



Sveriges lantbruksuniversitet  
Swedish University of Agricultural Sciences

Faculty of Natural Resources and  
Agricultural Sciences

# **Engaging the plurality of values in the improvement of the Environmental Impact Assessment in Colombia**

– What's the problem represented to be of the Colombian Environmental License Process?

*Andrea Maria Cantillo Carrero*



## **Engaging the plurality of values in the improvement of the Environmental Impact Assessment in Colombia**

- What's the problem represented to be of the Colombian Environmental License Process?

*Andrea Maria Cantillo Carrero*

**Supervisor:** Kaisa Raitio, Swedish University of Agricultural Sciences, Department of Urban and Rural Development

**Examiner:** Lotten Westberg, Swedish University of Agricultural Sciences, Department of Urban and Rural Development

**Credits:** 30 HEC

**Level:** Second cycle (A2E)

**Course title:** Independent Project in Environmental Science - Master's thesis

**Course code:** EX0431

**Course coordinating department:** Department of Aquatic Sciences and Assessment

**Programme/education:** Environmental Communication and Management – Master's Programme

**Place of publication:** Uppsala

**Year of publication:** 2019

**Online publication:** <https://stud.epsilon.slu.se>

**Keywords:** problem representations, practice, power, environmental impact assessment, environmental license process, environmental authorities, environmental consultants, non-governmental organizations, assumptions, effects, what's the problem represented to be

**Sveriges lantbruksuniversitet**  
**Swedish University of Agricultural Sciences**

Faculty of Natural Resources and Agricultural Sciences  
Department of Urban and Rural Development

## Abstract

The Environmental License Process in Colombia is the tool which is used to decide if a project that will impact the environment of the country can take place, and under which requirements. The decision is made by assessing the impacts that potential projects can have in the environment and surrounding communities, presented in the Environmental Impact Assessment by companies who are interested in developing the project. However, due to the development of projects in the country, there continues to be numerous environmental impacts. For this reason studies have been done to identify which aspects in the process need to be worked on for the process to improve, which look into the implementation of the legislation that rules the process and compare it with internationally considered Environmental Impact Assessment best practices.

In this study, based on practice theory, I argue that in order to have a better understanding on why the process is not fulfilling its purpose, the views of the actors who take part in it need to be studied. I studied the problem representations which lie behind the proposals of improvement given by individuals from Environmental Authorities, Environmental Consultants and Non-Governmental Organizations through the use of Bacchi's 'What's the problem represented to be?' approach, which serves as a methodological and theoretical framework.

The representations identified do not compete against each other and make reference to: the process' structures, the environmental impact assessment process, the decision making process, and the practitioners' compliance with their responsibilities. They are a reflection of the actors' responsibilities in the process and their interactions with other actors in it. It is seen that they were built under the assumptions that Colombian organizations cannot be trusted and that there is a need for more transparent accountability. Similarly, they are built under a discontent with the letter of the law being prioritized over the spirit of the law and the way participation is currently perceived in the process. However, not enough attention was given to the lack of governance in some regions of the country which affects the implementation of any measure to be taken. Lastly, the majority of representations gave the responsibility to an external actor; a situation which I argue to be problematic as it robs the practitioners from the power they have as agents to affect the process.

*Keywords:* problem representations, practice, power, environmental impact assessment, environmental license process, environmental authorities, environmental consultants, non-governmental organizations, assumptions, effects, what's the problem represented to be.



