

Draft Investigation Report

Investigating allegations of non-compliance with UNDP social and environmental commitments relating to UNDP activities in the context of the following projects:

“Private Sector and Agenda 2030” and its intersection with the “Sustainable Amazon for Peace”, the “Gender Equality Management System – Equipares Project”, and the “Infrastructure for Development” Projects in the Republic of Colombia.

Case No. SECU0017

Date: 16 July 2024

BASIC DATA

Case No.	SECU0017
Categories of Non-Compliance:	Social and Environmental
Location:	Colombia
Date Complaint received:	11 May 2021
Source of Complaint:	Amazon Watch, et al on behalf of the Siona of Buenavista indigenous and Perla Amazónica campesino communities
Related Case(s):	N/A

DRAFT

TABLE OF CONTENTS

LIST OF ACRONYMS	4
I. EXECUTIVE SUMMARY	5
II. OVERVIEW OF COMPLAINT AND RELEVANT PROJECTS	12
III. FINDINGS REGARDING APPLICATION OF UNDP SOCIAL AND ENVIRONMENTAL COMMITMENTS	38
Compliance with UNDP private sector due diligence requirements	40
Compliance with UNDP social and environmental screening and assessment requirements	53
Compliance with UNDP access to information and stakeholder engagement requirements	59
Compliance with UNDP human rights requirements	69
Compliance with UNDP Indigenous Peoples requirements	71
IV. FINDINGS OF RELEVANT HARM	72
V. RECOMMENDATIONS	75
ANNEXES	78
ANNEX 1. Discrete Findings on Due Diligence of the Geopark Partnership Through the Equipares Project	78
ANNEX 2. Discrete Findings Related to the Rescreening of the Sustainable Amazon Project	80
ANNEX 3. Discrete Findings Related to Due Diligence of the Ecopetrol Partnership within the Infrastructure For Development Project	86
ANNEX 4. Indicative List of Interviewees	89
...	
SUPPLEMENTARY ANNEXES (click here)	
Annex 5. Evidentiary Docket	
Annex 6. UNDP's Relevant Social and Environmental Commitments	
Annex 7. Letter to UNDP from ADISPA and Siona of Buenavista on 26 April 2021	
Annex 8. Additional letter to UNDP by Siona of Buenavista and others on 17 May 2021	
Annex 9. Risk Assessment Tool for GeoPark in the Private Sector Project	
Annex 10. Social and Environmental Screening Procedure for the Private Sector Project	
Annex 11. Social and Environmental Screening Procedure for the Sustainable Amazon for Peace Project	
Annex 12. Risk Assessment Tool for Ecopetrol in the Infrastructure for Development Project	

LIST OF ACRONYMS

Acronym	Definition
ADISPA	Association for the Integral and Sustainable Development of the Amazon Pearl (Asociación de Desarrollo Integral Sostenible de La Perla Amazónica)
CO	Country Office
DIM	Direct Implementation Modality
ESG	Environmental Social and Governance
ESIA	Environmental and Social Impact Assessment
FARC	Revolutionary Armed Forces of Colombia (Fuerzas Armadas Revolucionarias de Colombia)
FPIC	Free, Prior and Informed Consent
GEF	Global Environment Facility
HQ	Headquarters
IACHR	Inter-American Commission on Human Rights
IFC	International Finance Corporation
NGO	Non-Governmental Organization
OAI	Office of Audit and Investigations
PAC	Project Appraisal Committee
PPM	Programme and Project Management
Prodoc	Project Document
QA	Quality Assurance Screening
RAT	Risk Assessment Tool
SDG	Sustainable Development Goal
SEC	United States Securities and Exchange Commission
SECU	UNDP Social and Environmental Compliance Unit
SES	UNDP Social and Environmental Standards
SESP	UNDP Social and Environmental Screening Procedure
UN	United Nations
UNDP	United Nations Development Programme
UNDRIP	United Nations Declaration on the Rights of Indigenous Peoples
UNODC	United Nations Office on Drugs and Crime
USAID	United States Agency for International Development
USD	United States Dollar
ZRC	Campesino Reserve Zone (Zona de Reserva Campesina)

I. EXECUTIVE SUMMARY

1. On May 11, 2021, the Social and Environmental Compliance Unit (SECU) within the UNDP Office of Audit and Investigations (OAI) registered a complaint on behalf of smallholder farming, or *campesino*, and indigenous communities in the Putumayo region of Colombia, regarding the UNDP Colombia Country Office (CO)'s strategic partnership with oil and gas company, GeoPark Colombia S.A. (herein GeoPark).

Project Overview

2. UNDP's strategic partnership with GeoPark was structured through a cost-sharing agreement under the Private Sector and Agenda 2030 Project (herein Private Sector Project) (Project ID: 132303), a project designed to support economic recovery during the Covid-19 pandemic through different partnerships with the private sector and other entities within their geographic areas of influence.¹
3. The umbrella Private Sector Project and the GeoPark component were approved together under a single Project Document (Prodoc) as a Direct Implementation Modality Project (DIM), signed January 26, 2021. Under the GeoPark partnership, GeoPark was to provide USD 1,962,967 in financing for the first year of a two-year economic recovery effort involving seven municipalities neighboring GeoPark operations in three departments: Meta, Casanare, and Putumayo (Putumayo is where complainants are located).²
4. More specifically, the GeoPark project component had three parts: (1) facilitating local post-pandemic development planning; (2) assisting small urban businesses with digitalization and capacity building; (3) and supporting rural producer associations with a network of community markets and capacity building. GeoPark was to be involved in assessing and selecting project partners and beneficiaries.³
5. On the ground project activities began in April 2021 with socialization events and identification of potential beneficiaries. Following the public complaint, the UNDP Colombia CO cancelled the partnership agreement with GeoPark under the Private Sector Project May 12, 2021. (For a timeline, see p. 16).

¹ UNDP, [Sector Privado y Agenda 2030 \(Project ID:132303\)](#).

² UNDP Colombia, Sector Privado y Agenda 2030 Prodoc, 26 January 2021; UNDP Colombia, Marco lógico – Sector Privado y Agenda 2030.

³ See UNDP Colombia, Propuesta Conceptual – Sector Privado y Agenda 2030, 2020 and UNDP Colombia, Acta PAC Sector Privado y Agenda 2030 Project, 1 December 2020.

Complainants and Complaint

6. The complainants – the Buenavista Indigenous Reserve of the Siona People (herein Siona of Buenavista), and the Association for the Integral and Sustainable Development of the Perla Amazónica (ADISPA), legal representative of the Perla Amazónica Campesino Reserve – were both active UNDP partners and grantees through a separate conservation project implemented by another team in the UNDP Colombia CO.
7. That project, the Connectivity and Biodiversity Conservation in the Colombian Amazon Project, also known as the Sustainable Amazon for Peace Project (herein Sustainable Amazon Project), was a Global Environment Facility-financed project that aimed to support indigenous and *campesino* communities, especially victims of armed conflict, to construct “sustainable territories of peace” through the conservation of biological corridors in Colombia’s Amazon.⁴
8. Both complainant groups have been recognized by human rights bodies as under threat due to the Colombian armed conflict and the active presence of illegal armed groups in Putumayo, as well as due to impacts of oil development.⁵
9. The complainants asserted that UNDP’s partnership with GeoPark under the Private Sector Project diminished UNDP’s trustworthiness by disregarding the longstanding struggle by *campesino* and indigenous communities in Putumayo against extractivism and undermined the Sustainable Amazon Project’s goal of supporting communities’ efforts to protect their territories. The groups argued that UNDP’s partnership with GeoPark is “incoherent with the effective possibility of environmental and territorial protection since it is being agreed with the company that most threatens the fragility of the Amazon”.
10. Key to the groups’ concerns was the fact that GeoPark’s fully owned subsidiary and local operator in Putumayo is Amerisur Exploración Colombia Limited (herein Amerisur) – a company that GeoPark acquired in January of 2020, and that has been operating in Putumayo since 2007. The communities allege that since 2009 Amerisur has violated the rights of communities in Colombia, including through environmental contamination, violation of rights to consultation and consent, and by utilizing an illegal armed group to silence opposition to its activities in Putumayo.⁶

⁴ UNDP Colombia, [Connectivity and Biodiversity Conservation in the Colombian Amazon \(Project ID: 89719\) Project page](#).

⁵ Constitutional Court of Colombia, [Auto 004 of 2009](#), 26 January 2009; OAS, [Resolution No. 87/18 PM 204-17 - 103 Silva, Hugo Miramar and Saúl Luna \(Leaders of the Perla Amazónica Peasant Reserve Zone\)](#), 3 December 2018.

⁶ Both GeoPark and Amerisur deny any involvement in human rights abuses.

11. The request for compliance review stated, “[w]e believe that the implementation of the UNDP private sector due diligence process was inadequate, given the host of environmental and human rights allegations against GeoPark in the Colombian department of Putumayo.” The request was submitted by Amazon Watch, as a partner to both Amazon Frontlines, which supports the Siona of Buenavista, and the human rights group Interfaith Justice and Peace Commission (Comisión Intereclesial de Justicia y Paz), which supports ADISPA.

SECU Investigation

12. On September 7, 2021, SECU determined that the complaint met its requirements for Eligibility. The investigation is centered on the Private Sector Project. However, limited analysis and findings were made regarding three other projects implemented by the UNDP Colombia CO – the Sustainable Amazon Project, the Gender Equality Management System – Equipares Project (herein Equipares)⁷, and the Ecopetrol partnership of the Infrastructure for Development Project⁸ – in so far as each is intertwined with the Private Sector Project and implicated in the concerns raised by complainants.
13. Through the complaint and preliminary information gathering, SECU ascertained that complainants believed that UNDP’s partnership with GeoPark under the Private Sector Project posed a variety of actual and potential harms, including the following: (1) undermining their rights to consultation and self-determination by excluding ADISPA and the Siona of Buenavista from participating in decisions that could impact their rights; (2) emboldening a company that, they argue, has undermined – and continues to undermine – their territorial integrity and environmental rights and conservation efforts, and threatens their dignity and legitimacy as UNDP partners under the Sustainable Amazon Project; (3) increasing the risk that GeoPark could gain access to sensitive information about their territories gathered through the Sustainable Amazon Project; (4) compromising UNDP’s independence, potentially making it unlikely to respond to complaints regarding GeoPark’s human rights impacts; (5) whitewashing the image of GeoPark and Amerisur, thereby masking over social and environmental impacts and alleged violations of human rights which remained unremedied or under litigation; (6) facilitating Amerisur and GeoPark’s access to and acceptance by communities in Putumayo, thereby potentially helping it to expand oil operations that could threaten the wellbeing of the Amazon and

⁷ The Equipares Project is implicated in the SECU investigation in so far as the due diligence assessment of GeoPark under the Private Sector Project was largely repurposed from a previous due diligence assessment of GeoPark under the Equipares Project. UNDP Colombia, [Sello de Equidad Laboral Equipares \(Project ID: 101660\) Project page](#).

⁸ The Infrastructure for Development Project is implicated in the SECU investigation in so far as an Ecopetrol partnership negotiated under the Private Sector Project was rolled into the Infrastructure for Development Project once the Private Sector Project was closed. UNDP Colombia, [Infraestructura para el Desarrollo \(Project ID: 123292\) project page](#).

- local communities; (7) dividing communities in support of and against the project, potentially fomenting conflict and undermining the legitimacy of those who reject oil activities; (8) emboldening a company with alleged links to armed groups that are threatening communities, thereby putting communities at greater risk of violence or reprisal.
14. Concerns over UNDP's partnership with GeoPark have also been raised publicly by multiple UN bodies, including the UN Working Group on Business and Human Rights, several UN Special Rapporteurs, and the UN Permanent Forum on Indigenous Issues.⁹ Their communications highlighted concerns over potential human rights impacts from the partnership and questioned UNDP's application of human rights due diligence and protections for indigenous peoples.
 15. Through information gathering and interactions with the UNDP Colombia CO, SECU ascertained that the CO believed that (1) the project promised to deliver critical development benefits for marginalized groups in the face of the Covid-19-related economic crisis in Colombia, in line with UNDP's strategic plan and approach to leveraging the private sector for fulfillment of the SDGs; (2) due diligence and social and environmental screening were conducted in compliance with UNDP requirements; and (3) when concerns were raised by the complainants, the project was quickly canceled before project activities had begun, thereby limiting any harm.
 16. SECU determined that the Private Sector Project, and potentially other related projects, raised concerns related to compliance with UNDP's social and environmental commitments in the following areas: due diligence, screening and assessment, access to information and stakeholder engagement, human rights, and indigenous rights.
 17. The mandate of this investigation and report relates to UNDP's compliance with its own standards and procedures. SECU does not make its own determinations as to adherence of non-UNDP actors to human rights and environmental norms and includes publicly available information regarding the adherence of GeoPark and Amerisur to such norms only insofar as relevant to an analysis of UNDP's compliance with its social and environmental commitments and/or resultant harms.

⁹ See Working Group on the issue of human rights and transnational corporations and other business enterprises et al, [Letter to UNDP Administrator Steiner](#), 13 October 2021; UNDP Administrator, Response letter to the Working Group on Business and Human Rights and other agencies and rapporteurs, 10 December 2021; And final report of the UN Permanent Forum on Indigenous Issues' 20th Session, expressing its concern regarding UNDP entering into an partnership with GeoPark "a private entity that has been accused by indigenous communities of disregarding their rights", "without the free, prior and informed consent of the indigenous communities that will be impacted." UN Economic and Social Council, [Permanent Forum on Indigenous Issues 20th session](#), 28 April 2021.

Compliance Findings

18. After fieldwork and additional research, SECU concludes that the design and implementation of the Private Sector Project were not consistent with relevant UNDP policies. Key findings include the below (See Section III for full findings):

Table 1. Key findings

<p>Private Sector Due Diligence</p>	<p>The UNDP Colombia CO did not consider the activities of GeoPark subsidiary Amerisur as required by the Due Diligence Policy and did not correctly identify relevant significant social and environmental controversies. Based on available evidence, the CO should have excluded the partnership from further consideration, and at a minimum, should have escalated the due diligence decision to headquarters, rather than approving it. The CO also did not adequately assess and manage the risk that in this specific context, the GeoPark partnership could and did compromise the perception of UNDP’s integrity and independence and imply an endorsement by UNDP.</p>
<p>Screening and Assessment</p>	<p>The UNDP Colombia CO did not properly identify and assess relevant social and environmental risks as required by the SES, most notably indirect, cumulative and induced risks related to the project context as well as to GeoPark’s business activities and relationship with local communities. The CO should have conducted an SESP on the GeoPark component prior to project approval and assigned the project a High Risk categorization, rather than Low Risk.</p>
<p>Access to Information and Stakeholder Engagement</p>	<p>The UNDP Colombia CO did not properly identify project stakeholders, including ADISPA and the Siona of Buenavista; the exclusion of marginalized groups opposed to petroleum development was inconsistent with SES requirements against non-discrimination on the basis of political opinion. The CO did not ensure meaningful, effective, informed participation of stakeholders in project formulation, implementation and governance as required. Socialization events, especially those involving GeoPark, did not consider the conflict context and did not constitute meaningful, effective and informed consultation processes, free from external manipulation, interference, coercion or intimidation as required.</p>
<p>Human Rights</p>	<p>The UNDP Colombia CO did not take necessary measures to avoid, minimize, and mitigate adverse human rights risks and impacts as required under the SES, in particular, regarding discrimination, conflict and reprisals which materialized during project implementation, and which could have been avoided, minimized, or mitigated; the project context required heightened human rights impact assessment and management.</p>
<p>Indigenous Peoples</p>	<p>The UNDP Colombia CO was required to, but did not apply SES Standard 6 protections regarding indigenous peoples, and should have taken appropriate measures to ensure the meaningful, effective and informed participation of</p>

	the Siona and to assess whether project activities might adversely affect the existence, value, use or enjoyment of their lands, resources or territories, thereby requiring Free Prior and Informed Consent.
--	---

19. SECU additionally finds that discrete aspects of the Equipares, Sustainable Amazon, and Infrastructure for Development Projects were not consistent with UNDP's social and environmental commitments. However, because a full investigation of these projects was not undertaken, limited findings are only briefly treated in Annexes 1 - 3.

Findings of Relevant Harm

20. SECU finds that the CO decision to cancel the GeoPark partnership early in the project cycle after receipt of the public complaint mitigated some of the risks and harms to communities.
21. Nonetheless, SECU finds that the UNDP Colombia CO's non-compliance with UNDP's social and environmental commitments caused or contributed to harm to complainants and affected communities, in the following ways:
22. The lack of consultation with the Siona of Buenavista and ADISPA regarding project activities that could impact them represents a harm to these officially recognized territorial authorities and the indigenous and *campesino* communities they represent. The partnership also created the conditions for potential coercion or intimidation, and SECU notes particular concern regarding a reported interaction by GeoPark representatives with ADISPA leadership in January 2021. The partnership additionally led to a breach of trust with key partners. For the Siona of Buenavista, the rupture of trust led to them ending their partnership with UNDP under the Sustainable Amazon Project, resulting in a loss of development benefits. SECU also finds evidence of a degree of psychosocial harm to the complainants. The project likely contributed to marginalization and exclusion, potentially weakening the social fabric among and within communities and social groups. Finally, the project likely exacerbated the power imbalance between GeoPark and local communities by implying UNDP's endorsement. UNDP's endorsement could reasonably be seen to mask over adverse impacts and alleged rights violations, potentially undermining the legitimacy of communities and groups with active grievances against the company and their ability to obtain redress or advance protection of their rights in other fora.

Recommendations

23. In an effort to redress harms caused by non-compliance with applicable social and environmental policies and prevent recurrence of similar non-compliance, SECU makes the following recommendations, which are described in greater detail in Section V: Recommendations.

UNDP at both Corporate and CO levels should:

24. Acknowledge the errors made, decisions taken, and lessons learned in connection with the Private Sector Project; communicating these through dialogue with complainants and project stakeholders, as well as broad public dissemination.
25. Appropriately integrate within UNDP programming attention to the SES Human Rights programming principle, including an analysis of the current situation for human rights and environmental defenders and its impact on the potential for sustainable development.
26. Ensure a comprehensive approach to assessing and managing security, conflict and reprisals related risks in line with the 2021 SES.
27. Explore ways to utilize UNDP's relationships and influence with private sector partners, governments, and other stakeholders, to further the SES commitment to an enabling environment for human rights and participatory development, including through contractual provisions for the prevention of reprisals.
28. Improve capacity to integrate human rights analysis within due diligence, social and environmental screening, stakeholder engagement and other human rights-related processes.

UNDP Colombia CO should additionally:

29. Review its portfolio of private sector partnerships and due diligence assessments, and boost staff capacity to ensure compliance.
30. Review relevant project SESP's and conduct ongoing training to ensure proper social and environmental risk assessment and project categorization, and in particular, regarding contextual risks including human rights, discrimination, conflict, and reprisals.
31. Review all projects to ensure compliance with information disclosure and stakeholder engagement requirements, and conduct comprehensive training, with particular attention to situations of conflict and marginalization.
32. Adopt necessary measures to ensure better understanding of and meaningful participation of indigenous peoples, community based and local or international civil society groups at the CO programming level.

UNDP Corporate should additionally:

33. Ensure adequate oversight and support for design and due diligence of private sector partnerships to ensure they comply with applicable social and environmental policy requirements, including greater attention to the social and environmental risks of implied endorsement of private sector partners.
34. Take necessary measures to boost capacity at the CO level around meeting SES requirements related to social and environmental screening and assessment as well as stakeholder engagement, in particular regarding assessing and addressing complex issues of human rights, contextual risk, conflict, and reprisals.
35. Ensure clarity on how social and environmental and due diligence screening and assessment should be conducted when various workplans, components, or outcomes are grouped together under a single project or under a “portfolio” approach, to ensure that there are no gaps in managing risks for all UNDP-supported activities.

II. OVERVIEW OF COMPLAINT AND RELEVANT PROJECTS

36. What follows is an overview of the complaint and relevant projects that are the subject of this investigation. Additional details regarding the project, compliance, and complainants’ concerns can be found in Section III - Findings related to application of UNDP social and environmental commitments, and Annex 5 - Evidentiary Docket.

The Complaint and the Investigation Process

37. On April 26, 2021, the Siona indigenous communities of the Buenavista Indigenous Reserve of the Siona People (herein Siona of Buenavista), and *campesina* communities of the Perla Amazónica Campesino Reserve (herein Perla Amazónica), represented by the Association for the Integral and Sustainable Development of the Amazon Pearl (ADISPA), issued a public letter of complaint to UNDP’s Colombia Country Office (herein CO), regarding the CO’s strategic partnership with oil and gas company, GeoPark Colombia S.A. (herein GeoPark).¹⁰
38. UNDP’s strategic partnership with GeoPark was structured through a cost-sharing agreement under the Private Sector and Agenda 2030 Project (herein Private Sector Project) (Project ID: 132303), a project designed to support economic recovery during the Covid-19 pandemic through different partnerships with the private sector

¹⁰ Resguardo Siona Buenavista and ADISPA, [Denuncia Pública](#), 26 April 2021.

and other entities. The Private Sector Project was approved on January 26, 2021 as a Direct Implementation Modality Project (DIM).

39. More specifically, the partnership with GeoPark had three main components: (1) facilitating local post-pandemic development planning; (2) assisting small urban businesses with digitalization and capacity building; (3) and supporting rural producer associations with a network of community markets and capacity building. GeoPark was to be involved in assessing and selecting project partners and beneficiaries.¹¹
40. Activities in the project areas began in April 2021 with socialization events and identification of potential beneficiaries (For a timeline, see p. 16).
41. The letter from complainants explains that both groups were active UNDP partners through a separate project implemented by another team in the Colombia CO, the Connectivity and Biodiversity Conservation in the Colombian Amazon Project (Project ID: 89719). That project, also known as the “Sustainable Amazon for Peace Project” (herein Sustainable Amazon Project), was financed by the Global Environment Facility and aimed to support indigenous and smallholder farmer, or *campesino*, communities, especially victims of armed conflict, to construct “sustainable territories of peace” through the conservation of biological corridors in Colombia’s Amazon.¹²
42. The complainants asserted that UNDP’s partnership with GeoPark diminished UNDP’s trustworthiness by disregarding the longstanding struggle by *campesino* and indigenous communities in Putumayo against extractivism and undermined the Sustainable Amazon Project’s goal of supporting communities’ efforts to protect their territories. The groups argued that the partnership is “incoherent with the effective possibility of environmental and territorial protection since it is being agreed with the company that most threatens the fragility of the Amazon”.¹³
43. Key to the groups’ concerns was the fact that GeoPark’s local operator in Putumayo is Amerisur Exploración Colombia Limited (herein Amerisur) – a company that GeoPark acquired in January of 2020, and that has been operating in Putumayo since 2007. The communities allege that since 2009 Amerisur has violated the rights of communities in Colombia, including through environmental contamination, violation of rights to consultation and consent, and by utilizing an illegal armed group to silence opposition to its activities in Putumayo.¹⁴

¹¹ See UNDP Colombia, Propuesta Conceptual – Sector Privado y Agenda 2030, 2020 and UNDP Colombia, Acta PAC Sector Privado y Agenda 2030 project, 1 December 2020.

¹² UNDP Colombia, Connectivity and Biodiversity Conservation in the Colombian Amazon Prodoc, 15 January 2018.

¹³ Resguardo Siona Buenavista and ADISPA, [Denuncia Pública](#), 26 April 2021.

¹⁴ Both GeoPark and Amerisur deny any involvement in human rights abuses.

44. On May 11, 2021, a request was submitted to SECU for a compliance review, stating “[w]e believe that the implementation of the UNDP private sector due diligence process was inadequate, given the host of environmental and human rights allegations against GeoPark in the Colombian department of Putumayo.” The request was submitted by Amazon Watch, as a partner to both Amazon Frontlines, which supports the Siona of Buenavista, and the human rights group Interfaith Justice and Peace Commission (Comisión Intereclesial de Justicia y Paz), which supports ADISPA.
45. That same day, SECU registered the case on its online case registry, and subsequently made document and information requests of the UNDP Colombia CO to assess the eligibility of the complaint.
46. On May 12, 2021, the CO cancelled the GeoPark partnership agreement under the Private Sector Project.
47. On May 17, 2021, the Siona of Buenavista, together with civil society organizations Amazon Frontlines, Amazon Watch, and Healing Bridges, issued an additional joint communication stating that through the partnership with GeoPark, UNDP had “favored [GeoPark’s] corporate image and allowed the company to whitewash its corporate responsibilities for the longstanding violation of collective human, environmental and territorial rights” in Colombia and elsewhere.¹⁵ The groups highlighted that the cancellation of the partnership with GeoPark did not resolve their concerns and that the “trust, legitimacy and respect that civil society organizations had in the United Nations System and particularly, in UNDP, has been broken.”
48. On September 7, 2021, the request for compliance review was determined eligible by SECU.¹⁶
49. Through the complaint and preliminary information gathering, SECU ascertained that complainants believed that UNDP’s partnership with GeoPark posed a variety of actual and potential harms, including the following: (1) undermining their rights to consultation and self-determination by excluding ADISPA and the Siona of Buenavista from participating in decisions that could impact their rights; (2) emboldening a company that, they argue, has undermined – and continues to undermine – their territorial integrity and environmental rights and conservation efforts, and threatens their dignity and legitimacy as UNDP partners under the Sustainable Amazon Project; (3) increasing the risk that GeoPark could gain access to

¹⁵ Resguardo Siona Buenavista, Amazon Watch and Amazon Frontlines, [Comunicado Publico Conjunto](#), 17 May 2021.

