negative impacts.

As an example, the case study research developed by Carmona and Puerta (2020) about the Rancheria River project in Colombia exposes a case of power imbalances and lack of shared decision-making in EIA. The project was about the construction and operation of the dam "El Cercado" in the department of La Guajira. Diverse communities inhabit the area and they all have different relationships with the dam project and with the Rancheria River (Carmona and Puerta, 2020). The project was perceived as an example of a profit-centred initiative for promoting agricultural development and water privatization. Among other aspects of the project, the Colombian State funded 100% of the EIA for the project and it was declared as a project of public interest (Carmona and Puerta, 2020; CONPES, 2005). In other words, since the beginning of the project, there was a clear

economic focus and direction, where the implementation of the EIA and its public participation process would be a step in executing a project for economic growth and social development (Barandiaran & Rubiano-Galvis, 2019; Zárate Yepes, Gómez Quintero, et al., 2016; Sepúlveda & Villarroel, 2012; Toro et al., 2010). This weakened the genuine intention of capturing communities' concerns and allowing them to influence decision-making through public participation in the EIA process.

It seems that the practice of public participation in EIA in the Colombian context opposes the legislative setting of the country regarding public participation, the Escazu Agreement, and especially the statements of the 1991 Constitution about the equality of rights to all Colombian citizens. Article 13 of the Colombian Constitution states that all citizens are free and equal under the law. Thus, all communities should have the same opportunities to be part of the public participation processes in any project that might affect them or their environment, without being discriminated against because of race, language, beliefs, gender, etc. This issue has existed for many decades and is still a major concern for most communities in the country. It is an important matter for analysis and improvement by EIA practitioners and government and environmental authorities. This is of particular relevance in Colombia, the country with the highest number of murders of environmental defenders in the world in 2022 (BBC, 2023; Justice for Colombia, 2022).

4 Summary

The passing of Law 99 in Colombia has meant that since 1993 there has been an official environmental licensing process, which included a legal framework for introducing EIA as a requirement of the process (Law 99, 1993). EIA is now employed as the main tool for decision-making in the environmental licensing process for all major projects around

the country (Zárate Yepes, Gil Hernández, et al., 2016; Toro et al., 2013). EIA has been practiced for more than 20 years now in Colombia and public participation is a well-established component of it.

In this regard, Law 99 included regulations for the implementation of public participation and guidelines have been developed for its application in EIA processes. As an example, the General Methodology for the Making of Environmental Studies (2018) includes a general guideline for public participation during the EIA process in any project requiring an environmental licence. Despite this, public participation in EIA processes in Colombia still faces challenges in achieving full and genuine implementation, as outlined above. There are ongoing concerns raised by the public, such as power imbalances inherent in assessment processes and the lack of capacity for influencing EIA decision-making. Given these concerns and the fact that the Government of Colombia has signed on to international agreements such as Escazú that specifically call for enhancing public participation, the timing is good for considering how such participation could become more meaningful.

CHAPTER 3: RESEARCH DESIGN AND METHODS

The research design, strategy of inquiry, and methods introduced in Chapter one are explained in detail in this chapter, as well as the techniques, procedures, and tools for data collection, data analysis, and the strategies for ensuring validity. The methods used to collect data for the study included a document review and semi-structured one-on-one interviews. The document review helped to identify current public participation practices in EIA processes in the Colombian context and consolidate the essential elements of meaningful public participation of the NGIA potentially applicable in the Colombian assessment process. The interviews focused on identifying potential implementation approaches of the essential elements of meaningful public participation of the NGIA in the Colombian context as well as possible shortcomings of these elements from the Colombian perspective.

To achieve the purpose and objectives of the research, I selected a qualitative research approach as being the most suitable because I considered it to be the best way to obtain data on such a nuanced subject. Over many years, qualitative research has been used as a valid approach to carry out important and meaningful studies that rely on different data sources such as text and images (Creswell, 2018; Ashley & Boyd, 2006). Within the qualitative research approach, there are diverse types of research designs that may be employed depending on the researcher's worldview or even the study itself; these research designs may be ethnography, grounded theory, case study, etc. These aspects of qualitative research appealed to me and the focus of the next section is on describing and reflecting on my selected research design, the case study.

1 Case Study Strategy Of Inquiry

A case study strategy of inquiry was established as the most suitable way to achieve my purpose statement and objectives. Case study research has a long history of being implemented within the social sciences, humanities, and natural sciences (Mills et al., 2010; Kohlbacher, 2006). This approach helps a researcher to study a specific topic or issue that the researcher wants to work on in real-life contexts and naturalistic conditions (Creswell, 2018). At the beginning of its implementation, the case study was a helpful approach for researchers to collect valid and effective data outside the laboratory, employing laborious and trustable methods for research, such as the ones used in the lab (Mills et al., 2010; Seawright & Gerring, 2008). This characteristic makes case study research practical in diverse disciplines for exploring new sources of knowledge building, allowing one to examine a particular issue, topic of interest, group, community, institution, etc. (Seawright & Gerring, 2008). It translates well into exploring the applicability of the essential elements of meaningful public participation in NGIA, regarding the EIA process in Colombia.

1.1 Rationale for Case Study

Case study research is appropriate to explore questions such as the how or why of a contemporaneous phenomenon or issue regarding its context, mainly when limits between the issue and context are not obvious (Kekeya, 2021; Beverland & Lindgreen, 2010). It helps to develop a single unit or issue such as one community, one group, one institution, or one exact situation or problem, in each context (Harrison et al., 2017). Consequently, a case study provides specific data on the interpretations and experiences of humans regarding that situation or problem in a certain setting (Kekeya, 2021; Pope et al., 2018). I undertook a

case study of public participation in EIA processes in Colombia, including semi-structured interviews and a document review, methods that are central to this strategy of inquiry.

1.2 Selection of Case Study Topic

The case study focused on the public participation component of EIA processes for major projects in Colombia. In the following paragraphs, the rationale and description of major projects in the Colombian context are provided.

According to Colombian Law 99 of 1993, the execution of any project, work, or activity that has the potential to cause environmental impacts requires an environmental licence. Depending on the size and nature of the project, the entity in charge of assessing it will determine whether to grant an environmental licence. Some projects are the responsibility of the local/regional environmental authorities and others of the national one (Environment Ministry through ANLA). The latter are considered to be major projects in the Colombian context. Major projects are the ones listed in Colombian Law 99 of 1993, Article 52, *Environment Ministry grants environmental licence in the following cases:*

- 1. execution of works and activities for exploration, exploitation, transportation, conduction and storage of hydrocarbons and construction of refineries,*
- 2. execution of large mining projects,*
- 3. construction of dams or reservoirs with a capacity greater than two hundred million cubic meters, and construction of electrical power generating plants that exceed 100,000 kW of installed capacity, as well as the laying of transmission lines of the national electrical interconnection system and projects of exploration and use of virtually polluting alternative energy sources,*
- 4. construction or expansion of deep-sea ports,*

5. *construction of international airports,*
6. *execution of public works of road, river and railway of the national system,*
7. *construction of irrigation districts for more than 20,000 hectares,*
8. *production and import of pesticides, and those substances, materials or products subject to controls stated by international agreements, conventions and protocols,*
9. *development of projects that affect the National Natural Park System,*
10. *projects carried out by the Regional Environmental Entity referred to in paragraph 19 of article 31 of this Law,*
11. *transfer from one basin of water currents to another that exceeds 2 mt³/second during periods of minimum flow,*
12. *introduction to the country of parents for the reproduction of foreign species of wild fauna and flora that may affect the stability of ecosystems or wildlife,*
13. *development of nuclear power generation projects.*

Regarding case study selection, my research initially focused on public participation activities as they have been implemented in EIA for projects in categories 1, 2, and 6 as listed above - in other words, for the industry sectors of oil and gas, mining and national roads. These three sectors were chosen because, historically in Colombia they have been the most contentious in terms of environmental and social implications, ensuring a substantial number of potential case studies. Secondly, the projects chosen for consideration were the ones that received an environmental licence from ANLA between 2019 and 2023 and, therefore had documentation available on the ANLA database. Finally, I also considered the project's spatial scope, favouring those that involved three municipalities or more to ensure some complexity and diversity in the EIA public

participation process. Figure 3 provides an overview of the selection process of the study cases for the research and establishes that 21 cases were selected.

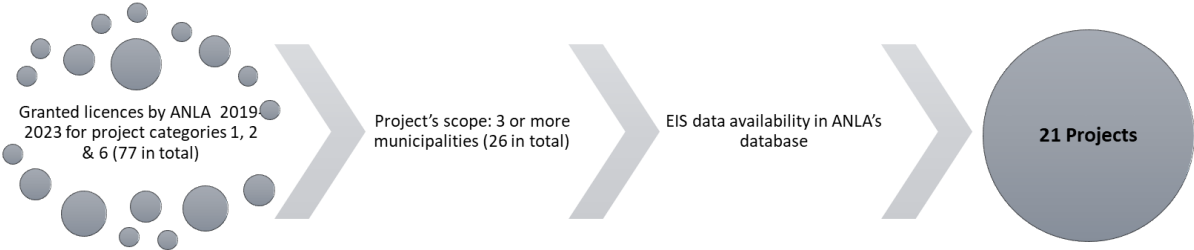


Figure 3 Selection process of study cases

An official request was made to ANLA inquiring about the licences they granted from 2019 to 2023 to projects in the industry sectors mentioned above (Appendix A). After receiving the official response from ANLA, according to their database of licences granted, out of the 77 licences granted in that period, 26 projects matched the criterion for the case study selection as previously established. The data from the environmental impact study sections and reports of these 26 cases related to public participation matters, was provided by ANLA in the form of Word and PDF files; a total of 18 GB of data was collected for 21 case study projects for which information on public participation was available in each environmental impact study. For the rest of the case study projects (five of the twenty-six), no data was available due to missing public participation information on the projects and missing or damaged files or storage devices.

Table 3 lists the 21 projects selected as study cases for the research.

Table 3 *Projects selected as study cases for this research (official database version).*

Source: ANLA database, 2024.

Project's name	Project's owner	Environmental licence				Municipality (Department)
		ID number	Year	Month	Day	
Área Dé Perforación Exploratoria Coyote - Pozos De Exploración - Licencia Ambiental.	ECOPETROL S.A	372	2019	3	14	Barrancabermeja, Carmen de Chucurí y San Vicente de Chucurí (Santander)
Área De Perforación Exploratoria Volumen C - Licencia Ambiental.	UNION TEMPORAL ISMOCOL JOSHI-PARKO UT-IJP	399	2019	3	19	Bolívar y Cimitarra (Santander) y Puerto Boyacá (Boyacá)
Construcción De La Doble Calzada Pamplona - Cucuta Unidades Funcionales 3, 4 Y 5 Sector Pamplonita - Los Acacios - Licencia Ambiental.	UNIÓN VIAL RÍO PAMPLONITA S.A.S.	2539	2019	12	26	Pamplonita, Chinácota, Bochalema y Los Patios (Norte de Santander)
Solicitud De Licencia Ambiental Para La Explotación Y Transformación De Feroníquel Cerro Matoso S.A. - Licencia Ambiental.	CERRO MATOSO S.A.	1878	2020	11	23	Sahagún, Pueblo Nuevo, Planeta Rica, Buenavista, Montelíbano, Puerto Libertador, y San José de Ure (Córdoba)
Estudio De Impacto Ambiental Área De Desarrollo Boranda - Licencia Ambiental.	PAREX RESOURCES COLOMBIA LTD SUCURSAL	1558	2021	9	3	San Alberto (Cesar), La Esperanza (Norte de Santander), y Rionegro (Santander)
Área De Perforación Exploratoria VSM3 - Licencia Ambiental.	TELPICO COLOMBIA LLC	1620	2021	9	13	Alvarado, Piedras y Coello (Tolima)

Project's name	Project's owner	Environmental licence				Municipality (Department)
		ID number	Year	Month	Day	
Estudio De Impacto Ambiental Para El Área De Desarrollo VMM-46 - Licencia Ambiental.	PAREX RESOURCES COLOMBIA LTD SUCURSAL	1971	2021	11	8	San Alberto (Cesar), Cáchira y la Esperanza (Norte de Santander) y Rionegro (Santander)
Estudio De Impacto Ambiental Área De Perforación Exploratoria (APE - SN-9) - Licencia Ambiental.	CLEAN ENERGY RESOURCES S.A. - CEREX S.A.	1578	2021	9	6	San Carlos, Planeta Rica, Pueblo Nuevo, Ciénaga de Oro y Sahagún (Córdoba)
Estudio De Impacto Ambiental Para El Área De Exploración Mangle SSJN-7 - Licencia Ambiental.	CNE OIL Y GAS S.A.S	781	2021	4	29	Corozal, El Roble, Galeras, Sampués, San Juan de Betulia y San Luis de Sincé, (Sucre) y Chinú (Córdoba)
Área De Desarrollo VIM-1 - Licencia Ambiental.	PAREX RESOURCES COLOMBIA LTD SUCURSAL	2123	2021	11	25	Plato, Tenerife, Chibolo, Zapayán (Magdalena)
Estudio De Impacto Ambiental Para El Área De Perforación Exploratoria COR-15 - Licencia Ambiental.	MAUREL & PROM COLOMBIA B.V.	1795	2021	10	11	Beteitiva, Busbanzá, Corrales y Tasco (Boyacá)
Unidad Funcional Integral 7, Subsector 2, Variante De Coveñas - Licencia Ambiental.	CONCESION RUTA AL MAR SAS	1317	2021	7	27	San Antero (Córdoba), Coveñas, San Antonio de Palmito y Santiago de Tolú (Sucre)
Área De Perforación Exploratoria Llanos 123 - Licencia Ambiental.	GEPARK COLOMBIA SAS	1804	2022	8	23	Cabuyaro y Barranca de Upia (Meta), Villanueva (Casanare) y Paratebuena (Cundinamarca)

Project's name	Project's owner	Environmental licence				Municipality (Department)
		ID number	Year	Month	Day	
Área De Perforación Exploratoria VIM 22 - Licencia Ambiental.	FRONTERA ENERGY COLOMBIA CORP., SUCURSAL COLOMBIA	2343	2022	9	26	Pijiño del Carmen, San Zenón, Santa Ana y San Sebastián de Buena Vista (Magdalena)
Área De Perforación Exploratoria Llanos 87 - Licencia Ambiental.	GEOPARK COLOMBIA S.A.S.	680	2022	3	31	Monterrey, Tauramena y Villanueva (Casanare)
Área De Desarrollo Llanos 94 - Licencia Ambiental.	PAREX RESOURCES COLOMBIA LTD SUCURSAL	886	2022	5	3	Cabuyaro, Cumaral y Puerto López (Meta)
Construcción Variante Sogamoso, Fase A, Sector Comprendido Desde K0 +000 A1 K7+300, Municipios De Firavitoba, Sogamoso Y Tibasosa Departamento De Boyacá. - Licencia Ambiental.	CONSORCIO VIAL MHC 056	1089	2022	5	25	Sogamoso, Cuitiva, Aquitania, Pajarito (Boyacá), Aguazul (Casanare)
Estudio De Impacto Ambiental Para El Área De Perforación Exploratoria VMM-47 - Licencia Ambiental.	CNE OIL & GAS S.A.S.	616	2023	3	29	Barrancabermeja, Puerto Wilches y Sabana de Torres (Santander)
Área De Perforación Exploratoria Arbolito Norte - Licencia Ambiental.	HOCOL S.A.	1155	2023	6	6	Palermo, Neiva y Aipe (Huila)
Área De Perforación Exploratoria COR-9 - Licencia Ambiental.	HOCOL S.A.	1410	2023	7	4	Suárez, Purificación, Cunday y Saldaña (Tolima)
Estudio De Impacto Ambiental Para La Construcción Y Operación De La Línea De Flujo Belleza-Casacará - Licencia Ambiental.	PAREX RESOURCES (COLOMBIA) AG SUCURSAL	1649	2023	8	1	Plato, Nueva Granada y Ariguaní (Magdalena) y

Project's name	Project's owner	Environmental licence ID number Year Month Day			Municipality (Department)
					Bosconia, Valledupar, La Paz y Agustín Codazzi (Cesar)

2 Data Collection Methods

Document review and semi-structured interviews were used to collect the data for the study. The methods are described in the following sections.