# Table of contents

<b>1 Introduction.....</b>	<b>10</b>
1.1 Research purpose and research questions.....	12
<b>2 Research design .....</b>	<b>13</b>
2.1 Theory and method.....	13
What's the Problem Represented to be? Approach.....	14
2.2 Data collection .....	15
2.3 Analysis of data .....	16
<b>3 Colombian Environmental License Process .....</b>	<b>18</b>
<b>4 Actors' Problem representations on the Colombian Environmental License Process.....</b>	<b>21</b>
4.1 The problem representations.....	21
Structures outside of the ELP.....	21
Environmental Impact Assessment process.....	22
Decision making in the ELP.....	23
Practitioners' compliance of the ELP.....	23
4.2 Actors' problem representations.....	27
<b>5 Analysis of the problem representations .....</b>	<b>29</b>
5.1 Mistrust of the Colombian Society in its organizations .....	29
5.2 Letter of the law vs Spirit of the law .....	30
5.3 Participation .....	31
5.4 Transparent accountability.....	32
5.5 Lack of governance .....	33
<b>6 Effects of the problem representations .....</b>	<b>34</b>
6.1 Agency .....	34
Practitioners work in the practice.....	35
<b>7 What do the representations mean moving forward? .....</b>	<b>36</b>
7.1 The ELP as a practice .....	36
<b>8 Authors' relation to this study.....</b>	<b>38</b>
<b>9 Conclusion .....</b>	<b>39</b>
<b>References.....</b>	<b>40</b>
<b>Annex.....</b>	<b>43</b>

## List of tables

Table 1 Structures outside of the ELP Problem Representations.....	24
Table 2 EIA process Problem Representations .....	25
Table 3 Decision Making in the ELP Problem Representations.....	26
Table 4 Practitioners' compliance Problem Representations.....	26

# List of figures

Figure 1 Colombian Environmental License Process. ....20



## Abbreviations

EDA	Environmental Diagnosis of Alternatives
EIA	Environmental Impact Assessment
ELP	Environmental Licensing Process
CGR	Contraloría General de la República
NGO	Non-Governmental Organizations
WPR	What is the problem represented to be?

# Acknowledgements

I want to thank the Swedish Government who through the Swedish Institute granted me the Study Scholarship which allowed me to study my master in Environmental Communication and Management.

For my beautiful family and friends who gave me their support and strength through it all, I am deeply thankful to you. God has blessed me with you.

I am especially grateful to all the interviewees and individuals who confided in me their views and work without which this research could not have happened. I give thanks to the individuals who guided me to them and that were supportive of my research and my studies in Sweden.

Lastly, Lars Hallgren, Kaisa Ratio, and Lotten Westberg I can only thank for your support and guidance. Laura Wolf and Agnes Grönvall thank you for engaging with me in this topic which is close to my heart.

# 1 Introduction

The Environmental Impact Assessment (EIA) is a tool created for governments to consider the environmental capital of the countries in their development. It assesses the risks that potential projects can have on the environment and therefore on the citizens of the countries. It came into force for the first time in the United States in 1970 as a move to stop environmental degradation. From this moment, other countries have been using it for the same purpose through their own legislations and guidelines (SOAS University of London, 2014; Toro, et al., 2010).

In Colombia, the EIA is part of the Environmental License Process (ELP) which decides if a project that possesses high potential to affect the environment can take place or not. The environmental law establishes the ELP to be an environmental management requirement for projects with the potential of having significant impacts on the environment and/or the landscape (Law 99 of 1993) (Official Journal of the Colombian Government, 1993; Toro Calderón, et al., 2013). It is the process through which the government is able to assess how the environmental capital of the country is going to be used or affected. Based on the country's constitution, the government should guarantee sustainable development and the right of every citizen to a clean and healthy environment (Asamblea Nacional Constituyente (1991), 1991). Thus, the EIA is used to identify and assess the potential impacts of the projects for the decision to be made. Supposedly, its findings are used to decide on the future of the projects. If from the information in the EIA, it is considered that the project can take place an Environmental License is given. The license is legally binding, it includes requirements to be fulfilled during the execution of the project and after its completion aiming to guarantee as little impact to the environment as possible.