¹⁶ Social and Environmental Compliance Unit, [Eligibility determination for Case SECU0017](#), 7 September 2021.

- sensitive information about their territories gathered through the Sustainable Amazon Project; (4) compromising UNDP's independence, potentially making it unlikely to respond to complaints regarding GeoPark's human rights impacts; (5) whitewashing the image of GeoPark and Amerisur, thereby masking over adverse impacts and alleged violations of human rights, many of which remained unremedied or under litigation; (6) facilitating Amerisur and GeoPark's access to and acceptance by communities in Putumayo, thereby potentially helping it to expand oil operations that could threaten the wellbeing of the Amazon and local communities; (7) dividing communities in support of and against the project, potentially fomenting conflict and undermining the legitimacy of those who reject oil activities; (8) emboldening a company with alleged links to armed groups that are threatening communities, thereby putting communities at greater risk of violence or reprisal.
50. Through information gathering and interactions with the UNDP Colombia CO, SECU ascertained that the CO believed that the project (1) promised to deliver critical development benefits for marginalized groups in the face of the Covid-19-related economic crisis in Colombia, in line with UNDP's strategic plan and approach to leveraging the private sector for fulfillment of the SDGs; (2) due diligence and social and environmental screening were conducted in compliance with UNDP requirements; and (3) when concerns were raised by the complainants, the project was quickly canceled before project activities had begun, thereby limiting any harm.
51. SECU determined that the Private Sector Project, and potentially others, raised the following concerns related to UNDP's compliance with UNDP standards: due diligence, screening and assessment, access to information and stakeholder engagement, human rights, indigenous rights, and environmental sustainability.
52. The terms of reference for the investigation were finalized December 20, 2021. Between October 2022 and December 2023, SECU conducted desk research as well as a field mission to Colombia, where interviews were conducted with the CO, the complainants, and various other stakeholders and relevant experts.¹⁷
53. SECU investigations are administrative fact-finding processes. In assessing facts relevant to social and environmental compliance issues, SECU uses the "preponderance of evidence" standard, which is an assessment of whether a fact is more likely to be true than not true, based on information available to and assessed by SECU.
54. This SECU investigation is centered on the Private Sector Project. However, limited analysis and findings were made regarding three other projects implemented by the UNDP Colombia CO – the Sustainable Amazon Project, the Gender Equality

¹⁷ Social and Environmental Compliance Unit, [Terms of Reference for Case SECU0017](#), 22 December 2021.

Management System – Equipares Project (herein Equipares)¹⁸, and the Ecopetrol partnership of the Infrastructure for Development Project¹⁹, in so far as these are intertwined with the Private Sector Project and implicated in the concerns raised by complainants.

55. Due to a range of factors, including the complexity of the case as well as staffing changes, the investigation process, including finalization of the draft report, was delayed beyond what SECU aspires to. SECU recognizes that delays in its process can have adverse implications for stakeholders and is constantly exploring ways to improve its case timelines.

The Complainants

56. ADISPA. The Association for Integral and Sustainable Development of the Amazon Pearl (ADISPA) is the legal representative of the Perla Amazónica Campesino Reserve (herein Perla Amazónica).²⁰ The Perla Amazónica covers 22,000 hectares, with a population of 4,000 people, largely smallholder farmers.²¹ ADISPA formed in the 1990s with the aim of changing the predominant coca and extractives-driven rural economic model and supporting the sustainable development of the Perla Amazónica and the rights of the *campesinos* living there.
57. The Siona of Buenavista. The Buenavista Indigenous Reserve of the Siona People is the largest of six Siona (Si'oBain) indigenous reserves legally recognized in Colombia.²² The reserve was recognized by the government in 1983 and is 4,500 hectares in size with a population of 723 inhabitants.²³ The Siona are a transboundary people, living on both sides of today's border between Colombia and Ecuador.
58. Both complainant groups have been recognized by human rights bodies as under threat due to the Colombian armed conflict and the active presence of illegal armed groups in Putumayo, as well as due to impacts of oil development.²⁴

¹⁸ The Equipares Project is implicated in so far as the due diligence assessment of GeoPark under the Private Sector Project was largely repurposed from a previous due diligence assessment of GeoPark under the Equipares Project. UNDP Colombia, [Sello de Equidad Laboral Equipares \(Project ID: 101660\) Project page](#).

¹⁹ The Infrastructure for Development Project is implicated in so far as an Ecopetrol partnership negotiated under the Private Sector Project was rolled into the Infrastructure for Development Project once the Private Sector Project was closed. UNDP Colombia, [Infraestructura para el Desarrollo \(Project ID: 123292\) Project page](#).

²⁰ The Campesino Reserve Zone (ZRC for its initials in Spanish) in Colombia is a form of territorial organization legally recognized for the purpose of organizing rural smallholder farmer populations to facilitate their wellbeing and sustainable development.

²¹ Centro Nacional de Memoria Histórica, [Petróleo, coca, despojo territorial y organización social en Putumayo](#), November 2015.

²² Asociación de Cabildos Indígenas Pueblo Siona, [Diagnóstico Plan Salvaguarda 2012](#).

²³ Fundación Siona Espíritu, [Resguardo Siona Buenavista](#).

²⁴ Constitutional Court of Colombia, [Auto 004 of 2009](#), 26 January 2009; OAS, [Resolution No. 87/18 PM 204-17 - Jani Silva, Hugo Miramar and Saúl Luna \(Leaders of the Perla Amazónica Peasant Reserve Zone\)](#), 3 December 2018.

59. As mentioned above, a key factor in the complaint to SECU was the fact that the complainants were partners and grantees of UNDP through the Sustainable Amazon Project – a Global Environment Facility-funded project, which focused on building “sustainable territories for peace” by forging partnerships with victims of conflict and social organizations and populations in the process of being reintegrated into civilian life. Under the Sustainable Amazon Project, the CO signed grant agreements with ADISPA (in March 2019) and the Siona of Buenavista (in August 2020) to strengthen their organizational capacities for sustainable management of their respective territories, including through territorial mapping and sustainable agriculture activities.²⁵

Figure 1. Timeline of Relevant Events and Decisions (UNDP Actions in Bold)

2007	Amerisur begins operations in Putumayo, Colombia, near Buenavista Reserve and within Perla Amazónica Reserve.
2008	Perla Amazónica communities and Siona of Buenavista raise complaints regarding social and environmental impacts of Amerisur’s operations.
2012	GeoPark begins operations in Casanare and Meta, Colombia.
June 2015	Spill of 30,000 gallons of oil from Amerisur tankers attacked by FARC contaminates water resources in the Perla Amazónica.
December 2016	Perla Amazónica families file class action suit against various Colombian environmental authorities demanding suspension of Amerisur operations.
2017	Governmental interagency verification mission to Buenavista Reserve documents concerns.
21 August 2018	Colombian Civil Court finds that Amerisur’s activities pose “threat” to Siona of Buenavista, affecting their fundamental rights; orders Amerisur to refrain from exploratory activity within PUT-12.
3 December 2018	InterAmerican Commission on Human Rights grants precautionary measures in favor of ADISPA in response to alleged security threats and impacts of extractive operations in Amerisur’s Platanillo block.
March 2019	UNDP Colombia signs grant agreement with ADISPA under Sustainable Amazon for Peace Project.
August 2019	Colombian Administrative Court orders Amerisur to suspend seismic activities in PUT-12 pending resolution of Siona of Piñuña Blanco territorial boundaries.

²⁵ Microcredit subsidy agreement No 0000044024 between UNDP and ADISPA; Low Value Grant Agreement Reference No. 0000045477 between UNDP and Resguardo Indígena Siona Buenavista, Anexo A: Propuesta de Acuerdo de Subvención de Bajo Valor.

December 2019	Perla Amazónica communities file lawsuit against Amerisur in United Kingdom in response to 2015 oil spill.
January 2020	GeoPark acquires Amerisur, marking entry into Putumayo.
February - December 2020	Through Amerisur, GeoPark conducts socialization activities with communities in and around the Perla Amazónica to advance seismic acquisition for oil exploration in block PUT-8.
March 2020	Covid-19 lockdown begins in Colombia.
April 2020	Human rights groups cite surge in selective violence in Putumayo against social activists, including those opposing extractives activities.
July 2020	GeoPark exits Block 64 in Peru after longstanding international campaign and legal actions by indigenous communities.
July 2020	Spill of 3,000 liters of diesel within GeoPark/Amerisur's Platanillo block impacts water and fish resources within the Perla Amazónica.
August 2020	UNDP Colombia signs grant agreements with Siona of Buenavista and Siona of Piñuña Blanco under Sustainable Amazon for Peace Project.
November 2020	UNDP Colombia finalizes due diligence assessment of GeoPark for Private Sector Project, approving partnership without conditions.
November and December 2020	Perla Amazónica community members inform Sustainable Amazon Project team of aggression and intimidation against ADISPA from armed group allegedly intent on facilitating GeoPark's seismic testing.
December 2020- February 2021	Public alerts document reported threats by armed groups against ADISPA and alleged connection to GeoPark. Sustainable Amazon team accompanies ADISPA amid security concerns, adjusts project activities and channels concerns to human rights mechanisms.
24 December 2020	UNDP Colombia and GeoPark sign financing agreement for Private Sector Project partnership.
13 January 2021	UNDP Colombia finalizes social and environmental screening of Private Sector Project.
26 January 2021	Private Sector Project approved by PAC.
February 2021	ADISPA reports to Sustainable Amazon staff that during in-person visit in January, GeoPark personnel alleged GeoPark was financing ADISPA through UNDP.
March 2021	Private Sector Project team conducts socialization events in Casanare.
23 March 2021	UNDP Private Sector Project team in Putumayo meets with Sustainable Amazon Project Putumayo team to request information for Private Sector Project socialization. Sustainable Amazon Project team raises concerns about GeoPark partnership.
5 April 2021	Private Sector Project team restructures project implementation sites to avoid areas sensitive to GeoPark.
5 -7 April 2021	Private Sector Project team conducts socialization events with community councils and producer associations in Putumayo.

12 April 2021	Sustainable Amazon for Peace and Private Sector Project team management discuss concerns and allegations against Amerisur/GeoPark.
12 – 17 April 2021	Private Sector Project team conducts site visits to producer associations in Putumayo.
15 – 17 April 2021	UNDP Colombia reaches out to government agencies to inquire about social and environmental complaints involving GeoPark.
20 April 2021	UNDP Colombia and GeoPark host launch event, disseminated via social media.
26 April 2021	Siona of Buenavista and ADISPA issue public letter of complaint to UNDP Colombia re GeoPark partnership.
27 April 2021	UNDP Colombia suspends Private Sector Project activities in Putumayo.
29 April 2021	UNDP Colombia Resident Representative holds meeting with Siona of Buenavista, ADISPA, and supporting organizations.
30 April 2021	UN Permanent Forum on Indigenous Issues expresses concern re: GeoPark partnership.
11 May 2021	SECU receives request for compliance review and registers case.
12 May 2021	UNDP Colombia cancels GeoPark partnership within Private Sector Project. Components involving other partnerships in the project were later rolled into separate projects.
May 2021	ADISPA agrees to continue participating in Sustainable Amazon Project. Siona of Buenavista formally withdraw.
17 May 2021	Siona of Buenavista, Amazon Frontlines, Amazon Watch, and Healing Bridges release public letter to UNDP underlining that cancellation of the partnership does not address their concerns.
6 July 2021	Siona of Buenavista send letter to UNDP expressing intent to return second tranche of funding received through Sustainable Amazon Project.
7 September 2021	SECU determines compliance request is eligible for review.
13 October 2021	UN Working Group on Business and Human Rights and UN Special Rapporteurs publish letter to UNDP, raising concerns re: the GeoPark partnership.
October 2022 – December 2023	SECU conducts desk research and field mission to Colombia.

The Private Sector Project and GeoPark

60. The Private Sector Project was developed in response to the Covid-19 pandemic. Housed within the CO's Poverty Program, it was designed to be an umbrella project that would eventually involve various private sector partners financing different activities in their geographic areas of influence, through cost-sharing agreements.²⁶
61. The CO notes that, with the pandemic lockdown, beginning in March 2020, the office was eager to find solutions for the unfolding economic crisis in Colombia, while at the same time dealing with the logistical impacts of the lockdown, including coordination and communication challenges.
62. Beginning in July 2020, UNDP and GeoPark began discussions regarding a partnership under the Private Sector Project. The Financing Agreement between GeoPark and UNDP was signed December 24, 2020.²⁷
63. The umbrella Private Sector Project and the GeoPark component were approved together under a single Project Document (Prodoc), signed January 26, 2021. GeoPark was to provide USD 1,962,967 in financing for the first year of a two-year economic recovery effort involving seven municipalities neighboring GeoPark operations in three departments: Meta, Casanare, and Putumayo (Putumayo is where complainants are located).²⁸
64. The stated main objectives of the GeoPark partnership component of the Private Sector Project were to support local economic recovery planning and to develop employment and income opportunities. More specifically, the partnership with GeoPark had three main parts: (1) facilitating local post-pandemic development planning; (2) assisting small urban businesses with digitalization and capacity building; (3) and supporting rural producer associations with a network of community markets and capacity building.
65. The economic reactivation activities contemplated under the project had the potential to deliver needed benefits for communities facing high rates of poverty, in line with UNDP's strategic priorities.

²⁶ See UNDP Colombia, Propuesta Conceptual – Sector Privado y Agenda 2030, 2020 and UNDP Colombia, Sector Privado y Agenda 2030 Prodoc, 26 January 2021.

While the Private Sector Project was sometimes referred to informally as a “portfolio approach”, it was registered as a single project rather than a “portfolio of projects.”

²⁷ The CO states that GeoPark was the first company to enter into a cost-sharing agreement with UNDP under the Private Sector Project in large part because they already had an existing relationship with the company through the Gender Equality Management System – Equipares (“Equipares”) Project.

²⁸ UNDP Colombia, Sector Privado y Agenda 2030 Prodoc, 26 January 2021; UNDP Colombia, Marco lógico – Sector Privado y Agenda 2030.

66. The Prodoc was drafted to reflect the larger umbrella Private Sector Project, and, in this regard, provided only a general discussion of development challenges and risks and broad categories of outputs and results, with only brief mention of the GeoPark partnership and project component.
67. GeoPark is a subsidiary of GeoPark Limited, a Latin American oil and gas company with operations in Colombia and other locations in South America.²⁹ It has been active in Colombia since 2012 when it secured a license to operate in the departments of Casanare and Meta. The company cites “superior” performance on ESG issues.³⁰
68. GeoPark’s Casanare operations have been the subject of public protests regarding alleged environmental and social impacts in 2014 and 2019. GeoPark’s efforts to advance oil exploration activities in Peru have also been the subject of critical global campaigns and lawsuits by indigenous groups and environmental organizations. These and other controversies are further described in Annex 5 – Evidentiary docket.
69. As noted above, GeoPark established a presence in Putumayo in January 2020, when it acquired Amerisur – a company that has been operating in Putumayo since 2007. Since the acquisition, Amerisur has operated as a fully-owned subsidiary of GeoPark.
70. The Private Sector Project was a Direct Implementation Modality (DIM) project. As noted in the Prodoc, through agreements with private sector partners, partners were engaged not only in financing, but also in management and implementation of the agreements under the project.³¹
71. Private Sector Project documents describe project stakeholders as those falling into two categories: government partners and beneficiaries – the latter being Community Councils and rural producer associations.

The Local Project Context in Putumayo

72. Complainants’ territories and one of the Private Sector Project’s three project areas are located in Putumayo, at the southern end of the Colombian Amazon, bordering Ecuador and Peru. Putumayo is a strategic zone for both the military and illegal armed groups, as well as for the petroleum industry.

²⁹ GeoPark operations are in Colombia, Ecuador, Chile, Brazil, and, until recently, Argentina and Perú.

³⁰ GeoPark, Speed, [Our ESG](#).

³¹ UNDP Colombia, Sector Privado y Agenda 2030 Prodoc, 26 January 2021, p. 4. The logic of the Private Sector Project was to execute activities in different companies’ áreas of operation or influence. For the GeoPark component, GeoPark proposed specific municipalities neighboring their operations for the project areas. The Project Steering Committee, which consisted of one representative of UNDP and one GeoPark representative, had the authority to orient the project toward the achievement of its objectives. GeoPark was also indicated in the Prodoc as the only principal evaluation actor.

73. Throughout Colombia's armed conflict (1964-2016), both the Siona and Perla Amazónica communities were heavily impacted by the power struggles between the Revolutionary Armed Forces of Colombia (Fuerzas Armadas Revolucionarias de Colombia) (FARC), public security forces, and armed actors; they were subjected to stigmatization, intimidation, displacement, forced disappearances, targeted killings, indiscriminate shelling, and forced recruitment.³² Much of their territories have been mined with antipersonnel mines.
74. While the 2016 Peace Accords process brought about a momentary drop in violence in the region, that void was soon filled by illegal armed groups. Putumayo today has some of the highest rates of illicit coca production, poverty, and violence, including threats and attacks against social leaders and human rights defenders.³³ Public security forces, drug cartels and armed actors vie for control of petroleum infrastructure, territory, and revenues.³⁴
75. The Covid-19 pandemic and related lockdown exacerbated poverty and inequality in the country and the region, hitting those in rural areas with little governmental presence hardest, especially rural *campesino* and indigenous communities, including the Siona and Perla Amazónica communities.³⁵

DRAFT

³² See Centro Nacional de Memoria Histórica, [Petróleo, coca, despojo territorial y organización social en Putumayo](#), November 2015.

³³ UNODC, [Monitoreo de territorios afectados por cultivos ilícitos 2021 Colombia](#), October 2022; Departamento Administrativo Nacional de Estadística Colombia, [Índice de Pobreza Multidimensional 2019-2021](#), 28 April 2022.

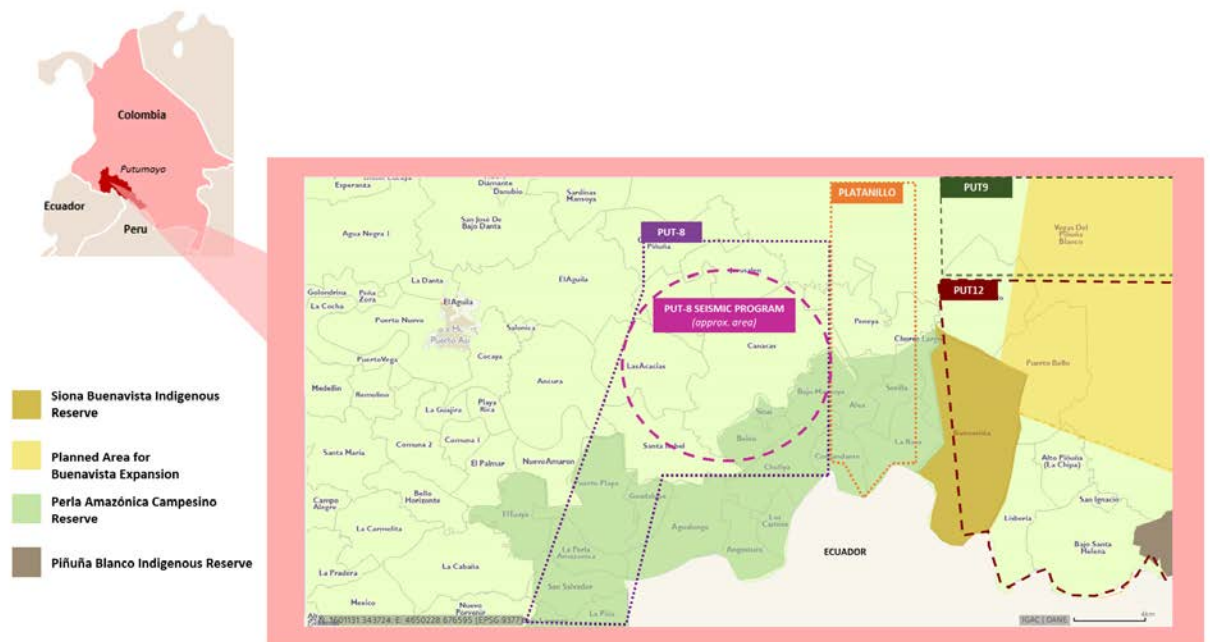
³⁴ The Guardian, 'The war goes on': one tribe caught up in Colombia's armed conflict, ['The war goes on': one tribe caught up in Colombia's armed conflict | Environment | The Guardian](#), 27 June 2018.

³⁵ See e.g., UN Colombia, [Plan de respuesta socio-económica frente a la pandemia de la COVID-19 en Colombia](#), 21 May 2020; and UN Colombia, [Análisis de impacto socio-económico en la crisis COVID-19](#), 30 June 2020.

Controversies and Concerns Related to Amerisur Activities in and around Siona Territory and the Perla Amazónica

76. The public complaint to UNDP by the Siona of Buenavista and ADISPA asserted that UNDP’s partnership with GeoPark was entered into “without taking into consideration the defense and resistance against extractivism in the region, particularly against the Put-12, Put-8 and Platanillo Blocks whose ownership is held by the company Amerisur Colombia (today GEOPARK), which have generated environmental, territorial, social, cultural and spiritual impacts for indigenous and campesino communities that have been widely denounced...”

Figure 2. Map identifying Putumayo, and within it the approximate borders of the Perla Amazónica and Siona Reserves, and relevant Amerisur/GeoPark oil concessions. [Elaboration by SECU, borders are approximate and indicative]



77. Since 2008, Perla Amazónica communities and the Siona of Buenavista have raised repeated complaints before government institutions and the courts regarding the impacts of Amerisur’s operations on their territories, resources and rights. As documented by media reports as well as bodies such as the Inter-American Commission on Human Rights and a 2017 Colombian governmental Interagency Verification Mission, and summarized in a 2021 letter from the UN Working Group on Business and Human Rights and several UN Special Rapporteurs to UNDP, these alleged impacts include lack of free prior and informed consultation and consent, including undue pressure on communities; environmental degradation and impacts on living conditions from water contamination and noise pollution; land conflict and

competing land claims; and intensification of militarization and conflict, including alleged links between the company and paramilitaries.³⁶ Governmental institutions and courts have responded to and verified several of these alleged impacts, as described in more detail in Annex 5 – Evidentiary docket and Table 3 – Judicial/Administrative Findings and Lawsuits regarding GeoPark and Amerisur and Human Rights. GeoPark and Amerisur deny involvement in human rights abuses and environmental violations, as detailed in Annex 5 – Evidentiary docket.³⁷

Security Concerns Arise During Private Sector Project Appraisal and Preparation

78. During 2020, as the Private Sector Project was going through appraisal and preparation, the security situation in the Private Sector Project area in Putumayo continued to sharply deteriorate, due to a variety of factors, including the pandemic lockdown. As publicly documented by human rights groups, Putumayo experienced a surge in “selective violence against those who support peace, denounce the fighting for territorial control by illegal armed groups, and oppose the interests of narco trafficking and the extractives sector.”³⁸
79. In addition to the general worsening of the security context, significant controversies and concerns arose in the Private Sector Project area, specifically related to GeoPark/Amerisur, which was working to secure community acceptance for its seismic acquisition in the PUT-8 block overlapping the Perla Amazónica.³⁹ These concerns were either disseminated publicly, including through prominent local human rights organizations as well as Amerisur’s own website, or communicated directly to UNDP.
80. In September of 2020, ADISPA publicly denounced Amerisur/GeoPark for allegedly ignoring their legal authority regarding development in the Perla Amazónica, and

³⁶ See e.g. Comisión Interamericana de Derechos Humanos, [Medida Cautelar no. 204-17](#), 3 December 2018; See e.g. Ministerio del Interior et al., [Informe Interinstitucional de la visita de verificación al resguardo indígena Buena Vista del pueblo Ziobain \(Siona\)](#), 27 July 2017; Working Group on the issue of human rights and transnational corporations and other business enterprises - [Letter to UNDP Administrator](#), 13 October 2021; See Contagio Radio, [600 personas se movilizan en Putumayo contra petrolera Amerisur](#), 24 February 2016; Cuestión Pública, [Jani cuida a las aguas de los peligros del petróleo y a su gente de la pandemia](#), 16 September 2020; Comisión Intereclesial de Justicia y Paz, [Amerisur se raja en derechos ambientales por explotación en ZRC Perla Amazónica](#), 2 November 2014.

