

## Newsletter about Pesticides

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### Jurisdictional News



#### **Colombia: Aerial spraying of glyphosate on illicit coca crops rejected by the Court**

On January 19, 2022, the Colombian Constitutional Court made public [its decision of November 29, 2021](#) to cancel the resolution by which the National Environmental Authorization Authority (ANLA) had given its approval to the environmental management plan that included a program to eradicate illegal crops by aerial spraying with glyphosate (PECIG), presented by the National Police. The Court approved the judgment in appeal, which itself had partially confirmed judgment in the first instance .

According to the Court, ANLA should not have taken a decision on modifying the PECIG without having first completed the process of consultation with all the ethnic communities that might be affected by the spraying activity. The technological means put in place during the COVID-19 health situation did not allow for the effective participation of these communities, because they have limited or no access to the internet. Recognizing the violation of the right to

environmental participation of these communities, the Court granted the so-called "[\*tutela\*](#)" action.

The *tutela*, established in the 1991 Constitution, is a priority procedure by virtue of which any person may claim before any judge and at any time the protection of his or her fundamental constitutional rights, whenever he or she considers that these have been infringed or threatened by the action or inaction of any public or private authority.

In its ruling, the Constitutional Court ordered ANLA, the Ministry of the Interior and the National Police to carry out a process of prior consultation with the ethnic communities present in each of the six defined operational nuclei, which cover a total of 104 municipalities in 14 departments, within a period of one year, extendable up to six more months.

This consultation must allow the ethnic communities to assess the impact that the modification of the PECIG may have on their territories, on their cultural integrity or on any aspect of their cosmovision, as stated by the Court.

The ruling is another setback for President Duque, [who unilaterally decided in 2021](#) to restart aerial pesticide spraying of illicit coca crops and brought in the military in at least seven departments of the country.

*If you've made it this far, can you make one more tiny effort?*

*Justice Pesticides needs your help to continue this work of investigation and information to support victims of pesticides.*

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