Therefore, the purpose of the ELP is theoretically to be a preventive process to avoid unwanted environmental damage. In the EIA, environmental impacts and the measures to work around them are identified and established before the project begins. As a result, it is expected that the impacts which are not able to be contained or that represent a threat to the population and the environment do not happen; being through proper management measures or by the project being denied an environmental license. However, after approximately 25 years of the entry into force of the Law that establishes it, harmful environmental impacts that are perceived as preventable by Colombian citizens are still present. Different circumstances have been brought to the public eye which testify this reality. The quality of rivers has been greatly affected by pollutant discharges of industries and agricultural activities (Arias Espana, et al., 2018; Vinish, 2006; Tejeda-Benitez, et al., 2016). Also, different Environmental Licenses of projects have been withdrawn after their approval. A consequence of civil society pressure that claims the environmental treasures of the country will suffer irreparable damage if the projects take place (BBC Mundo, 2016). Similarly, the Colombian Constitutional Court<sup>1</sup> established that a mining company has been disregarding environmental law for several years now, by polluting the environment and greatly affecting the health of surrounding communities. Now, by demand of the Court, the company must file for another Environmental License in which stricter environmental requirements should be listed reflecting current environmental law (Cobb & Acosta, 2018; González, 2018; Noticias RCN, 2018). These cases show how significant environmental impacts by projects are still happening or are being given room to happen despite of the ELP.

Consequences of this mismanagement are already being recognized by the Colombian citizens, especially those near the projects, causing them to demand for decision making that takes into account the wellbeing of both them and the environment. Inhabitants of towns where potential for mining and/or fossil fuel extraction was identified, organized popular votes for them to decide if they want these activities in their regions or not. The majorities' decision in each of them has been that they do not want the projects. They have worked under

---

<sup>1</sup> The *Colombian Constitutional Court* is the jurisdictional entity in charge of keeping the integrity and superiority of the constitution

slogans of environmental protection such as: “without gold we live, without water we die” (Durán, 2017; Fernández, 2017). A situation that clearly shows that the ELP is not trusted to comply with its aim of prevention and protection of the environmental capital, or to guarantee a healthy environment for the Colombian citizens. If there was trust in the ELP the public votes would not have taken place because the protection of the citizens’ right for water would be guaranteed. The ELP will take into account their right to a healthy environment, and the provision of water for their lives, when assessing the potential impacts of the project given in the EIA. However, due to lack of trust regarding the process, the inhabitants used one of the participatory mechanisms in the constitution to decide themselves, and give a clear message, on their desire to stop these activities from happening in their regions (Banco de la República, 2017). Therefore, there is a clear importance on identifying what is constraining the process to fulfill its purpose, what aspects are not working, and how it can be improved.

Already, Colombian researches and control authorities have conducted research to assess the ELP effectiveness and what needs to be improved in it (Toro, et al., 2010; Contraloría General de la República, 2017). This research is focused on what in the regulations (laws and decrees) that rule the ELP and its implementation constraints a proper environmental management. Toro, et al. (2010) studied the Colombian ELP with the aim of learning about its strengths and weaknesses through international methods and models adapted to the Colombian context (its laws and natural resources). These methods and models are presented by them to be based on what is internationally considered as Environmental Impact Assessment Best Practice (ibid). The model used gives a list of criteria against which the practice of ELP in Colombia is evaluated to determine if the criterion fully, partially or does not at all apply in the Colombian ELP. To validate their own assessment, they asked a panel of experts to do the same evaluation following the same criteria. The experts were university professors, individuals with experience in environmental law, and individuals with more than 10 years of experience in the practice (ibid). Another study was run in 2017 by the Contraloría General de la República (CGR)<sup>2</sup> which “legally and technically analyzed the ELP” (Contraloría General de la República, 2017). In their study, the coherence and efficiency between what has been implemented over the years and what the laws state was contrasted. Furthermore, it checked for coherence among what is stated in the different laws about Environmental License and EIA (Contraloría General de la República, 2017). As expected, both studies have identified that the Colombian ELP needs to be improved but only Toro, et al. (2010) presented concrete measures to be taken in order to do so, the CGR mandated for the government to decide on them based on its findings.

Recognizing the importance of these studies and the contributions they have made, I believe both of them lack an important component without which any measure to be taken will not be completely satisfactory or successful in the improvement of the practice. The studies were both done assuming that the ELP is a text to be followed rather than as a practice that is continuously enacted. Processes are influenced by the individuals’ experiences and beliefs and not only by what is mandated to do by their regulations (Arts, et al., 2014). Thus, when the individuals act on a mandate they each do it differently and through their own views building it and shaping it through its performance. When the previous studies look at the ELP as just a text, they fail to take into account how the practice is created and shaped within the performance of the actors that interact within it (ibid).