³⁷ See e.g. GeoPark, [Letter responding to UN Special Rapporteurs on Human and Indigenous Rights](#), 7 December 2021.

³⁸ Comisión Colombiana de Juristas, [Patrones en las violaciones a los derechos de los líderes, lideresas sociales, personas defensoras, ex guerrilleros, pueblos indígenas y comunidades campesinas en el departamento de Putumayo](#), 2020; see also Defensoría del Pueblo Colombia, [Early warning due to the security situation in Piñuña Blanco, Puerto Asís, Putumayo department](#), 26 September 2019.

³⁹ See e.g., Amerisur Exploracion Colombia, [La nueva Amerisur cumple compromisos exploratorios adquiridos con el Estado colombiano en PUT-8, con pleno respeto de la ley y de los derechos humanos de las comunidades, y rechaza categóricamente denuncias infundadas](#), 24 December 2020.

instead attempting to negotiate directly with individual Perla Amazónica communities to advance the seismic acquisition.⁴⁰

81. In November and December of 2020, Perla Amazónica community members informed UNDP's Sustainable Amazon Project team of threats and intimidation by an armed group against ADISPA and several Community Councils. They told the UNDP team that the armed group informed local Community Councils of its intention to facilitate Amerisur/GeoPark's seismic testing in the area – testing that had been suspended due to ADISPA's community organizing and environmental complaints.⁴¹
82. Between December 2020 and February 2021, the non-governmental human rights organization Interfaith Justice and Peace Commission and media organizations reported on accounts by Perla Amazónica communities that armed actors had told them they (the armed actors) were receiving financing from Amerisur. The community reports also indicated that these armed actors were threatening those who opposed the company's exploration activities.⁴² These allegations were later highlighted in a July 2021 "Alert" from the Colombian national human rights institution – the Defensoría del Pueblo or Ombuds Office.⁴³
83. In response, the Sustainable Amazon Project team worked to accompany ADISPA and to channel to relevant national and international human rights offices the reports of security threats. In February 2021, Sustainable Amazon Project staff raised the security situation with the CO Resident Representative, and a mission to Putumayo was conducted by the UN security unit to assess security risks. Sustainable Amazon Project activities with ADISPA were adjusted to minimize project participants' exposure to security risks, and project activities were suspended for several months.
84. GeoPark states that it has never had any relationship with illegal armed groups and that it "demands the same of its employees and its supply chain", including by incorporating human rights clauses in its contracts with contractors and service

⁴⁰ See Public statement - ADISPA, [Acciones de la Nueva Amerisur persisten en la negación de la figura de ZRC y de ADISPA como organización dinamizadora del territorio](#), 30 September 2020; Amerisur Exploración Colombia, [La nueva Amerisur promueve espacios de diálogo respetuoso con todos los actores del territorio](#), 21 October 2020.

⁴¹ In Colombia, municipalities are composed of smaller hamlets, known as *veredas*. *Veredas* are represented by Community Councils (Juntas de Acción Comunal); in some cases, the precise boundaries of these *veredas* are not well-documented. These Community Councils are elected civic and social organizations dedicated to the organization of community public works and services.

⁴² See e.g., Comisión Intereclesial de Justicia y Paz, [En riesgo vida de lideresa Sandra Lagos y otros integrantes de ADISPA por difamaciones de Comandos de la Frontera](#), 5 December 2020; Comisión Intereclesial de Justicia y Paz, [Petrolera habría pagado a grupo armado para asegurar su operación extractiva](#), December 2020; El Espectador, [Paramilitares amenazan con liquidar la zona de reserva campesina Perla Amazónica en Putumayo](#), 11 February 2021; Cuestión Pública and Mongabay Latam, [La nueva Amerisur?: petrolera es señalada de contaminación y daños a la salud por pueblo Siona](#), 22 March 2022.

⁴³ Defensoría del Pueblo Colombia, [Alerta Temprana N° 013-2021](#), 1 July 2021.

suppliers that “prohibit relationships and financing of illegal groups.”⁴⁴ GeoPark states that it “undertook a process of due diligence prior to the acquisition of the Putumayo blocks and Amerisur in which it verified legal compliance of the operations including review of any claims of financing of terrorist groups...”⁴⁵ Amerisur states that it has “repudiated any threat against the life, dignity and integrity of human rights defenders, social leaders, and continues to demand that the competent authorities of Colombia and Putumayo adopt effective measures to protect those who carry out this work.”⁴⁶

Screening and Appraisal of the Private Sector Project: Due Diligence Assessment of GeoPark

85. Under UNDP’s Policy on Due Diligence and Partnerships with the Private Sector (2013), as part of project screening and appraisal, Country Offices are required to conduct due diligence assessments of potential private sector partners, utilizing a Risk Assessment Tool (RAT) to assess Exclusionary Criteria, controversies, commitment to ESG issues, and risks and benefits of the proposed partnership.
86. Due diligence should examine the potential private sector partner’s full value chain for issues of exclusion and controversies, including exposure through “its subsidiaries, parent companies, and distributors or suppliers”.⁴⁷
87. The CO due diligence assessment of GeoPark was completed in November 2020, after GeoPark’s January 2020 acquisition of Amerisur – of which the CO was aware. The company, for instance, referred to itself as “GeoPark/Amerisur” or “Nueva Amerisur” during project negotiations with UNDP. However, in its due diligence assessment, the CO did not include information relating directly to Amerisur’s activities. The CO told SECU they did this because the project agreements were signed only with GeoPark.
88. At the same time, the research included in the CO’s RAT listed multiple articles or statements that referenced the acquisition of Amerisur and the resulting liability issues for GeoPark.
89. The RAT as filled out by the CO did identify significant controversies in several areas, including “significant criticism from local or global NGOs/media or other significant

⁴⁴ Amerisur Exploración Colombia, [GeoPark rechaza señalamientos sobre presuntos vínculos con grupos ilegales y afectaciones al medioambiente de su filial la nueva Amerisur](#), 24 March 2022; GeoPark, [Letter responding to UN Special Rapporteurs on Human and Indigenous Rights](#), 7 December 2021.

⁴⁵ GeoPark, [Letter responding to UN Special Rapporteurs on Human and Indigenous Rights](#), 7 December 2021.

⁴⁶ Amerisur Exploración Colombia, [La nueva Amerisur rechaza acusaciones y reitera el pleno respeto por la ley y los derechos humanos](#), 26 April 2021.

⁴⁷ See UNDP, Policy on Due Diligence and Partnerships with the Private Sector, 2013, Table 1 Exclusionary Criteria; See also UNDP, Guidelines for Risk Assessment Tool - Annex 1: High-Risk Sectors, March 2016, p. 6, 9.

partners of UNDP”, and “recurring local public events or demonstrations against the company”.

90. The CO did not escalate the due diligence decision around the GeoPark partnership to UNDP Headquarters as the form specified, and instead approved the partnership without conditions.

Screening and Appraisal of the Private Sector Project: Social and Environmental Risk

Screening

91. Under UNDP’s Social and Environmental Standards (SES), the CO was required to screen the project for social and environmental risks utilizing UNDP’s Social and Environmental Screening Procedure (SESP).
92. The CO completed the SESP for the Private Sector Project on January 13th, 2021. It was conducted on the umbrella Private Sector Project only, with no attention to GeoPark component and its project activities or locations.⁴⁸
93. The CO explains that because the GeoPark partnership came up quickly in the midst of the pandemic lockdown and stretched capacities, the SESP for the specific GeoPark component of the project had not yet been undertaken at the time of project closure. The CO indicated that the SESP for the GeoPark component was to be prepared prior to project implementation, which they claimed had not yet occurred.
94. The SESP prepared by the CO identified only one social or environmental risk – that of not meeting the expectations of beneficiary populations – which was assessed as being of “moderate” significance. The CO indicated that none of the individual social and environmental standards, including climate change and indigenous peoples, applied to the project. The project was assigned an overall risk categorization of “low.”
95. The Risk Log for the project did not include any risks to communities or the environment. However, it did state that the “identification of UNDP as an ally of the extractive sector at a time when there exists in Colombia a citizen movement against the Government’s extractive model” represented a “substantial risk” that could impact UNDP’s reputation.

⁴⁸ UNDP Colombia, Social and Environmental Screening Procedure – Sector Privado y Agenda 2030, 13 January 2021, see Annex 10.

Project Preparation - Stakeholder Identification and Analysis

96. While Private Sector Project documents describe project stakeholders as those falling into two categories: government partners and beneficiaries – the latter being Community Councils and rural producer associations. There is no evidence of a stakeholder analysis or engagement plan for the project. Instead, the Prodoc discusses in a few lines the “management of the project beneficiary populations” and a few activities for “securing their permanence and motivation.”⁴⁹
97. The CO stated to SECU that the Siona of Buenavista were not considered project stakeholders because the Buenavista Reserve was not within the “project area” since projects were not being implemented within the reserve and the Siona of Buenavista were not project beneficiaries. The CO stated that ADISPA was not a stakeholder because they were not a project beneficiary.
98. SECU notes that the beneficiary population for the project did include marginalized groups vulnerable to discrimination, greater marginalization, and human rights-related reprisal risk. The UN System Covid-19 Socioeconomic Response Plan for Colombia, for instance, cites rural populations, the poor, and rural producers participating in coca crop substitution programs (as are many of those in Putumayo) as “at-risk populations that experience conditions of discrimination, a high degree of socioeconomic marginalization, and who require specific attention in the [pandemic] response.”⁵⁰ Colombia also has one of the highest incidences of threats and attacks against human rights defenders, and according to a 2019 UN expert report, Community Council leaders were among those human rights defenders most exposed to risk, along with social movement leaders and leaders of ethnic groups.⁵¹
99. While there was some engagement with government counterparts on project design and risk identification as part of project appraisal and approval, engagement with potential beneficiaries did not happen until a few weeks prior to the public project launch. There was no engagement with civil society stakeholders beyond select Community Councils and producer associations.

⁴⁹ The CO points to meetings with different groups around the development of the private sector strategy. However, SECU found no evidence of engagement with civil society groups on this strategy, outside of a few business associations.

⁵⁰ The UN System Covid-19 Socioeconomic Response Plan for Colombia also cites indigenous peoples, returning Colombians, excombatants, and victims of the armed conflict as among this list of marginalized groups. - UNDP Colombia, Plan de respuesta socio-económica frente a la pandemia de la COVID-19 en Colombia, 2020.

⁵¹ UNOHCHR, [A/HRC/43/51/Add.1: Visit to Colombia - Report of the Special Rapporteur on the situation of human rights defenders](#), 26 December 2019; [General Assembly’s Human Rights Council, Final warning: death threats and killings of human rights defenders](#), 24 December 2020.

Approval of the Private Sector Project and GeoPark Partnership

100. In December 2020, the Private Sector Project was approved through a Project Appraisal Committee (PAC).⁵² Rather than convene PAC members in person or virtually for the appraisal or approval, the CO facilitated an exchange of emails among PAC members. The CO states that this was common practice during the pandemic lockdown.

GeoPark Personnel Allegedly Visit ADISPA Leadership and Claim to be Financing ADISPA through UNDP; ADISPA Raises Concerns with UNDP Sustainable Amazon Team

101. According to ADISPA reports, in January 2021, shortly following appraisal and approval of the Private Sector Project, GeoPark workers visited ADISPA leadership, referenced GeoPark's partnership with UNDP, and alleged that, through the partnership and GeoPark's financing of UNDP, GeoPark was financing ADISPA's work with Perla Amazónica communities.

102. An ADISPA leader reported to SECU, "they asked about the projects that ADISPA is doing in the countryside, and they said that it was unfortunate that people are making our work difficult", an apparent reference to the threats by armed groups. "I thought, how hypocritical, given that the company [GeoPark] they work for is linked to the financing of the armed group. They said, 'you know that we are financing the work that you are doing?'"⁵³

103. ADISPA leadership reported to SECU being shaken by the visit and by the revelation by GeoPark staff. The leader questioned the motive of GeoPark personnel – why they delivered such news in a personal visit at night when this leader was alone at the ADISPA office without security guards. ADISPA leadership has been recognized by human rights bodies as under threat, including due to multiple death threats.⁵⁴

104. In the second half of February of 2021, ADISPA leadership informed the UNDP Sustainable Amazon Team about the visit from GeoPark personnel and their assertion that GeoPark was financing ADISPA activities through UNDP.

105. Sustainable Amazon Project staff, who were unaware of the UNDP partnership with GeoPark, related to SECU that they dismissed the idea that UNDP might be receiving financing from GeoPark, thinking instead that this assertion could have been a pressure tactic by the company to gain access to the Perla Amazónica.

⁵² PAC members included UNDP management level staff, including management of the Sustainable Development programme, as well as Colombian government representatives.

⁵³ See para. 79 regarding allegations of GeoPark's financing of armed groups.

⁵⁴ See e.g. OAS, [Resolution No. 87/18 PM 204-17 - Jani Silva, Hugo Miramar and Saúl Luna \(Leaders of the Perla Amazónica Peasant Reserve Zone\)](#), 3 December 2018.

UNDP and GeoPark Teams Begin Local Project Planning, Coordination and Socialization Activities

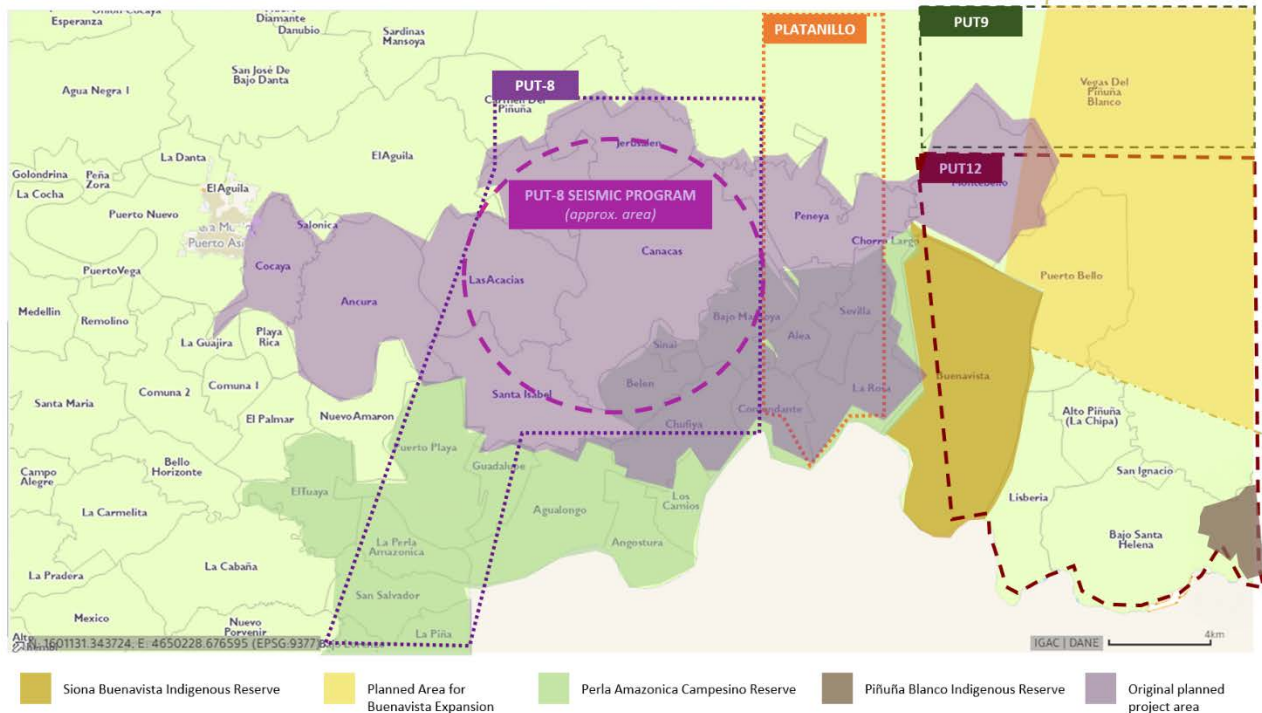


Figure 3. Map identifying the Putumayo areas originally identified for potential participation in the Private Sector Project (Elaborated by SECU, borders are approximated.)

106. In February 2021, the UNDP and GeoPark technical teams for the Private Sector Project began planning local operational logistics and identifying potential project beneficiaries in each municipality in the project areas. Beneficiaries consisted of Community Councils and producer associations within the different sub-municipal areas, called *veredas*.⁵⁵

Local Sustainable Amazon Project Team Learns of GeoPark Partnership and Raises Concerns

107. On March 23, 2021, UNDP Private Sector Project staff in Putumayo held a meeting with local Sustainable Amazon Project staff to gather context for socializing the GeoPark partnership. Sustainable Amazon Project local staff identified that several of the *veredas* the project hoped to work in, and several of the associations the project hoped to work with, were located within the Perla Amazónica Reserve.

⁵⁵ In Colombia, municipalities are composed of smaller areas known as *veredas*. *Veredas* are represented by Community Council (Juntas de Acción Comunal) -- elected civic and social organizations dedicated to the organization of community public works and services.

108. Sustainable Amazon Project staff communicated to the Private Sector Project staff their concerns about the partnership and project, detailing the security issues that ADISPA has been having and indications that security threats were connected to GeoPark.

109. The next day, March 24, 2021, the Director of UNDP's Sustainable Development Program, which houses the Sustainable Amazon Project, emailed the Director of UNDP's Poverty Program, which housed the Private Sector Project, to schedule a meeting to discuss these concerns further, citing GeoPark's "serious problems" with Perla Amazónica communities.

Private Sector Project Areas Revised

110. In response to these concerns, UNDP's Private Sector Project personnel emailed GeoPark on April 5, 2021, proposing to restructure the project implementation in Putumayo into two phases so as to hold off on implementation in *veredas* located in the Perla Amazónica (and Platanillo Block) due to community opposition to GeoPark. The goal, as communicated by the UNDP Private Sector Project team, was to generate project benefits for communities supportive of GeoPark in order to build interest and participation of other communities that were resistant to GeoPark.⁵⁶

111. GeoPark responded positively, but requested that the project still include *veredas* within the Perla Amazónica and Platanillo Block not affiliated with ADISPA.

112. UNDP's Private Sector team agreed, and, with GeoPark, identified five *veredas* or Community Councils within the Platanillo block to be included as part of the 15 areas prioritized for the first phase of the project. Two of these were located within the Perla Amazónica, but were identified as supportive of GeoPark and not affiliated with ADISPA.

CO Conducts Local Socialization Events

⁵⁶ Email communication from UNDP to GeoPark: "In the first phase...we would identify the *veredas* considered most supportive of the presence of the company, the idea is to implement the projects in a much more agile way and turn them into early victories in the territory, provoking the interest, trust and participation of the remaining *veredas*. In this way, "with accomplishments", the arrival of the "new Amerisur" would be felt with participatory methodologies: "learning by doing", sustainable, inclusive and everything that UNDP methodologies contain. The first 15 *veredas* would not include the 9 that are part of the Platanillo block area and which in turn are part of the Campesino Reserve Zone, where we identified organizations that are resistant to the presence of the company and which necessarily require a process of trust building and dialogue in order to recover relations and the social fabric comprised between them by positions in favor of and against the operation of the company....Basically, we think that if the strategy works, the company could include new resources in case of finding a favorable niche for the implementation of projects in these *veredas* that today are sensitive to the arrival of GeoPark...".

113. At the same time, socialization events in Putumayo were already underway. During April 5-7, 2021, the socialization field visit took place in Puerto Asís, Putumayo.
114. On April 11, 2021, producer associations and Community Councils that participated in the April 7th socialization meetings were sent an invitation from UNDP to apply to participate in a network of community markets under the project.
115. During April 12-17, 2021, the local Private Sector Project team conducted its site visits in Putumayo, speaking with approximately 50 people from producer associations and Community Councils.
116. The CO states that stakeholder feedback was positive and there were no concerns raised regarding GeoPark.
117. GeoPark personnel were present in many of the socialization events.
118. The project team did not meet with ADISPA, its member organizations, the Siona of Buenavista, the Interfaith Justice and Peace Commission or other local human rights groups.

CO Project Teams Discuss Concerns

119. On April 12, 2021, the UNDP Sustainable Amazon Project team met with the UNDP Private Sector Project team, including both relevant programme directors, and presented a timeline of the various concerns and allegations regarding the impacts and activities of GeoPark and Amerisur in Putumayo. These included the environmental lawsuit by Perla Amazónica communities, the land dispute with the Siona of Buenavista, environmental claims, the security threats to ADISPA, and the allegations of GeoPark's connections with armed groups. A meeting was proposed for April 21 to discuss further.

The Public Launch of the GeoPark Partnership

120. On April 20, 2021, the CO announced via Twitter the public launch of the partnership. Under the heading "United for territorial reactivation" the announcement read, "We join together with GeoPark to work in the territorial reactivation of Casanare, Meta and Putumayo and positively impact the quality of life of the residents of these departments."

121. On April 21, 2021, the partnership launch event was held at UNDP offices, featuring UNDP and GeoPark personnel. The event was streamed live on Facebook and shared via social media and through a press release.⁵⁷

122. Environmental groups and partners of the Sustainable Amazon Project immediately questioned the partnership, including publicly through social media.⁵⁸

The Public Complaint and Complainant Concerns

123. On April 26, 2021, the Siona of Buenavista and ADISPA issued a public letter to the CO stating that, as partners of UNDP in the Sustainable Amazon Project, the partnership with GeoPark “undermines the legitimacy and trust in UNDP, since it is INCOHERENT with the effective possibility of environmental and territorial protection” as it is with “the Company that most threatens the fragility of the Amazon.”⁵⁹ The groups stated that they reject the partnership and demand its immediate retraction.

124. SECU later heard from ADISPA that as partners of UNDP, and given their intense struggle with the company, the partnership with GeoPark threatened their “dignity”. The Siona of Buenavista stated that they did not want to be “sold to the company” and expressed the concern that UNDP’s partnership with GeoPark would make UNDP reticent to respond to any complaints by the Siona regarding GeoPark’s human rights impacts.

125. SECU also heard from interviewees that the project risked pitting social groups participating in the project against those who oppose petroleum activities, thereby “tearing the social fabric” of neighboring communities.

126. The Siona Reserve of Piñuña Blanco, which was also a Sustainable Amazon Project partner, reported to SECU that when they learned of the partnership, they suspended their agreement with UNDP.

The CO Response and Continuing Criticism

127. On April 27, 2021, the CO suspended project activities in Puerto Asis while they considered how to proceed.

⁵⁷ UNDP Colombia, Geopark y PNUD sellan alianza “Unidos por la reactivación territorial”, 21 April 2021; See also Prensa Libre Casanare, [Geopark y PNUD sellan alianza ‘Unidos por la reactivación territorial’](#), 21 April 2021.

⁵⁸ See Amazon Frontlines, [Twitter Message of 11 May 2021](#); Comisión Intereclesial de Justicia y Paz, [Twitter Message of 27 April 2021](#); Amazon Watch, [Twitter Message of 7 May 2021](#); Amazon Watch, [Twitter Message of 23 April 2021](#).

⁵⁹ Resguardo Siona Buenavista and ADISPA, [Denuncia Pública](#), 26 April 2021.

128. On April 29, 2021, the Resident Representative held a virtual meeting with Siona of Buenavista and ADISPA leadership and supporting organizations. UNDP management stated that it wanted to understand the groups' concerns. SECU heard from the groups present that they did not feel their concerns were understood or given weight. The groups stated to the CO that they could not continue their partnerships with UNDP if UNDP continued its partnership with GeoPark.
129. On May 11, 2021, SECU received the request for a compliance review.
130. On May 12, 2021, the CO cancelled the GeoPark partnership agreement under the Private Sector Project.⁶⁰ The cancellation was announced via a brief statement, including that the decision, "responds to the concerns expressed by actors in the territory, in particular of civil society, of indigenous authorities and campesino organizations." The statement was published on UNDP's website and emailed to complainants.