2.1 Document Review

One efficient and inexpensive way to gather background data and relevant context is through document reviews (Bowen, 2009). News articles, project-specific environmental impact studies and environmental plans, institutional reports, letters, project journals, published papers, environmental licences, government laws, and other public records are some examples of documents that can be used as sources of data, and they are often publicly available (Pimentel da Silva et al., 2021; Kluger et al., 2019). Reading, skimming, and analyzing the information in the documentation are steps in the document review process (Bowen, 2009). For the study, I looked for all of the types of documents listed above concerning the projects in my study to establish the current public participation practices in EIA processes in the Colombian context. This work also helped consolidate the essential elements of meaningful public participation of NGIA potentially most applicable to the Colombian EIA process.

The document review was primarily done using available sources online on official websites as well as available academic publications. The primary source of information for determining the public participation practices used in Colombian EIA processes for major projects was ANLA's official website, which publishes environmental licenses granted to major projects in Colombia. The process for collecting the information is outlined in Chapter three. For the 21 case study projects for which information on public participation was available in each environmental impact study, 18 GB of data were collected in Word

and PDF format. The goal of this step in the document review process was to pinpoint descriptions of the public participation practices used in EIA in the Colombian context. Data collected in the document review helped to identify and describe the suitable essential elements of meaningful public participation, as well as those that are problematic or missing, in the Colombian context.

2.2 Semi-Structured Interviews

Interviewing refers to a method for collecting data where the researcher engages in direct and interactive communication with participants to gather information, insights, or opinions on a specific topic (Creswell, 2018; Hay, 2016; Taylor & Blake, 2015). Interviews allowed for an in-depth exploration of individuals' perspectives, experiences, and perceptions of the public participation in EIA of major projects in Colombia. For the present study, the semi-structured interviews allowed flexibility and the possibility to ask follow-up questions during the session. I started each interview with a set of open-ended questions and then explored new themes that arose during the conversation, which I think was useful.

My interviews focused on identifying and describing current public participation practices in EIA and exploring the essential elements of meaningful public participation in NGIA in the Colombian context, from the participants' knowledge and experience. Interviews occurred with village leaders, members of the local and national government, environmental consultants, NGOs, and project proponents, who have had experiences in public participation in EIA processes. The first step was identifying potential interviewees on the official contact lists of the organizations, institutions, entities, or companies involved in EIA processes as identified through the literature, document review, and my experience.

Using the information available in the licences and environmental impact studies' public participation sections gathered from ANLA's database, including the project's name, project's proponent name, project's consultant, municipalities and towns in the project's study area, and project's participants from environmental authorities and the general public, it was possible to list the contact information for some potential interview participants, including government entities and private companies. Priority was given to the study cases that seemed on paper to offer the most opportunities for input from the public and that seemed to reflect the norm in terms of public participation in the cases I considered.

Secondly, with available contact information, I called or emailed potential participants using the recruitment scripts (See Appendix B) designed to provide an overview of the research and inquire about their interest in participating as interviewees. As a result, some agreed and scheduled a meeting for the official interview. Others asked to meet in person to expand more on the purpose of the interviews and my research, before having an official interview. For the latter, it took some visits to their offices in local municipalities (i.e., Sahagun, Cordoba; Bosconia, Cesar; etc.) or a public place like a coffee shop, which resulted in either conducting the interview, scheduling it, or having the contact information of another potential participant more suitable due to involvement in the study cases.

In the end, I undertook 20 interviews, involving a roughly equal number of participants from each group (village leaders, members of the local and national environmental authorities, environmental consultants, NGOs, and project proponents), who had experience with public participation in EIA processes in the Colombian context, and are, or were, involved in the study cases selected for the research. Once the official

interview was scheduled with a participant, I sent the consent letter, before the interview date for its review and signature. For all the interviews, participants allowed themselves to be audio recorded.

The setting of the interviews was chosen to suit the participants' needs. Some were conducted in person in Colombia in diverse cities such as Bogota, Sincelejo, Valledupar, Agustin Codazzi, Bosconia, etc., depending on the interviewees' location and convenience. As a second option, other interviews were conducted remotely using the video conferencing application Zoom provided through the University of Manitoba or phone calls. In the case of the second option, the interviews were also recorded, with participants' consent and saved on my University of Manitoba cloud account as a backup.

To conduct each interview, I developed the interview schedule in Appendix C, which follows an exploratory procedure using open-ended questions (Cassell, 2015). The interview schedule, titled Participants Involved in Public Participation in EIA Processes in Colombia, was designed for conducting the official interviews and piloted before the actual interviews. I used the interview schedule with three people experienced in public participation in EIA in Colombia to test it. Adjustments were made to some words used in the Spanish language, and in the local EIA context, to the Spanish version of the interview guide to make the questions clear to the participants. The questions included on the interview schedule were developed considering the Colombian context, my knowledge of EIA processes in the country from more than six years of work experience in this field and context, and the literature reviewed for the proposal regarding NGIA and the essential elements of meaningful public participation in EIA processes.

In terms of structure, the interview schedule started with an overview of the concept of meaningful public participation and its essential elements, followed by a few introductory questions to determine each interviewee's experience or involvement in public participation in the EIA process. These were, followed by core questions related to public participation in EIA processes in Colombia and the essentials of meaningful public participation in NGIA. The interviews closed with follow-up questions or any consideration from the participant regarding the topic of this research (see Appendix A). I transcribed the interviews and kept the participant names private while storing the files on my University of Manitoba cloud account as a backup. Before importing the transcriptions into NVivo to be coded and analyzed, I identified them with anonymous tags (Participant A, Participant B, etc.).

Finally, as Spanish is the official language in Colombia, the interview schedule was translated into Spanish for the actual interviews. The data collected during the interviews was then translated into English to sort, code, process, and analyze all the data to achieve the objectives of this research. As I am fluent in Spanish, I undertook the translations myself with the assistance of Google Translate to make the process more efficient. The process consisted of inserting the coded transcripts into Google Translator to translate from Spanish to English then I did the accuracy check-in and edited any irregularities of the output.

2.3 Research Ethics

The protocol for conducting the interviews, including contact materials and consent letter, was approved on February 5th, 2024, by the Research Ethics Board at the University of Manitoba, Fort Garry campus (see Appendix D), and followed the Canadian Tri-Council

Research Ethics guidelines. Appendix B includes the consent letter, phone call script and recruitment email, used with the interview participants. The board's approval confirmed that research participation would be voluntary, and participants' personal information would remain confidential throughout the study. The study rigorously followed the ethics protocol approved. The data from the interviews is in the form of Spanish version audio files, Spanish and English transcript versions, and the signed consent letters of each participant and is stored on my University of Manitoba student OneDrive protected by a password and an identity verification method. Only the researcher and the research advisor have access to the raw data.

3 Data Analysis

I used the software NVivo to help facilitate sorting, analyzing and organizing the data into themes. NVivo is suitable for the study because it is a data analysis software specifically designed for qualitative data. This software improves data approachability and simplifies the analysis process. By using NVivo for coding, the data can be arranged according to common themes, or importance and relevance to the objectives of this research (Bryman et al., 2009). The essential elements provided some parent themes to work around, as did some of the common issues with public participation in EIA that I had already identified. Through the development of themes, parent themes and sub-themes, their connections, and comparisons, I drew conclusions and noted shortcomings for meeting the research objectives.

Following the interviews, I transcribed and translated all audio recordings. Subsequently, I established an NVivo database using these transcripts. Subsequently, I identified a set of themes, parent themes and sub-themes for analyzing the database,

aligning with the relevant literature and the objectives of the research. The themes and sub-themes defined for the analysis were framed and classified into two major groups - identifying current public participation practices and exploring the essential elements of meaningful public participation in EIA in the Colombian context. Table 4 provides a summary of the themes, parent themes and sub-themes established using NVivo.

Table 4 Themes, parent-themes and sub-themes for data analysis

<i>Theme</i>	<i>Parent-theme</i>	<i>Sub-theme</i>
<i>Public Participation in EIA in Colombia</i>	Current practices	Informative meetings, EIA and management measures workshops
		Environmental public hearings
	Main changes	Guidelines for public participation in EIA
	Strengths	Existing legislation and guidelines
		Increase in community's interest in public participation
	Weaknesses	Lack of transparency
		The absence of regulators in the process
	<i>Essential Elements of Meaningful Public Participation in EIA</i>	Most essential elements to achieve meaningful public participation in EIA in Colombia
Access to education		
Assistance		
Ten essential elements of meaningful public participation in EIA:		<ul style="list-style-type: none"> - Access to information - Access to public hearings - Adequate notice - Decisions impact - Deliberative forums - Early and ongoing participation - Fair and open - Learning oriented - Opportunities for public comment - Participant assistance
Main challenges	Lack of transparency	

<i>Theme</i>	<i>Parent-theme</i>	<i>Sub-theme</i>
		Resource scarcity in rural communities
		Illiteracy in rural communities
	Suggested approaches or practices	Tailored participation strategies for diverse audiences including rural ones
		More involvement from regulators
		Transparency and commitment from proponents and authority

4 Ensuring Validity

Given the qualitative context of the study, implementing strategies for ensuring validity is important for providing a solid basis for making credible interpretations and formulating meaningful suggestions and conclusions. There are numerous strategies to enhance and ensure validity in qualitative research, with diverse advantages depending on the type of data collected and the aim of the research (Patton & Appelbaum, 2003). I used triangulation and member-checking strategies to ensure the validity the data.

The triangulation technique helps to examine the same issue using multiple data collection methods (Golafshani, 2003). As previously described, document review and semi-structured interviews were the primary data collection methods. Employing the triangulation technique, I compared the findings of each method seeking consistency and linkage. For example, I found connections between the information in the documents and the responses of the participants in the interviews, as well as similar responses of diverse interview participants regarding some topics.

Member checking also helps to ensure the validity of the research findings by allowing the corroboration of the interview transcripts, notes, and interpretations. To

reconcile my interpretations, suggestions, and conclusions with those of the interviewees, I used member checking to go over the topics and findings of my analysis with the participants (J. Creswell, 2018; Golafshani, 2003). Employing triangulation and member-checking techniques allowed me to verify similarities, interpretations, important shortcomings, suggestions, and conclusions I can draw and validate my research.

5 Dissemination

The research findings are accessible in the completed thesis. The thesis is publicly available for viewing and download through the University of Manitoba online thesis repository. Additionally, via email, I will provide a summary of the main findings and the PDF version of the final thesis document to interview participants upon their official request on the consent letter signed before each interview.

CHAPTER 4: PUBLIC PARTICIPATION IN EIA IN COLOMBIA

Data from the literature and interview participants regarding the current public participation practices used in EIA processes in Colombia is presented in this chapter. The literature data for the study was mainly collected from official online sources and scholarly publications that are publicly accessible. The primary source of information for determining the current public participation practices used in Colombian EIA processes was the ANLA's official website, which publishes environmental licenses granted, and the environmental impact study documents associated with the study cases selected, along with participant interview data. These data sources allowed me to draw the public participation practices that seem to be the common ones employed in Colombian EIA.

This chapter is organized into distinct sections that first outline the current public participation practices in EIA in Colombia, including the legal framework, practices and methods, the main changes, and some strengths and weaknesses identified through the document review and interviews. Additionally, this chapter includes data regarding the public participation process and the information shared during the sessions with the public, its timeline, input documentation, and reporting. This organization provides a comprehensive view of the current dynamics shaping public participation processes in EIA in Colombia today.

1 Current Public Participation Practices in EIA in Colombia

As described in a previous section, Law 99 of 1993 and Decree 1076 of 2015, established the legal framework for public participation in EIA in Colombia. Particularly, the article 2.2.2.3.3.3. in Decree 1076 which states that “*Communities must be informed of the scope of the project, with emphasis on the impacts and management measures*

proposed, and contributions received during the process must be assessed and incorporated into the Environmental Impact Study when deemed relevant” (Decreto 1076, 2015). These legal instruments enable the possibility for communities to be informed of projects happening in their territories and to provide comments regarding the potential environmental impacts. The General Methodology for the Making of Environmental Studies establishes that the owner of a project seeking an environmental licence must engage with communities within the project’s area regarding its scope and the EIA procedures, environmental impact workshops and management measures and results (MinAmbiente, 2018). This also extends to local and regional authorities and any social entities or institutions within the project’s area that the project could impact. Regarding other legal mechanisms for public participation listed by ANLA in its Guidelines for Citizen Participation for Environmental Licensing (2018), for non-ethnic communities, there are the Public Environmental Hearings (Audiencia Publica Ambiental), Intervening Third-Party (Tercero Interviniente) and the Right to Petition (Derecho de Petición), as additional means available to the public to express comments or concerns about a project that may affect them and their territories.

The descriptions mentioned above are consistent with the findings in the review of the study cases selected and the interviews undertaken related to them. Table 5 contains a summary of the public participation practices employed for each project.

Table 5 *Public participation practices employed in the study cases projects for this research.*

Source: EIS of each project. ANLA database, 2024.

Project	Public Participation Practices
Área de Perforación Exploratoria Coyote - Pozos de Exploración - Licencia Ambiental.	- Informative meetings:

Project	Public Participation Practices
	<ol style="list-style-type: none"> 1. EIS and project scope presentation 2. EIA and management measures workshop 3. EIS results presentation <ul style="list-style-type: none"> - 2 additional informative meetings (within the public hearing framework) - Environmental public hearing
<p>Área de Perforación Exploratoria Volumen C - Licencia Ambiental.</p>	<ul style="list-style-type: none"> - Informative meetings: <ol style="list-style-type: none"> 1. EIS and project scope presentation 2. EIA and management measures workshop 3. EIS results presentation
<p>Construcción de La Doble Calzada Pamplona - Cucuta Unidades Funcionales 3, 4 Y 5 Sector Pamplonita - Los Acacios - Licencia Ambiental.</p>	<ul style="list-style-type: none"> - Informative meeting
<p>Solicitud de Licencia Ambiental Para La Explotacion Y Transformación de Feroníquel Cerro Matoso S.A. - Licencia Ambiental.</p>	<ul style="list-style-type: none"> - Informative meetings: <ol style="list-style-type: none"> 1. EIS and project scope presentation 2. EIA and management measures workshop 3. EIS results presentation
<p>Estudio de Impacto Ambiental Área De Desarrollo Boranda - Licencia Ambiental.</p>	<ul style="list-style-type: none"> - Informative meetings: <ol style="list-style-type: none"> 1. EIS and project scope presentation 2. EIA and management measures workshop 3. EIS results presentation
<p>Área de Perforación Exploratoria VSM3 - Licencia Ambiental.</p>	<ul style="list-style-type: none"> - Informative meetings: <ol style="list-style-type: none"> 1. EIS and project scope presentation 2. EIA and management measures workshop 3. EIS results presentation
<p>Estudio de Impacto Ambiental para el Área de Desarrollo VMM-46 - Licencia Ambiental.</p>	<ul style="list-style-type: none"> - Informative meetings: <ol style="list-style-type: none"> 1. EIS and project scope presentation 2. EIA and management measures workshop 3. EIS results presentation

Project	Public Participation Practices
Estudio de Impacto Ambiental Área de Perforación Exploratoria (APE - SN-9) - Licencia Ambiental.	<ul style="list-style-type: none"> - Additional informative meeting - Informative meetings: <ol style="list-style-type: none"> 1. EIS and project scope presentation 2. EIA and management measures workshop 3. EIS results presentation
Estudio de Impacto Ambiental Para El Área de Exploración Mangle SSJN-7 - Licencia Ambiental.	<ul style="list-style-type: none"> - Informative meetings: <ol style="list-style-type: none"> 1. EIS and project scope presentation 2. EIA and management measures workshop 3. EIS results presentation
Área de Desarrollo VIM-1 - Licencia Ambiental.	<ul style="list-style-type: none"> - Informative meetings: <ol style="list-style-type: none"> 1. EIS and project scope presentation 2. EIA and management measures workshop 3. EIS results presentation
Estudio de Impacto Ambiental Para El Área de Perforación Exploratoria COR-15 - Licencia Ambiental.	<ul style="list-style-type: none"> - Informative meetings: <ol style="list-style-type: none"> 1. EIS and project scope presentation 2. EIA and management measures workshop 3. EIS results presentation - Environmental public hearing
Unidad Funcional Integral 7, Subsector 2, Variante de Coveñas - Licencia Ambiental.	<ul style="list-style-type: none"> - Informative meetings: <ol style="list-style-type: none"> 1. EIS and project scope presentation 2. EIA and management measures workshop 3. EIS results presentation
Área de Perforación Exploratoria Llanos 123 - Licencia Ambiental.	<ul style="list-style-type: none"> - Informative meetings: <ol style="list-style-type: none"> 1. EIS and project scope presentation 2. EIA and management measures workshop 3. EIS results presentation
Área de Perforación Exploratoria VIM 22 - Licencia Ambiental.	<ul style="list-style-type: none"> - Informative meetings: <ol style="list-style-type: none"> 1. EIS and project scope presentation 2. EIA and management measures workshop 3. EIS results presentation