On one hand, though Toro, et al. (2010) has included the panel of experts, I argue that it is not enough. The experts’ views included in the research are not truly their own views or the true reflection of their experiences. By giving them a set of criteria, the information that is obtained is framed on a preconception of what the aspects are that the process needs to have to work properly and be successful. It limits the opportunity to learn about their conceptions and the experiences on the process; experiences that might give light to more rooted problems

---

<sup>2</sup> “The Contraloría General de la República (CGR) is the highest fiscal control agency in Colombia. As such, it monitors and controls the use of resources (including natural resources) and public assets. Its purpose is also to contribute to the modernization of the country through actions promoting the continuous improvement of public organisms.” (Toro, et al., 2010)

that need to be addressed to meet the needed improvement. On the other hand, the study conducted by the CGR is clearly focused on policies and in the written text that gives a way for the process to happen; an important contribution that fails to take into account how the interaction of the practitioners within the ELP give shape to its implementation. Indeed, it is through the interpretation of what is written and how the actors enact it that the practice truly takes place.

Therefore, I propose a different approach to the study of the ELP practice in Colombia and the implementation of the EIA through environmental communication research. A study that takes into account the plurality of values of the individuals that are continuously engage and part of the practice. Through the different views a more complete understanding of the process will be achieved by centering attention to the experiences of the ones who work in the process (Hallgren & Ljung, 2005). A bottom up approach in which the information to better the practice comes from a variety of actors who are engage in it rather than from just one that is deemed as omnipotent or even from someone external. In this way, attention will be brought to day to day situations that impact the ELP.

The research is done through a constructive and transformative worldview. I comprehend the ELP as a practice that is being constantly co-constructed by the individual actors who are part of it; individuals whom I interviewed in order to understand it and identify opportunities for change on the process (Creswell, 2014, p. 44). Hence, I decided to use the 'what is the problem represented to be?' (WPR) approach as a guide to conduct it. In it, Carol Bacchi identifies the role of the research as one that contributes to society and helps to build it by challenging and bringing new views. Also, Bacchi recognizes that the policies are not only built by the state but also by the actors around it (Bacchi, 2014). The transformative worldview is given by the initial vision of the research in which the ELP is not fulfilling its purpose, thus it needs to change and this research is seen as a contribution for doing so (Creswell, 2014, p. 44). A characteristic that is also present in the WPR which starts by recognizing that there is a problem that needs to be understood in order to act on it (Bacchi, 2014).

## 1.1 Research purpose and research questions

The purpose of this thesis is to complement existing studies on the Colombian ELP by studying the needs of improvement that the actors who have been directly involved and affected in this practice see as necessary. By bringing in other views the decision makers will have more grounded knowledge to design and implement improvement actions. To do so I have directly asked the interviewees what are their proposals to understand how these can be used later to improve the process and the consequences they can have.

1. How do Colombian environmental authorities, environmental consultants, and Non-Governmental Organizations represent the problem of the ELP to be?

In chapter 4 the problem representations identified are presented through different themes. First, the representations are analyzed from their commonalities and differences rather than from the point of view of each actor. Later, the reader will find an analysis on how the different actors relate to these representations. It includes a view on the focus each gives to the different representations and how they vary due to their roles in the ELP.

2. What assumptions lie behind the problem representations?

In chapter 5 I analyze the assumptions that lie behind the problem representations identified. In it, some of the assumptions that are part of the representations are also problematized due to the potential they have to affect the enhancement of the process.

3. What effects are produced by these representations of the problem?

Chapter 6 gives a view of possible effects of the representations; how what is said within the representations affects the actors and the practice.

## 2 Research design

This chapter presents the theories, methods and concepts that I have used in order to give response to my research questions. As it has already been mentioned it is inspired and guided by Bacchi's 'What's the problem represented to be?' approach (WPR) both as a theory and a method. I also bring together concepts from discourse, practice theory, power and democratization.