Continuing Implications

131. At the time of the Private Sector Project closing, the CO was in negotiation with four other entities as additional partners under the project, including the Colombian state oil company, Ecopetrol.⁶¹ Due to the project closing, the CO sought to take these funding partners and activities forward under different projects and programmes. The Ecopetrol partnership component was rolled into a larger project entitled Infrastructure for Development.⁶²
132. With UNDP's cancellation of the partnership with GeoPark, ADISPA agreed to continue participating in the Sustainable Amazon Project.
133. The Siona of Buenavista formally withdrew from the Sustainable Amazon Project. On May 17, 2021, the Resguardo Siona Buenavista, Amazon Frontlines, Amazon Watch, and Healing Bridges issued a joint public statement. The groups alleged that the partnership with GeoPark, "favors its corporate image and allows the company to whitewash corporate responsibility for the historic violations of human, collective, environmental and territorial rights."⁶³
134. The letter stated that the cancellation of the project was insufficient, and demanded that UNDP publicize the cancellation and its rationale with the same weight as the original public launch of the partnership, that GeoPark remove from

⁶⁰ The CO partnership with GeoPark under the Equipares programme continued through completion in August 24, 2021.

⁶¹ Bavaria AV InBev, USAID, Gobernación de Sucre, Ecopetrol.

⁶² UNDP, [Infraestructura para el Desarrollo \(Project ID# 123292\)](#).

⁶³ Resguardo Siona Buenavista, Amazon Watch and Amazon Frontlines, [Comunicado Publico Conjunto](#), 17 May 2021.

its web page reference to the partnership or to support of the UN system, and that the CO Representation publicly apologize for “ignoring the struggle for defense of life, territory and dignity, giving precedence to interests that contaminate the land and territories, do away with the Amazon and put the life of the communities at risk.”

135. The CO reported to SECU that the Siona of Buenavista remain closed off to dialogue with them. The Siona of Buenavista also reported to SECU that the experience with UNDP has led to an ongoing loss of trust with human rights and development institutions more broadly, and with that a loss of additional support.

136. The Siona of the Piñuña Blanco Reserve requested a revision to their project agreement with UNDP, changing the information that they will supply to UNDP under the project to make it less sensitive, and clarifying that UNDP may not share or utilize it. With this change, the Reserve of Piñuña Blanco agreed to continue with the Sustainable Amazon Project as did the Association of Indigenous Councils of the Siona People.

137. Concerns over UNDP’s partnership with GeoPark have been raised publicly by multiple UN bodies, including the UN Working Group on Business and Human Rights, several UN Special Rapporteurs, and the UN Permanent Forum on Indigenous Issues.⁶⁴ Their reports or letters highlighted concerns over potential human rights impacts from the partnership, and questioned UNDP’s application of human rights due diligence and protections for indigenous peoples.

138. A New York Times story on August 11, 2022, highlighted the GeoPark partnership, alleging a “revolving door” within the CO and the oil industry, and stating that “when the United Nations has partnered with oil companies, the agency has also tamped down local opposition to drilling, conducted business analyses for the industry and worked to make it easier for companies to keep operating in sensitive areas.”⁶⁵

139. SECU heard from the local Office of the High Commissioner for Human Rights that the fallout over UNDP’s partnership with GeoPark harmed their ability to work with local communities in that the distrust of UNDP transferred to them as another UN

⁶⁴ See Working Group on the issue of human rights and transnational corporations and other business enterprises, [Letter to UNDP Administrator](#), 13 October 2021; the Special Rapporteur on the situation of human rights defenders; the Special Rapporteur on the rights of indigenous peoples: the Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination; and the Special Rapporteur on the human rights to safe drinking water and sanitation.- UNDP Administrator, Response letter to the Working Group on Business and Human Rights and other agencies and rapporteurs, 10 December 2021; And final report of the UN Permanent Forum on Indigenous Issues’ 20th Session, expressing its concern regarding UNDP entering into an partnership with GeoPark “a private entity that has been accused by indigenous communities of disregarding their rights”, “without the free, prior and informed consent of the indigenous communities that will be impacted. UN Permanent Forum on Indigenous Issues, [UN Economic and Social Council, Permanent Forum on Indigenous Issues 20th session](#), 28 April 2021.

⁶⁵ New York Times, [In the Amazon, a UN Agency has a green mission, but dirty partners](#), 10 August 2022.

institution, at least until they were able to clarify with communities their independence from UNDP.

Sustainable Amazon Project Social and Environmental Risks Updated

140. The Sustainable Amazon Project was rescreened in March-June of 2021 to conform to UNDP's 2021 SES and to better acknowledge a variety of risks.
141. The revision of the SESP for the Sustainable Amazon Project occurred at the same time as the fallout over the Private Sector Project launch, including the complaints raised by Sustainable Amazon Project partners and their identification of various project-related risks.
142. The revised 2021 SESP for the Sustainable Amazon Project identified additional risks raised by project partners in the context of the GeoPark partnership, including the risk of exacerbating conflict or violence, as well as the potential for positive or negative impacts on indigenous rights.⁶⁶ More specifically, the SESP identified the risks that indigenous peoples' traditional knowledge or practices could be exposed in situations and with actors foreign to their culture, and that "[i]mpacts on people's life or security" could arise, "due to illegal armed groups that exercise pressure on the organizations, local partners or institutions that participate directly or indirectly in the project."
143. However, the CO answered "NO" to the existence of several risks raised by project partners in the context of the GeoPark partnership, including whether local communities or individuals have raised human rights concerns regarding the project, risks relating to adequate consultation, risk of adverse impacts on the enjoyment of human rights, risk of adverse impacts on indigenous peoples' development priorities, and risk of reprisals or retaliation against stakeholders.
144. In the revised SESP for the Sustainable Amazon Project, all eleven identified risks are assessed as "intermediate" impact and "moderate" significance, including the risk of "[i]mpacts on people's life or security, due to illegal armed groups that exercise pressure on the organizations, local partners or institutions that participate directly or indirectly in the project". Accordingly, the project overall was categorized as "moderate" risk.
145. No comprehensive or targeted environmental and social impact assessment was prepared beyond an Indigenous Peoples Plan.

⁶⁶ UNDP Colombia, Sustainable Amazon for Peace – Revised Social and Environmental Screening Procedure, 2021. See Annex 11.

146. The Sustainable Amazon Project did not disclose its updated SESP or Indigenous Peoples Plan on the UNDP transparency portal, and no project documents were available on the Colombia CO webpage.⁶⁷ The project ended January 31, 2024.

The Ecopetrol Partnership Due Diligence Screening

147. As mentioned above, due to the cancelation of the Private Sector Project, the Ecopetrol partnership activities negotiated under the project were rolled into an existing project entitled Infrastructure for Development.⁶⁸

148. A due diligence RAT for Ecopetrol was originally completed in 2019 and updated in April 2021. The project was approved in June 2021.

149. In the Ecopetrol RAT, the CO identified over 67 pieces of evidence of significant controversies, including significant criticism from local or global NGOs, recurring local public events against the private sector entity, and relevant legal cases.

150. The CO did not escalate the partnership due diligence to headquarters, and instead approved the partnership without conditions.

151. UNDP Colombia's point person for petroleum sector partnerships, and the lead point of communications between the office and GeoPark as well as Ecopetrol for those respective partnerships, was a former employee of Ecopetrol. Yet in the RAT for the Ecopetrol partnership, in answer to the prompt: "Relationships between UNDP staff and the private sector entity", the CO stated the following: "There is no evidence of any relation between UNDP personnel and the company."

152. The Infrastructure for Development Project ended November 29, 2023.

⁶⁷ UNDP Colombia, [Amazonía Sostenible Para la Paz Project page](#), accessed 5 September 2023.

⁶⁸ UNDP, [Infraestructura para el Desarrollo \(Project ID# 123292\)](#).

III. FINDINGS REGARDING APPLICATION OF UNDP SOCIAL AND ENVIRONMENTAL COMMITMENTS

153. For this case, UNDP’s most relevant social and environmental commitments are described in more detail in Annex 6. These include most prominently, UNDP’s Social and Environmental Standards (SES) (2015 and 2021) and related Social and Environmental Screening Procedure (SESP) (2015 and 2021), UNDP’s Private Sector Partnerships Policy (2016) and Policy on Due Diligence and Partnerships with the Private Sector (2013), and related guidelines.

154. Issues raised in the complaint and investigation relate to several overlapping areas reflected in these commitments, including primarily the following: due diligence, screening and assessment, access to information and stakeholder engagement, human rights, and indigenous rights.

Table 2. Compliance findings relating to the Private Sector Project

<p>Private Sector Due Diligence</p>	<p>1. The UNDP Colombia CO did not perform the due diligence required by UNDP’s Due Diligence Policy.</p> <p>The CO was required, but did not consider, as part of its due diligence, activities of not only GeoPark but also its subsidiary Amerisur. Given publicly available judicial and administrative findings and lawsuits, the CO should have indicated “evidence above threshold” for “violation of human rights or complicity in human rights violations” for the GeoPark partnership, thereby excluding it from further consideration, and at a minimum, should have escalated the question to headquarters if it was unsure how to proceed. Even disregarding information relating to Amerisur, which would not have been appropriate under the Due Diligence policy, the CO did not correctly identify significant controversies directly involving GeoPark. The CO should have either decided not to move forward with the GeoPark partnership based on the existence of significant controversies in several areas or escalated the decision to headquarters. Finally, the CO did not adequately assess and manage the risk that the GeoPark partnership could imply an endorsement by UNDP and that it could compromise UNDP’s integrity and independence. Given the project context, communications and other actions by UNDP could reasonably be interpreted, and were interpreted by key stakeholders, as an endorsement of GeoPark and Amerisur, and as threatening UNDP’s integrity and independence.</p>
<p>Screening and Assessment</p>	<p>2. UNDP Colombia CO did not adequately screen and assess the social and environmental risks and opportunities associated with the Private Sector Project, as required by the SES and SESP.</p> <p>The CO did not conduct a timely assessment of the specific GeoPark project activities as required; an SESP should have been completed prior to project approval, and if not, at least before project activities with potential impacts</p>

	<p>were implemented. The CO did not properly identify the social and environmental risks associated with the Private Sector Project, most notably indirect, cumulative and induced risks related to the project context as well as to GeoPark’s core business activities and relationship with local communities. The CO also did not properly assess the significance of the social and environmental risks associated with either the umbrella Private Sector Project or the GeoPark component and should have assigned the project a High Risk categorization, rather than Low Risk.</p>
<p>Access to Information and Stakeholder Engagement</p>	<p>3. The UNDP Colombia CO did not adequately ensure access to information and conduct meaningful, effective and informed stakeholder engagement as required by the SES.</p> <p>The CO did not ensure that stakeholders had access to relevant information, including information on project activities and potential risks and impacts, to ensure their meaningful, effective, and informed participation as required. The CO did not develop a comprehensive stakeholder engagement plan as required and should have considered ADISPA and the Siona of Buenavista key stakeholders for the Private Sector Project. The exclusion of groups opposed to petroleum development and supportive of the <i>campesino</i> reserve was inconsistent with UNDP requirements on non-discrimination and inclusive stakeholder engagement. The CO did not ensure meaningful, effective, informed participation of stakeholders and beneficiaries in the formulation, implementation and governance of the Private Sector Project as required. Socialization events, especially those involving GeoPark, ignored the conflict context and did not constitute meaningful, effective and informed consultation processes, free from external manipulation, interference, coercion or intimidation. Finally, the CO did not ensure that stakeholders who may be adversely affected by the project could communicate their concerns and grievances as required.</p>
<p>Human Rights</p>	<p>4. UNDP Colombia CO did not take necessary measures to avoid, minimize, mitigate and manage adverse human rights impacts.</p> <p>The CO did not take necessary measures to avoid, minimize, and mitigate adverse human rights risks and impacts as required by the SES, in particular, regarding discrimination, conflict and reprisals which materialized during Project implementation and which could have been avoided, minimized, or mitigated. The project context required heightened human rights impact assessment and management.</p>
<p>Indigenous Peoples</p>	<p>5. UNDP Colombia CO did not apply relevant indigenous rights protections in the design and implementation of the Private Sector Project.</p> <p>The CO should have applied SES Standard 6 protections regarding indigenous peoples, and should have taken appropriate measures to ensure the meaningful, effective and informed participation of the Siona of Buenavista and to assess whether project activities might adversely affect the existence, value, use or enjoyment of their lands, resources or territories, thereby</p>

	requiring Free Prior and Informed Consent.
	*Discrete findings related to the Equipares Project, the Sustainable Amazon Project, and the Infrastructure for Development Project can be found in Annexes 1 – 3.

Compliance with UNDP private sector due diligence requirements

UNDP’s Private Sector Due Diligence Requirements

155. The applicable policy framework for the Private Sector Project includes UNDP’s Private Sector Partnerships Policy (2016), the UNDP Policy on Due Diligence and Partnerships with the Private Sector (2013) (herein Due Diligence Policy), as well as the Private Sector Risk Assessment Tool (RAT) (2016) and the Risk Assessment Tool Guidelines (2016).⁶⁹

156. Under the Private Sector Partnerships Policy, due diligence must be conducted to ensure that UNDP partners with companies “that are committed to core UN values and UN causes and that are not involved in commercial or other activities incompatible with UNDP’s values, mission and brand.”⁷⁰

157. The Due Diligence Policy and RAT help determine the required level of due diligence and the ultimate decision-maker responsible for approving or declining the partnership, based on the type of partnership planned, the sector where the company operates, the existence or not of exclusionary criteria and/or significant controversies, and the commitments of the private sector entity to Environment, Social and Governance (ESG) issues.⁷¹

158. Companies operating in the UNDP defined “high-risk sectors”, which include oil and gas, “should be treated with particular caution and therefore require especially careful due diligence”, with a full assessment documented in the RAT.⁷²

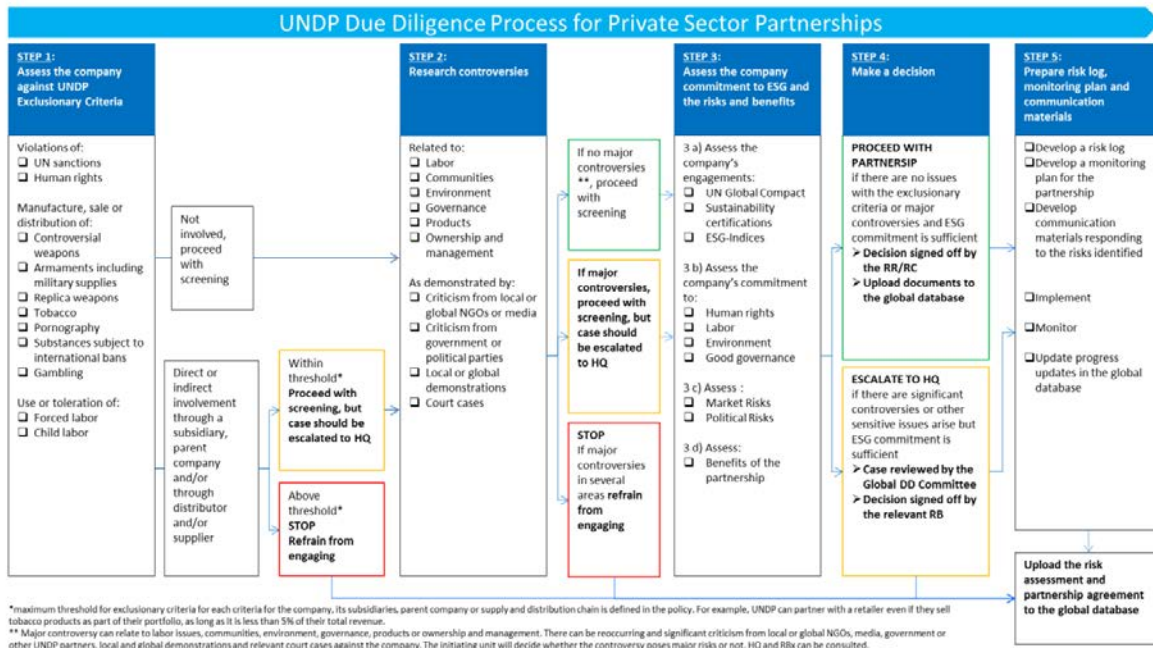
⁶⁹ The Private Sector Due Diligence Policy was later updated June 2023 along with the RAT, Guidelines, and relevant provisions in the Private Sector Partnerships Policy.

⁷⁰ UNDP, [Private Sector Partnerships Policy](#), 2016.

⁷¹ Ibid.

⁷² UNDP, [Private Sector Partnerships Policy](#), 2016; UNDP, Guidelines for Risk Assessment Tool - Annex 1: High-Risk Sectors, March 2016.

Figure 4. Figure 1 in UNDP Due Diligence Policy (2013)



Compliance Analysis Related to Due Diligence Requirements

159. **SECU finds, for the following reasons, that the UNDP Colombia CO did not perform the due diligence required by UNDP's Due Diligence Policy.**

160. The complaint raised the following questions related to private sector due diligence:

1. Was the UNDP Colombia CO required to consider activities of not only GeoPark, but also its subsidiary Amerisur?

161. Under the Due Diligence Policy, the examination of a potential private sector partner for evidence of involvement in controversies or exclusionary activities includes an examination of the partner's "subsidiaries, parent companies, and distributors or suppliers" [emphasis added].⁷³ The RAT Guidelines state that while it might not be feasible to analyze the entire supply chain, the "best information available" should be utilized.⁷⁴

⁷³ See UNDP, Policy on Due Diligence and Partnerships with the Private Sector, 2013, Table 1 Exclusionary Criteria; See also UNDP, Guidelines for Risk Assessment Tool - Annex 1: High-Risk Sectors, March 2016, p. 6, 9.

⁷⁴ UNDP, Guidelines for Risk Assessment Tool, March 2016, p. 6.

162. According to RAT Guidelines, due diligence is to be conducted as early as possible and updated regularly, and should cover a company's activities globally, not just in the project country.⁷⁵
163. As noted in paragraphs 41 and 66 above, although GeoPark acquired Amerisur in January 2020 as a 100% owned subsidiary – and the UNDP project team was aware of this acquisition – the RAT for the Private Sector Project did not include information relating directly to Amerisur's activities.
164. The best available information, including information included in the RAT and referenced in paragraphs 76 - 80 above, made clear that GeoPark was exposed to Amerisur's controversies.⁷⁶ Moreover, Amerisur is not a distant supplier of GeoPark, but rather a fully owned subsidiary, and *the entity* operating in the project area, making it critical to a due diligence analysis.
165. For instance, GeoPark's 2020 public filing to the U.S. Securities and Exchange Commission, available on GeoPark's website but not included in the RAT, indicated that its acquisition of Amerisur came with "significant costs related to...reputational risk due to overlapping claims of rightful ownership."⁷⁷ The filing specified that "[p]rolonged negotiations with indigenous communities and affected communities more generally, could draw the attention of international non-profit organizations and potentially result in social unrest, protests and blockades, which could provoke material cost overruns and impacts to our reputation."
166. The CO stated to SECU that after concerns were raised regarding Amerisur, GeoPark clarified that it is a separate legal entity from Amerisur. SECU makes no finding on this legal question, as UNDP's due diligence process is not based on legal liability, but rather reputational risk related to direct and indirect exposure to exclusionary activities and significant controversies, including through subsidiaries.
- 167. Given the above evidence, SECU determines that the UNDP Colombia CO was required to, but did not consider, as part of its due diligence, activities of not only GeoPark but also its subsidiary Amerisur.**

⁷⁵ UNDP, Guidelines for Risk Assessment Tool - Annex 1: High-Risk Sectors, March 2016, p.4.

⁷⁶ See public announcement by the Siona of Buenavista "warning" that GeoPark's acquisition of Amerisur "includes the obligations and liabilities for serious violations of human rights, socio-environmental damages and other impacts pending restitution for the Siona people caused by Amerisur" - Amazon Frontlines, [Public statement of warning to oil company Geopark](#), December 2019; and an article on the lawsuit over a 2015 oil spill involving Amerisur, Portafolio Colombia, [Alto tribunal británico congeló activos de Amerisur en Colombia](#), 13 January 2020.

⁷⁷ GeoPark, [SEC Filings 2020](#), p. 27, available as early as April 2020.

2. Should the CO have excluded the GeoPark partnership from consideration, based on Exclusionary Criteria?

168. Through its “Exclusionary Criteria”, the Due Diligence Policy identifies sectors of the economy or business practices that are incompatible with UNDP’s vision, mission and values, and establishes criteria for whether to engage – or not – when companies, their subsidiaries, parent companies and distributors or suppliers are engaged in these activities. The exclusionary criterion relevant to this investigation is “violation of human rights or complicity in human rights violations.”⁷⁸

169. When the potential UNDP partner has *direct* involvement in the “violation of human rights or complicity in human rights violations” the policy specifies that there should be no engagement – there is no threshold that would support engagement, except in special cases where the project or programme is specifically intended to improve the partner’s practices in that area.⁷⁹

170. When a *subsidiary* of the potential UNDP partner is involved in or complicit with rights violations, the policy establishes an ownership threshold that could allow UNDP to engage with the potential partner. More specifically, the policy specifies that UNDP could engage if the potential UNDP partner owns less than 20% of the subsidiary, but cannot engage when ownership is greater than 20%.

171. Partnerships that involve either exclusionary criteria or significant controversies must be escalated to UNDP Headquarters.⁸⁰ The policy additionally states that where systematic human rights violations are evident in the potential partner’s supply or distribution chain, special caution should be exercised, and the decision escalated to headquarters.⁸¹

172. In the RAT completed for GeoPark, the CO marked “no evidence” of “violation of human rights or complicity in human rights violations”.

173. As there is no threshold for a potential partner company’s involvement in or complicity with rights violations, the involvement or complicity of GeoPark in rights violations would bar UNDP from engaging in a partnership with GeoPark. Moreover, because GeoPark owns 100% of Amerisur, beyond the 20% ownership threshold, involvement or complicity with rights violations on the part of Amerisur as GeoPark’s subsidiary, would also bar UNDP from engaging with GeoPark.

⁷⁸ UNDP, Policy on Due Diligence and Partnerships with the Private Sector, 2013, Table 1: Exclusionary Criteria. The policy specifies that it applies to all UNDP’s work in these sectors, unless the purpose of the project or programme is to allow vulnerable communities to move away from them. UNDP, Policy on Due Diligence and Partnerships with the Private Sector, 2013, p.2.

⁷⁹ UNDP, Policy on Due Diligence and Partnerships with the Private Sector, 2013, Table 1 Exclusionary Criteria, Footnote 9.

⁸⁰ UNDP, Policy on Due Diligence and Partnerships with the Private Sector, 2013, p.9.

⁸¹ Private Sector Due Diligence Policy, Table 1 Exclusionary Criteria.

174. Neither UNDP nor SECU has the mandate to make its own determinations as to adherence of non-UNDP actors to human rights norms. However, as described in Annex 5 – Evidentiary docket, at the time of appraisal, both Amerisur and GeoPark had faced public, compelling, and repeated complaints and campaigns over alleged complicity with human rights abuses, and as described below, competent human rights and judicial bodies had made findings or were in the process of hearing cases, that collectively would indicate to someone conducting due diligence credible indications of involvement in or complicity with human rights violations.

Table 3. Judicial/Administrative Findings and Lawsuits regarding GeoPark and Amerisur and Human Rights

Date	Country	Judicial/Administrative Findings and Lawsuits regarding GeoPark and Amerisur and Human Rights
August 2018	Colombia	The First Civil Court of Mocoa found that Amerisur’s activities posed a “threat” to the Siona of Buenavista, “prevent[ing] them from fully exercising the use and enjoyment of their lands”, directly affecting their fundamental rights. The court ordered Amerisur to refrain from any exploratory activity within PUT-12. ⁸²
August 2019	Colombia	The Colombian Administrative Court of Cundinamarca responded to a legal petition by the Siona of Piñuña Blanco alleging that Amerisur placed seismic explosives within their ancestral territory without their consent. The court found the lack of delimitation of land rights by the State a violation of the Siona of Piñuña Blanco’s fundamental rights and ordered Amerisur to suspend seismic activities in PUT-12 pending resolution of territorial boundaries. ⁸³
August 2018	Ecuador	Ecuador’s national human rights institution – the Defensoría del Pueblo – concluded that Amerisur “violated collective rights [of the Siona of San Jose de Wisuya] relating to free, prior and informed consultation, to land and ancestral possession, of nature and to a healthy environment, and to cultural identity” in its 2016 construction of the Amerisur Binational Pipeline (Oleoducto Binacional Amerisur), which transits between Colombia and Ecuador under the Putumayo River. ⁸⁴
July 2017	Colombia	A 2017 Governmental Interagency Verification Mission to the

⁸² Civil Court Mocoa, [Medida Cautelar Buenavista 00531](#), 21 August 2018.