Project	Public Participation Practices
Área de Perforación Exploratoria Llanos 87 - Licencia Ambiental.	<ul style="list-style-type: none"> - Environmental public hearing - Informative meetings: <ol style="list-style-type: none"> 1. EIS and project scope presentation 2. EIA and management measures workshop 3. EIS results presentation - Additional informative meeting
Área de Desarrollo Llanos 94 - Licencia Ambiental.	<ul style="list-style-type: none"> - Informative meetings: <ol style="list-style-type: none"> 1. EIS and project scope presentation 2. EIA and management measures workshop 3. EIS results presentation
Construcción Variante Sogamoso, Fase A, Sector Compreendido desde K0 +000 Al K7+300, Municipios de Firavitoba, Sogamoso y Tibasosa Departamento de Boyacá. - Licencia Ambiental.	<ul style="list-style-type: none"> - Informative meetings: <ol style="list-style-type: none"> 1. EIS and project scope presentation 2. EIA and management measures workshop 3. EIS results presentation
Estudio de Impacto Ambiental para el Área de Perforación Exploratoria VMM-47 - Licencia Ambiental.	<ul style="list-style-type: none"> - Informative meetings: <ol style="list-style-type: none"> 1. EIS and project scope presentation 2. EIA and management measures workshop 3. EIS results presentation
Área de Perforación Exploratoria Arbolito Norte - Licencia Ambiental.	<ul style="list-style-type: none"> - Informative meetings: <ol style="list-style-type: none"> 1. EIS and project scope presentation 2. EIA and management measures workshop 3. EIS results presentation
Área de Perforación Exploratoria COR-9 - Licencia Ambiental.	<ul style="list-style-type: none"> - Informative meetings: <ol style="list-style-type: none"> 1. EIS and project scope presentation 2. EIA and management measures workshop 3. EIS results presentation
Estudio de Impacto Ambiental para la Construcción y Operación de la Línea de Flujo Belleza-Casacará - Licencia Ambiental.	<ul style="list-style-type: none"> - Informative meetings: <ol style="list-style-type: none"> 1. EIS and project scope presentation 2. EIA and management measures workshop 3. EIS results presentation

As noted in Table 5, according to the ANLA files of the project's EIS, most of the study cases selected for this research included the public participation approach proposed by ANLA in the General Methodology for the Making of Environmental Studies from 2018. This approach includes conducting three required thematic sessions with the communities in the project's area, as described in Chapter 2 section 3.3 Public Participation in EIA Processes in Colombia.

1.1 Meetings During Environmental Impact Studies

Through considering the public participation chapter of the EISs of the study cases selected for this research (presented in Table 5), it was possible to identify the typical format, purpose and content of each of the three thematic meetings conducted by the project proponent. Regarding the format, an open-house event was the default option for each meeting when the conditions in the territory allowed, employing projectors or posters to present the information. Usually, the consultant, on behalf of the project proponent, organizes contacting the community leaders, notifying people in the territories about the upcoming meetings, as well as planning and conducting the meetings. Furthermore, the consultant is also in charge of collecting data from the meetings in the form of minutes and workshop materials, such as collaborative murals and notes drafted by participants. All the information and material collected is included in the EIS, and often the consultant is also responsible for this. According to the study cases in this research, data showed that the typical content of the EIS presented at meetings for major projects includes:

1. Project description and objectives.
2. Defined study and influence areas (areas potentially impacted by the project).

3. Baseline of the study area (soil, water, wildlife, habitat, landscape, population, economy, etc.), including public participation processes (three meetings per community).
4. Defined environmental sensibility of the study zone.
5. Determination of the demand for natural resources by the project.
6. The environmental management zoning.
7. Environmental Impact Assessment.
8. Environmental management plans and programs.
9. Environmental follow-up and monitoring programs.

Regarding the attendees of these meetings, they are often two or three representatives of the consultants, members of the communities, and local stakeholders; occasionally one representative of the project proponent team attends. No one from the environmental authority attends these meetings. The number of people attending the meetings, according to the study cases, varies based on the population of the municipality or village involved and their expectations about the upcoming project. In this regard, interview participants referred to the low participation levels compared to the population total, stating that on average 1% of the total would participate actively in public participation activities. Participant D commented, “Statistically and according to the projects I have participated in, a village can have 1,000 people and of those 1,000 people only 30 or 40, will actively participate. That is, 0.3% of the population, which is minimal.” Supporting this statement, data from the study cases showed that for the meetings conducted in 2021 in 13 different villages for the EIS of a hydrocarbons project (Área De Perforacion Exploratoria Arbolito Norte), each meeting hosted between 5 to 35 people;

with an average of 14 people per meeting and a total of 173, 180, and 179 people for meetings one, two and three, respectively (Hocol & EIATEC, 2022). The villages involved had an average population of 455 people, with Barrio La Floresta having the smallest population at 106, and Barrio Eduardo Santos the largest, with 815 people.

Moreover, data reflected that in the public participation process in EIA in Colombia, there is no standard time for notifying the public about upcoming meetings, varying from one month to less than a week before the meeting day. Factors such as project planning, notice dissemination strategies and geographical limitations can impact the effectiveness of these notices. Regarding the typical process and activities for implementing public participation processes, data from the document review of the study cases presented in Table 5 showed that they are as follows:

1. Identification of the departments, municipalities, rural municipalities, and villages present in the project's study area. This is based on the official databases from national, departmental, and municipal entities.
2. Social scouting: intends to identify the village leaders, communities and diverse stakeholders for the project, based on the previous step. Additionally, an introductory meeting is conducted with local governmental authorities to introduce the project and personnel from the proponent and consultant companies and to share the proposed timeline for public participation activities in the area.
3. Thematic meetings: as a standard, along the EIS process, three meetings are conducted with the interested parties identified in step one, in several locations within the project's study area. Meetings are conducted separately with local

authorities in their offices, and communities and stakeholders in a public space or meeting room in their village or municipality. The total number of meetings depends on the results of steps one and two. As an example, in the EIS for the oil and gas project VMM 47, which involved one department, three municipalities and 33 villages, approximately 120 meetings were conducted over seven months for the entire public participation process of the project (CNE et al., 2022). Minutes are recorded in each meeting, including the agenda and participants' questions and concerns, and are included in the appendix of the EIS. Additionally, the meetings' main aspects and results such as dates, places, topics, attendees, agenda, and photos are included in the "Participatory Guidelines" section in the social chapter of the project's EIS.

4. Meeting notice: common tools to notify stakeholders and communities include letters, emails, phone calls, WhatsApp, and posters.
5. Additionally, proponents disseminate contact information to communities and stakeholders to submit feedback via email, WhatsApp, or a phone call.

The purpose of the first meeting is to provide preliminary information to the communities before the initiation of the EIS data collection phase. This information typically includes the technical aspects of the project, its scope, phases, components, influence and study areas, environmental aspects, and natural resources usage from the proponent's perspective (CNE et al., 2022). Research participants offered a similar description of the first meeting: "In the first of these meetings, the community must be informed of the general characteristics of the project to be licensed. That is the first space where there is an approach, and it is explained to them what will be developed" (Participant

C). A community member stated, “Here in Colombia, in the processes I have participated in, they always have about three meetings. First, they hold a socialization meeting, where they explain the project to us” (Participant R).

Data from the document review of the study cases presented in Table 5 illustrated that the first meeting may last approximately two hours, and its typical agenda is:

- Introduction of the proponent, consultant and participants,
- Meeting objectives,
- Environmental licensing process,
- Environmental Impact Study process,
- Social and environmental characterization process,
- Project’s location and study area,
- General aspects of the project,
- Questions and Answers period.

The second meeting is known as the Environmental Impact Assessment and management measures workshop, and the objective is to share data and collect input from the community regarding the potential impacts of the project; the dynamic of this meeting involves a process to identify environmental impacts from the community perspective and potential management measures for these (CNE et al., 2022). During these workshops, participants are encouraged to ask questions, express concerns, and suggest modifications to the environmental impacts and management measures already identified by the proponent. Input is collected using matrices of the project’s activities vs. potential impacts in collaborative murals where participants can write down their perceptions. The information collected in these matrices is processed and included in the environmental

assessment section and the appendix of the project's EIS (Parex Resources Colombia Ltda & MCS Consultoria, 2022). The EIS process includes analyzing the input from the workshops and including it in the EIA section and the management measures proposed for the project, accordingly. These workshop sessions may include presentations, open forums, and breakout group discussions to ensure a high level of participation and may last approximately three to four hours. Data from the document review of the study cases presented in Table 5 showed that the typical agenda for the second meeting was:

- Introduction of the proponent, consultant and participants,
- Meeting objectives,
- Project's location and study area,
- Proposed activities for the project,
- Timeline and phases of the project,
- Project's activities description,
- Environmental impacts and management measures workshop,
- Questions and Answers period.

For some research participants, this is the session where the community can influence the EIA process. Regarding this possibility, Participant D responded:

In the second session, the community carries out an impact analysis with the company. As the community knows the territory, they know their environment, and they are the ones that can participate by analyzing what impact the project that is being proposed could generate. Community and company analyze the possible impacts of the activities they are going to develop and the impacts on the biotic, physical, and socioeconomic components are analyzed. This process is, let's say,

the most important in the environmental impact studies. And, once the community has worked with the company, the possible measures that should be considered are proposed to minimize these impacts. (Participant D)

The objective of the third meeting is to share information about the results of the EIA and outcomes of the EIS. This information includes the technical aspects and scope of the project, natural resource usage, environmental impacts, and management measures for the project seeking an environmental licence (CNE et al., 2022). Research participants shared a similar description of the third session: “The third objective is to inform the community about the results reflected in the environmental impact study” (Participant A). Moreover, research participants shared some details of the content of the third session such as information about findings on environmental and social aspects of the area:

In the third session, the community is invited again to show them the results of this environmental impact study. It means showing them the physical and biotic aspects found in the area and the social aspects, the results from the workshop conducted to identify impacts and formulate management measures, etc. To show them the results and the information that will be presented to the environmental authority in the study. In that third moment, communities are informed of what the company proposes to manage the identified impacts. (Participant C)

Data from the document review of the study cases presented in Table 5 showed that the third meeting may last approximately two to three hours, and its typical agenda is:

- Introduction of the proponent, consultant and participants,
- Meeting objectives,

- Environmental licensing process,
- Public participation processes' results,
- Project's location and study area,
- Project's activities description,
- Social and environmental characterization results,
- Natural resources usage proposed for the project,
- Environmental Impact Assessment results,
- Environmental Management Plan results,
- Questions and Answers period.

Additionally, during the meetings, proponents and consultants often invite the public and any stakeholders to submit their feedback in writing via email, WhatsApp or phone calls, either during or after the meetings. Moreover, in addition to formal meetings, proponents or environmental authorities may organize smaller, localized meetings with specific communities that could be directly affected by the project. These meetings allow for more direct, in-depth dialogue between stakeholders, proponents and the authority. Often, these smaller meetings with the environmental authority occur within the environmental licensing process, when the EISs are finalized and submitted for revision, which is when the authority may get involved in the public participation process. The public and other stakeholders can provide input directly to the authority once the licensing process has officially started; before this, the proponent and its consultants gather all the input.

1.2 Public Environmental Hearings

Public Environmental Hearings (Audiencia Publica Ambiental) were conducted in three of the study cases considered. They provided a space for discussion between project proponents, authorities, and potentially affected communities, so they can express their views, ask questions, and raise concerns or alarms about the Environmental Impact Assessment of proposed projects (ANLA, 2018). One important aspect of hearings in Colombia is that they are regulated by ANLA. Attendees are proponents, communities and diverse stakeholders interested in the project. The legal possibilities to request hearings according to Decree 1076 (2015) are as follows:

- Citizen Request: A group of at least 100 citizens can submit a written request to the National Environmental Licensing Authority (ANLA).
- NGO Request: Environmental NGOs can request a hearing by demonstrating significant public interest or potential environmental impact.
- Community Petition: Communities can organize and submit a collective petition, showing substantial public concern about a project.
- Government Initiative: Environmental authorities may initiate a hearing if they determine significant potential environmental impacts.
- Legal Requirement: Certain projects, especially those with significant environmental impacts, are legally required to hold public hearings as part of the Environmental Impact Assessment process.

According to ANLA (2018), these hearings are not forums for debate or decision-making on the environmental viability of the project but are critical for transparency and

community involvement in the EIA process of a project seeking an environmental licence. During the interviews, a few participants with experience in environmental public hearings shared their knowledge and perspective, highlighting that in most cases the public hearings have taken place in response to a community request.

The public hearing phase occurs before the environmental authority grants a licence. This is allowed by law. And the community requests it when they want more clarity about the project [...]. The request must be made through a petition of at least 100 people who sign a request for a public hearing. There are other characteristics; non-governmental, environmental organizations, mayors and local authorities can also request it. But mainly, they have been conducted because the community manages to sign with 100 people or more, a petition for these public hearings to be held.

(Participant D)

From the study cases with hearings in their processes, data from the project “Área de Perforación Exploratoria COR-15”, showed that this hearing was officially requested in November 2020 by the regional environmental authority (CORPOBOYACA), NGOs such as Greenpeace Colombia, and a group of more than 100 citizens (Maurel and Prom Colombia B.V., 2021). Whereas, the other two hearing cases, “Área de Perforación Exploratoria Coyote” and “Área de Perforación Exploratoria VIM22”, were requested by a group of more than 100 citizens. Regarding the typical agenda and content of a Public Environmental Hearing, according to the hearing reports from the study cases it is as follows (Ecopetrol, 2017):

1. Introduction: an overview of the hearing’s purpose and agenda and an introduction of the project under review.

2. **Project Presentation:** a detailed description of the project, including location, scope, objectives, and the environmental aspects of the project.
3. **Environmental Impact Assessment:** a presentation of the EIA report, highlighting potential environmental impacts and proposed mitigation measures to address these impacts.
4. **Public Participation:** an open-house session for community members, organizations, and stakeholders to express their opinions, concerns, and suggestions. They can also submit written comments and documents.
5. **Responses and Clarifications:** the project proponents and environmental authorities respond to questions and concerns raised by the participants, providing clarifications on the technical and environmental aspects of the project.
6. **Conclusion:** a summary of the key points discussed during the hearing and the next steps in the decision-making process are defined.

According to the data from the study cases, notice to the public about the upcoming hearing is broader and more rigorous than for the regular meetings in the EIS. Data showed that in compliance with Article 7 in Decree 330 of 2007 (described in Chapter two), notices for the hearings include:

[...] Notify about the hearing by edict [...]. It must be published in the bulletin of the regulatory authority, in a national circulation newspaper at the expense of the person interested in the project and posted in the mayor's offices and ombudsmen of the municipalities located in the area of influence of the project [...]. To disseminate the content of the edict from its posting until the day before the public hearing is

held, through radio, regional and local media and on billboards that must be posted in public places in the respective municipality(ies). (Decree 330, 2007)

Hearing reports showed that attendees included: ANLA as the regulator of the hearings; proponents, who shared information about the project and organized the meetings; and members of the local authorities, community members, and representatives of NGOs. The main aspects found in the reports of the hearings in the study cases of this research are presented in

Table 6.

