
Colombia: Constitutional decision over Forestry Law awards victory to social organizations

On 28 March 2006, in the midst of strong pressure from the Government and the timber industry, Law 1021 was adopted in Colombia, better known as the “Forestry Law” (see WRM Bulletin No. 105), enabling major timber investors to have easy and privileged access to the country’s forests, thus compromising the future of these forests, both public and those belonging to Indigenous and Afro-Colombian communities.

In 2007, the “Public Interest Rights Group of the University of the Andes,” with support from a wide range of social sectors in Colombia and internationally, filed a lawsuit against the Forestry Law as being unconstitutional.

On 23 January of the present year, the Constitutional Tribunal declared the Forestry Law to be null and void, thus giving reason to the Indigenous peoples and Afro-Colombian communities which had repeatedly denounced the unconstitutional nature of this law as it did not comply with the requirement of consulting them and allowing them to participate in the process of formulation and adoption of the law.

In a communiqué to public opinion signed by numerous Colombian social organizations (1) it is pointed out that: “This sentence again sets up a basic safeguard for the integrity of ethnic minorities, contesting and curbing the Government’s attempts at foregoing prior consultation and the concept that attempts to convince us that the liquidation of collective rights and of the cultural, social and economic integrity of ethnic peoples and communities is irreversible.”

According to the Colombian group “Semillas”: “This decision of the Constitutional Tribunal has awarded victory to all us Colombians who believe that a more just and sustainable world is possible. This triumph opens a window of hope and recharges the forces of society’s resistance processes and struggles in general in order to face this model of privatization of all public assets and ransacking of collective territories.” (2).

This is a victory of the struggle of numerous Colombian social organizations, that have succeeded in obtaining this decision from the Constitutional Tribunal, which sets down jurisprudence. It is time for celebration.

Article based on:

(1) “Comunicado a la Opinión Pública. La liberación del derecho a la consulta previa. La Corte Constitucional, declara inexecutable la Ley General Forestal, enero 23 de 2008”, (Communiqué to Public Opinion. Liberation of the right to prior consultation. The Constitutional Tribunal declares the General Forestry Law to be unconstitutional, 23 January 2008, sent by Diego Alejandro Cardona, Censat Agua Viva, e-mail: selvas@censat.org;

(2) “La Corte Constitucional declara inexecutable la Ley Forestal”(The Constitutional Tribunal

declares the Forestry Law to be unconstitutional), Grupo Semillas,
<http://www.semillas.org.co/sitio.shtml?apc=l1----&x=20155467>