⁸³ Association of Siona Councils, Resguardo Piñuña Blanco, and the Resguardo Siona Buenavista, [Denuncia Pública](#), 26 June 2019; Resguardo Siona Buenavista, [Alerta temprana Resolución No. 45](#), 26 June 2019; Tierra de Residentes, [The Siona Governors and their disputed territory](#), 22 April 2020; See Cundinamarca Court’s ruling regarding oil exploration in Resguardo Siona on 22 August 2019, available at available at Cundinamarca Tribunal, [Sentencia para suspender exploración petrolera en Resguardo Siona del Putumayo](#), 22 August 2019.

⁸⁴ See Defensoría del Pueblo Ecuador, Resolución N.° 003-DPE-DNDCNA-2018-MP, 24 August 2018, p.56.

Date	Country	Judicial/Administrative Findings and Lawsuits regarding GeoPark and Amerisur and Human Rights
		Buenavista Reservation found that “according to community testimonies, there were violations of the right to Prior Consultation and Consent” in the context of the development of extractive activities in Amerisur’s concession areas, including that Amerisur pressured the communities to change their decision in a 2014 consultation, and that “actions carried out by Amerisur officials have caused community division and fracturing that persists.” ⁸⁵ The report raised the potential for “possible violations of human rights”. ⁸⁶
December 2016	Colombia	Families in the Perla Amazónica filed an ongoing class action suit against various Colombian environmental authorities demanding the suspension of Amerisur’s operations in the Platanillo Block due to alleged environmental damage impacting the right to a clean environment. ⁸⁷
December 2019	Colombia	Perla Amazónica communities also filed suit in the United Kingdom in 2019 against Amerisur, regarding a major spill that occurred in 2015, contaminating waterways and wetlands critical for the communities’ water supply and implicating their water and sanitation rights. ⁸⁸ In January 2020 the court granted an injunction requiring Amerisur to preserve £3million in assets given the pending case and in anticipation of its acquisition by GeoPark. The case was eventually settled in 2023 for an undisclosed monetary payment.
2020/2019	Peru	The indigenous Achuar People and Wampis Nation have filed lawsuits against the Ecuadorian government alleging lack of prior informed consultation in GeoPark’s Block 64 concession, and have alleged that GeoPark has ignored their opposition to oil development, fomenting division and conflict. ⁸⁹ In June 2020, the Wampis Nation filed a

⁸⁵ Working Group on the issue of human rights and transnational corporations and other business enterprises - [Letter to UNDP Administrator](#), 13 October 2021.

⁸⁶ See final recommendation: “Revisión junto con Ministerio público posterior a la entrega de informes institucionales si hay lugar a acciones por parte de la Empresa para la remediación ante las posibles vulneraciones de DDHH.”

⁸⁷ Cundinamarca Tribunal, [Acción Popular](#), 15 December 2016. The case has had evidentiary hearings and is still pending.

⁸⁸ See Leigh Day, [Legal case between Amerisur Resources Ltd and Colombia campesinos settled](#), 3 October 2023; Leigh Day, [Preliminary issues trial in campesinos’ case against oil company Amerisur](#), 5 July 2022; Comisión Intereclesial de Justicia y Paz, [¿La Nueva Amerisur?: petrolera es señalada de contaminación y daños a la salud por pueblo Siona](#), 25 March 2022.

⁸⁹ See Reuters, [Indigenous groups in Perú are suing government over oil, mining plans - and winning](#), 27 June 2019; Mongabay News, [Peruvian Indigenous groups thwart oil drilling in their territory — for now](#), 30 October 2020; Centro de Políticas Públicas y Derechos Humanos-Equidad, [El lote 64 un mundo de conflictos](#), February 2019; Achuar People of the Pastaza River Basin, [Statement denouncing the strategy of oil companies and the Peruvian executive branch to annul indigenous rights and create conflict](#), July 2018.

Date	Country	Judicial/Administrative Findings and Lawsuits regarding GeoPark and Amerisur and Human Rights
		criminal suit against GeoPark for allegedly putting the community at risk during the Covid-19 health emergency. ⁹⁰ Shortly thereafter, GeoPark withdrew its license for Block 64. ⁹¹

175. Given publicly available judicial and administrative findings and lawsuits, SECU finds that the UNDP Colombia CO should have indicated “evidence above threshold” for “violation of human rights or complicity in human rights violations” for the GeoPark partnership, thereby excluding it from further consideration, and at a minimum, should have escalated the question to headquarters if it was unsure how to proceed.

3. Did the CO correctly identify the significant controversies related to GeoPark in the context of the Private Sector Project?

176. Under the Private Sector Due Diligence Policy, when private sector entities are determined by the initiating unit to have “significant controversies”, the partnership decision must be escalated to Headquarters. The RAT provides a series of questions designed to assist in the identification of significant controversies, including questions relating to reoccurring and significant criticism from local or global NGOs, media, government or other UNDP partners; local and global demonstrations; and relevant court cases against the company.⁹²

177. Guidance for the RAT states that COs should utilize information within the UNDP and UN systems, general internet searches, corporate risk databases, and NGO corporate watchdog websites to gather due diligence information, adding that “[a]sking the opinion of stakeholders such as NGOs, trade unions and the local communities to evaluate the potential for future criticism of a specific partnership might also help in taking the final decision.”⁹³

178. A review by SECU of the information publicly available on GeoPark and Amerisur at the time the CO performed its due diligence yielded evidence of the controversies described above, including land conflicts relating to Amerisur’s concessions in Colombia; GeoPark’s conflict with indigenous communities in Peru; Amerisur’s

⁹⁰ Nacion Wampis, [GTANW denunció penalmente a funcionarios de GeoPark](#), 1 June 2020; Forest Peoples Programme, [Peru: Wampis Nation files a complaint against oil company GeoPark for increasing risks of COVID-19](#), 3 June 2020.

⁹¹ Forest Peoples Program, [GeoPark withdraws from Wampis and Achar territories in the Peruvian Amazon, but annulment of Lot 64 remains pending](#), 20 July 2020.

⁹² UNDP, Policy on Due Diligence and Partnerships with the Private Sector, 2013, Footnote 5; also Under the RAT Guidelines, “UNDP should not partner with companies that are exposed to high levels of controversy, i.e., companies that are systematically criticized (or face legal cases) for the way in which they manage labor, community, environmental, governance, product related or ownership and management issues.” - UNDP, Guidelines for Risk Assessment Tool, March 2016.

⁹³ UNDP, Guidelines for Risk Assessment Tool, March 2016.

alleged inadequate consultation of indigenous groups in Colombia and Ecuador; administrative actions over GeoPark’s environmental impacts in Chile and Brazil; and protests and lawsuits regarding GeoPark and Amerisur’s environmental and social impacts in Colombia.

179. Moreover, community concerns regarding GeoPark and Amerisur could also have been identified through consultation with any of the following: the UNDP Colombia Sustainable Amazon team; local civil society groups, including ADISPA, Interfaith Justice and Peace Commission, and the Putumayo human rights network; or international NGOs and human rights institutions.

180. In addition to controversies specific to Amerisur, the CO also did not include best available evidence of significant controversies directly involving GeoPark as required. For instance, in the RAT, the CO selected “no evidence” of “significant criticism from governmental agencies/political parties” – despite acknowledging elsewhere (under the section on “significant criticism from NGOs”) evidence of “formal complaints [against GeoPark] by the [Chilean] Superintendency of the Environment for violating environmental regulations”.

181. The CO marked “no evidence” of “Global public events (e.g. significant demonstrations at several locations, significant online protests)”, despite the global campaign “#AtsaGeoParkka (#NotoGeoPark)” against GeoPark’s activities in Peru, including a 2019 protest by Peruvian indigenous leaders at GeoPark headquarters in Chile.⁹⁴

182. The CO also selected “no evidence” of “Relevant legal cases in progress/in courts”. In this section, the RAT identified the administrative case against GeoPark by the Chilean Superintendent of the Environment, adding that there was no evidence of a definitive ruling against GeoPark. However, the RAT didn’t include a June 2020 request for injunction against GeoPark filed by the Wampis indigenous federation in Peru, as well as a May 2020 criminal case brought by the Wampis Nation against GeoPark for allegedly entering Wampis and Achuar territory without authorization during the pandemic lockdown.⁹⁵

183. Based on this evidence, SECU finds that even disregarding information relating to Amerisur, which would not have been appropriate under the Due Diligence policy,

⁹⁴ See e.g., Nación Wampis, [Geopark Una Amenaza en la Amazonía](#); ICCAs Consortium, [Alert – Oil Company GeoPark puts indigenous Wampis at risk of COVID-19 contagion and threatens territorial integrity](#), 16 September 2020; Servindi, [Lote 64 – Wampis y Achuar protestan ante Geopark en Chile](#), 27 June 2019; Reuters, [Indígenas de Perú frenan proyectos de minería y petróleo](#), 28 June 2019.

⁹⁵ See Nación Wampis, [Gobierno Territorial Autonomo de la Nacion Wampis denuncia penalmente a petrolera Geopark](#), 1 June 2020; Forest Peoples Programme, [Peru: Wampis Nation files a complaint against oil company GeoPark for increasing risks of COVID-19](#), 3 June 2020. Shortly following these judicial petitions, GeoPark abandoned its concession.

the CO did not correctly identify significant controversies directly involving GeoPark as required.

4. Should the CO have escalated or disapproved the GeoPark partnership based on existence of significant controversies?

184. According to the Private Sector and Due Diligence policies, all decisions related to potential partners to which exclusionary criteria apply or which are exposed to significant controversies must be escalated to UNDP Headquarters.⁹⁶ Moreover, if there are significant controversies *in several areas*, the partnership should not go forward.⁹⁷ If one or more yellow stoplight responses are checked off in the RAT form, the initiating unit must escalate the decision to Headquarters.

185. Even with the limited scope of the due diligence undertaken by the CO, the RAT as filled out *did* identify significant controversies *in several areas*. The RAT form checked off “evidence” of “significant criticism from local or global NGOs/media or other significant partners of UNDP”, listing reports of criticism from communities in Casanare regarding social and environmental practices, news reports related to allegations of environmental impacts and violation of autonomy of indigenous peoples in Peru, as well as articles related to Amerisur and GeoPark’s liability for Amerisur’s alleged social and environmental impacts in Putumayo.

186. It also identified “evidence” of “recurring local public events or demonstrations against the company”, citing repeated protests in Casanare over “environmental issues, criticism of labor practices, and local procurement” in addition to protests in Peru by indigenous communities.

187. Based on these findings, the CO correctly checked off the yellow stoplight indicator for significant controversies. Yet the CO did not escalate the due diligence decision around the GeoPark partnership to Headquarters as the form specified, or disapprove the partnership based on existence of significant controversies in several areas. Instead, the CO approved the partnership without conditions.

188. The CO explained to SECU that while controversies were identified, they were deemed manageable given GeoPark’s community relations and social and environmental policies and strategies.

189. However, while an analysis of a company’s commitment to ESG issues is prompted by subsequent sections of the RAT, this is meant to provide additional information for an ultimate due diligence decision – it does not override the requirement to

⁹⁶ UNDP, [Private Sector Partnerships Policy](#), 2016, para. 24.

⁹⁷ UNDP, Policy on Due Diligence and Partnerships with the Private Sector, 2013, Section 4.6 Making a Decision; and Figure 1.

escalate the due diligence decision to headquarters or not move forward with the partnership once evidence of significant controversies is found.

190. Based on this evidence, SECU finds that the Colombia CO should have either decided not to move forward with the GeoPark partnership based on existence of significant controversies in several areas or escalated the decision to headquarters.

5. *Did the CO adequately assess and manage the risk that the GeoPark partnership could compromise the integrity and independence of UNDP or imply an endorsement by UNDP?*

191. Under the Due Diligence Policy, private sector partnerships “must allow UNDP to remain unbiased and maintain its integrity, independence and impartiality.”⁹⁸ Another guiding principle is that “UNDP gives no exclusivity or unfair advantage or implied endorsement to any private sector organization, product or service, which might lead to unintended consequences.”⁹⁹

192. The Private Sector Policy also incorporates UN guidelines on the use of the UN’s, and by extension, UNDP’s, brand and logo, in an effort to protect against the risks that may result from usage by entities that may not be consistent with aims, policies and activities of the UN or UNDP.¹⁰⁰ Entities doing business with UNDP are prohibited from generally publicizing contracts with the UNDP to promote their business. Businesses can mention their contribution to UNDP publicly, but UNDP must approve any materials that reference UNDP or the project in writing beforehand to ensure they do not imply that UNDP directly or indirectly endorses the business. Use of the UNDP logo is discouraged. If a link to UNDP’s website is placed on the company’s website, a disclaimer must be included which states, “[t]he link to the UNDP website should not be construed as an endorsement by UNDP of the company or the content of its website.”

193. In the GeoPark RAT, the UNDP Colombia CO attested that, through the partnership, UNDP would not be perceived to have endorsed a particular business; would not give one business or group of businesses an unfair advantage; and the benefits to the company would not be disproportionately high compared to the public benefits or benefits to UNDP.

194. At a corporate level, UNDP’s approach to private sector partnerships recognizes that partnering with UNDP can convey concrete benefits for the private sector, and in particular, that UNDP’s knowledge, practical expertise and legacy of trust can help

⁹⁸ Due Diligence Policy Annex 1: Guiding Principles and Types of Partnerships with the Private Sector.

⁹⁹ Due Diligence Policy Annex 1: Guiding Principles and Types of Partnerships with the Private Sector.

¹⁰⁰ UNDP, [Private Sector Partnerships Policy](#), 2016; See also UN Global Compact, [Guidelines on a principle-based approach to the cooperation between the United Nations and the business sector](#), 2015.

businesses to successfully incorporate sustainability into their business models and enhance their brands.¹⁰¹ The mere fact that UNDP partners with a company is not on its own an implied endorsement. Similarly, the fact that the company accrues benefits from that partnership does not on its own indicate giving an unfair advantage. These facts alone would not indicate a compliance issue with regards to whether UNDP would remain unbiased and maintain its integrity, independence and impartiality and avoid substantial reputational risk.

195. In the specific context of the Private Sector Project, however, UNDP's actions can be seen to amount to an implied endorsement of GeoPark that undermined UNDP's perceived legitimacy and independence and conveyed benefits on the company that posed significant social and environmental risks for local communities, as well as significant reputational risk for UNDP.¹⁰² This context and relevant actions are described below.

196. Despite UNDP's policy discouraging private sector partner use of the UNDP logo, UNDP's logo featured prominently in GeoPark communications around the partnership. Until after the cancellation, GeoPark's website included the UNDP logo, hyperlinked to the UNDP Colombia website with the following text: "The implementation of a comprehensive economic recovery strategy that makes a positive difference to the quality of life of people in Casanare, Meta and Putumayo departments."¹⁰³ There was no disclaimer, as required by the policy, that the link to UNDP's website did not imply an endorsement of the company. Similarly, the video of the joint launch event featured UNDP and GeoPark officials appearing in front of a background of both organizations' logos.

197. In addition to these symbolic signals of UNDP endorsement of Amerisur/GeoPark, UNDP's public communications around the project weren't limited to describing project activities and outcomes, but instead painted an image of Amerisur/GeoPark more generally as a boon for sustainable development and the wellbeing of local communities where it has operations. For example, the placard for the launch event stated: "This partnership represents UNDP and GeoPark's commitment to socioeconomic territorial reactivation and the promotion of sustainable development in Colombia." During the event, UNDP's representative stated, "this

¹⁰¹ See [UNDP and the Private Sector](#).

¹⁰² This phenomenon has been referred to by some as *bluwashing*, a term coined in the context of the UN Global compact – wherein businesses may receive reputational and goodwill benefits from association with the UN, yet only pay lip service to corporate social responsibility instead of substantively improving their environmental and human rights performance. Berliner D. and Prakash A., *The Policy Studies Journal*, "Bluwashing the firm? Voluntary Regulations, Program Design, and Member Compliance with the United Nations Global Compact", 2015; See also Coulmont M. and Berthelot S., *Business Ethics Journal*, [The Financial benefits of a firm's affiliation with the UN Global Compact](#), 19 December 2014. Similarly, the term SDG-washing has been raised in the context of association with the Sustainable Development Goals, to describe the practice of businesses marketing their contribution to select SDGs while ignoring their negative impact on others. See OECD Development Matters, [Ever heard of SDG washing? The urgency of SDG Due Diligence](#), 25 September 2017.

¹⁰³ GeoPark, [Partnerships](#) accessed 9 May 2021.

strategic partnership will allow us to integrate *GeoPark's experience in the territory* with our integral development solutions in order to accompany neighboring communities in their socioeconomic recovery” (emphasis added).¹⁰⁴

198. GeoPark’s communications plan for the partnership included utilization of UNDP’s platforms and resources to disseminate a central narrative through press releases, social media, events and testimonials from “ambassadors” that, “[w]e are allies of territorial development and our commitment is to work to contribute to the fulfillment of the sustainable development goals in the territories where we have operations.”

199. GeoPark/Amerisur’s Putumayo operations are the subject of active and high stakes policy decisions, litigation, and social conflict.¹⁰⁵ UNDP’s engagement with GeoPark in Putumayo provided and would have continued to provide GeoPark favorable access to government, communities, and other stakeholders in and around areas where GeoPark is actively hoping to cultivate good community and public relations to advance its oil extraction operations and to overcome opposition to its activities. It offered GeoPark an opportunity it may not otherwise have had, given Amerisur’s previous experience with communities in Putumayo, to engage with and reduce the local resistance to future GeoPark activities. It provided an implied endorsement of both GeoPark and Amerisur, and likely increased positive perceptions of both.¹⁰⁶

200. Communications from UNDP to GeoPark appear to acknowledge that building local support for GeoPark activities in the area was part of the project strategy. As the UNDP Private Sector Project team described in an email to GeoPark:

“...we would identify the veredas considered most supportive of the presence of the company, the idea is to implement the projects in a much more agile way and turn them into early victories in the territory, provoking the interest, trust and participation of the remaining veredas. In this way, “with accomplishments”, the arrival of the “New Amerisur” would be felt with participatory methodologies: “learning by doing”, sustainable, inclusive and everything that UNDP methodologies contain. The first 15 veredas would not include the 9 that are part of the Platanillo

¹⁰⁴ UNDP Colombia press release, “Geopark y PNUD sellan alianza ‘Unidos por la reactivación territorial’”, 21 April 2021; See also launch video available here Prensa Libre Casanare, [Geopark y PNUD sellan alianza ‘Unidos por la reactivación territorial’](#), 21 April 2021.

¹⁰⁵ See e.g., Working Group on the issue of human rights and transnational corporations and other business enterprises, [Letter to UNDP Administrator](#), 13 October 2021; Comisión Interamericana de Derechos Humanos, [Medida Cautelar no. 204-17](#), 3 December 2018; The Guardian, [Colombia announces halt on fossil fuel exploration for a greener economy](#), 20 January 2023; UN News, [Guterres calls for phasing out fossil fuels to avoid climate ‘catastrophe’ | UN News](#), 15 June 2023.

¹⁰⁶ As noted in the facts above, the Siona of Buenavista reported seeing the partnership as a way for GeoPark to get close to and pressure the community. As the Reserve’s legal team explained, “It is a more “friendly” way of reaching the communities via UNDP, because there are communities that put up resistance if they know that the resources come from Geopark. If UNDP opens the door for Geopark to arrive later, UNDP becomes the bridge which allows the company to install itself in the territories. That is acting in bad faith and deceiving people.”

block area and which in turn are part of the Campesino Reserve Zone, where we identified organizations that are resistant to the presence of the company and which necessarily require a process of trust building and dialogue in order to recover relations and the social fabric comprised between them by positions in favor of and against the operation of the company....Basically, we think that if the strategy works, the company could include new resources in case of finding a favorable niche for the implementation of projects in these veredas that today are sensitive to the arrival of GeoPark..."

201. A key purpose of the project was to lay the foundation for post-pandemic local development planning, including diagnosing development needs and capacitating local decisionmakers on development planning, as well as designing a “governance structure for the promotion of territorial development”.¹⁰⁷ As such, for GeoPark, the benefits of the partnership included being positioned as a key player in future development plans specifically in its priority areas for expansion.¹⁰⁸
202. Taking this context and UNDP actions as a whole, UNDP’s partnership with GeoPark can reasonably be seen to mask over adverse impacts and alleged rights violations, providing benefits that exacerbated an imbalance of power locally, potentially undermining the legitimacy of the communities and groups lodging active grievances against the company or pursuing protection of their rights in other fora.
203. While SECU received evidence that perceptions of the partnership varied across stakeholders, SECU found that the partnership *did* undermine critical stakeholders’ perceptions of UNDP’s independence and integrity, both locally and globally. As described above, UNDP was questioned publicly by the UN Working Group on Business and Human Rights, the UN Permanent Forum on Indigenous Issues, and various UN Special Rapporteurs. A New York Times article asserted that the Colombia CO had a “revolving door” with the petroleum industry.
204. UNDP Sustainable Amazon personnel reported to SECU having the legitimacy of their programme questioned by various partners and stakeholders. The Siona of Buenavista told SECU they feared that if they raised concerns regarding GeoPark’s human rights abuses, UNDP would not act on this information because they were receiving money from GeoPark. SECU heard from ADISPA, “[t]he company wants to

¹⁰⁷ “GeoPark-UNDP Partnership” Powerpoint presentation on the partnership presented to the Mayor’s office in Puerto Asis, Putumayo.

¹⁰⁸ “Finally, with the result of component 1, the company will have a real picture of how the territory is with regards to the SDGs and the gaps, which will allow the company to guide social investment in the future. This snapshot will help the social management and social investment model of the company, which is really where the dialogues and contributions with the territory will become more interesting with actors such as municipal mayors’ offices and the future construction of new Development Plans in each of the municipalities with which the company will have a long-term relationship.” See Acta II Comité técnico de inicio de alianza GeoPark – UNDP, 16 February 2021.

look good and cover up what it has done. Even if UNDP didn't know, it's still as if they're serving the company."

205. While the project Risk Log identified the more general reputational risk of being seen as "an ally of the extractive sector" when there is a movement in Colombia against the Government's extractive approach, the Risk Log did not identify any risks specific to GeoPark or the local context in Putumayo.¹⁰⁹ The RAT for GeoPark stated that the partnership would "create wider awareness of, and support for, UNDP and its causes from positive exposure and publicity surrounding the collaboration".

206. While SECU agrees with the CO that at a corporate level, UNDP's approach to private sector partnerships could provide more guidance as to priorities and risk tolerance, in this case and its specific context, it was clear that there was a significant reputational risk to UNDP related to the potential benefits conferred on GeoPark, that was not properly identified or considered.

207. Based on the above evidence, SECU finds that the CO did not adequately assess and manage the risk that the GeoPark partnership could imply an endorsement by UNDP and that it could compromise UNDP's integrity and independence. Given the project context, communications and other actions by UNDP could reasonably be interpreted, and were interpreted by key stakeholders, as an endorsement of GeoPark and Amerisur, and as threatening UNDP's integrity and independence.

Compliance with UNDP social and environmental screening and assessment requirements

A. UNDP's Applicable Social and Environmental Screening and Assessment Requirements

208. UNDP's Social and Environmental Standards (SES) describe actions UNDP staff must take to avoid and mitigate social and environmental harms. Most fundamentally, the SES require UNDP to ensure that potential social and environmental risks, impacts, and opportunities are identified and addressed in all UNDP projects and programmes.

209. The SES requires UNDP COs to apply the Social and Environmental Screening Procedure (SESP) to screen and categorize the potential social and environmental risks and opportunities of all projects, and to identify the relevant project-level SES standards that respond to these risks.¹¹⁰

¹⁰⁹ Moreover, as discussed in the Stakeholder Engagement section below, the mitigation measures for this risk identified in the Risk Log were not implemented.

¹¹⁰ UNDP, [Social and Environmental Standards](#), 2015, Policy Delivery Process and Accountability, paras 4 and 5.