Table 6 *Main aspects of the Public Hearings in the study cases.*

Source: Public Hearing reports. Ecopetrol, 2017; Frontera Energy Corp. Colombia, 2022; Maurel and Prom Colombia B.V., 2021

Study case	Notice strategies	Meetings held
Área de Perforación Exploratoria Coyote	<ul style="list-style-type: none"> - Edict publication in national, regional and local jurisdictions. - Radio broadcasts. - Regional and local media. - Public billboards. - Notice letters to community leaders, mayor's offices and ombudsmen of the municipalities. - Meetings of notice in villages. 	<ul style="list-style-type: none"> - Two informative meetings to share information about the project and its EIS, through a presentation and fact sheets for each attendee. Each presentation lasted around 45 minutes and approximately 500 people attended to each. - The public hearing lasted around eight hours and hosted approximately 700 attendees. The presentation was about 35 minutes long and the rest of the hearing was the discussion among the participants. The whole hearing was broadcast live on the local radio.
Área de Perforación Exploratoria VIM22	<ul style="list-style-type: none"> - Edict publication in national, regional and local jurisdictions. - Radio broadcasts. - Regional and local media. - Public billboards. - Notice letters to community leaders, mayor's offices and ombudsmen of the municipalities. - Public address system in villages. - Emails, text messages, WhatsApp messages. 	<ul style="list-style-type: none"> - One informative meeting was conducted simultaneously in four municipalities connected via the Internet. Information about the project and its EIS was shared through a presentation and fact sheets for each attendee. The meeting was broadcast live on the local radio, YouTube, and the ANLA's Facebook and Twitter accounts. The in-person attendance was 647 people in total. The presentation lasted around 50 minutes and the meeting around 8 hours, which involved Q&A sessions for the most part. - The public hearing was conducted simultaneously in four municipalities connected via the Internet. It was broadcast live on the local radio, YouTube, and the ANLA's Facebook and Twitter accounts. The in-person attendance was about 468 people in

Study case	Notice strategies	Meetings held
Área de Perforación Exploratoria COR-15	<ul style="list-style-type: none"> - Edict publication in national, regional and local jurisdictions. - Radio broadcasts. - Regional and local media. - Public billboards. - Notice letters to community leaders, mayor's offices and ombudsmen of the municipalities. 	<p>total. The hearing lasted around nine hours, including around six hours of Q&A sessions.</p> <ul style="list-style-type: none"> - The hearing was conducted simultaneously in 9 different places in four4 municipalities, connected via the Internet. The hearing lasted two days in total. It was broadcast live on the local radio, YouTube, and the project proponent and ANLA's Facebook and Twitter accounts. Additionally, the online transmission was translated to sign language.

In addition, Article 8 in Decree 330 of 2007 establishes that the proponent must make the EIS of the project available at least 20 days before the hearing date, in the regulatory authority offices, the mayors' offices, and the offices of the ombudsmen of the municipalities located in the project area. At least one information meeting must also be held before the hearing to inform the communities and stakeholders about the scope and format of the upcoming hearing and for the proponent to share information about the project; this public meeting must be held at least 10 working days before the hearing day (Decree 330, 2007).

1.3 Intervening Third-Party

Concerning the mechanism of the Intervening Third-Party (Tercero Interviniente), in the Colombian context, the licensing process allows individuals or entities to participate in administrative procedures related to environmental licences. Its legal origin is in Article 69 of Law 99 from 1993, which establishes that any person can request recognition as an Intervening Third-Party in environmental administrative actions without needing to prove a legal interest (Law 99, 1993). The designated person can intervene in the issue, modification, or cancellation of environmental licences, as well as in the imposition or revocation of sanctions for non-compliance with environmental regulations. Often, the intervening third party also participates in the public hearings to ask questions and represent communities' concerns. Interview participants in this research explained some attributes conferred to an Intervening Third-Party.

It is an instrument used by a legal or natural person to be able to participate in all the administrative actions of the environmental authority and the administrative actions of the applicant for the environmental licence. It is made official through an

administrative act, to a third party for such purposes. This means a person is included in the procedure as a third party. What does that allow the person? Know the information first-hand, know the administrative actions, and be notified at all times of each decision or action of the parties in the process. (Participant K)

Data from the study case “Área de Perforación Exploratoria Coyote” showed that Mr. Isnardo Vesga Pineda, in 2014, was assigned as an intervening third party for the environmental licensing process of this project (Ecopetrol, 2017). This allowed him to be recognized as one of the main representatives of the community's concerns and interests and to have access to notifications and updates on the licensing process.

1.4 Right to Petition

The Right to Petition (Derecho de Petición) was created with Article 23 in the 1991 Constitution to protect essential rights, including the right to a healthy environment (Constitución Política de Colombia, 1991). This is a fundamental mechanism for ensuring transparency, accountability, and participation in governance at different levels and jurisdictions in the country. In the context of public participation in EIA processes, the right to petition enables individuals, communities, or organizations to request information or express concerns related to the environmental impacts of a proposed project. This could include asking for information such as EISs, reports, and permits, or requesting clarification and records of the compliance of environmental regulations. Additionally, the right to petition can be used to make formal comments or objections regarding the EIS findings as part of the licensing process, aiming to influence outcomes.

Petitions made under this mechanism must be responded to within 15 days and its failure can lead to legal challenges. The Right to Petition in Colombia applies primarily to

public entities, such as environmental authorities, rather than directly to project proponents. However, within the public participation process for environmental licensing, the Right to Petition can be used to request information from the environmental authority overseeing the EIS and to express concerns about how the proponent conducts the public participation process or proposes to manage the project's environmental impacts. Data from the study cases of this research did not show any record of the implementation of the Right to Petition during the licensing processes.

2 Main Changes Over Time

Interview participants also described some of the main changes in the public participation process in EIA they have seen during their involvement in this field. For instance, as noted before, there have been changes in the regulations and the official guidelines for public participation in EIA issued by the government and environmental authorities over the past 20 years. Research participants mentioned the historic strengthening of the Colombian legislation around this topic: “[...] as the years go by this (public participation in EIA) has gained more strength. The legislation around this issue of participation has increased” (Participant G).

The norm has changed a lot. Decree 1076 forced the development of these moments of socialization, where each of the steps to develop a project and carry out the impact analysis must be presented to the communities. Generally, this was not done before, but today the rule requires that the proponent must provide evidence that they have completed the three moments of socialization when applying for an environmental licence. This evidence includes minutes, attendance records, photographs, videos, and acceptance certificates, among other evidence to

demonstrate that the EIA has been disseminated and that this has been considered in the study. (Participant J)

Specifically, regarding the socialization meetings conducted in the EIA process, Participant Q stated: “I believe there is an important turning point, the terms of reference for exploratory drilling from 2013 for the hydrocarbon sector. Before this point, what was done was a single socialization meeting. But those terms from 2013 included the three moments of socialization.” Even though these terms of reference were originally issued for the oil and gas sector, over time they were used as a reference for public participation in other sectors for major projects in Colombia such as national roads and mining. Moreover, concerning ANLA and its internal structure for public participation affairs in Colombia, research participants denoted some changes, “[...] the restructuring of ANLA and the creation of the sub directorate of public participation mechanisms. This sub directorate is perhaps the most important change in at least the last 25 years regarding environmental public participation” (Participant Q). On the same matter, Participant S stated, “[...] there is a sub directorate of public participation in the ANLA. It seems like they are investing more in these processes.”

As a result of these legal and structural changes in the public participation process in EIA in Colombia, the project proponents have become more rigorous when planning and executing public participation in their EIAs for a proposed project. Research participants affirmed this change in the Colombian context: “Companies no longer see these socializations as just a protocol but as processes that must be done with responsibility and commitment to participate and involve the communities appropriately” (Participant F). It translates into attempts to increase investments and efforts by companies in the

participation processes for each project to comply with ANLA's requirements for public participation in EIA. Participant C referred to specific methods and approaches some companies have been employing recently:

Currently, the effort by companies has increased, it is greater. Companies seek to ensure that the information channels to the communities are not limited only to the voice-to-voice of the communities themselves, rather they resort to radio, public address, use of information technologies, web pages created, distribution through WhatsApp channels, distribution through social media, etc. So, that has brought all this information closer to people. I believe there is a greater effort to ensure the Community is informed.

In addition to the enhancement in the implementation of PP processes by the project proponents, the recurrent concerns from communities, and their knowledge and experiences in environmental issues, another important change stated by research participants is the increase in the interest by communities in public participation processes in EIA. Participant B commented: "Now people have become more interested in participating and learning [...]. So, I believe that as time has passed, participation has increased" Moreover, about past negative impacts of projects in rural territories in Colombia, Participant I declared, "[...] the communities that have realized their participation is important. In some areas, there have been high socio-environmental impacts, which has made communities pay more attention to these participatory processes." Additionally, research participants indicated that these changes have promoted community organizational development: "[...] These changes have also strengthened how communities organize themselves in their territory and are better prepared for public participation when projects arrive" (Participant S).

Among the most important changes in public participation in EIA in Colombia, some research participants also referred to the Escazú Agreement: “[...] there are two important aspects in this agreement - the right to access environmental information for the communities and the protection of the environmental leaders in the area” (Participant E). Although the participation of Colombia in the Escazú Agreement is still recent and in progress for its full implementation in the country, research participants already identified some changes in public participation in EIA, such as enhancement in the access to information to the public through increasing the information available on online platforms and social media. However, official regulations or clear guidelines for its implementation do not exist yet. Participant S mentioned that it is a big change and still needs some more clarity for its proper implementation within the EIA context.

The issue of the Escazú agreement is a specific and decisive change. However, it is not yet regulated and there are no clear guidelines for its implementation. But that is a big change, and today there must be real public participation in projects that may have implications for communities in the area.

Given the legal framework and guidelines in Colombia about public participation in EIA processes found in the literature and the responses provided by participants in this research, the concepts described above are recognized common practices and mechanisms for the public to participate in EIA for projects that might affect them and their territories. Conducting the three required thematic sessions with the communities in the project’s area and the official participation mechanisms described seems to be the norm for public participation in EIA in Colombia. Chapter five includes some perceptions from the

interview participants of this research about the public participation practices in EIA in Colombia relating to the 10 essential elements of meaningful public participation in NGIA.

3 Summary

As my data show, public participation in the EIA process in Colombia is guided by the legal framework established by Law 99 and Decree 1076, which dictate that communities must be informed about project scopes, potential environmental impacts, and proposed management measures. Decree 1076 specifically emphasizes the inclusion of community input in the EIS when relevant. Project proponents are required to engage with local communities, authorities, and stakeholders through three thematic meetings during the making of the EIS. Additionally, when applicable, public environmental hearings, the intervening third-party, and the right to petition are other participatory mechanisms. These efforts are designed to ensure that communities know the project and can actively contribute to identifying and managing potential environmental impacts and the data show that there are multiple opportunities for the public to participate.

The public participation process in the making of the EIS typically involves three thematic public meetings, which are crucial in fostering community involvement. The first meeting introduces the project and provides an overview of its scope, objectives, and potential environmental impacts. The second meeting is focused on environmental impacts and management measures workshops, where community input is actively solicited to identify additional concerns or suggestions for managing negative effects. The third meeting presents the results of the EIS, including the proposed environmental management plans and the incorporation of community feedback in the EIS. While the participation level is often low, with only a small fraction of the population attending, these meetings serve as

the primary platform for stakeholders to engage in the EIA decision-making process within the EIS preparation for licensing.

Data from the study cases showed that implementing public participation includes several steps, such as identifying affected communities, conducting social scouting to engage with local leaders, and holding thematic meetings in various locations within the project area. Meeting notices are typically disseminated through a variety of channels, such as letters, phone calls, and social media. The meetings often involve the project consultants, local communities, and stakeholders; the environmental authority is typically absent. The feedback gathered during these meetings is integrated into the final EIS and shared with the environmental authority once the licensing process begins, allowing for further input before the project's approval. Despite challenges in ensuring broad participation, these public participation processes are essential for incorporating concerns into the decision-making process.

Over the past two decades, Colombia has seen significant changes in the public participation process in EIA, driven by strengthened regulations and legal frameworks. Notably, Decree 1076 mandates that project proponents conduct three distinct socialization sessions with local communities, requiring evidence such as attendance records and multimedia documentation to ensure meaningful engagement. These changes, initially applied to the oil and gas sector, have expanded to other industries, alongside a restructuring of the ANLA to focus more on public participation in EIA processes. Companies now approach public participation with greater responsibility, investing in diverse communication channels such as social media, radio, and websites to ensure communities are informed. Additionally, increased community awareness of environmental

issues and the impacts of past projects has led to a rise in public interest and participation. The implementation of international frameworks such as the Escazú Agreement, which promotes access to environmental information and the protection of environmental leaders, is also influencing these processes, further shaping the evolving landscape of public participation in EIA in Colombia.

CHAPTER 5: THE VOICE OF STAKEHOLDERS: EXPLORING THE ESSENTIAL ELEMENTS OF MEANINGFUL PUBLIC PARTICIPATION IN NGIA IN THE COLOMBIAN CONTEXT

This chapter presents insights from the research participants about the essential elements of meaningful public participation in NGIA within the Colombian context. Potential implementation approaches for each element are described, drawing from participants' responses and the available literature on the essential elements of meaningful public participation. Additionally, this chapter highlights the shortcomings of the essential elements of meaningful public participation from the Colombian perspective and the challenges for their implementation in this context. This analysis considers data from interviews and document reviews about public participation in EIA in the Colombian context and its dynamics.

1 Access to Information

Access to information is a vital element in public participation within the EIA process as it enables communities to understand and form opinions on the technical and environmental aspects of a project (see Chapter 2). This element was highlighted by some research participants as a strength of the PP process in EIA, while others also raised concerns about missing aspects of information exchange and opportunities for its enhancement. Regarding the positive aspects, Participant C stated:

I believe this is applicable and done in Colombia within the process. Through the publication of documents, the creation of web pages, the use of social media and so on. [...] I think that one strength is precisely the expansion that has been given to access information.

Another interview participant mentioned that information technology tools and devices have contributed to accessing information in some rural areas. “Information technologies have allowed our communities to be better informed about those projects that come to the territory” (Participant L).

However, despite the positive statements about access to information for public participation in EIA in the Colombian context, some research participants commented on limitations concerning the language used to present such information, “bringing the technical language to a more everyday and understandable level for the community” (Participant I). Additionally, participant L referred to the lack of details when the information is presented, by commenting, “Information is received very vaguely, such as the generalities of the project, but we do not have detailed information.” This concern relates particularly to information gaps about potential impacts a project can have on their territories. Research participants also mentioned limited access to the internet and other sources of information in some rural communities in Colombia as a barrier to fully accomplishing the element of access to information in this context.

It occurs partially, because now with the issue of internet platforms to share information, it is very viable. However, it is known that in Colombia, in rural areas, there is no access to the internet. So, most people living where the project will be developed do not have a way to access that information. (Participant F)

As observed in the fieldwork phase of this research, the main database of EIS of major projects undertaken in Colombia is in the office of ANLA in Bogota. This is a barrier for people living in other cities/towns or rural areas in Colombia in accessing available information that is not on-line, or if they do not have access to the web, due to long

distances, time for and cost of travelling. Regarding limitations for fully implementing the element of access to information in the Colombian context, participant T mentioned the following:

There are some limitations in the Colombian context, for example, people who do not know how to read or write, lack access to the Internet, or lack resources to search for public information. So, I think that, although the ANLA makes the information available, the reality in Colombia often disables accessing it.

On the other hand, according to some research participants, potential approaches for enhancing access to information in the public participation process involve some key strategies. First, planning and contextual analysis are essential to understanding the diverse audience and their conditions, allowing for a tailored strategy for information sharing that reflects the local distinctiveness; Participant A shared “Colombia is a very diverse country. So, I think this should be considered when planning participatory processes, to be more assertive with the times and strategies to implement.” Additionally, as part of the strategies for addressing the contextual needs in some regions in Colombia, research participants referred to the need for aligning efforts from diverse ministries and government institutions towards meeting the basic communities’ needs such as regional roads, electricity service, and access to the internet. As stated by participant D, these improvements could facilitate access to information and the public participation process in general.

I would say that we should work together with all the ministries, agriculture, roads, etc. That is, not to work in isolation thinking about the environment, but also to strengthen communities to meet their basic needs and from there, apply the methods of public participation in EIA.

Building on the notion of enhancing access to information in the Colombia EIA context, research participants suggested simplifying information access by utilizing available platforms to ensure that environmental procedures and diverse related information are easily accessible at all levels.

There is a platform called “Vital”, a fairly complete system with information on the environmental procedures of the projects. Perhaps, it needs to be taken on a slightly smaller scale, so this information is easily available in regional environmental corporations and municipal mayors' offices. In this way, any citizen can be guaranteed access to information about the projects present in the area. I would call it a community participatory link. But specifically for the issue of works and projects that arrive in the area. A technical link that brings information and knowledge to the communities, starting with the community action boards.

(Participant J)

Lastly, some research participants suggested that innovative strategies to make information available to communities according to the local context should be required from the regulator; Participant C stated:

The authority and regulations within its manual for the preparation of environmental studies, state type of information and public participation strategies explicitly, so that they are mandatory for everyone. And not be subject to the will of a company. For example, providing door-to-door information in rural communities, logistical aid so that people can reach meeting spaces, etc.

Implementing strategies such as providing door-to-door information in rural communities and offering logistical aid for meeting attendance can significantly enhance access to information and improve public participation, ensuring that even the most remote populations are informed and engaged in the EIA process.