### 2.1 Theory and method

Colombia has a representative democracy, most of the civil society participation in decision making relies on the voting system. Representative democracy is recognized for its decision making process, in it the decisions are made by the governments and congresses without significant participation of the citizens (Smith, 2003). According to Smith (2003) this democracy is constituted of representatives that work *for* others instead of *with* others leaving views unrepresented or unaddressed (p.54). Having unaddressed or unrepresented views has the potential to create conflicts between the population and the representatives by generating mistrust towards the decision makers as a consequence of the citizens feeling unheard (Smith, 2003; Hallgren & Ljung, 2005; p. 5-12). These conflicts have the potential to hinder the implementation of governmental plans, the achievement of desired and needed outcomes, or opportunities to address situations and decide on them. For this reason, a need has been recognized to use other ways in the decision making process which allow for the plurality of values to be heard. Deliberative democracy emerges as an alternative to enable this, it aims to have more participatory processes where more voices are involved enabling political decisions to have further reach (Smith, 2003, p. 56). It allows to prevent situations of conflict by enhancing understanding between the parties and a scenery in which voices that hold less power in the processes are heard (ibid, p. 62).

Communication research has an important role to play in the achievement of this goal. In order to have deliberative processes, communication where everyone's points of views are seek to be understood and not only heard is needed (Hallgren & Ljung, 2005). The critical communication tradition gives a way to study these views by studying what lies behind of what is said and what this reflects (Craig & Muller, 2007, p. 425). The WPR gives a critical form of analysis that enables the study of what is said by looking at it as discourses. The WPR understands discourses as assumptions that had been always been taken as truths but are now contested; a concept that is used along this study (Bacchi, 2009). By contesting the given truths it is possible to identify what are the circumstances that lie behind them, find the ways to think about them, and the possible consequences that they might have (Goodwin, 2012). For this research the contested truths are the problem representations of the actors interviewed (the discourses to be studied).

Before engaging in more detailed on the WPR it is important to review how the concepts of practice and power are understood and used in this thesis. A practice is understood as routinized actions or sayings and doings that individuals act on because it makes sense for them to do so (Reckwitz, 2002; Schatzki, 2002). The individuals engaged in the practice, called practitioners, are the ones who carry the practice and create it while performing it through their interactions. The performance, as it has been talked about in the previous chapter, is determined by their values and experiences. In this sense, the practice is shaped and built through the practitioners (Arts, et al., 2014). Power is used and understood through Foucault's proposition of it being a flowing characteristic between agents that has the capacity to exercise change (Bacchi, 2012; Barker, 1992, p. 28; Foucault, 2000, p. 120). The actors of the ELP are part of a system of power relations, what is done by one of the actors has the potential to drive a response from another actor (Barker, 1998, p. 28). Foucault (2000) establishes that depending on the nature of the interactions and on how they develop, a greatest form of power or "metapower" can emerge making it seem as more dominant than the others

(p. 123). As a consequence, the discourses and points of views of the individuals in the dominant position have more space to be heard than others (Goodwin, 2012; Bacchi, 2012).

### *What's the Problem Represented to be? Approach*

The WPR has a poststructural approach to policy analysis and is presented by Bacchi as having a normative agenda. It gives a new way to understand how we are governed and how it could be different. As such, it continuously questions concepts or realities that are normally taken as given truths with a focus on its political dimensions (Goodwin, 2012; Bacchi, 2009). It gives a way to analyze policies like the ELP by recognizing that the way in which we portray solutions or proposals has effects that need to be studied (Bacchi, 2010). The approach sees in every proposal for action (policy) an implicit understanding of what it aims to change (the problem). It recognizes policies and given proposals as responsible for making a situation a problem from the moment that they address it as such when giving a solution or way to act on it. On this regard, every policy always includes a problematisation which is a portrayal of a situation as a problem. The problematisation has an understanding of the problem that needs to be studied and is called in the WPR a problem representation (Bacchi, 2009).