210. The 2015 SES Policy applied to this project, and this section will refer to these SES and its corresponding 2015 SESP and guidance notes.¹¹¹

211. The 2015 SESP utilizes a project-level risk categorization system of low, moderate, or high risk, to reflect the significance of potential social and environmental risks and impacts and to determine the appropriate type of social and environmental assessment and management required.¹¹² Projects with potentially significant adverse risks and impacts require review and/or assessment of potential social and environmental impacts, and identification of measures to avoid and minimize adverse impacts and to improve social and environmental performance.¹¹³

B. Compliance Analysis Regarding Social and Environmental Screening and Assessment

212. **SECU finds, for the following reasons, that the UNDP Colombia CO did not adequately screen and assess the social and environmental risks and opportunities associated with the Private Sector Project, as required by the SES and SESP.**

213. The complaint raised the following questions related to screening and assessment:

1. *Did the UNDP Colombia CO produce an SESP that assessed the GeoPark component activities in a timely manner as required?*

214. According to the SES, each project is to be screened as to its type, location, scale, sensitivity, and the magnitude of its potential social and environmental impacts, as well as opportunities.¹¹⁴ Screening is to be done through the use of the SESP template at “the earliest stage of project preparation when sufficient information is available for this purpose”, and iteratively through design and appraisal.¹¹⁵ Final screening of the Prodoc must be completed prior to project appraisal by the PAC and final project approval.¹¹⁶ According to the SES, projects that undergo a substantive revision after the initial screening and categorization will be re-screened and potentially recategorized.¹¹⁷ Moreover, no activities that may cause adverse social and environmental impacts are to proceed until assessments and adoption of appropriate mitigation and management measures are completed.¹¹⁸

¹¹¹ UNDP’s 2015 SES was revised and updated in 2021. Because the Prodoc for the Private Sector Project was signed January 26, 2021, during the transition period between the two, the applicable SES policy is determined by the version of the SESP included in the annex to the signed Prodoc, which in this case was the 2015 SESP version.

¹¹² UNDP, [Social and Environmental Standards](#), 2015, Policy Delivery Process and Accountability, para 5.

¹¹³ Ibid, Policy Delivery Process and Accountability, para 9.

¹¹⁴ Ibid, Policy Delivery Process and Accountability, para 5.

¹¹⁵ Ibid, Policy Delivery Process and Accountability, para. 4; UNDP, [Social and Environmental Screening Procedure](#), 2015, para. 10.

¹¹⁶ UNDP, [Social and Environmental Screening Procedure](#), 2015, para. 14.

¹¹⁷ UNDP, [Social and Environmental Standards](#), 2015, Policy Delivery Process and Accountability, para. 6.

¹⁰⁹ UNDP, [Social and Environmental Screening Procedure](#), 2015, para. 13.

215. An SESP was never completed that screened for social and environmental risks and opportunities related to the GeoPark component. The CO explains that the SESP was completed for the larger Private Sector umbrella project and not the GeoPark partnership activities because the GeoPark component came up quickly in the midst of the pandemic lockdown and limited staff capacity. The SESP for the GeoPark activities was yet to be completed at the time the project was closed. The CO argues that while the SESP should have been updated before the PAC as a matter of best practice, UNDP policy only required that it be updated before the implementation of project activities, which the office argues had not yet occurred.

216. The addition of the GeoPark component was a substantive revision of the umbrella project, therefore the project should have been rescreened as soon as the GeoPark component activities were sufficiently identified. Given the fact that GeoPark was confirmed as the project partner and the project activities and locations were defined prior to the PAC, sufficient information was available to conduct the SESP on the GeoPark partnership activities and locations prior to approval and would have allowed the CO to identify relevant risks and opportunities.

217. Moreover, while the CO argues that no project activities were implemented before the GeoPark component was cancelled, several project-related activities had already been executed, namely socialization and launch events as well as the convocation for participants in the community market component, all of which, though they were not the main project activities, had the potential to produce impacts on local communities. The CO had a second opportunity to conduct an SESP for the GeoPark-related project component prior to the launch of these activities, which it did not do.

218. Given the above evidence, SECU finds that the UNDP Colombia CO did not conduct a timely assessment of the GeoPark component as required; this should have been completed prior to project approval, and if not, at least before project activities with potential impacts were implemented.

2. *Did the UNDP Colombia CO properly identify the social and environmental risks associated with the Private Sector Project, including indirect, cumulative and induced risks related to the project context and GeoPark?*

219. The objective of the SESP is to screen for potential direct and indirect impacts in the project's area of influence.¹¹⁹ A project's area of influence encompasses (i) project sites, (ii) associated facilities, (iii) areas and communities potentially affected by cumulative impacts from the Project or from other relevant past, present and reasonably foreseeable developments in the geographical area, and (iv) areas and

¹¹⁹ UNDP, [Social and Environmental Screening Procedure](#), 2015, para. 32.

communities potentially affected by induced impacts from unplanned but predictable developments or activities caused by the Project, which may occur later or at a different location.¹²⁰

220. Screening should identify a project’s inherent social and environmental risks – risks that exist in the absence of planned mitigation measures.¹²¹
221. In this case, the CO marked “NO” for each question on the SESP risk checklist. The SESP mentioned only one social and environmental risk – that of not meeting the expectations of beneficiaries.
222. These responses, even if only contemplating the larger umbrella project, do not appear to consider that the project would be implemented with vulnerable populations, in areas with little state presence, in the context of the Colombian conflict, and during a pandemic.
223. A proper SESP for the *GeoPark component* activities and locations should have checked off numerous risks in the SESP checklist, including those related to human rights, discrimination or exclusion, conflict, gender equality, community health and security, and indigenous peoples.¹²²
224. For instance, given the fact that project activities involved public gatherings (e.g. socialization events, capacity building activities, and public markets) during the Covid-19 pandemic lockdown, the CO should have answered “yes” to the SESP checklist question as to whether the project could result in increased health risks from communicable infections.
225. As discussed in paragraphs 222 - 223 above, the project was to take place in areas with little state presence, weak rule of law, and active illegal armed groups, with a beneficiary population vulnerable to discrimination, stigmatization, marginalization, and human rights related reprisals. The CO, therefore, should have answered “yes” to the SESP checklist questions regarding human rights risks and the potential for discrimination. For instance, there was a risk that certain groups could be denied access or given preferential access to project benefits. As discussed earlier, the project did end up excluding stakeholder groups that opposed GeoPark.
226. Similarly, given the prevalence of conflict in the area, the CO should have answered “yes” to the SESP checklist question as to whether there was a risk the project could

¹²⁰ Ibid, Footnote 6.

¹²¹ Ibid, para.33.

¹²² See e.g., UNDP, [Social and Environmental Assessment and Management Guidance note](#), 2016, p.27; and UNDP, [Social and Environmental Screening Procedure template](#), 2015, Questions 5, 6, and 8 relating to the capacity of duty-bearers and rights-holders, and the potential for conflict.

exacerbate conflict or violence. Given the known conflict and division in the area, as well as the knowledge that armed groups exercise control over local populations through various means of coercion, there was a risk that project resources and activities (e.g. selection of beneficiaries or operation of community markets) could be exploited by armed groups as a source of financing, or as leverage over local populations, thereby exacerbating conflict or violence.

227. The CO answered “NO” as to whether local communities or individuals had raised human rights concerns regarding the project. This failed to recognize that, prior to appraisal, communities in the project area had raised human rights concerns regarding GeoPark, which were known to UNDP, as they were included in the RAT, and which would likely have been raised in relation to the project had the CO engaged with relevant stakeholders during appraisal. Moreover, once “*significant concerns*” were raised by ADISPA in February and March of 2021, this should have led the CO to undertake outreach to those stakeholders, and meanwhile to pause project implementation and hold off on the public launch to allow time for a new social and environmental screening, and recategorization of the project as High Risk.
228. Given the GeoPark component, a proper SESP for the project also should have considered not just the direct impacts from project activities for stakeholders in the project area, but also the potential for indirect, cumulative or induced impacts, including on local communities such as the Siona of Buenavista and Perla Amazónica communities.
229. As described above, GeoPark was working to gain social license to advance its exploration activities and expand its production in the project area. It’s likely that the project, by presenting GeoPark and UNDP as allies in sustainable development with communities neighboring GeoPark operations, would soften harsh community perceptions of GeoPark and of GeoPark’s activities in their concession areas. As cited above, UNDP personnel anticipated and discussed with GeoPark that a potential outcome of the project was helping GeoPark overcome community opposition to the “presence” and “operation” of the company.
230. Consideration of potential indirect, cumulative or induced impacts should therefore have included those related to GeoPark’s core business activities in the area i.e. biodiversity; pollution; climate change; indigenous peoples; community health, safety and working conditions; and displacement. This in turn would have required an examination of the applicability of related SES standards and an analysis and approach to mitigating related risks. The applicability of SES Standard 6 on Indigenous Peoples is addressed below as an example.
231. The CO should also have considered the fact that, as described above, GeoPark was to play an active role in project design, execution, and oversight. The collection of applications for community market participants, for instance, was to be hosted by

Amerisur offices, and GeoPark had an equal say with UNDP regarding selection of project beneficiaries.¹²³ This made GeoPark/Amerisur's relationship with local communities salient to a risk analysis.

232. Based on the above evidence, SECU finds that the UNDP Colombia CO did not properly identify the social and environmental risks associated with the Private Sector Project, most notably indirect, cumulative and induced risks related to the project context as well as to GeoPark's core business activities and relationship with local communities.

3. Did the UNDP Colombia CO properly assess the significance of the social and environmental risks associated with the Private Sector Project and assign an appropriate overall project risk categorization?

233. Under the SES, identified risks are to be assessed as to their significance, based on impact and probability, both rated on a scale of 1 (low) to 5 (high).¹²⁴ Estimation of the potential impact should consider the project location as well as level of community involvement, among other factors.¹²⁵ UNDP's Enterprise Risk Management Policy calls for a precautionary approach where likelihood or impact remain difficult to estimate and there is potential for harm.¹²⁶

234. An overall risk categorization is then assigned for the project. This risk categorization is determined by the highest level of significance of any individual identified risk.¹²⁷ Low Risk projects are those that include activities with minimal or no risk of adverse social or environmental impacts.¹²⁸ Moderate Risk projects are those that include activities with potential adverse social and environmental risks and impacts, that are limited in scale, can be identified with a reasonable degree of certainty, and can be addressed through application of standard best practice, mitigation measures and stakeholder engagement.¹²⁹ High Risk projects are those that include activities with potential significant and/or irreversible adverse social and environmental risks and impacts, or which raise significant concerns among potentially affected communities and individuals as expressed during the stakeholder engagement process.¹³⁰

¹²³ Convocatoria para Tiendas Comunitarias - Corredor Puerto Asís- La Alea, April 2021; The project Steering Committee, which consisted of one representative of UNDP and one representative of GeoPark, had the authority to determine how the project would achieve its objectives. "Orient the project toward the achievement of its objectives, and to make recommendations and take corrective actions where necessary" UNDP Colombia, Sector Privado y Agenda 2030 Prodoc, 26 January 2021.

¹²⁴ UNDP, [Social and Environmental Screening Procedure](#), 2015, paras. 34-36.

¹²⁵ Ibid, para. 35.

¹²⁶ UNDP, Enterprise Risk Management Policy, 2019, p. 5.

¹²⁷ UNDP, [Social and Environmental Screening Procedure](#), 2015, para. 41.

¹²⁸ Ibid, para. 40.

¹²⁹ UNDP, [Social and Environmental Screening Procedure](#), 2015, para. 40.

¹³⁰ Ibid, para. 40.

235. A project’s risk rating determines the level of social and environmental assessment and management plans as well as stakeholder engagement required. Moderate Risk projects require a targeted assessment and targeted management measures; while High Risk projects (and some complex Moderate Risk projects) require a comprehensive social and environmental assessment and management plan.¹³¹
236. In this case, the one risk identified in the SESP – that of not meeting the expectations of project beneficiaries – was assessed as “moderate” significance.¹³² This, alone, should have triggered a Moderate Risk categorization. Instead, the project was categorized as Low Risk with “no significant social or environmental risks.”
237. Considering risks that should have been considered but were not – including, specifically, risks related to GeoPark project activities – the categorization should have been High Risk for two reasons. First, an adequate assessment of GeoPark project activities would have raised “*significant concerns among potentially affected communities and individuals*” had the CO engaged with and considered relevant stakeholders as required. Second, the project could have, as noted above, facilitated downstream impacts relating to public health, discrimination, conflict, and oil development that could have been “irreversible or significant”.
- 238. Based on the above evidence, SECU finds that the UNDP Colombia CO did not properly assess the significance of the social and environmental risks associated with either the umbrella Private Sector Project or the GeoPark component and should have assigned the project a High Risk categorization, rather than Low Risk.**

Compliance with UNDP access to information and stakeholder engagement requirements

A. UNDP’s Applicable Access to Information and Stakeholder Engagement Requirements

239. The SES commit UNDP to ensuring meaningful, effective and informed participation of stakeholders in the formulation and implementation of UNDP programmes and projects, providing stakeholders opportunities to express their views at all points in the project decision-making process on matters that affect them.¹³³
240. UNDP’s Information Disclosure policy commits the organization to transparency in all its activities and to seeking to maximize access to any documents and information in its possession and not on the list of exceptions.¹³⁴

¹³¹ Ibid, para. 50-55.

¹³² Based on an impact rating of “severe” (4) and a probability rating of “slight” (1).

¹³³ UNDP, [Social and Environmental Standards](#), 2015, Policy Delivery Process and Accountability, paras. 12, 14, 15.

¹³⁴ UNDP, [Information Disclosure Policy](#).

B. Compliance Analysis Regarding Access to Information and Stakeholder Engagement

241. SECU finds, for the following reasons, that the UNDP Colombia CO did not adequately ensure access to information and conduct meaningful, effective and informed stakeholder engagement as required by the SES.

242. The complaint raised the following access to information and stakeholder engagement questions:

1. Did the UNDP Colombia CO ensure that stakeholders had access to relevant information to ensure their meaningful, effective, and informed participation in the Private Sector Project?

243. The SES requires that stakeholders have access to relevant information, including stakeholder engagement plans and summary reports of stakeholder consultations, social and environmental screening reports, draft and final social and environmental assessments and management plans, and any required social and environmental monitoring reports.¹³⁵

244. UNDP's Information Disclosure Policy requires disclosure of Prodocs, completed SESP, and any draft and final social and environmental assessment and management plans. These documents are to be disclosed through the online UN Transparency Portal as well as published on the appropriate regional or CO website.¹³⁶

245. Documents should be disclosed prior to decision-making and as part of stakeholder consultation processes.¹³⁷ The draft Prodoc and SESP, for instance, should be distributed to project stakeholders during project design stage stakeholder consultations, prior to the PAC.¹³⁸ The final SESP and Prodoc are to be uploaded to UNDP's Transparency Portal following the PAC, and when new documents are available. In all cases, draft and final screenings, assessments and management plans must be disclosed and consulted on prior to implementation of activities that may give rise to potential adverse social and environmental impacts.¹³⁹

246. The draft SESP and Prodoc for the Private Sector Project were disclosed to only a few select national government partners. The CO's local socialization events with additional local stakeholders took place after the PAC, just prior to the project

¹³⁵ UNDP, [Social and Environmental Standards](#), 2015, Policy Delivery Process and Accountability, para. 21.

¹³⁶ UNDP, [Information Disclosure Policy](#).

¹³⁷ UNDP, Guidance note for stakeholder engagement, October 2017, Annex 3: Supplemental Guidance: Disclosure of project-related social and environmental screenings, assessments, and management plans.

¹³⁸ Ibid, Table 9.

¹³⁹ Ibid,

launch. The final Prodoc and SESP were uploaded to the UNDP transparency portal following the PAC. However, because both the Prodoc and the SESP focused on the umbrella Private Sector Project, they did not provide details or consider the social and environmental risks of the GeoPark project activities. No stakeholder engagement plan was disclosed.

247. **Based on the above evidence, SECU finds that the UNDP Colombia CO did not ensure that stakeholders had access to relevant information, including information on project activities and potential risks and impacts, to ensure their meaningful, effective, and informed participation in the Private Sector Project, as required by the SES.**

2. *Should the UNDP Colombia CO have considered ADISPA and the Siona of Buenavista stakeholders of the Private Sector Project, and was appropriate stakeholder analysis and planning conducted in a non-discriminatory and inclusive manner?*

248. The SES requires preparation and disclosure of a stakeholder engagement plan for all projects, to be completed early in project development.¹⁴⁰ The stakeholder engagement plan is to be “scaled to reflect the nature of the activity and its potential impacts.”¹⁴¹ Projects with few if any social and environmental risks must at a minimum briefly identify key stakeholders and an engagement strategy within the Prodoc.¹⁴² High Risk projects require comprehensive stakeholder engagement plans.¹⁴³

249. UNDP defines project stakeholders as all those persons, groups or institutions with an *interest* in the project, or with the *ability to influence* project outcomes either positively or negatively, including those who might be opposed to the project.¹⁴⁴ Stakeholder identification is to be done with particular attention to vulnerable or marginalized groups and ensuring non-discrimination.

250. Key stakeholders identified in the Prodoc are to include both Target Groups (intended beneficiaries), as well as “Other Potentially Affected Groups”.¹⁴⁵ Importantly, the stakeholder engagement plan “needs to be developed with the stakeholders themselves.”¹⁴⁶

¹⁴⁰ UNDP, Social and Environmental Standards, 2015, [UNDP-Social-and-Environmental-Standards-2015-ENGLISH.pdf](#), Policy Delivery and Accountability, paras. 12, 15, 21.

¹⁴¹ UNDP, [Social and Environmental Standards](#), 2015, Policy Delivery Process and Accountability, para. 15.

¹⁴² UNDP, Guidance note for stakeholder engagement, October 2017.

¹⁴³ UNDP, [Social and Environmental Standards](#), 2015, Policy Delivery Process and Accountability, para. 15.

¹⁴⁴ UNDP, Guidance note for stakeholder engagement, October 2017.

¹⁴⁵ *Ibid*, Box 3.

¹⁴⁶ *Ibid*.

251. Stakeholder analysis and engagement is required to be conducted in a non-discriminatory and inclusive manner, ensuring that potentially affected vulnerable and marginalized groups are identified and provided opportunities to participate.¹⁴⁷ The SES notes that vulnerability includes those discriminated against due to political or other opinion, or other status, such as indigenous persons.¹⁴⁸
252. Private Sector Project documents describe project stakeholders as those falling into two categories: government partners and beneficiaries, the latter being Community Councils and producer associations.
253. While there is no evidence of a stakeholder analysis and engagement plan for the Private Sector Project, the Prodoc discusses in a few lines the “management of the project beneficiary populations” and a few activities for “securing their permanence and motivation.”
254. The failure to identify stakeholders in line with UNDP’s definition of stakeholders left out any other potentially affected groups as well as any local or national civil society groups, social movements, or communities with interest in the project or the ability to influence it. Importantly, it left out the complainants.
255. The CO has stated that ADISPA was not a stakeholder because they were not a project beneficiary. However, as discussed above, this is not the appropriate criterion for defining stakeholders under the SES. ADISPA should have been considered a key stakeholder given that the project area overlapped with the Perla Amazónica and they had a strong interest in the project, stood to be impacted by it, and had the potential to influence project outcomes. Moreover, Colombian law requires ADISPA, as the legal representative of the Perla Amazónica, to be consulted on development plans involving the Reserve.
256. The CO has stated that the Siona of Buenavista were not stakeholders because the Buenavista Reserve was not within the “project area”. The Siona, however, should have been considered a key stakeholder as they had significant interest in the project, stood to be impacted by it, and had the potential to influence project outcomes.
257. The Risk Log for the Private Sector Project identified the need to engage with stakeholders like ADISPA and the Siona of Buenavista who are critical of the extractive sector as a means of mitigating the substantial reputational risk to UNDP

¹⁴⁷ UNDP, [Social and Environmental Standards](#), 2015, Policy Delivery Process and Accountability, para. 12. The SES commits UNDP to uphold the principles of participation and inclusion, and equality and non-discrimination, noting that prohibited grounds of discrimination include political or other opinion; UNDP, [Social and Environmental Standards](#), 2015, Policy Delivery Process and Accountability, Principle 1, para. 15.

¹⁴⁸ UNDP, [Social and Environmental Standards](#), 2015, Policy Delivery Process and Accountability, para. 12, footnote 102.

of being seen as “an ally of the extractive sector” given social opposition to the government’s extractive development model.¹⁴⁹ Although the project proposed to “[s]ystematically show that UNDP facilitates dialogue scenarios on implemented projects” and to “generate effective communication channels with stakeholders to identify the origin of the negative perception,” stakeholder identification and engagement were instead done in a way that excluded potentially critical voices.¹⁵⁰

258. Internal documents from March of 2021, prior to project socialization events, show that certain civil society groups, namely ADISPA and the Interfaith Justice and Peace Commission, were informally identified as key stakeholders and their potential opposition to the project was noted. In a project document drafted by GeoPark and shared with UNDP, these two groups are singled out as “external conditions” that could potentially affect the project’s collection of data for post pandemic economic recovery planning.¹⁵¹

259. In a separate document prepared by UNDP and shared with GeoPark, these two groups are described as “conflictive” with regard to the project.¹⁵² While this latter document recommended consulting with both organizations and noted that ADISPA is the decision-making authority in the Perla Amazónica, neither group was approached. The CO stated to SECU that the latter document was prepared by the local UNDP technical team that supported the consultation process and was a draft.

260. SECU was unable to obtain evidence clarifying the full context of the characterization of these civil society actors by either GeoPark or the CO. However, it should be noted that both groups face stigmatization and threats for their work defending human rights and resisting extractives activities, including resisting GeoPark. Once it was identified that these were stakeholders who were likely critical of the project, stakeholder analysis and engagement should have been conducted with care toward inclusion of marginalized groups and to avoid contributing to stigmatization, discrimination, or reprisals.

¹⁴⁹ UNDP Colombia, Offline Risk Log – Sector Privado y Agenda 2030, 1 December 2020.

¹⁵⁰ Ibid.

¹⁵¹ On March 8, 2021, GeoPark sent a database to UNDP with a characterization of the 24 veredas proposed for inclusion in the project, including responses to UNDP questions regarding the local context in each vereda. In the column with the question from UNDP, “any other external condition that could affect information collection?”, for 19 of the veredas, the response was “no”, for 4 of the veredas, the response was “ADISPA”, for one of the veredas, the response was the “Interfaith Justice and Peace Commission.” - UNDP Colombia, Preguntas Convenio PNUD, March 2021.

¹⁵² On March 19, 2021, the Private Sector Project team sent an email to GeoPark with a preliminary mapping of actors in Putumayo. The document included ADISPA and Interfaith Justice and Peace Commission and noted their respective work for sustainable development and human rights, as well as ADISPA’s opposition to petroleum activities. It identified ADISPA as “highly relevant” and “highly conflictive” and the Interfaith Justice and Peace Commission as “medium relevant” and “medium conflictive”. It recommended consulting with both organizations. For ADISPA, the document noted, “it is the highest authority in the area of influence of the [Zona Reserva Campesina] for decision-making at the organizational, political, economic, productive and environmental level.” It recommended to “[h]old conversations of concertation that allow strengthening relations and the execution of projects in the veredas that are part of the Campesino Reserve.” - UNDP Colombia, Matrices Anexo 1 y 2 12032021, March 2021.

261. Additionally, the way in which UNDP and GeoPark selected potential *project beneficiaries* risked exacerbating social conflict, exclusion, and discrimination.

262. The CO says no agreement was reached regarding beneficiaries as the final selection process had not yet occurred, and that “no organization had been informed or selected to participate in any of the components of the project.” However, after ADISPA’s opposition to GeoPark was raised by the Sustainable Amazon team, UNDP proposed to exclude as beneficiaries Community Councils and producer associations within the Perla Amazónica given ADISPA’s opposition to GeoPark. GeoPark then argued that there were producer associations within the Perla Amazónica that were not ADISPA members (six organizations out of the total 11 visited in site visits), and which were amenable to the project (and to GeoPark). Those groups were invited to participate in socialization meetings and then received an invitation to apply to be selected for the community market project, while ADISPA was not.¹⁵³

263. The Siona of Buenavista and ADISPA are the type of groups the project ostensibly sought to reach – “small rural producers and grassroots groups” – and both represent communities extremely vulnerable to the economic impacts of the pandemic.¹⁵⁴ In other words, they could have been natural beneficiaries for a pandemic economic reactivation project in Putumayo, if GeoPark had not been involved.

264. The fact that GeoPark was heavily involved in the selection of potential beneficiaries for the project, and that UNDP proposed to exclude as beneficiaries groups that were supportive of the Perla Amazónica Campesino Reserve and had expressed opposition to GeoPark, ran the risk of engineering the pool of project stakeholders so as to exclude potential opposition. Such apparent stakeholder engineering could also constitute discrimination by excluding communities from pandemic relief solely based on their political or other opinion, namely opposition to GeoPark and petroleum activities.