As part of the recommendations from research participants for enhancing the technical and environmental information available and accessible to the public, a national database of EIS results from major projects in Colombia was mentioned. One participant highlighted the importance of taking advantage of the historical results of EIS regarding social and environmental aspects and impacts analyzed and monitoring activities conducted for the projects under ANLA's jurisdiction, to build up a source of reliable information the communities and diverse stakeholders can access and thus be better informed for the decision-making process.

In the country, nothing allows me to see how many impact studies have been done in Colombia. I can tell you that, at least, Ecopetrol has been able to carry out more than 500 environmental studies. And I can't find information about the monitoring carried out in those studies because we do not have an environmental authority aware of the importance of this information. So, the studies are seen as a requirement met on the checklist and not with the real value they have. (Participant T)

To sum up, enhancing the element of access to information in the PP process in EIA in Colombia has a high potential. Collaboration between diverse stakeholders to improve the use of existing tools, information repositories and technologies, is needed to achieve this potential.

2 Access to Public Hearings

Public Hearings in the EIA context allow the public and stakeholders to express their views on projects in their territories, seeking transparency and accountability (see Chapters 2 and 4). This element in Colombia is actioned through legal mechanisms and must be requested with an official application, as outlined in Chapter 2. However, research participants highlighted the limitations of this element by stating that public hearings are not as effective as expected due to conflicts of interest of some local participants or the decision-making process in these hearings. Participant D stated: “Here in Colombia, in my point of view, public hearings seem like a fight between a series of interests that are behind the leaders who participate in public hearings.” Additionally, Participant C expressed:

This tool is ultimately not useful for generating effective actions. Because the public hearing, even though, it allows everyone to speak, the ones making the final decision are ANLA and government authorities, which normally do so from a technical justification rather than an environmental justification. That is why in Colombia sometimes, in the EIA process for a new project, an entire community is opposed to the project development (because they consider that they could be highly affected), and, regardless, the authority makes the decision to grant the environmental licence to the companies and the project is carried out.

As stated by research participants, even though public hearings are an existing and approachable public participation tool in Colombia, they are only partially effective in most cases for the reasons previously mentioned. Hence, strengthening the fairness and openness of the process and the decision impact that communities and stakeholders’ input in public hearings, could significantly enhance public participation in EIA.

Data from the document review included hearing reports from the study cases Área de Perforación Exploratoria Coyote, Área de Perforación Exploratoria COR-15 and Área de Perforación Exploratoria VIM22, which indicate that the hearings were mainly focused on describing the planning and logistical aspects of the hearings rather than the discussions on EIA topics, as noted in

Table 6. Only the study case of Área de Perforación Exploratoria VIM22 included a summary of the interventions made by attendees. Topics associated with the mechanisms for hiring local labour, mechanisms for purchasing local goods and services, management of the impacts generated to the water resource by the effect of the project activities, management and compensation for the use of roads, type of drilling, and mechanisms to ensure citizen participation are highlighted in the hearing report (Frontera Energy Corp. Colombia, 2022). No further information about the outcomes of the discussions of the hearings was included in the reports.

3 Adequate Notice

This element is crucial in the public participation in EIA, as it entails informing communities about upcoming EIA-related events and participation opportunities early, ensuring they have sufficient time and information to prepare for meetings and discussions (see Chapter 2). According to research participants, this element is present in the public participation process in EIA in Colombia. However, they expressed some missing aspects, contextual limitations, and insights for improvement. Regarding missing aspects and contextual limitations, interview participants referred to cases in which the notice is often late due to geographic and technological difficulties in rural areas; Participant B stated: “These notices do not reach the entire community. The ones it reaches are community representatives, but sometimes, they do not disclose the information.” Participant L shared how the short time notice affects attendance: “Sometimes, they can’t notify most of the community in such a short time. This means that in some meetings only 10 people attend from a community of more than 1000 people. That is not representative.” In this same aspect, participant M expressed:

The notice is not given promptly. I have an advantage in that I belong to a group that has been informed through social networks but is limited. But a large part of the community, possibly those most affected, do not have that opportunity to be informed on time or never receive the information. Therefore, the people who can be truly affected by the project do not even make it to the meetings.

As part of the contextual limitations for the proper implementation of this element in the Colombian EIA, one participant referred to how internal and external communities' dynamics can negatively influence the adequate notice for public participation: "Even depending on the internal dynamics of the communities or their external dynamics with government entities, if there are conflicts, they may be limiting when disseminating the call for participation spaces" (Participant T).

Research participants suggested that notice should be given earlier and, use tools and strategies more tailored to the conditions of the region to ensure most of the community is invited to participate. Participant T stated: "In my opinion, more important than the timing, is how I get those invitations to reach the community. Mainly in Colombia, where reaching some communities is quite difficult and their means of communication are sometimes quite limited" (Participant T). Participant N expressed:

I think it's not enough time. I think that for a meeting on projects of that importance, we must start informing the community at least a month in advance. Use flyers, the radio station, social networks, and even direct mailing, because those projects should matter to all of us and the more people participate, the better.

Given the complexity of the rural areas in Colombia, when projects are being planned, appropriately addressing the notice of public participation activities in the EIA process is key. Project proponents should consider each community's particular conditions to ensure that they are being reached effectively and with enough time to prepare to participate.

4 Decision Impact

This element refers to the real influence of community input on the EIA process, ensuring public participation noticeably affects decisions (see Chapter 2). In the EIA process, communities are more likely to engage if they feel their contributions are seriously considered and can modify the final decisions. However, research participants noted that historically, this element has not been effectively implemented in the Colombian context, and the communities' influence on decisions in EIA has been minimal to nonexistent. Nevertheless, some participants also mentioned that a turning point seems to have begun recently, because of the increased community interest in social and environmental affairs in their territories. Participant D referred to some cases in which Colombian law prioritizes major project execution when they are considered beneficial for most people at the regional level and the state despite the potential local environmental or social impacts it could have; "Regulations in Colombia give priority to projects that are beneficial to the majority of the community. So, this means that even the law allows the use of public force to make the development of these projects viable"

Participant J mentioned a barrier to the implementation of this element in EIA in the Colombian context and it is the organizational structure of some major projects from their planning, constitution, and execution.

Here in the country, the one that structures large projects is generally the state itself. Large oil and gas or infrastructure projects are public-private initiatives, which are created by the state in collaboration with a private entity, and together they carry out the environmental procedures that are required. [...] I believe there is very little that the community can influence in these aspects where there are already approved budgets for certain works and activities of the project. [...] For the general public, it is not so easy to influence those decisions.

Participant M stated that part of the deficiency in implementing this element in EIA in Colombia is that final decisions for these projects are made without considering communities' opinions; "Companies come to socialize because the law forces them to hold these meetings; but, in Colombia, important decisions are made without truly considering the community input" (Participant M). Another participant shared a case that happened in their region in which they felt they had no voice to influence the decisions made in the execution of an oil and gas project:

No, we cannot influence those decisions. For example, when the injection of formation water (a residual product of their processes) in the area was proposed, we did not want it and opposed it. Because we as a community use groundwater for our daily activities. And no matter how much we opposed it, no one listened to us, and they did their reinjection activity and still do it today. And there is no authority to support us and listen to us. So, I think our participation is simply for them to fill out their requirement with an attendance list and take some photos. (Participant L)

On the other hand, some research participants mentioned that the community can influence the decisions in the EIA process when they participate in the "EIA and

management measures workshop” meeting by providing input on the impacts assessment and management measures proposed in the EIS. In this regard, Participant S mentioned: “I believe that this element does apply and is partially given. I think the community does influence the EIA process, for example, by identifying potential impacts and proposing environmental management measures.” Regarding this statement, participant T said: “In some cases, communities have managed to influence decisions regarding management or compensation measures that were not foreseen or typical in the EIS.”

Concerning the recent realization from the communities about how they can influence the decision-making process in EIA, one participant shared that some communities opt to influence the process by not participating at all, acknowledging that it is a legal requirement to the EIS completion and the licensing process.

Lately, it has been more common for some communities not to attend meetings and not allow spaces for participation to take place, which hinders the completion of the EIS or leads to incompleteness. So, the communities have understood that they do have the capacity to influence these processes. (Participant T)

Another challenging aspect mentioned by some participants is the lack of commitment, presence and rigour from the authorities to regulate the appropriate compliance of existing regulations and guidelines for public participation processes in EIA. Participant G stated: “A challenge for the ability of the community to impact the decision-making is the lack of rigour of the environmental authorities. Lack of rigour in the monitoring of these public participation processes.” Participants expressed that during most of the spaces where public participation in EIA occurs, environmental authorities or regulators are absent. This could lead to a power imbalance during the discussions and the

input gathering from the participants to the EIA process. In this matter, participants Q and T mentioned the following:

In the public participation spaces, no public authority intervenes. That is practically a private space between companies and communities. Paradoxically, the concept of public participation refers to individual or collective actors seeking to influence the decisions of a public environmental authority. However, in the preparation of these studies during spaces of public participation, there is no direct relationship between these individuals and environmental authorities. That appears later, but it is key to consider that these are public spaces and should be treated as such, even if they are operated by private parties. (Participant Q)

The weakness is how the mechanism is developed, led by the user of the environmental authorization, without the intervention of a third party. Without direct intervention of the environmental authority in the participation processes, such as an arbitrator who directs the process. (Participant T)

To overcome these challenges and missing aspects, research participants shared that communities should be more informed about and involved in the making of the EIS.

Participant R said: “It would be good that in the period where they plan and formulate everything from the office, the community also knows and is more attentive to that stage of the process.” Additionally, another suggested approach to enhance the decision impact element in EIA in Colombia is that the public participation processes should be planned and executed by a neutral party, or the environmental authority, to allow for a less biased decision-making process. In this regard, participant T mentioned:

In my opinion, it should be the environmental authority that enables spaces for public participation in EIA, being the moderator and having the company, the community, the local authority, and other entities, as participants. [...] These spaces should not be an exercise of the proponent who is carrying out EIS to request an environmental licence, it should be the competent environmental authority that leads the participatory process.

So, even though in some cases the impact of public input has been controversial, the data reveals the inability of the public to impact or alter decisions. An essential approach to improving this situation is the more active involvement of the regulators and governmental agencies during all the stages of the public participation process in EIA.

5 Deliberative Forums

These forums are proposed as spaces to consider the complexities of a territory and the diverse needs and interests of the community and stakeholders in the EIA process, promoting real discussion, collaboration, and mutual learning among all participants (see Chapter 2). Research participants shared diverse perspectives about the potential implementation of this element in the Colombia EIA, especially wondering if these participatory spaces would enhance the existing public participation process or not, because of similar approaches employed in the past that have not become recurrent in the process. Participant D said, “It should be applicable, but the experience we have had here in Colombia is that there are few discussion forums, in practice it does not occur.”

In this regard, participant C stated:

I don't know how applicable they are in Colombia because those spaces have existed. Now, with the new changes that have happened, some companies request different meeting spaces from consultants. For example, spaces that look like public hearings that they called “spaces of expanded participation.” Which is a space where people can ask questions and promotes learning among participants. I have also known cases where they have made radio programs, but not just one program but recurring programs, where different topics related to the environment are addressed. (Participant C)

On the other hand, Participant J mentioned that the existing three spaces for the public participation process in EIA regulated by ANLA, as outlined above, can be considered spaces for open discussion, learning and collaboration in these processes.

It applies. Although I believe these spaces would be those already established in the norm here in Colombia. The obligation as a consultant and executor of the project is to comply with those terms of reference that establish the standard. These terms indicate the spaces for public participation that must be developed in an EIA for roads, mining, oil and gas, etc. projects.

My review of the case documents supports the notion that there are few opportunities for deliberative discussion at these meetings – they are more about information sharing. The effectiveness of existing meetings could be enhanced by providing more opportunities for collaborative discussions and mutual learning. From what research participants shared, an essential element to accompany the forums is the learning-oriented aspect of these spaces and the process. This last element is described and explored in the Learning Oriented section in this Chapter.

6 Early and Ongoing Participation

This element suggests that public participation activities should begin before the official EIA process and continue throughout to build trust in the process and its outcomes, especially in a context where historically there has been controversy around environmental licences granted for projects harmful to the environment and communities, such as in several rural areas in Colombia (see Chapter 2). Research participants shared some insights about this element, highlighting local challenges and the need for regulations to encourage early and ongoing public participation in the EIA process (see also Chapter 4). Participant C stated: “Public participation before the preparation of the EIS does not happen. Only three moments of participation are done within the timeline of the EIS.” A public participation space before the EIS process does not exist in this context and as mentioned in Chapter four, the three official participation spaces occur once the EIS process has started.

Research participants shared that the issue of “ongoing” should be encouraged by the regulator to enable participation even throughout the project assessment process. Participant B said, “Improve the issue of creating specific spaces and moments of ongoing participation during the lifetime of the project.” In this regard, participant L declared, “They (proponents) come out of a desire to hold meetings to fulfill a requirement and that's it. Once they have fulfilled their requirement, they never return to the territory.” In this same aspect, participant R mentioned, “Companies only do the three spaces for socialization that I mentioned before. Beyond that, public participation is almost zero.” It seems that in most cases, public participation activities are strictly limited to what the regulations indicate, which might limit the potential benefits of continuous participation such as mutual learning and building trust.

On the other hand, a challenge identified by research participants for the implementation of this element is the fact that some communities see the arrival of projects in their territories as potential income/economic development opportunities and are not really interested in the opportunity to genuinely engage in the public participation process.

Participant D stated:

The community says they do not attend because there are no job opportunities with the company, so it is difficult to maintain permanence and consistency in the interaction between the company, community, and project. So, the community starts and wears out very quickly, they get tired, and there is no continuity. Early and ongoing participation would be ideal, but it is hard to achieve here in Colombia.

To improve the implementation of this element in the Colombian context, research participants referred to the need for regulations specifying it and the employment of technology information tools. Participant B mentioned, “In the environmental licence, there should be some public participation obligations when the environmental authority does its follow-up activities.” Moreover, one participant suggested using the existing technological tools to apply this element in the Colombian context. “Nowadays there are technological tools that allow them to be continually informed. I think that would apply to Colombia” (Participant C).

7 Fair and Open

This element stresses the concept of public participation processes in EIA being accessible to everyone through adaptable means, increasing opportunities for collective learning and real participation (see Chapter 2). Additionally, this element promotes the principle that anyone interested should have the chance to participate, regardless of

geographical location. Research participants indicated that, in the Colombian context, some historical and contextual aspects are barriers to properly implementing this element and that it might be applied efficiently when there is a genuine interest from the proponents in doing it. Participant G said: “When the company has a real interest in carrying out a meaningful public participation process, this is applied, it works, and the processes are fair.” Research participants shared a perspective relating to the potential bias that proponents might have when implementing public participation processes toward favouring the viability of the project above any other interests or concerns. Participant S stated: “In some ways, companies are not 100% transparent with the communities. We do not give completely transparent information to people. [...] And, the omission of information by some companies makes the community very uncomfortable.” Other participants expressed similar concerns.

In these companies, the technical part takes priority, and economic results are needed. This results in conflicts and limits the application of a fair and open process. Here in Colombia, in general, there is a lot of division, and this makes it very difficult to apply this element. (Participant D)

Participant T expressed that given the context of the public participation process in EIA regarding its guidelines for implementation, it might be easy to manipulate the opportunities for participation, how it is conducted, and who has access; this is because project proponents are the ones in charge of planning and executing the public participation activities. Particularity in the Colombian EIA context, this makes achieving a fair and open public participation process more challenging.

It depends on the type of company. Some companies invite whoever suits them.

Other companies are more open. Other companies prepare and previously chat with actors who they know they can influence so that the space is the most pleasant. So, it is observed that they are also easily manipulated spaces. (Participant T)

Additionally, research participants also referred to how the public participation process in EIA could be negatively influenced by a contextual historical issue in Colombia - corruption at different levels and spheres. Participant O said: “The common denominator is that there is always dissatisfaction, the process is not fair from an environmental point of view. We see that there is environmental injustice.” About the same issue, Participant N expressed:

I think it doesn't happen (fair and open process). In Colombia, we have a plague. It is the biggest and worst plague we have; it is corruption. Corruption is killing us. It is another reason why these projects are not 100% transparent and satisfactory for the community. They come here to tell us one thing, but then they end up doing something different.

A further example was shared by Participant L:

For example, when the injection of formation water in the area was proposed by the company, a residual product of their processes, we did not want it and opposed it. Because we as a community use groundwater for our daily activities. And no matter how much we opposed it, no one listened to us, and they did their reinjection activity and still do it today.

One significant issue highlighted was the lack of commitment and transparency from project proponents with communities during the public participation process. Research participants expressed that sometimes, once the company has obtained a licence, they tend to disregard community concerns and only invest in complying with regulatory requirements, leading to a lack of continuity in the participatory process.

One limitation I see is the lack of commitment and transparency from companies. As I told you before, companies, after obtaining the environmental licence, practically turn their backs to the communities. In the same way, I believe that there is a lack of continuity in the participatory process after the environmental licence is granted. (Participant F)

In this regard, Participant S shared: “I feel that, in some way, companies are not 100% transparent with the communities. We do not give completely transparent information to people.” As stated by some participants, the lack of transparency from some companies translates into future conflict with communities when environmental or social impacts happen due to the project activities. A participant mentioned that companies are focused on conducting EIA activities and sharing basic information about them. However, no real information about potential impacts is provided in these meetings and a real discussion is not encouraged.

The truth is not told to the community. Here, companies come to say that they will do an environmental impact study, and we will hold some meetings and that's it. In the meetings, they do not provide real information about the project's impacts. (Participant L)

Additionally, research participants also pointed out some historical and contextual aspects as challenges for achieving a fairer public participation process. The presence of armed groups in some rural areas where projects take place could significantly impact public participation. Participant C said: “The issue of violence in this country. There are sectors in Colombia where the presence of the state is minimal and those who make decisions or those who move the communities are armed groups, which are a threat.” Armed groups influence community decisions, and violence against environmental defenders has been a problem in some regions in the country. Participant D shared that “Colombia is one of the countries where most environmental defenders die. It is a very violent country to participate publicly, from the point of view of environmental leaders.” Participants referred to the violence issue as an influencing factor in the local dynamics in rural communities that also affects their participation when projects arrive in those areas.

We continue to have major problems of paramilitarism and guerrillas, who confront the state and in these armed conflicts, the communities remain in the territory. Many of these confrontation sites are in project areas, for example, for hydrocarbons. So, it is very difficult for the community to participate in a calm and free way, because, in a large part of Colombia, they are going to encounter armed actors who are going to prevent free participation or mix other types of interests. (Participant D)

To improve the implementation of this element in public participation in Colombian assessments, research participants referred to two main aspects - selecting a third party or having the regulator act as the planner and moderator of the public participation processes and, enhancing transparency in the process from the proponents. About the latter, Participant B said: “I believe that companies should provide accurate and timely

information. That the activity and its impacts are not minimized, but rather that the company be transparent when communicating the impacts and management measures that they establish” (Participant B). On the same aspect, Participant T suggested:

It should be the environmental authority that enables spaces for public participation in EIA, being the moderator and having the proponent, the community, the local authority, and other entities, as participants. I believe there is a more fundamental issue here at the structural level of how the national environmental system enables its spaces for public participation. These spaces should not be an exercise of the proponent who is carrying out the EIS to request an environmental licence, it should be the competent environmental authority that leads the participatory process.

Participant O said: “I believe that the Government should approach it with a group of professionals and support communities in participatory processes with companies.” An additional recommendation shared by research participants is improving current regulations to provide more clarity in the standardization or requirements for public participation activities in EIA. Improving the presence of the regulators in the processes and establishing general guidelines for all actors would ensure that public participation does not depend only on the will of a company or consultant.

In conclusion, a big step forward in making the public participation process in EIA in Colombia fairer is the greater involvement of the regulators and government bodies in all stages of the process. Research participants stated that this would help communities to trust the process and the outcomes more and feel safe when participating.

8 Learning Oriented

This element refers to the potential that the EIA process must create opportunities for collective learning at different levels, especially when public participation activities are intentionally designed with an emphasis on learning, designating various learning resources, experts, and official information for this purpose (see Chapter 2). Properly implementing this element would play a fundamental role in the public participation process in jurisdictions where community knowledge is lacking due to contextual limitations such as in some rural areas in Colombia. Research participants shared diverse insights about this element in the Colombian context, highlighting that companies frequently do not promote enough learning opportunities for the community and that it is crucial for strengthening communities in various aspects.

Regarding the role of the project proponents in the learning-oriented aspect of public participation processes in EIA in Colombia, research participants shared that the proponents' drive to implement this element during the process is vital for its success. Participant B said: "I think it depends on whether the company brings personnel truly trained in technical issues and environmental impacts." Additionally, Participant N stated that this element is partially implemented since the proponents present some information within the mandatory public participation spaces: "It applies halfway. Because they come to socialize, to present information and that's it." Following the same logic, Participant S shared: "The information is related to the project. Out of this information, indeed, some are new for the community, but I do not believe that it is enriching collective knowledge or that it goes beyond the project area."

Concerning the importance of implementing a learning-oriented public participation process in EIA, research participants pointed out how beneficial it would be, for communities in general, addressing the process as an opportunity to build knowledge among the participants. Participant K said: “I think it should be promoted; it should be an element that lasts over time, not just a commitment at the beginning of the project and that's it.” In the same aspect, other participants shared:

Here, public participation in EIA is an exercise, and I must comply with it, so the study is complete and ready to submit to the authorities. I believe this aspect needs to be improved to strengthen knowledge in the communities, and that needs support.
(Participant T)

There must be continuous learning, effectively. We must work with communities on issues such as conflict resolution. And that must be followed up, a lot of work must be done with the communities permanently in conflict resolution, environmental education and relations with communities. And those types of situations are not learned overnight but are part of a process. (Participant E)

Finally, to improve the effectiveness of the public participation process in EIA in Colombia and possibly, as a secondary outcome, enhance community knowledge in rural areas, research participants suggested that the processes should emphasize the learning-oriented aspect. The more active involvement of the environmental regulators and other authorities early in the process was proposed to improve the learning-oriented element of this process by ensuring that the proponents are covering it. Research participants shared:

I think it could be better. For example, the first authority that should be informing the community is the regional environmental authority, but they are never even making an appearance. When this authority arrives at the process, practically everything has already happened, the discussion spaces have already ended, and the decisions have already been made. (Participant M)

Those initiatives must come, first, from the local government. Second, companies that develop projects in the area must take social responsibility for the issue, providing continuous education to the communities. I believe it is time for leaders to raise their voices and demand companies be more proactive in expanding knowledge and learning opportunities for communities. (Participant H)

From these insights, it is imperative to make efforts to enhance the learning-oriented aspect of the public participation process in EIA in Colombia to be able to improve the entire process. This is especially important in remote rural areas where it is common to find low education levels among the inhabitants.

9 Opportunities for Public Comment

This element involves creating spaces, platforms, and tools for public participation during the EIA process, ensuring opportunities for debate and discussions (see Chapter 2). Methods should be tailored to participants' needs, considering factors such as age, physical condition, and location, especially in the Colombian context, where the resources, services' infrastructure and access to telecommunication technologies are limited in some rural areas. Research participants shared that even though current spaces for participation in EIA in Colombia are open to the public, implementing new strategies for enhancing the

participation of a broader audience can enrich the process and encourage transparency.

Participant R stated:

I think it would apply, and it would be important to do so because we are alone here as a community. I believe that in the rest of the country or region, there are people who know much more than us and can complement and help us review the information and proposals made by a private company. This would give even greater transparency to the processes. They would be fairer for everyone.

On the other hand, a participant noted that in some cases within the Colombian context, implementing this element could threaten the process if new participants have interests other than genuinely contributing to the discussions and learning. “Yes, it can apply, but I consider it a risk, due to the interests of other people outside the project area. Then, external actors may arrive to negatively impact the participation process” (Participant A).

Research participants commented on the importance of properly implementing this element in public participation processes in EIA in Colombia, highlighting the possibility of doing so if environmental regulators, government, and project proponents promote a collaborative environment among the participants. Participant A stated, “This element would be interesting to implement, but to the extent that these external actors contribute knowledge, experience, and genuine interest in protecting natural resources, to the discussion in the participatory processes.” Another participant added:

I think it is necessary. What I have told you is a structural issue. If we want this to be transparent, environmental authorization cannot be given just by making the

three spaces and that's it. Implementing this element is necessary, and it could be done if there is political will. (Participant T)

To facilitate the application of this element in the Colombian context, it is crucial to address issues such as improving telecommunications infrastructure and providing access to remote communication tools for communities in rural areas. Strategies and tools to address this issue should be tailored to the conditions of the participants and their territories.

10 Participant Assistance

This element involves providing the necessary resources and accommodations to enable community members to participate effectively (see Chapter 2). Assistance should be tailored to community needs, including financial support, training, access to experts, and commuting facilities. Research participants shared that properly implementing this element is vital for the public participation process given the resource scarcity in some rural communities. Participant L stated some of the limitations related to living in some rural areas in Colombia: “Our town is extremely far from the municipality and not everyone has a means of transportation, much less money to pay for a bus. This greatly limits people’s participation.” Participant D said, “It is very important; when you see massive participation, this element is applied appropriately.” On the importance of properly implementing this element, two interviewees commented:

Yes, it is applicable. Because these projects are often developed in rural areas where people usually do not have the economic resources to travel. So, it would be good if there was more support in that sense. Because many people can't access the information because they cannot access meeting spaces. (Participant B)

I think it has changed a lot over time. Connectivity today is easier. However, this country is very complex in topography, distance between communities, and internet access in rural areas. Some communities still do not have access to the internet or any information system. So, currently, project owners must provide the resources the community needs to participate in socialization spaces. (Participant J)

Research participants also shared that historically, it has been common to provide some form of assistance to participants in the meeting spaces for public participation in EIA in Colombia, such as meals, hydration, or transportation. Since the regulations do not specify the implementation of this element during the public participation process, it is up to the project proponent to determine the amount and types of resources to implement it.

Well, logistical aid for participants, since I have been working in the sector, has always been provided. For example, in terms of food for all meeting spaces, there is a snack with hydration for attendees. On some occasions depending on the company's guidelines. For transportation, it depends, I have been in cases where a bus is available, or people are paid for transportation to get to a meeting space. Yes, it has occurred, but it is not a generality in every project. (Participant C)

Participant A mentioned that a potential risk to consider when providing transportation to attendees is the possibility of accidents. Depending on the companies' guidelines, this could be a limitation to implementing some strategies that could facilitate participants' attendance at public participation spaces. "These actions could generate an occupational health risk for the community, if a vehicle or bus were used to transport them, for example. So, depending on the companies' occupational health policies, certain actions are a higher risk" (Participant A).

As part of a contextual challenge that reveals the need for assistance in the training of communities in public participation process, research participants shared that education and knowledge in the community are lacking, and geographic, financial, and educational barriers reduce participation. Participant N commented, “I think those are the challenges to overcome, the lack of knowledge and education in the communities and the lack of exclusive economic resources to provide knowledge and meaningful learning to the communities.”

It is well known that the level of education in rural areas in Colombia is minimal in most cases, which can be a limitation for these communities to participate effectively in EIA processes. Participant T expressed it this way: “Illiteracy, lack of internet access, and insufficient resources limit access to public information.” Special emphasis was given to the technical aspect, referring to the fact that most of the time there is not enough knowledge about the activities of these major projects and the potential consequences. Hence, the discussions hardly address the real purpose of the participatory processes.

The low technical capacity of the social actors. That is to say, the ideal would be for the discussion in these spaces to be more based on the technical aspects, but unfortunately, that does not happen. Sometimes in technical discussions, it is minimal. (Participant Q)

Participant C referred to how the lack of basic resources and facilities in rural communities can lead to mixed interest when projects arrive in remote regions, stating “there are areas of Colombia where the presence of the state is minimal and when these companies arrive, the expectation is very high.” Some communities see these participation processes and companies’ resources, as an opportunity to fulfill some basic needs with job

opportunities or local investment. And the real purpose of the public participation process in the EIA is not even considered by the participants.

Approaches for improving the participant assistance element in public participation processes in EIA in Colombia were suggested by research participants. Participant F highlighted the importance of the role that project proponents have in this aspect: “The company must identify the limitations that a community may have to participate effectively and try to resolve these limitations in the best way.” Participant assistance should be tailored to the specificities of each community, especially the ones in rural areas, to address the potential limitations in terms of resources or capacities of the community to effectively participate. Participant N mentioned: “Logistical aids for people to attend meeting spaces. And providing real information and encouraging learning in the community. Money is not everything, but it often helps facilitate these aspects, which are small things needed to move forward.”

Among the recommendations in this aspect, another approach expressed is to bring the structure of the public participation process to the smaller institutional levels, such as community action boards and town municipalities. This would involve creating specialized offices for EIA and public participation issues within those institutions, staffed with professionals who can communicate technical and environmental information in a more understandable language for communities with basic education backgrounds. Participant J expressed: “I would call it, a community participatory link. Specifically for the issue of works and projects that arrive in the area. A technical link that brings information and knowledge to those communities, starting with the community action boards.”

Regarding the contextual conditions of the country, one participant recommended finding ways of collaboration among diverse ministries of the state to help communities meet their basic needs would create the proper basis for a more meaningful public participation process, specifically to increase education levels and meet basic needs in the rural community.

I would say that we should work together with all the ministries, agriculture, roads, etc. That is, not to work in isolation thinking about the environment, but also to strengthen communities to meet their basic needs and from there, apply the methods of public participation in EIA. (Participant D)

Finally, research findings show that companies should invest more resources in enhancing the public participation process in EIA. For example, there is a pressing need for training and updating participation strategies. Communities require better training to understand the EIA process, regulations and environmental issues, and participation strategies need to evolve with changing community dynamics.

11 Summary

Considering the insights from research participants about the 10 essential elements of meaningful public participation in the Colombian EIA context, there are opportunities for the public to participate in the EIA process. This is highlighted by the fact that all the elements of meaningful public participation were in some way reflected in the data collected. Some positive aspects noted by the participants about the current public participation process in Colombia include strengths such as documents publicly available and social media use to share information, the robust legal framework around public participation in EIA, and the increasing interest from the communities in public

participation when projects arrive to their territories. The required meetings do provide local communities with an opportunity to participate; this is, however, tempered by some of the issues participants noted with how these are initiated and function. Notice and information are also provided, but again participants identified shortcomings.

As an outcome of applying the elements of meaningful public participation, it was possible to identify a host of challenges or limitations for achieving more meaningful participation in EIA in Colombia as captured in Table 7.

Table 7 The essential elements of meaningful public participation in the Colombian context: challenges.

ELEMENT	CHALLENGES OR LIMITATIONS
Access to information	<ul style="list-style-type: none"> • The use of overly technical language. • Illiteracy in some communities. • Lack of detailed information. • Limited internet access in rural areas. • Geographic and technological limitations.
Access to Public Hearings	<ul style="list-style-type: none"> • Conflicts of interest from diverse stakeholders. • Geographic and technological limitations. • Decision-making process often disregards public input, prioritizing technical and economic aspects.
Adequate notice	<ul style="list-style-type: none"> • Late or insufficient notice. • Geographic and technological limitations. • Internal community conflictive dynamics in some jurisdictions.
Decisions impact	<ul style="list-style-type: none"> • Historically, community influence on decisions has been minimal. • Decision-making process often disregards public input and is based on technical and economic aspects.
Deliberative forums	<ul style="list-style-type: none"> • Lack of initiatives and investment from proponents and environmental regulators.
Early and ongoing participation	<ul style="list-style-type: none"> • Lack of PP activities before the EIA process. • Current practices limit PP to three official moments.

ELEMENT	CHALLENGES OR LIMITATIONS
Fair and open	<ul style="list-style-type: none"> • Communities view projects as income opportunities leading to quick disengagement. • Historical and contextual barriers regarding violence and conflicts of interest. • Biases and lack of transparency from diverse stakeholders in the process. • Conflicts of interest. • Prioritization of technical and economic results over fairness.
Learning oriented	<ul style="list-style-type: none"> • Lack of initiatives and investment from proponents and environmental regulators. • Illiteracy in some communities. • Limited internet access in rural areas. • Geographic and technological limitations.
Opportunities for public comment	<ul style="list-style-type: none"> • Lack of resources and telecommunications infrastructure in rural areas. • Geographic and technological limitations. • Biases and lack of transparency from diverse stakeholders in the process.
Participant assistance	<ul style="list-style-type: none"> • Basic resource scarcity in rural areas. • Geographic and technological limitations. • Lack of initiatives and investment from proponents and environmental regulators.