265. SECU heard reports from multiple sources regarding alleged efforts on the part of GeoPark to try to diminish ADISPA’s legal authority or legitimacy by supporting and engaging directly with smaller groups or by creating producer associations within the Perla Amazónica. In this context, the fact that UNDP chose to engage directly with groups within the Perla Amazónica that are more favorable to the company, rather

¹⁵³ It should also be noted that the convocation for producer organizations, for instance, requested producer associations to submit their organization’s information directly to Nueva Amerisur offices.

¹⁵⁴ From the project concept note: “On the other hand, we seek to support organizations of small rural producers and grassroots organizations...” - UNDP Colombia, Propuesta Conceptual – Sector Privado y Agenda 2030, 2020.

than engaging with ADISPA, ran the risk of feeding into that dynamic, potentially undermining an important social movement and exacerbating local conflict.¹⁵⁵

266. SECU also heard from interviews that the project risked pitting social groups participating in the project against those who oppose petroleum activities, thereby “tearing the social fabric” of neighboring communities. The Siona of Buenavista’s legal team described this dynamic as follows:

“UNDP implements this project for campesinos and families that need the project benefits to improve their lives and positions the Buenavista Reserve as the opponent of these development possibilities, continuing to exacerbate conditions of serious conflict and risk, even more so in a scenario where the company has the support of the military and armed actors.”

267. Based on the above evidence, SECU finds that the CO did not develop a comprehensive stakeholder engagement plan as required and should have considered ADISPA and the Siona of Buenavista key stakeholders for the Private Sector Project. The exclusion of groups opposed to petroleum development and supportive of the *campesino* reserve was inconsistent with UNDP requirements on non-discrimination and inclusive stakeholder engagement.

3. Did the CO ensure meaningful, effective, informed participation of stakeholders and beneficiaries in the formulation, implementation, and governance of the Private Sector Project?

268. Under the SES, stakeholder engagement is to be conducted early in the project cycle, ensuring that potentially affected vulnerable and marginalized groups are identified and provided opportunities to participate, and to express their views on project design and implementation, including project goals and strategies, social and environmental risks and impacts, proposed mitigation measures, sharing of development benefits and opportunities, and implementation issues.

269. Under UNDP’s Quality Assurance (QA) framework, all UNDP programmes and projects must be governed by a multi-stakeholder board or committee established to review performance, and address implementation issues.¹⁵⁶ Project boards are to include a “beneficiary representative” defined as an individual or group representing the interests of those who will ultimately benefit from the project.

¹⁵⁵ Research reflects that it is a not uncommon tactic for extractives companies to try to divide communities and to utilize social benefit programs as a means of currying favor with individuals or groups in order to weaken opposition to their activities. See e.g., Perrone, Nicolás M., 2022, Globalizations 2022, Vol. 19, [Local communities, extractivism and international investment law: the case of five Colombian communities](#), 2022.

¹⁵⁶ UNDP, PPM-Provide Oversight.

270. The Steering Committee for the GeoPark partnership activities consisted of one representative of UNDP and one representative of GeoPark.¹⁵⁷ As such, there was no inclusion of beneficiaries in the project's governance and oversight body. Moreover, in the Prodoc project Evaluation Plan, GeoPark is the only entity listed under "Principal Actors in the Evaluation".¹⁵⁸

271. During the PAC for the Private Sector Project, government counterparts raised the issue of lack of engagement of beneficiaries in the different project stages.¹⁵⁹ While there was some engagement with government counterparts on project design and risk identification as part of the PAC appraisal and approval, engagement with potential beneficiaries did not happen until a few weeks prior to the project launch. As noted previously, there was *no engagement* with civil society stakeholders beyond select Community Councils and producer associations.

272. Moreover, local engagement events that were conducted with select stakeholders within the project areas did not constitute meaningful, effective and informed consultation. According to records, participants were given a presentation of project activities, expected results, and timelines. The CO states that participants were provided "relevant information about the objective and scope of the project" and that there were "no social or environmental risks to be shared" given the fact that the SESP had not been updated for the GeoPark component. SECU notes that participants were not given the opportunity to identify project priorities or to identify or comment on an assessment of risks or impacts. Moreover, despite the fact these socialization events took place after concerns were raised regarding GeoPark, participants were not asked for feedback on GeoPark as a project partner, nor to respond to the concerns that had been raised.

273. Given the above evidence, SECU finds that the UNDP Colombia CO did not ensure meaningful, effective, informed participation of stakeholders and beneficiaries in the formulation, implementation and governance of the Private Sector Project as required by the SES.

¹⁵⁷ UNDP Colombia, Sector Privado y Agenda 2030 Prodoc, 26 January 2021.

¹⁵⁸ Ibid.

¹⁵⁹ Comment from government: "We believe that the project can improve in the inclusion of beneficiaries in the different stages of the project, given that there is no significant articulation or participation of the beneficiaries. In this sense, we see an insufficient strategy (mentioned only in a brief paragraph) to try to guarantee an adequate linkage and partnership with the actors involved in the development of the project." CO response: "The Project will promote the development of exchange spaces with the stakeholders and direct beneficiaries involved in the framework of the activities proposed, in order to guarantee their vision of the project, ensure its relevance and coherence with respect to the needs and identify potential bottlenecks and improvement actions with the population. In this sense, the development of focus groups will be promoted and the opinions of direct users will be gathered."

4. Did the socialization events around the Private Sector Project, including those involving GeoPark, constitute meaningful, effective and informed consultation processes, free from external manipulation, interference, coercion or intimidation?

274. Under the SES, meaningful and effective consultation processes must be free of external manipulation, interference, coercion and intimidation.¹⁶⁰ They must be culturally appropriate and tailored to the decision-making processes of different stakeholder groups, including marginalized groups.¹⁶¹
275. UNDP's Guidance Note on stakeholder engagement notes that in challenging environments, such as areas experiencing armed conflict or where human rights violations are rampant, civil society stakeholders may be fearful of expressing opposing or critical perspectives, and stakeholder engagement specialists with up-to-date familiarity of the local context will most likely be required to devise and help manage engagement processes.¹⁶² Decentralized, targeted meetings or third-party intermediaries may be needed, and third-party monitors will likely be required to closely monitor risks to project stakeholders.
276. The CO stated to SECU that feedback in the stakeholder engagement events was positive, and that there were no concerns raised regarding the partnership or GeoPark.
277. The socialization meetings, however, were held in large groups, ignoring the local context of conflict and marginalization, and the potential for intimidation. SECU heard from interviewees that, in the project context, community members, especially marginalized groups and individuals, are reticent to speak freely given their exposure to threats and pressures and the concern that an informant for either the government, an armed actor, or a company may be present.
278. SECU notes that according to a 2019 report by the UN Special Rapporteur on the situation of human rights defenders, Community Council leaders in Colombia were among those human rights defenders most exposed to risk, along with social movement leaders and leaders of ethnic groups.¹⁶³ Communities and social movements state specifically that they are not able to speak freely about whether they do or do not want petroleum development.¹⁶⁴

¹⁶⁰ UNDP, [Social and Environmental Standards](#), 2015, Stakeholder Engagement and Response Mechanisms, para. 14.

¹⁶¹ Ibid.

¹⁶² UNDP, Guidance note for stakeholder engagement, October 2017, section 3.3.

¹⁶³ UNOHCHR, [A/HRC/43/51/Add.1: Visit to Colombia - Report of the Special Rapporteur on the situation of human rights defenders](#), 26 December 2019.

¹⁶⁴ See for example Global Witness, *Defending Tomorrow – The climate crisis and threats against land and environmental defenders*, July 2020, page 22 and 23 with further references, <https://www.globalwitness.org/en/campaigns/environmental-activists/defending-tomorrow/>.

279. Strikingly, GeoPark personnel were present in many of these “socialization” meetings.¹⁶⁵ Even where GeoPark was not physically present, the partnership was presented as a *fete accompli*, with the project presented as a joint effort between UNDP and the company, under both organizations’ logos, making it highly unlikely that participants would feel free to offer frank criticism of GeoPark or the partnership.

280. Based on the above evidence, SECU finds that the socialization events for the Private Sector Project, especially those involving GeoPark, ignored the conflict context and did not constitute meaningful, effective and informed consultation processes, free from external manipulation, interference, coercion or intimidation.

5. Did the UNDP Colombia CO ensure that stakeholders who may be adversely affected by the Private Sector Project could communicate their concerns and grievances?

281. The SES requires projects to ensure that stakeholders who may be adversely affected by a UNDP project can communicate their concerns through various entry points, scaled appropriately to the nature of the activity and its potential risks and impacts.¹⁶⁶ Potentially affected stakeholders are to be informed about available entry points for submitting their concerns as part of the stakeholder engagement process.

282. While the socialization events held for the Private Sector Project took place after concerns had been raised by ADISPA and the CO had already identified several groups as “conflictive” with the project, those groups were not included in the socialization events or given the opportunity to elaborate on their concerns or to weigh in on the partnership and project in any other way until after the project launch and public complaint. There was no apparent effort by the CO to ensure that these groups and other potentially affected people had access to and were aware of mechanisms to submit concerns, including SECU. The complainants reportedly were made aware of the availability of SECU by a partner NGO after they issued a public complaint letter. SECU notes that while those groups which had expressed critical views of GeoPark were not asked to share their concerns or to provide additional information regarding allegations prior to the project launch, the project team did solicit GeoPark’s response to the concerns on multiple occasions and discussed how the concerns could or should impact the project.

¹⁶⁵ In all of the Community Council socialization meetings in Casanare March 8-10 2021, and all of the socialization meetings April 5-7 2021 in Putumayo, GeoPark personnel were present. The CO says that in the Putumayo site visits April 12-17 2021, GeoPark accompanied the team on the first day, so that UNDP met with approximately 6 out of 23 groups in the presence of GeoPark staff.

¹⁶⁶ UNDP, [Social and Environmental Standards](#), 2015, para. 17.

283. Given the above evidence, SECU finds that the UNDP Colombia CO did not ensure that stakeholders who may be adversely affected by the Private Sector Project could communicate their concerns and grievances, as required by the SES.

Compliance with UNDP human rights requirements

A. UNDP's Applicable Human Rights Requirements

284. The SES Overarching Policy and Principles, particularly the Overarching Policy and Principle 1. Human Rights, require that UNDP attend to human rights. The Overarching Policy notes, "UNDP will not support activities that do not comply with national law and obligations under international law, whichever is the higher standard."¹⁶⁷ Principle 1 states that UNDP projects and programmes must support "universal respect for, and observance of, human rights and fundamental freedoms for all" and "further the realization of human rights as laid down in the Universal Declaration of Human Rights and other human rights instruments."¹⁶⁸ It also requires that that UNDP uphold the principles of accountability and the rule of law, participation and inclusion, and equality and non-discrimination. UNDP adheres to the UN Common Understanding on a Human Rights-Based Approach to Development and UNDP programmes and projects must be informed by human rights analysis, including from UN human rights mechanisms.¹⁶⁹

B. Compliance Analysis Regarding Human Rights

285. SECU finds, for the following reasons, that the UNDP Colombia CO did not take necessary measures to avoid, minimize, mitigate and manage adverse human rights impacts as required by the SES.

286. The complaint raised the following human rights question:

1. *Did the UNDP Colombia CO take necessary measures to avoid, minimize, mitigate, and manage adverse impacts on human rights, in particular relating to discrimination, conflict, and reprisals?*

287. The SES require that projects avoid adverse human rights impacts, and minimize, mitigate and manage these impacts where avoidance is not possible.¹⁷⁰ Assessment and management of risks and impacts is to be proportional to the significance of the risks and impacts. High Risk projects, including those involving potential human

¹⁶⁷ UNDP, [Social and Environmental Standards](#), 2015, Overarching Policy and Principles, para.3.

¹⁶⁸ Ibid, paras.12 - 13.

¹⁶⁹ Ibid, para.13; United Nations Sustainable Development Group, [The Human Rights Based Approach to Development Cooperation Towards a Common Understanding Among UN Agencies](#), September 2003.

¹⁷⁰ UNDP, [Social and Environmental Standards](#), 2015, Overarching Policy and Principles, para.2.

rights impacts, require comprehensive impact assessment and management frameworks or plans.¹⁷¹

288. The Private Sector Project and the complaint implicated various human rights, including, among others, the right to freedom from discrimination; right to life, liberty and security; public participation rights; as well as property, land and resource rights.

289. Risks and potential impacts related to these rights have been analyzed in each of the compliance sections above. Given that the project was located in a complex conflict-affected area, with high risk of adverse human rights impacts for marginalized and vulnerable groups, avoiding adverse impacts required especially heightened human rights impact assessment and management, including human rights due diligence.¹⁷² However, the CO did not identify any human rights impacts or develop related mitigation measures and plans.

290. SECU notes that the CO decision to cancel the GeoPark partnership early in the project cycle after receipt of the public complaint mitigated some of the risks and harms to communities.

291. Notwithstanding, prior to project cancelation, project-related activities were implemented, most notably socialization activities and preliminary selection of beneficiaries, which produced and had the potential to produce adverse impacts on communities and vulnerable groups. In particular, as described above, the CO did not ensure that indigenous peoples and marginalized *campesino* communities would not be excluded from project benefits or participation, or otherwise discriminated against; that project resources or information could not be utilized as financing or leverage by armed groups threatening communities; that the implementation of the project would not exacerbate stigmatization or conflict within and among communities and social actors; that the partnership and its activities, including socialization events, did not expose UNDP partners or other individuals or groups to a risk of coercion or reprisal. These impacts are discussed further in the section below on Findings of Relevant Harm.

292. Given the above evidence, SECU finds that the UNDP Colombia CO did not take necessary measures to avoid, minimize, and mitigate adverse human rights risks and impacts as required in the SES, in particular, regarding discrimination, conflict and reprisals which materialized during project implementation, and which could

¹⁷¹ UNDP, [Social and Environmental Screening Procedure](#), 2015, paras. 50-55.

¹⁷² See UNDP, [Heightened Human Rights Due Diligence for Business in Conflict-Affected Contexts: A Guide](#), 16 June 2022; see also Working Group on the issue of human rights and transnational corporations and other business enterprises, [Business, human rights and conflict-affected regions: towards heightened action](#), 21 July 2020,

have been avoided, minimized, or mitigated; the project context required heightened human rights impact assessment and management.

Compliance with UNDP Indigenous Peoples requirements

A. UNDP's Applicable Indigenous Peoples Requirements

293. SES Standard 6 on Indigenous Peoples requires projects to respect the human rights of indigenous peoples as affirmed by applicable law and the UN Declaration on the Rights of Indigenous Peoples (UNDRIP).¹⁷³

B. Compliance Analysis Regarding Indigenous Peoples

294. **SECU finds, for the following reasons, that the UNDP Colombia CO did not apply relevant indigenous rights protections in the design and implementation of the Private Sector Project.**

295. The complaint raised the following question regarding indigenous peoples:

1. Was the UNDP Colombia CO required to apply the protections of SES Standard 6 on Indigenous Peoples to the Private Sector Project?

296. SES Standard 6 on indigenous peoples applies “to all projects which may affect the human rights, lands, natural resources, territories, and traditional livelihoods of indigenous peoples regardless of (i) whether the Project is located within or outside of the lands and territories inhabited by the indigenous peoples in question...”¹⁷⁴

297. Standard 6 objectives include “promot[ing] greater control and management by indigenous peoples over developments affecting them, including their lands, resources and territories” as well as “avoid[ing] adverse impacts on the rights of indigenous peoples, their lands, resources and territories.”¹⁷⁵

298. Under SES Standard 6, projects are required to guarantee the meaningful, effective and informed participation of indigenous peoples on all matters.¹⁷⁶ Project activities that may adversely affect the existence, value, use or enjoyment of indigenous lands, resources or territories shall not be conducted unless agreement has been achieved through the process of Free Prior and Informed Consent.¹⁷⁷

¹⁷³UNDP, [Social and Environmental Standards](#), 2015, Standard 6, para. 4.

¹⁷⁴ UNDP, [Social and Environmental Standards](#), 2015, Standard 6, para. 4.

¹⁷⁵ Ibid, Standard 6.

¹⁷⁶ Ibid, Standard 6, para. 9.

¹⁷⁷ UNDP, [Social and Environmental Standards](#), 2015, Standard 6, para. 9.

299. As discussed above, in the social and environmental screening for the Private Sector Project, the CO did not identify Standard 6 as relevant. The project did not consult with the Siona of Buenavista nor consider them a stakeholder. The CO argues that the project activities were not located within Siona territory. However, as noted above, the trigger for standard 6 is not based on the project location being in indigenous territory, but of potential impacts on indigenous rights.
300. In this case, the Siona's allegations of rights abuses on the part of Amerisur/GeoPark were known by the project team before the project launch and their interest should have been identified in a proper stakeholder identification. Moreover, the project presented risks of indirect, cumulative, and induced rights impacts to the Siona People as discussed above, including increased exploration and exploitation activities bordering the Buenavista Reserve and which could impact within the reserve. Finally, there existed a risk of adverse rights impacts on the Siona of Buenavista and Piñuña Blanco derived from their being UNDP partners in the Sustainable Amazon Project (e.g. rights to traditional knowledge discussed above).
- 301. Based on the above evidence, SECU finds that the UNDP Colombia CO should have applied SES Standard 6 protections regarding indigenous peoples and should have taken appropriate measures to ensure the meaningful, effective and informed participation of the Siona and to assess whether project activities might adversely affect the existence, value, use or enjoyment of their lands, resources or territories, thereby requiring Free Prior and Informed Consent.**

IV. FINDINGS OF RELEVANT HARM

302. Under SECU's Investigation Guidelines, if the Compliance Review Investigation process results in findings of non-compliance, SECU will (1) make recommendations to bring the project into compliance and (2) make recommendations, where appropriate, to mitigate any harm that results from the breach of UNDP's social and environmental commitments.¹⁷⁸
- 303. SECU finds that the CO decision to cancel the GeoPark partnership early in the project cycle, after receipt of the public complaint, mitigated some of the risks and harms to communities.**
- 304. Nonetheless, SECU finds that the UNDP Colombia CO's non-compliance with UNDP's social and environmental commitments caused or contributed to harm to complainants and affected communities in the following ways:**

¹⁷⁸ Social and Environmental Compliance Unit, [Investigation Guidelines](#), 22 December 2014, para. 6. SECU investigations are administrative fact-finding processes. In assessing facts relevant to social and environmental compliance issues, SECU uses the "preponderance of evidence" standard, which is an assessment of whether a fact or assertion is more likely to be true than not true, based on information available to and assessed by SECU.

305. **The lack of consultation with the Siona of Buenavista and ADISPA regarding project activities that could impact them represents a harm to those organizations and the indigenous and *campesino* communities they represent.** These groups were denied the ability to participate in decision-making regarding activities that stood to impact them and their rights, including the ability to identify concerns and mitigate harm as well as to help shape a different approach that could possibly benefit them.
306. **The partnership created the conditions for potential coercion or intimidation,** and SECU notes particular concern regarding a reported interaction by GeoPark representatives with ADISPA leadership in January 2021. SECU is not in a position to investigate whether this interaction proceeded as reported. However, in the context of Colombia, specifically Putumayo, and the ongoing threats against ADISPA by armed actors alleged to be connected to GeoPark, SECU finds that this visit, as reported, could reasonably be viewed as an attempt to pressure or silence a human rights defender. However, even without considering this incident, SECU finds that the project created the conditions under which the company could claim leverage – financial leverage – over the organization, as well as a cover of legitimacy – the UNDP partnership, which increased the risk of coercion or intimidation to project stakeholders.
307. **The partnership additionally led to a breach of trust with key partners. For the Siona of Buenavista, the rupture of trust led to them ending their partnership with UNDP under the Sustainable Amazon Project, resulting in a loss of development benefits..** SECU finds that ADISPA, the Siona of Buenavista and Siona of Piñuña Blanco all expressed a bona fide and reasonable loss of trust with UNDP for supporting conservation and human rights initiatives and then allying itself with a company alleged to have engaged in human rights and environmental abuses in their territories. Relationships with several UNDP partners were adversely affected.
308. **SECU finds evidence of a degree of psychosocial harm to the complainants.** SECU heard from members of the Siona of Buenavista the feeling that they had been “tricked”, and that while they had trusted UNDP to engage with sacred areas of their culture (e.g. cultivation and the indigenous guard) this was tainted by funds from, and association with, a company with whom they have significant grievances. SECU similarly heard from Perla Amazónica residents that given all they have been through in their struggle with Amerisur/GeoPark, UNDP’s partnership with the company undermined their dignity.
309. **The project also likely contributed to marginalization and exclusion, potentially weakening the social fabric among and within communities and social groups.** The selection of project beneficiaries excluded communities and groups that oppose GeoPark’s activities while offering communities and groups more favorable to

petroleum activities access to pandemic relief. Project socialization activities, as well as the project cancelation, pitted project participants and proponents against communities and groups opposed to GeoPark.

310. **The project likely exacerbated the power imbalance between GeoPark and local communities by implying UNDP's endorsement.** UNDP's endorsement could reasonably be seen to mask **over adverse impacts and alleged rights violations, potentially undermining the legitimacy of communities and groups with active grievances against the company and their ability to obtain redress or advance protection of their rights in other fora.** Through its engagement with public officials and community members, and through its communications efforts, UNDP promoted GeoPark as a force for sustainable development and a boon to local communities' wellbeing, implying an endorsement of the company, and potentially influencing public perception and policy at a time when GeoPark was facing calls for remedy for past alleged harm and working to secure acceptance for expansion of its operations. As the Siona of Buenavista indicated, while the UNDP partnership with GeoPark was cancelled, the cancellation was low-profile, with much less UNDP publicity than that of the partnership launch events and did not counteract the impact on the local balance of power.

311. **SECU does not find that the Sustainable Amazon team attempted to pressure the Siona of Buenavista leadership into staying with the project by issuing a disbursement.** The Siona of Buenavista alleged that Sustainable Amazon Project funds were disbursed into their account days after the April 29, 2021 meeting with the CO in which they made clear their intention not to continue with the project, and that this represented an attempt to pressure them to continue with project implementation.¹⁷⁹ The CO, however, shared with SECU bank statements which indicate that the disbursement was initiated March 29, 2021, which would have been prior to the public launch of the UNDP-GeoPark agreement and prior to any indication by the Siona of Buenavista that they no longer wished to participate in the project.¹⁸⁰

¹⁷⁹ Resguardo Siona Buenavista, Letter to UNDP Colombia, 6 July 2021.

¹⁸⁰ Response to information request, including disbursement receipt.

V. RECOMMENDATIONS

In an effort to redress harms caused from non-compliance with applicable social and environmental policies, and prevent recurrence of similar non-compliance, UNDP at both Corporate and CO level should:

312. **Acknowledge the errors made, decisions taken, and lessons learned in connection with the Private Sector Project, in accordance with UNDP's commitment to transparency and accountability.** This acknowledgement should be communicated in dialogue with complainants and project stakeholders, as well as through broad public dissemination.
313. **Appropriately integrate within UNDP programming attention to the SES Human Rights programming principle, including an analysis of the current situation for human rights and environmental defenders in Putumayo and globally, and its impact on the potential for sustainable development.**
314. **Ensure a comprehensive approach to assessing and managing security, conflict and reprisals related risks in line with the 2021 SES,** including considering how security risks may impact project partners and participants, how the security situation may impact stakeholder engagement or project implementation, and what is needed to ensure that projects are not impacted by and do not exacerbate security risks, as well as any opportunities to positively impact the security situation or the vulnerability of individuals or groups.¹⁸¹
315. **Explore ways to utilize UNDP's relationships and influence with private sector partners, governments, and other stakeholders to further the SES commitment to an enabling environment for human rights and participatory development,** including through contractual provisions for the prevention of reprisals.
316. **Consistent with the UN Common Understanding on a Human Rights Based Approach to Development, improve capacity to integrate human rights analysis within due diligence, social and environmental screening, stakeholder engagement and other human rights-related processes,** including engagement with relevant UN and other human rights institutions and groups at the country and regional level.

¹⁸¹ See provisions on reprisal assessment and prevention in Standard 3: Community Health, Safety and Security, Project-Level Screening Assessment and Management of Social and Environmental Risks and Impacts, and Stakeholder Engagement and Response Mechanisms.