Overcoming diverse challenges is vital for enhancing the public participation process in EIA in Colombia. As noted, economic factors play a crucial role in the Colombian context when public participation processes are conducted in EIA. The lack of basic conditions in some rural communities leads some community members to participate looking for personal benefits rather than genuine participation in the EIA process. Another challenge shared by research participants is the level of state involvement in these public participation processes in EIA. The absence of environmental authorities and the lack of government intervention represent challenges. Companies often proceed with projects without further community participation, and the lack of government intervention leads to a lack of continuous public engagement.

Finally, the absence of the state in areas where projects are developed is another critical contextual challenge shared by research participants. Some research participants mentioned that without the state's presence in their territories, there is no security, public services, or infrastructure, leading communities to view companies as providers of these services. This shifts the focus of participation from the EIA of a project to other interests. Diverse historical and contextual conditions in remote rural areas challenge the proper implementation of the essential elements of meaningful public participation in the Colombia EIA.

CHAPTER 6: CONCLUSIONS AND SUGGESTIONS FOR ACHIEVING MORE MEANINGFUL PUBLIC PARTICIPATION

The evolution of EIA methods, goals, and concepts over the past five decades has led to the emergence of Next Generation Impact Assessment, which emphasizes sustainability, meaningful public participation, and human well-being (Doelle & Sinclair, 2021; Gibson, 2002; Gibson et al., 2016). Meaningful public participation is a key component of NGIA, inviting EIA practitioners to enhance processes through active, early, and effective involvement of interested parties (Sinclair et al., 2022). This approach addresses recurrent concerns regarding traditional participation methods and aims to create transparent, dynamic, efficient, and participative project development. For EIA processes to be reliable and valuable, assessment regimes must support and boost meaningful public participation (Harvie & Koutsamanis, 2024; Sinclair et al., 2022; Sinclair et al., 2021; Toro et al., 2010). This is particularly relevant in the Colombian context, where there has been a recurrent lack of genuine public participation in EIA processes.

This research explored the essential elements of meaningful public participation in the NGIA in regard to the EIA process in Colombia. The goals were to further test and inform the elements of meaningful public participation and establish ways to encourage more meaningful participation in EIA in Colombia. To achieve this, the research set out to identify current public participation practices in EIA processes for major projects in Colombia, consolidate essential meaningful public participation elements in the NGIA applicable to Colombian EIA processes, document shortcomings in meaningful public participation elements from a Colombian perspective, and suggest approaches for achieving more meaningful public participation in EIA processes in Colombia.

1 Conclusions

Practices and mechanisms recognized as common ways for the public to participate in EIA processes, such as public meetings and hearings, are legally supported in Colombia by Law 99 and Decree 1076, which aim to inform and involve communities in projects affecting their territories. Official guidelines, such as The General Methodology for the Making of Environmental Studies, require project proponents to engage with local communities, authorities, and social entities through three thematic meetings during the making of the EIS. My data show that these meetings provide preliminary information, environmental impacts, and management measures workshops, and share the results of the EIA process. Additional legal mechanisms for public participation in Colombia include Public Environmental Hearings, the Intervening Third-Party, and the Right to Petition. In this regard, most interview participants agreed that the established legal framework and guidelines for public participation in EIA in Colombia are appropriate. However, they also noted issues and challenges to overcome to achieve more meaningful public participation in these processes including, late notice, lack of transparency, lack of authority involvement, and low levels of participant assistance. These findings regarding public participation in EIA in Colombia have been identified in previous studies by different authors, referring to some of the most common practices and challenges for its effectiveness (Cardona-Almeida et al., 2022; Zárate Yepes, Gil Hernández, et al., 2016; Toro et al., 2013; Toro et al., 2010)

Sinclair and Burdett (2024) proposed 10 essential elements for achieving meaningful public participation in EIA processes. These elements aim to build trust, facilitate informed decision-making, and empower communities and stakeholders to participate effectively in the EIA process. Research participants considered all these

elements to have some level of applicability in the Colombian EIA process. Interviewees emphasized the importance of overcoming the contextual challenges and weaknesses in public participation in environmental assessments to allow the proper implementation of the 10 essential elements in this context. In the following paragraphs I describe my conclusions related to the essential elements of meaningful public participation.

The strengths of the public participation process in EIA in Colombia include the character of the existing legislation and guidelines and the increasing community interest in participating. As described above, the legal framework and guidelines for the structure of the public participation processes in EIA in Colombia have been evolving and forming a set of specific participatory activities to be carried out by a proponent when developing an EIS within a licensing process. Moreover, in response to past experiences in rural areas and, communities' increasing awareness of social and environmental aspects of their territories, and potential impacts on those, they are more interested in participating, learning, and providing input to the EIA participatory processes when projects arrive.

However, the public participation process also faces challenges such as the level of educational attainment and technical capacity in rural communities, the EIA authorities' lack of commitment and presence, the lack of transparency from companies, and the historical context of violence and lack of basic services and public infrastructure in rural areas. Studies conducted by Cardona-Almeida and other authors (2022) and, Carmona S. and Puerta Silva (2020), found similar challenges when conducting participatory processes in EIA, particularly the lack of transparency and low education level in rural communities. These challenges hinder effective participation and lead to power imbalances and conflicts when environmental and social impacts occur. As noted by research participants, these

challenges obstruct the implementation of the essential elements for meaningful public participation in EIA.

Some of the challenges and issues identified in the Colombian EIA related to the essential elements of meaningful public participation have been documented in the literature as issues in general and in specific jurisdictions. Regarding the element of decision impact, findings showed that in most cases public participation activities are seen as a requirement to obtain a licence. This particular element has been documented in previous research as one of the basic aspects of achieving meaningful public participation in EIA (Harvie & Koutsamanis, 2024). Historically, this element has been weak in the public participation process in the Colombian EIA. As stated by some participants, the public participation activities are to fill out an attendance list and take photos as proof of compliance rather than a genuine participatory process that truly considers the participants' input. According to Diduck and others (2013), a similar issue was observed in the public participation processes associated with two hydroelectric projects in the Uttarakhand region of India, where participation was often superficial, and local communities were not meaningfully involved in decision-making.

Additionally, another highlighted weakness in the public participation process in Colombia is related to adequate notice and early and ongoing participation when the projects occur. Data showed that notice is often late if it happens at all. Some reasons stated by several research participants, especially representatives of proponents and consultants, are the geographic and technological difficulties faced in most rural areas in the country. This is also not just an issue in Colombia; other jurisdictions still struggle to provide appropriate notice and there have even been court cases in this regard (Harvie &

Koutsamanis, 2024; Johnston & Sinclair, 2024). Associated with this finding, the public participation process in Colombian EIA also faces the issue of not having an early and ongoing public participation approach. In most cases, the public participation activities start once the project has been fully planned and certain financial commitments and administrative requirement decisions have been made. Some interview participants, mostly community representatives, raised this concern, relating it to a lack of fairness in the process. In addition, public participation activities are often limited to when the EIS is being developed for the licensing process, and no further or ongoing public participation exists. In the context of the essential elements of meaningful public participation, these issues in the public participation process in EIA have been found in other jurisdictions. Some of the most common reasons are weak public participation plans, external pressures for quick decision-making, and imbalanced resources (Harvie & Koutsamanis, 2024; Sinclair & Burdett, 2024, Sanchez et al., 2023; Carmona & Puerta Silva, 2020).

Exploring the essential elements of meaningful public participation in the Colombian EIA also revealed some challenges that relate to the literature on its contextual elements and how they influence the essential ones. As presented in Chapter 5, it is well known that the level of formal education in rural areas in Colombia is minimal in most cases, and it is a barrier for these communities to participate effectively in EIA processes when they arrive. As stated by Hardy and other authors (2024), a certain level of education and understanding of EIA concepts among the stakeholders is vital to participating effectively in an impact assessment process. This highlights the need for training and capacity-building for communities before the public participation process, as well as the design of learning-oriented processes as suggested, for example, by Diduck and Sinclair

(2024). To several research participants, this issue also reflects the lack of assistance for communities when the public participation processes are planned and undertaken, especially to representatives of the communities and NGOs. Colombia's political context and imbalanced power dynamics were also identified as significant challenges. Data revealed potential biases among proponents and other stakeholders in implementing public participation processes, often prioritizing the project's viability over the interests and concerns of local communities. These findings relate to specific issues identified in the public participation process in EIA in Colombia by other authors, highlighting the challenging conditions of scarcity and historical conflicts of interest that rural communities face in Colombia (Cardona-Almeida et al., 2022; Carmona & Puerta Silva, 2020; Toro et al., 2010).

Additionally, data showed that given the context and current practices in the public participation process in EIA in Colombia, it might be easy to manipulate the opportunities for participation, how it is conducted, and who has access. It means that the public participation process and its outcomes can be influenced to favour certain interests. This is because project proponents are in charge of planning and executing the participation activities and the authority who regulates it does not participate until later. The norm is that the authority participates in the public participation process in Colombian EIA when the official licensing process has started and the EIS has been submitted seeking approval. As highlighted by most interview participants, this particularity in the Colombian EIA context makes achieving a fair and open public participation process more challenging. This finding has been stated by other authors in past studies, knowing that power imbalances and social conflicts have a big influence in the development of participatory processes in EIA in

Colombia (Cardona-Almeida et al., 2022; Carmona & Puerta Silva, 2020; Barandiaran & Rubiano-Galvis, 2019; Toro et al., 2010).

Even though findings showed that all essential elements of meaningful public participation have some level of applicability in the Colombian EIA, some of them were associated with the potential for creating risk for the public participation process given the contextual particularities in the country. For instance, the element of opportunities for public comment was linked to the risk of opening the door to external stakeholders with interests other than participating in and contributing to the EIA process. Research participants associated this issue with the fact that economic conditions are challenging in rural areas and historically there have been conflicts of interest around the issue of job and financial opportunities when private companies arrive in those territories. This aspect is linked to corruption practices at different levels in Colombia, an issue historically present in this jurisdiction and highlighted by some research participants as the most complex to overcome in many areas in making the public participation process more meaningful. This issue was identified by Sanchez and other authors (2023) as a historic challenge not only in Colombia but in other jurisdictions in Latin America and the Caribbean, and other South American countries such as Brazil.

Additionally, as noted by some research participants, the presence of armed groups in some rural areas where projects take place is a significant deterrent to meaningful participation not directly contemplated in implementing the elements. In this concern, Sinclair and Burdett (2024), found that contextual factors are very important to implementation actions and have identified some contextual elements as influencing what can be achieved, such as whether a jurisdiction is trying to implement the United Nations

Declaration on the Rights of Indigenous Peoples. In Colombia, armed groups can influence community decisions, and as noted by different authors in the past, violence against environmental defenders has been a problem in the country for many years (BBC, 2023; Justice for Colombia, 2022; Turel, 2013). In this regard, contextual elements such as the international agreement “Escazú” that Colombia signed, might be useful in helping the country move towards a more meaningful public participation in EIA. These findings have been documented by other authors, stressing the need to overcome contextual challenges to make the most of being part of the Escazú agreement (Cardenas, 2022).

The Escazú agreement emphasizes the need to improve and facilitate access to environmental information and to protect leaders and communities involved in environmental affairs. Protecting environmental leaders has become an important concern in the country and national and international actions have been involved in it (Justice for Colombia, 2022). Research participants have hope for the positive outcomes this agreement could bring to the public participation process in EIA such as transparency and fairness. Research participants, primarily representatives from proponents and consultants, are awaiting specific regulations or guidelines from the authorities regarding the implementation of the Escazú Agreement in the public participation process in EIA, as this is a recent advance in the context.

In conclusion, historically, there have been significant steps to encourage public participation in EIA in Colombia, however, there are still weaknesses and challenges to overcome, including contextual challenges. By addressing these challenges and incorporating the essential elements of meaningful public participation in NGIA proposed by Sinclair and Burdett (2024), Colombia can enhance the effectiveness of the public

participation processes in EIA. This will lead to a more informed decision-making process, greater transparency, and increased trust between communities, regulators, proponents, and other stakeholders when projects are undertaken in the country. The next section describes approaches and initiatives potentially applicable to rectify the weaknesses and overcome the challenges of the public participation process in EIA in Colombia.

2 Encouraging More Meaningful Public Participation in EIA in Colombia

Based on the findings of this study, achieving more meaningful public participation in EIA in Colombia requires an interdisciplinary approach that considers the country's diversity and contextual and geographical conditions. Studies by several authors further support this idea, stressing that for public participation in EIA to be effective, it must be inclusive, transparent, and attentive to the concerns and perspectives of all stakeholders, particularly those who have historically been excluded in decision-making processes (Harvie & Koutsamanis, 2024; Sinclair & Burdett, 2024, Sanchez et al., 2023; Carmona & Puerta Silva, 2020). Findings revealed the importance of having a better perspective on the local context when planning the public participation process, analyzing the type of audience and their contextual conditions to be more in line with the strategies and approaches selected. Based on the main challenges related to the 10 essential elements of meaningful public participation (Table 7), suggested approaches for encouraging more meaningful public participation in EIA in Colombia based on the data collected are presented in Table 8.

Table 8 *The essential elements of meaningful public participation in the Colombian context: suggested approaches*

ELEMENT	SUGGESTED APPROACHES OR INITIATIVES
Access to information	<ul style="list-style-type: none"> • Tailored strategies for audiences according to their location, conditions or limitations, i.e., innovative

ELEMENT	SUGGESTED APPROACHES OR INITIATIVES
	<p>strategies like door-to-door information dissemination in rural areas.</p> <ul style="list-style-type: none"> • Collaboration among ministries to improve public infrastructure, educational opportunities and access to the Internet. • Build a solid national database of EIS results and make it easily accessible on the Internet.
Access to public hearings	<ul style="list-style-type: none"> • Strengthen fairness and openness of the process by including a vigilance mechanism. • Implement a vigilance mechanism to ensure community input impacts decisions.
Adequate notice	<ul style="list-style-type: none"> • Provide notices earlier and tailored to audiences' living conditions. • For each PP activity/event, use diverse communication tools like flyers, radio, social media, and direct mailing.
Decisions impact	<ul style="list-style-type: none"> • Inform and involve community representatives in the making of the EIS final content. • Plan and moderate PP processes by a neutral party or environmental regulator.
Deliberative forums	<ul style="list-style-type: none"> • Employ deliberative forums as additional PP spaces. This can happen even in the context of the current meeting structure through, for example, more small group work. • Promote collaborative discussions and mutual learning among the existing PP opportunities in the Colombian EIA.
Early and ongoing participation	<ul style="list-style-type: none"> • Mandate regulations for continuous PP in EIA processes. • Use technology to keep communities informed during the project's lifetime. • Collaboration among ministries to improve public infrastructure and services, educational opportunities and access to the Internet.
Fair and open	<ul style="list-style-type: none"> • Involve a third party or environmental regulator to plan, moderate and report the outcomes of PP processes. • More presence of the environmental regulator throughout the process can increase transparency from proponents and stakeholders.
Learning oriented	<ul style="list-style-type: none"> • Government, proponents and regulators should commit to providing technical and environmental education to communities.

ELEMENT	SUGGESTED APPROACHES OR INITIATIVES
Opportunities for public comment	<ul style="list-style-type: none"> • Promote continuous learning and active involvement of environmental regulators and local authorities in the projects. • Tailor strategies to participants' needs to increase participation rates. • Collaborate among environmental regulators, government, and project proponents to plan and facilitate these spaces. • Improve telecommunications infrastructure to support remote communities' participation.
Participant assistance	<ul style="list-style-type: none"> • Identify and address community-specific limitations and needs. • Provide necessary resources and accommodations like financial support, training, expert access, and commuting facilities. • Require the proponent to pay for these, which is not common now.

In addition to these, coordination among different state institutions is vital to achieving more meaningful participation. In jurisdictions where communities lack basic needs or face conflictive social dynamics, diverse ministries and institutions should be involved in the public participation process as enablers of the best possible conditions and information to facilitate public participation. Research findings revealed the need for security, transparency, and guarantees from the state and proponents towards the community and social leaders. This would enable them to express themselves and participate in the processes without fear of threats, violence, or abuse of power.

As part of the findings for enhancing the technical and environmental information available and accessible to the public, participants proposed a national database of EIS results from major projects in Colombia. Research participants, especially proponents, highlighted the importance of taking advantage of the documentation of historical results of EIS and follow-up monitoring regarding social and environmental aspects and using those in future decision making. This would help to build up a source of reliable information the

communities and diverse stakeholders can access and be better informed for the decision-making process when public participation activities are undertaken in EIA.

Additionally, providing learning opportunities in the communities before the public participation process is essential to help build people's knowledge and thereby capacity. Government engagement in reinforcing environmental education in schools and within communities would be very helpful as well. Greater emphasis on these topics would help communities understand the impacts of human activities and participate more effectively in EIA processes when projects arrive in their territories. Employing educational approaches in the development of an EIA would also make the public participation processes more meaningful and efficient. Furthermore, holding forums, talks, participatory dynamics, and information campaigns to open participatory spaces to more people, can enrich the learning opportunities in the process. As part of this, environmental authorities could provide training to target communities before a company arrives to conduct its public participation activities, especially for their leaders. From the proponent side, activities with communities could be more engaging and informative, such as taking tours to the project's areas to explain better potential activities, impacts and management measures.

Finally, an important approach to increase transparency in the public participation process is that the environmental authority, a third party, or a public institution should plan, execute, and regulate activities and spaces for public participation in EIA, acting as a moderator and involving all relevant stakeholders. This approach would make the process more transparent and less biased toward particular interests. Communities in Colombia, and any other jurisdiction, must approach the public participation process feeling trust and

confidence, knowing they can engage meaningfully and influence decisions in the EIA process and outcomes.

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APPENDIX A

	FORMULARIO DE PETICIONES, QUEJAS, RECLAMOS, SUGERENCIAS, DENUNCIAS, FELICITACIONES Y SOLICITUDES DE INFORMACIÓN		
Fecha de la solicitud	2024-01-04 10:05:33	Radicado	20246200008622
Tipo de solicitud	Solicitud de Información Pública	¿Anónimo?	NO
Tipo de solicitante	Persona natural	Sexo	Hombre
Grupo étnico	No Aplica	Información poblacional	Ninguna de las anteriores
Grupo de interés	Ciudadanía		
Tipo de identificación	Cédula de ciudadanía	Número de identificación	[REDACTED]
Nombre y apellidos o razón social	MARIO ENRIQUE BAYUELO GONZALEZ		
Correo electrónico	BAYUELOM@MYUMANITOBA.CA		
Dirección de correspondencia	País	[REDACTED]	Municipio/Distrito
	Dirección	[REDACTED]	
Medio a través del cual desea recibir respuesta	Correo electrónico	Número de teléfono	[REDACTED]
Asunto de la {TIPO}	Solicitud información licencias ambientales		
Descripción la {TIPO}	ACTUALMENTE REALIZO MI TRABAJO DE GRADO DE MAESTRÍA. ESCRIBO PARA SOLICITAR AMABLEMENTE UNA BASE DE DATOS O LISTADO DE LAS LICENCIAS AMBIENTALES OTORGADAS EN LOS ÚLTIMOS 5 AÑOS EN LOS SECTORES HIDROCARBUROS, MINERÍA E INFRAESTRUCTURA VIAL. SI ES POSIBLE TENER UNA COLUMNA CON LOS MUNICIPIOS QUE HACEN PARTE DEL AREA DE INFLUENCIA DE CADA PROYECTO, SERIA PERFECTO PARA FACILITAR EL ANALISIS DE LA INFORMACION. LA INFORMACION SERÁ UTILIZADA ÚNICAMENTE PARA FINES ACADÉMICOS.		
Archivo Adjunto			

APPENDIX B



**University
of Manitoba**

Clayton H. Riddell Faculty of
Environment, Earth, and Resources

Natural Resources Institute

220 Sinnott Building
Winnipeg, Manitoba
Canada R3T 2M6
T (204) 474-8373
F (204) 261-0038
E nriinfo@umanitoba.ca

Research Project Title: Exploring the essential elements of meaningful public participation in next generation impact assessment: the Colombian context

Principal Investigator, academic rank, and contact information: Mario Enrique Bayuelo Gonzalez, Candidate Master of Natural Resources Management, [REDACTED]

[REDACTED] bayuelom@myumanitoba.ca

Research Supervisor, academic rank, and contact information: Dr. John Sinclair, Professor and Director, Natural Resources Institute, University of Manitoba, John.Sinclair@umanitoba.ca

This consent form, a copy of which will be left with you for your records and reference, is only part of the process of informed consent. It should give you the basic idea of what the research is about and what your participation will involve. If you would like more detail about something mentioned here, or information not included here, you should feel free to ask. Please take the time to read this carefully and to understand any accompanying information.

Summary of this Project

Environmental Impact Assessment (EIA) has been implemented worldwide for planning and evaluating the impacts of projects that involve the use of natural resources and/or that might impact people and/or the environment. EIA is a tool for making decisions that are forward looking in the development and operations of infrastructure projects that can have social and environmental impacts.

In a global EIA context, public participation is a foundational cornerstone of the process, yet implementation of meaningful participation has proven difficult. In response to these and other EIA challenges, EIA methods and concepts have evolved from past experiences for approximately five decades. In some countries, for example, EIA is starting to emphasize sustainability considerations, meaningful public participation, and human well-being, which is identified as Next Generation Impact Assessment (NGIA). Implementing NGIA encourages broader social reflection, thought, and understanding by better capturing the interests of stakeholders and the public. This latter characteristic is known as meaningful public participation, and it is one of the key components of NGIA. Meaningful Public Participation aims to establish a better approach and means to achieve public participation in EIA processes. It proposes ten essential elements that need to be considered for achieving meaningful public participation in EIA.

This research aims to explore the applicability of the essential elements of meaningful public participation in the NGIA, regarding the EIA process for major projects in Colombia, with the goals of further testing and informing the elements of MPP and establishing ways to encourage more meaningful participation in EIA in Colombia.

Your participation in this interview will contribute to a broader understanding of the current public participation practices used in EIA processes in Colombia and to identify potential implementation approaches, as necessary, for missing or weak elements of meaningful public participation in Colombia. This study will contribute to establishing recommendations for achieving more meaningful public participation in the EIA process of major projects in Colombia and to document shortcomings in the essential elements of meaningful public participation from a Colombian perspective.

Data for this research will be collected through one-on-one interviews, in-person or remotely via video conferencing, phone calls, or instant messaging apps, such as WhatsApp. The interview will take between 30 minutes to an hour of your time. I will use a set of questions to guide our discussion during the interview. If you choose to participate, you have the right to not answer a question, ask for clarification, or interrupt the interview at any time to indicate you would like to withdraw. There will be no negative consequences or judgment if you choose to withdraw.

During the interview, with your consent, I will record the audio of our conversation using an electronic device, for transcribing data. All electronic files will be stored on the cloud of my University of Manitoba SharePoint and OneDrive student account protected by a password. Unless you explicitly state otherwise, any identifiable information will not be included in the transcript, or outcomes of the research. The audio files will be destroyed 2 years (October 2026) after I complete my thesis. I will use a code name (Participant A, Participant B, etc.) to ensure that none of the information you share can be linked to you personally. Only my supervisor and I will have access to the raw data.

After the interview, I will send you the transcript of the interview so you can review its accuracy. I will email you the transcript within five days from the interview day. You will have two weeks upon receiving the transcript to send me your comments if you have any. If I do not hear back from you after those two weeks, I will assume you agree with the content of the transcripts as they are.

If you change your mind after the interview, you can withdraw from the study at any point before September 2024 by emailing me, as after that my data analysis and thesis writing will be nearing completion. If you withdraw from the study, all electronic copies of the interview recording and transcripts will be destroyed. Additionally, if you would like to receive a summary of the research findings, I can send you a 2-page summary via your preferred mode of delivery, i.e., email or mail by November 2024 approximately. In terms of the final thesis document, if you like to receive a copy of it, I can send it to you once it is completed.

Finally, the findings from this research will be presented at conferences, in a journal article, and in the form of a master's thesis on the University of Manitoba's website. Any

dissemination will be only for academic purposes.

In case of any questions or concerns, you can contact me or my advisor.

Your signature on this form indicates that you have understood to your satisfaction the information regarding participation in the research project and agree to participate as a subject. In no way does this waive your legal rights nor release the researchers, sponsors, or involved institutions from their legal and professional responsibilities. You are free to withdraw from the study at any time, and /or refrain from answering any questions you prefer to omit, without prejudice or consequence. Your continued participation should be as informed as your initial consent, so you should feel free to ask for clarification or new information throughout your participation.

The University of Manitoba may look at your research records to see that the research is being done in a safe and proper way.

This research has been approved by the Research Ethics Board at the University of Manitoba, Fort Garry campus. If you have any concerns or complaints about this project, you may contact any of the above-named persons or the Human Ethics Officer at 204-474-7122 or HumanEthics@umanitoba.ca. A copy of this consent form has been given to you to keep for your records and reference.

I, _____, consent with my signature to this recorded interview.

Participant's printed name

_____/_____/_____(dd/mm/yyyy)
Participant's signature Date

_____/_____/_____(dd/mm/yyyy)
Researcher's Signature Date

I consent to be audio recorded for this interview: Yes ___ No ___

I would like to receive a full transcript of the interview: Yes ___ No ___

I would like a summary of the research findings: Yes ___ No ___

I would like to receive a copy of the final thesis: Yes ___ No ___

I would like to receive credit and waive my confidentiality: Yes ___ No ___

Participant's preferred email address _____ *

* (I will use this email address to send the 2-page summary of the research findings and a copy of the final thesis if requested, or to send a copy of the interview transcript for accuracy review). If your preferred mode of delivery is via mail, please provide your address below:

Phone call script

Hello (candidate name),

My name is Mario Bayuelo and I am a master's student at the Natural Resources Institute of the University of Manitoba in Winnipeg, Canada. I got your contact information from the public registries of the project (name of the case I identified) developed in (name of the city/town) in (month/year).

I am calling today to invite you to participate in an interview. I am working on a research project named "Exploring the essential elements of meaningful public participation in next generation impact assessment: the Colombian Context".

The interview will explore questions about the current public participation practices used in EIA processes in Colombia and will help to identify potential implementation approaches, as necessary, for missing or weak elements of meaningful public participation. This study will contribute to establishing recommendations for achieving more meaningful public participation in the EIA process of major projects in Colombia. I can share some more information about the topic if you like.

The interview will take between 30 minutes to an hour of your time. It will take place in-person or remotely via Zoom, a phone call, or WhatsApp, according to your convenience. Unless you explicitly state otherwise, I will use code names (Participant A, Participant B, etc.) to ensure that none of the information you share can be linked to you personally.

If you would like to participate, I can share the consent form for you to read and sign before the interview. And we can set the date, time, and place for the interview.

Would you like to participate in the interview?

Recruitment email script

Subject line: Invitation to participate in the research: Exploring the essential elements of meaningful public participation in next generation impact assessment: the Colombian context

Dear (participant name),

My name is Mario Bayuelo and I am a master's candidate at the Natural Resources Institute, University of Manitoba (Winnipeg, Canada), working under the supervision of Dr. John Sinclair. I got your contact information from the public registries of the project (name of the case I identified) developed in (name of the city/town) in (month/year).

I am working on a research project named "Exploring the essential elements of meaningful public participation in next generation impact assessment: the Colombian Context". And, I am writing today to invite you to participate in this study in an interview. The interview will explore questions about the current public participation practices used in EIA processes in Colombia and will help to identify potential implementation approaches, as necessary, for missing or weak elements of meaningful public participation.

The interview will take between 30 minutes to an hour of your time. It will take place in-person or remotely via Zoom, a phone call, or WhatsApp, according to your convenience. With your permission, I would like to record the audio of our interview. After the interview, I will turn the audio into a written transcript. Any identifiable information will not be included in the transcript and the audio file will be destroyed. Unless you explicitly state otherwise, I will use a code name (Participant A, Participant B, etc.) to ensure that none of the information you share can be linked to you personally. After the interview, I will send you a summary of the transcript for your review of accuracy.

All electronic files will be stored on the cloud of my University of Manitoba SharePoint and OneDrive student account protected by a password. Only my supervisor and I will have access to the raw data.

You will not receive compensation for participating in this interview. However, your participation will contribute to a better understanding of the current public participation practices used in EIA processes in Colombia and to identify potential implementation approaches, as necessary, for missing or weak elements of meaningful public participation in Colombia. This study will contribute to establishing recommendations for achieving more meaningful public participation in the EIA process of major projects in Colombia.

If you have any questions, please feel free to email me (bayuelom@myumanitoba.ca) or my thesis advisor (John.Sinclair@umanitoba.ca). This research has been reviewed and approved by the Research Ethics Board at the University of Manitoba, Fort Garry campus, and follows the Canadian Tri-Council Research Ethics guidelines.

Thank you for your time and consideration. I look forward to hearing from you.
Mario Bayuelo

APPENDIX C

Draft Interview Schedule for Participants Involved in Public Participation in EIA Processes in Colombia.

Introductory questions:

1. Can you tell me about your experience in Environmental Impact Assessment processes for major projects? And the roles you play or played in implementing EIA processes.
2. Please describe your understanding of public participation in EIA processes.
3. Have you seen changes in PP in EIA processes in Colombia since your initial involvement in this field?
 - a. If yes, what are the most notable? If not, why do you think there has been little change?
4. From your experiences, what are the weaknesses and strengths of PP in EIA processes in Colombia?
5. Based on your experience, what are the most essential elements of public participation in EIA?

Essential Elements of Meaningful Public Participation:

6. From the following list, what elements of MPP in EIA processes do you think apply to the Colombian context? Why do you exclude... (insert elements excluded)?
 - a. Access to information,
 - b. Access to public hearings,
 - c. Adequate notice,
 - d. Decisions impact,
 - e. Deliberative forums,
 - f. Early and ongoing participation,
 - g. Fair and open,
 - h. Learning oriented,
 - i. Opportunities for public comment,
 - j. Participant assistance.

Achieving and enhancing MPP:

7. In your opinion, what are the top three challenges or limitations for achieving more MPP in EIA processes in Colombia concerning the elements you have selected as being most applicable, and why?
8. What practices or approaches would you suggest for achieving more MPP in the EIA process in Colombia?

Closing:

9. Imagine you are in an elevator, and you meet the environment minister for Colombia and, he/she asks you, “What is the most important way to achieve more MPP in EIA processes we should consider as the ministry in Colombia?”

Do you have any questions for me about PP in EIA or other comments about this topic we have not covered?

APPENDIX D



University
of Manitoba

Research Ethics and Compliance

Human Ethics - Fort Garry
208-194 Dafoe Road
Winnipeg, MB R3T 2N2
T: 204 474 8872
humanethics@umanitoba.ca

PROTOCOL APPROVAL

Effective: February 5, 2024

Expiry: February 4, 2025

Principal Investigator: Mario Bayuelo
Advisor(s): Andrew Sinclair
Protocol Number: HE2023-0381
Protocol Title: *Exploring the essential elements of meaningful public participation in next generation impact assessment: the Colombian Context*

Liz Millward, Chair, REB2

Research Ethics Board 2 has reviewed and approved the above research. The Human Ethics Office (HEO) is constituted and operates in accordance with the current *Tri-Council Policy Statement: Ethical Conduct for Research Involving Humans- TCPS 2 (2022)*.

This approval is subject to the following conditions:

- i. Approval is granted for the research and purposes described in the protocol only.
- ii. Any changes to the protocol or research materials must be approved by the HEO before implementation.
- iii. Any deviations to the research or adverse events must be reported to the HEO immediately through an REB Event.
- iv. This approval is valid for one year only. A Renewal Request must be submitted and approved prior to the above expiry date.
- v. A Protocol Closure must be submitted to the HEO when the research is complete or if the research is terminated.
- vi. The University of Manitoba may request to audit your research documentation to confirm compliance with this approved protocol, and with the UM *Ethics of Research Involving Humans* [Ethics of Research Involving Humans](#) policies and procedures.

RENEWAL APPROVAL

Effective: January 16, 2025

New Expiry: February 4, 2026

Principal Investigator: Mario Bayuelo
Advisor(s): Andrew Sinclair
Protocol Number: HE2023-0381
Protocol Title: *Exploring the essential elements of meaningful public participation in next generation impact assessment: the Colombian Context*

Office of Human Research Ethics as designated by REB2

Research Ethics Board 2 has reviewed and renewed the above research. The Office of Human Research Ethics (OHRE) is constituted and operates in accordance with the current *Tri-Council Policy Statement: Ethical Conduct for Research Involving Humans- TCPS 2 (2022)*.

Please note the following important information about your renewal approval:

- i. Any changes to the protocol or research materials must be approved by the OHRE **before implementation**.
- ii. Any **deviations** to the research or **adverse events** must be reported to the OHRE immediately through an **REB Event**.
- iii. This renewal is valid for **one year only**. A Renewal Request must be submitted and approved prior to the above expiry date.
- iv. A **Protocol Closure** must be submitted to the OHRE when the research is complete or if the research is terminated.