To respond to compromised trust of harmed communities and other stakeholders and prevent the reoccurrence of similar problems in other projects, the UNDP Colombia CO should:

- 317. Review its portfolio of private sector partnerships and due diligence assessments to ensure compliance, drawing on relevant technical expertise at the regional and Headquarters level.** Boost staff capacity on due diligence requirements and strategies and ensure central oversight of quality assurance. Review previous and existing staff relationships with the private sector and ensure that potential conflicts of interest are properly disclosed, avoided and mitigated as required.
- 318. Review project SESP's relevant to the compliance shortcomings identified in this report, drawing on relevant technical expertise at the regional and Headquarters level, to ensure proper social and environmental risk assessment and project categorization, and in particular, risks relating to conflict-affected areas.** Conduct comprehensive and ongoing training on social and environmental risk screening and management, including dedicated attention to contextual risks including human rights, discrimination, conflict, and reprisals.
- 319. Review all projects to ensure compliance with information disclosure and stakeholder engagement requirements, including regarding stakeholder identification and meaningful consultation.** Conduct comprehensive training across programmes regarding stakeholder engagement requirements and strategies, with particular attention to situations of conflict and marginalization.
- 320. Adopt necessary measures to ensure better understanding of and meaningful participation of indigenous peoples, community based and local or international civil society groups at the CO programming level,** for example, by engaging external experts to develop capacity on stakeholder engagement across all programme areas, and devoting resources to developing and maintaining ongoing relationships with these stakeholders.

To respond to compromised trust of communities and other stakeholders and prevent the reoccurrence of similar problems in other projects, UNDP Corporate should:

- 321. Ensure adequate oversight and support for design and due diligence of private sector partnerships to ensure they comply with applicable social and environmental policy requirements, including the SES.** SECU notes that the Due Diligence Policy was recently revised in late 2023. SECU recommends stronger oversight and support for design and due diligence of private sector partnerships, including greater support on understanding and addressing potential social and environmental impacts of private sector partnerships, including the risk of implying an endorsement that masks over adverse social and environmental impacts, or exacerbating the imbalance of power between companies and communities.

- 322. Take necessary measures to boost capacity at the CO level around meeting SES requirements related to social and environmental screening and assessment as well as stakeholder engagement.** In particular, UNDP would benefit from greater training, tools, and oversight regarding assessing and addressing complex issues of human rights, contextual risk, conflict, and reprisals.¹⁸²
- 323. Ensure clarity on how social and environmental and due diligence screening and assessment should be conducted when various workplans or outcomes are grouped together under a single project or under a “portfolio” approach, to ensure there are no gaps in managing risks for all UNDP-supported activities.**

DRAFT

¹⁸² The 2021 SES require that project developers/implementers seek to identify, reduce and address the risk of retaliation and reprisals against people who may seek information on and participation in project activities, express concerns and/or access grievance redress mechanisms. Guidelines include clarifying to all relevant parties there will be zero tolerance for reprisals. UNDP, [Social and Environmental Standards](#), 2021, Part C, para. 27. SECU notes that best practice among development finance institutions is to adopt corporate policies and procedures on prevention and response to reprisals that identify what measures should be taken at the CO and corporate level to prevent, assess, mitigate, and respond to reprisal risks. SECU notes that the IFC also has a useful framework and tool explicitly for assessing contextual risks.

ANNEX 1. Discrete findings on due diligence of the GeoPark partnership through the Equipares Project

1. The primary scope of this SECU investigation is centered on the Private Sector Project, and compliance findings related to that project are found in the main investigation report. However, limited analysis and findings were also made regarding the Gender Equality Management System – Equipares Project (herein Equipares)¹⁸³, in so far as these are intertwined with the Private Sector Project and implicated in the concerns raised by the complainants. This Annex 1, therefore, includes limited compliance findings related to an analysis of the due diligence of the GeoPark partnership under the Equipares Project, which was also the basis of the due diligence conducted for the GeoPark partnership under the Private Sector Project, with some updates.

A. UNDP’s Applicable Due Diligence Requirements

2. UNDP’s Due Diligence Policy requirements are described in Section 3 - Compliance with UNDP private sector due diligence requirements above.

Compliance Analysis Regarding Due Diligence

3. **SECU finds, for the following reasons, that the UNDP Colombia CO’s due diligence assessment of GeoPark under the Equipares Project was inconsistent with UNDP’s due diligence requirements.**
4. The complaint raised the following due diligence-related question in regard to the Equipares Project:

Did the UNDP Colombia CO conduct adequate due diligence of GeoPark in the context of the Equipares Project?

5. The due diligence assessment of GeoPark in the context of the Equipares Project was completed by the Colombia CO in February 2019.
6. The financing agreement with GeoPark was signed February 2020, after GeoPark’s January 2020 acquisition of Amerisur. The RAT, however, was not updated with an assessment of Amerisur’s activities.

¹⁸³ UNDP Colombia, [Sello de Equidad Laboral Equipares \(Project ID: 101660\) Project page](#).

7. While the GeoPark RAT under the Equipares Project identified evidence of significant controversies related to GeoPark – namely significant controversies from local or global NGOs/media – the due diligence decision was not escalated to headquarters as required and indicated by the RAT form. It was instead approved without conditions.
8. **Given the above evidence, SECU finds that the UNDP Colombia CO did not conduct adequate due diligence of GeoPark in the context of the Equipares Project, and given the identification of evidence of significant controversies, the CO should have escalated the due diligence decision to headquarters as required by UNDP's Due Diligence Policy.**

DRAFT

ANNEX 2. Discrete findings related to the rescreening of the Sustainable Amazon Project

1. The primary scope of this SECU investigation is centered on the Private Sector Project, and compliance findings related to that project are found in the main investigation report. However, limited analysis and findings were also made regarding the Sustainable Amazon Project¹⁸⁴, in so far as these are intertwined with the Private Sector Project and implicated in the concerns raised by the complainants. This Annex 2 therefore includes limited compliance findings related solely to an analysis of the rescreening of the Sustainable Amazon Project following the complaint over the GeoPark partnership, and whether that rescreening properly assessed risks identified and experienced by Sustainable Amazon Project partners and complainants.

A. UNDP's Applicable Social and Environmental Screening and Assessment Requirements

2. UNDP's Social and Environmental Standards (SES) and Social and Environmental Screening Procedure (SESP) are described above.
3. Because the Sustainable Amazon Project was approved in 2018, its original screening and assessment fell under the 2015 SES and SESP. The project was rescreened June of 2021, following the cancelation of the Private Sector Project, utilizing the updated SES and SESP. This compliance analysis therefore is based upon compliance with the 2021 SES and SESP.

B. Compliance Analysis Regarding Social and Environmental Screening and Assessment

4. **SECU finds, for the following reasons, that the UNDP Colombia CO did not adequately screen and assess the social and environmental risks associated with the Sustainable Amazon Project, as required by the SES and SESP.**
5. The complaint raised the following screening and assessment-related questions in regard to the Sustainable Amazon Project:
 1. *Did the UNDP Colombia CO properly identify the social and environmental risks to Sustainable Amazon project partners, given the experience with the GeoPark partnership?*
6. The original SESP completed for the Sustainable Amazon Project did not identify any risks for project partners, despite the fact that the project involved several risk indicators, including livelihoods and natural resources, indigenous peoples and other marginalized groups, in conflict areas, with little State presence, in the Amazon. This

¹⁸⁴ UNDP Colombia, [Connectivity and Biodiversity Conservation in the Colombian Amazon \(Project ID: 89719\) Project page](#).

also means that necessary mitigation measures were not put into place, some of which could potentially have mitigated impacts experienced by project partners impacted by the GeoPark partnership.

7. The SESP was updated using the revised 2021 template, in June of 2021 after the fallout over the Private Sector Project launch and the complaints by Sustainable Amazon Project partners.
8. The revised SESP for the Sustainable Amazon Project represented a significant improvement over the original. For instance, it identified eleven risks from the SESP checklist, including the risk that indigenous peoples' traditional knowledge or practices could be exposed in situations and with actors foreign to their culture, and that "[i]mpacts on people's life or security" could arise, "due to illegal armed groups that exercise pressure on the organizations, local partners or institutions that participate directly or indirectly in the project."
9. At the same time, the CO answered "NO" to whether "local communities or individuals have raised human rights concerns regarding the project", and whether there was a risk of "adverse impacts on the enjoyment of human rights" of affected populations and marginalized groups. The CO also answered "NO" to the risk of "adverse impacts on indigenous peoples' development priorities as defined by them."
10. Yet, several project partners *had* raised human rights concerns about the project. And indigenous partners had already highlighted how their participation in the Sustainable Amazon Project while UNDP was partnering with GeoPark could have the impact of advancing GeoPark's oil operations in the area and otherwise have adverse impacts on indigenous peoples' rights and development priorities. Indigenous partners additionally raised the concern that sensitive information gathered in the context of the Sustainable Amazon Project could end up in the hands of GeoPark.¹⁸⁵
11. The CO also answered "NO" to the risk of "reprisals or retaliation against stakeholders who express concerns or complaints, or who seek to participate in or obtain information about the project." The security situation in the project area, however, was extremely precarious, including a heightened risk of reprisal for project partners. A 2021 midterm monitoring report for the Sustainable Amazon

¹⁸⁵ Resguardo Siona Buenavista, Amazon Frontlines, Amazon Watch, and Healing Bridges, [Comunicado Público Conjunto](#), 17 May 2021. The Sustainable Amazon Project involved mapping of indigenous peoples' territories, including borders and sacred sites which can be viewed as sensitive given that several of the project partners are in active disputes or administrative processes regarding territorial boundaries. It also involved traditional knowledge in the form of agricultural practices. This issue was very important to the Siona of Piñuña Blanco and was raised by the group as soon as they learned of the GeoPark partnership. They requested, and the CO agreed, to renegotiate the terms of their grant agreement to specify that UNDP cannot use or share the information provided by them.

Project detailed these threats, including “intimidation and pressure against the ADISPA Board of Directors by armed groups, allegedly linked to oil groups” to stop advocating for environmental sustainability in the Perla Amazónica.¹⁸⁶ The report also notes the assassination of two (non-grantee) project partners in 2020.¹⁸⁷

12. Finally, the CO answered “NO” to the risk of an “absence of culturally appropriate consultations” with the objective of achieving the free prior and informed consent of indigenous peoples on matters that affect their rights and interests, lands, resources, territories or traditional livelihoods. However, at the time the SESP was updated, the issue of culturally appropriate consultations *had* been raised by indigenous project partners who stated that they were not provided sufficient information on UNDP’s funding relationships to allow for their informed participation as Sustainable Amazon Project partners.
13. **Given the above evidence, SECU finds that the UNDP Colombia CO did not appropriately identify the social and environmental risks for Sustainable Amazon Project partners, in particular, relating to human rights impacts, as required by the SES, especially given the experience with the GeoPark partnership.**

2. Did the UNDP Colombia CO properly assess the significance of the social and environmental risks associated with the Sustainable Amazon Project and should the project have been assigned a higher overall project risk categorization?

14. Under the 2021 SESP, the significance of a risk is assessed as either low, moderate, substantial, or high. A risk’s significance is determined as a product of its impact and probability, both assessed on a scale of one to five.¹⁸⁸ “Extreme” impacts include significant adverse impacts on human populations and/or the environment, adverse impacts to rights, lands, resources and territories of indigenous peoples, and impacts which may give rise to significant social conflict.¹⁸⁹ “Extensive” impacts, the next level down from Extreme, are defined as adverse impacts on people and/or environment of considerable magnitude, spatial extent and duration, but more limited than Extreme (e.g. more predictable, mostly temporary, reversible), with the SESP specifying that “[i]mpacts of projects that may affect the human rights, lands, natural resources, territories, and traditional livelihoods of indigenous peoples are to be considered at a minimum potentially Extensive.”¹⁹⁰ “Intermediate” impacts are defined as those of medium magnitude, limited in scale (site-specific) and duration

¹⁸⁶ UNDP/GEF, [Midterm Review Report - Connectivity and Biodiversity Conservation in the Colombian Amazon](#), 19 August 2021.

¹⁸⁷ Ibid.

¹⁸⁸ Note that the 2021 SESP added the category of substantial risk, whereas the 2015 SESP only had three risk levels: low, moderate, and high.

¹⁸⁹ UNDP, [Social and Environmental Screening Procedure](#), 2021.

¹⁹⁰ Ibid, Table 2.

(temporary), and which can be avoided, managed and/or mitigated with relatively uncomplicated accepted measures.¹⁹¹

15. Based on the significance of the various individual risks identified, the project is assigned an overall project risk categorization of either low, moderate, substantial or high. Moderate Risk projects are those where potential adverse social and environmental impacts are “limited in scale, largely reversible, and can be identified with a reasonable degree of certainty and readily addressed through application of recognized good international practice, mitigation measures and stakeholder engagement.”¹⁹² Substantial Risk projects are those where potential adverse social and environmental risks and impacts are “more varied or complex” than those of Moderate Risk projects but remain limited in scale and are of lesser magnitude than High Risk projects. Substantial Risk projects may also include those with a varied range of risks rated as “moderate” that require more extensive assessment and management measures. High Risk projects are those where potential adverse social and environmental risks and impacts are significant, irreversible, unprecedented and/or which raise significant concerns among potentially affected communities and individuals as expressed during the stakeholder engagement process.
16. According to the SESP, project categorization is determined by the highest level of significance of identified risks across all potential risk areas.¹⁹³ The SESP additionally specifies that “in cases where screening identifies multiple risks of Moderate or Substantial significance, users may need to decide to categorize the project at a higher risk categorization level given the potential cumulative nature of the risks and/or complexity of assessing and managing a wide range of risks.”¹⁹⁴
17. In addition, according to the 2021 SESP checklist, if the response to question 6.3 regarding “potential positive or negative impacts on indigenous peoples’ human rights or rights to lands, territories, resources or traditional way of life” is “yes”, then the project should be assigned an overall classification of Substantial or High Risk.
18. In the SESP for the Sustainable Amazon Project, all eleven identified risks are assessed as “intermediate” impact with either “moderately likely” or “low likelihood”, yielding a “moderate” significance rating for each risk. Accordingly, the project overall is categorized as Moderate Risk.
19. SECU finds, however, that in several instances, the significance of identified risks was underassessed. For instance, the risk that “[i]mpacts on people’s life or security, due to illegal armed groups...” is assessed as “moderate” significance, based on an

¹⁹¹ UNDP, [Social and Environmental Screening Procedure](#), 2021, Table 2.

¹⁹² UNDP, [Social and Environmental Standards](#), 2021, para. 9.

¹⁹³ UNDP, [Social and Environmental Screening Procedure](#), 2021, para. 47.

¹⁹⁴ *Ibid*, para. 47.

impact rating of “intermediate” and a probability rating of “moderately likely”. A threat to one’s life or security is perhaps the most significant adverse impact possible. Security risks are also inherently complex and unpredictable. This risk should therefore have been assessed as “extreme”, yielding a significance rating of “high”, versus “moderate” for this risk.

20. As another example, the risk that the development of project activities could pose a “risk to indigenous peoples’ cultural, social, organizational, environmental, dimensions or land use” is assessed as “moderate” significance based on an impact rating of “intermediate” and a probability rating of “low likelihood.” The risk that indigenous peoples’ traditional knowledge or practices could be exposed in situations and with actors foreign to their culture is assessed as of “moderate” significance based on an impact rating of “intermediate” and a probability rating of “low likelihood.”
21. Given that these potential impacts affect the human rights, lands, natural resources, territories, and traditional livelihoods of indigenous peoples, under the SESP, they are *required* to be considered at a minimum potentially “Extensive”.
22. Regarding probability, the likelihood that a conservation project like the Sustainable Amazon Project could pose a risk to indigenous peoples’ cultural, social, organizative, or environmental dimensions or land use or expose their traditional knowledge is a “very likely” if not “expected” risk. These impacts were raised by indigenous project partners in the context of the GeoPark partnership, prior to the approval of the revised Sustainable Amazon Project SESP, as discussed above. While the revised SESP identifies mitigation measures for both these risks, under the SESP, the significance of impacts is to be assessed regardless of any possible mitigation measures.
23. A proper impact rating of “extensive” and a probability rating of “very likely” or even “moderately likely”, would have yielded a significance rating of “substantial” for each risk, rather than “moderate”.
24. Because overall project risk categorization is to be assigned based on the highest significance of any of the identified risks, had the significance of the above risks been correctly assessed, this would have triggered an overall project risk categorization of High, rather than Moderate. Moreover, the SESP required an overall project risk categorization of Substantial or High Risk due to the identification of potential impacts on indigenous peoples’ rights.¹⁹⁵

¹⁹⁵ UNDP, [Social and Environmental Screening Procedure](#), 2021, Question 6.3.

25. **Based on the above evidence, SECU finds that the UNDP Colombia CO did not properly assess the significance of the risks identified for the Sustainable Amazon Project and should have categorized the project as High Risk rather than Moderate Risk.**

3. Should the UNDP Colombia CO have conducted a more comprehensive impact assessment of the Sustainable Amazon Project?

26. Under the SES, project risk categorization indicates the type and degree of social and environmental assessment measures required.¹⁹⁶ Moderate Risk projects typically require targeted social and environmental assessment, especially where the full extent of impacts is unclear. Substantial Risk projects typically require an appropriately scoped Environmental and Social Impact Assessment (ESIA), while High Risk projects require comprehensive social and environmental assessment and risk avoidance, mitigation, and management measures.
27. The revised SESP completed by the CO marked “YES” as to whether additional assessment of the project was required under the SES. However, the only comprehensive or targeted assessment prepared was an Indigenous Peoples Plan.
28. The risks entailed in the project, including risks involving marginalized non-indigenous *campesino* communities’ rights to resources, cultural impacts, and security risks are both significant and complex, making their full extent unclear. Moreover, given that the Sustainable Amazon Project should have been categorized as High Risk, it required comprehensive environmental and social impact assessment and management plans covering both indigenous and campesino communities.
29. **Given the above evidence, SECU finds that the UNDP Colombia CO did not conduct a comprehensive social and environmental impact assessment of the Sustainable Amazon Project as required.**

¹⁹⁶ UNDP, [Social and Environmental Standards](#), 2021, para.13.

ANNEX 3. Discrete findings related to due diligence of the Ecopetrol partnership within the Infrastructure for Development Project

1. The primary scope of this SECU investigation is centered on the Private Sector Project, and compliance findings related to that project are found in the main investigation report. However, limited analysis and findings were also made regarding the Infrastructure for Development Project¹⁹⁷, in so far as these are intertwined with the Private Sector Project and implicated in the concerns raised by the complainants. This Annex 3, therefore, includes limited compliance findings related solely to an analysis of relevant components of the due diligence conducted on the Ecopetrol partnership negotiated under the Private Sector Project and approved as part of the Infrastructure for Development Project, and whether that due diligence properly assessed reputational risks raised in the context of the fallout over the GeoPark partnership.
2. The Ecopetrol RAT was updated April 2021 from a RAT completed in 2019. The Ecopetrol component of the Private Sector Project was rolled into the preexisting Infrastructure for Development Project upon the closure of the Private Sector Project after May 2021. The Ecopetrol component of the Infrastructure for Development Project was approved via a PAC in June 2021.

A. Applicable UNDP Due Diligence Requirements

3. See the description of UNDP's Due Diligence Policy in Section III - Compliance with UNDP private sector due diligence requirements above.

B. Compliance Analysis Related to Due Diligence Requirements

4. **SECU finds, for the following reasons, that the UNDP Colombia CO's due diligence surrounding the Ecopetrol partnership did not meet UNDP's Private Sector Due Diligence Requirements.**
5. The complaint raised the following questions related to private sector due diligence in regard to the Ecopetrol partnership:

1. Should the UNDP Colombia CO have decided not to move forward with the Ecopetrol partnership or escalated the due diligence decision to UNDP headquarters?

6. As discussed above, according to the Private Sector Policy and the Due Diligence Policy, all decisions related to potential partners exposed to exclusionary criteria or

¹⁹⁷ UNDP Colombia, [Infraestructura para el Desarrollo \(Project ID: 123292\) Project page](#).

significant controversies must be escalated to UNDP Headquarters.¹⁹⁸ If there are significant controversies in several areas, the partnership should not go forward.¹⁹⁹

7. In the RAT for the Ecopetrol partnership, the CO selected “no evidence” for each of the exclusionary criteria, including “violation of human rights or complicity in human rights violations.” The comments section, however, states the following: *“There is no evidence of exclusionary criteria that prevent or limit a partnership between the company and UNDP. However, in section 2.1 potential controversies, news related to complaints against the violation of human rights is detailed in depth. No evidence was found to substantiate these allegations.”*
8. Section 2.1 then identifies an extensive list of evidence (over 67 items) of human rights and environmental controversies, including news reports, court cases and administrative sanctions relating to alleged corruption, environmental contamination, labor abuses, connection with paramilitaries, violation of indigenous rights, and displacement. The CO checked the “evidence” box for each of the following potential controversies: significant criticism from local or global NGOs, recurring local public events against the private sector entity, and relevant legal cases.
9. As with the GeoPark partnership, the CO did not escalate the Ecopetrol partnership due diligence to headquarters, despite the finding of significant controversies across several different areas. The partnership was instead approved without conditions.
10. **Based on the above evidence, SECU finds that the CO should have either not moved forward with the Ecopetrol partnership on the basis of significant controversies in several areas, or at a minimum escalated the due diligence decision to UNDP headquarters as required.**

2. Did the UNDP Colombia CO adequately assess and manage Ecopetrol partnership risks, specifically the risk of compromising the perception of UNDP’s integrity and independence?

11. As stated above, the Due Diligence Policy requires that partnerships be assessed to ensure they do not compromise the integrity and independence of UNDP. The RAT asks about conflicts of interest in terms of future procurement, but also asks the initiating unit to identify any relationships between UNDP staff and the private sector entity.²⁰⁰
12. UNDP’s ethics rules establish the requirements for UNDP personnel for avoiding and managing conflicts of interest. UNDP personnel have an obligation to disclose, avoid

¹⁹⁸ UNDP, [Private Sector Partnerships Policy](#), 2016, para. 24.

¹⁹⁹ UNDP, Policy on Due Diligence and Partnerships with the Private Sector, 2013, Section 4.4 Making a Decision; and Figure 1.

²⁰⁰ These questions are found under Partnership Risks, and Company Information.

and mitigate any apparent or actual conflict of interest. This includes a managerial obligation to act upon any knowledge of a potential conflict of interest, including assessing the potential conflict, seeking the advice of the Ethics Office, and enacting specific measures to avoid, mitigate or manage the potential conflict.

13. SECU notes that the UNDP Colombia CO's point person for petroleum sector partnerships and the lead point of communications between the office and GeoPark as well as Ecopetrol for those respective partnerships was a former employee of Ecopetrol. Yet in the RAT for the Ecopetrol partnership, in answer to the prompt: "Relationships between UNDP staff and the private sector entity", the CO stated the following: "There is no evidence of any relation between UNDP personnel and the company."
14. The CO stated to SECU that this individual served as a contractor with UNDP in the same role since 2015 and did not serve in a decision-making capacity.
15. Nonetheless, SECU finds that the statement on the RAT denying any relationship between UNDP personnel and the company was inaccurate. Moreover, SECU confirmed with the UNDP Ethics Office that this would be considered an apparent conflict of interest that should have been disclosed, and that the advice of the Ethics Office was not sought regarding how to avoid or mitigate the conflict as required.
16. As described above, the perception of a conflict of interest in the CO's engagements with the petroleum sector was raised by various Private Sector Project stakeholders, as well as publicly in an August 11, 2022 New York Times article, which alleged that the CO had a "revolving door" with the industry.
17. **Based on the above evidence, SECU finds that with the Ecopetrol partnership, the UNDP Colombia CO did not adequately disclose, avoid or mitigate an apparent conflict of interest related to project personnel, and as such did not adequately assess and manage partnership risks, specifically the risk of compromising the perception of UNDP's integrity and independence by communities and other stakeholders, undermining UNDP's ability to effectively deliver to its intended beneficiaries.**

ANNEX 4. Indicative list of interviewees

Complainants

1. Members and leadership of the Siona Buenavista Reserve
2. Members and leadership of Asociación de Desarrollo Integral Sostenible Perla Amazónica (ADISPA)

UNDP Personnel - Colombia

3. UNDP Colombia Resident Representative
4. Former UNDP Colombia Resident Representative
5. UNDP Colombia Deputy Resident Representative
6. Team members of the Private Sector and Agenda 2030 Project
7. Team members of the Sustainable Amazon for Peace Project
8. Team members of the Equipares Project
9. Other UNDP CO personnel

Other Territorial Authorities

10. Members and leadership of Piñuña Blanco Reserve

Civil Society Organizations

11. Comisión Intereclesial de Justicia y Paz
12. Amazon Frontlines
13. Amazon Watch
14. Business & Human Rights Resource Centre

GeoPark Personnel - Colombia

15. Members of the Nature and Neighbors team

Other

16. UN Resident Coordinator for Colombia
17. Former Colombia National Ombudsman
18. Representative of United Nations High Commissioner for Human Rights Colombia Office
19. United Nations Department for Safety and Security