Nonetheless, for the purpose of this thesis, the problem representations that are studied are those of the actors and not of the ELP policy. I use the WPR approach to analyze the problem representations the practitioners have regarding the ELP. I understand their proposals of improvement for the ELP as the policies that Bacchi makes reference to. I do not problematize the written policy and its aims but the views the actors have on the policy and how it can be improved.

Bacchi proposes six different questions to conduct the analysis, of which I use four (ibid).

- What's the 'problem represented to be in a specific policy or policy proposal?

The question aims to identify what the representation of the problem is. As the object of study, the problem representations under the proposals need to be identified. What is implicitly a person or a policy saying the problem is through its proposals of actions or measures? (Bacchi, 2014).

- What is left unproblematic in this problem representation? Where are the silences? Can the 'problem' be thought about differently?

The question recognizes that there is not one actor that holds the absolute true. It invites to have an analysis on what the representations might be leaving behind, or on what they are failing to take into account. It gives room for other representations to be recognized showing that there is not a unique way of looking at the situation. It gives room to consider other aspects which also need to be addressed and the possibility for the representation to change due to time, culture, etc. (ibid). In this study there are many problem representations which come together, reason why this question becomes even more valuable. It gives the opportunity to analyze and identify other ways to view the ELP which even within the plurality of voices are being missed.

- What presuppositions or assumptions underpin this representation of the 'problem'?

Under this question the WPR approach conducts a discourse analysis on the problem representations identified on the first question. It focuses not on what are the intentions of a person through their discourse but on what lies behind it. It is not concerned with the conscious choice of words that a person makes in order to convince another one but on what are the presuppositions that lie behind what is said, the presuppositions that allows them to create this discourse (Bacchi, 2009).

- What effects are produced by this representation of the 'problem'?

The richness on studying these effects is one of the main contributions of the WPR as it allows to center the debate not only on how the ELP is being talked about but also in how this way of speaking about it can affect others (Bletsas, 2012). It comes from the

understanding that policies have a far reach in societies through relations of power that can shape how others act. They can have intended outcomes which are not stated to the public or effects not previously recognized that can still shape how people interact and exist (Bacchi, 2009, p. 38; Foucault, 2000). By analyzing them, unwanted repercussions can be recognized and acted upon before the actions on the problem representations are performed. The problematisations may shape the construction that people have of themselves and the perceptions of others (subjectification effects) and they can have direct material effects in people's lives (live effects) (Bacchi, 2009; Bacchi, 2014).

The two remaining questions of the approach are not believe to contribute to the purpose of this study because they focus greatly in the historical aspects of the representations and the means by which they are reproduced (Bacchi, 2009). They aim to identify why the discourses are taking place and the power structures that hold them there. They are concern with the power relations that allow the actor s to be heard and how they have been reproduced over time. Though these aspects are considered of great importance when thinking about policies and problem representations, they are out of the scope of this research. The purpose of this research includes the understanding of a plurality of values from actors that have not been found to be included in previous research. From the beginning, the views that are studied here are assumed to lack power on the efforts of improvement on the process. For this reason, these questions are not believe to provide essential information on their understanding and how they could help in improving the practice. However, it is recognized that their study could bring a better understanding for the reader on the context on which the ELP develops and thus how the actor relations do so as well. Hence, it is encourage that a further study conducts a greater analysis on these questions to give a broader context to the study conducted here.

## 2.2 Data collection

Data was collected by conducting semi-structured interviews between February and March 2018. I decided to interview individuals from Environmental Colombian Authorities, Environmental Consultancies, and Non-Governmental Organizations (NGO); 5 individuals for each. Though there are other actors engage in the ELP I chose these based on three important reasons. First, they group the experiences of numerous individuals and actors who are involved in the ELP. NGOs work with different communities (vulnerable and civil society in general) that have experienced the effects of the decisions made in the ELP. For this reason, by interviewing an NGO I had access to more information regarding communities' experiences than if I went directly to just one. It is the same case for the environmental consultants given that they are hired by different companies to develop the EIA and answer to the inquiries of the environmental authorities. Thus, the consultants have experience in the development of different projects while also experiences on different companies and their needs. By interviewing these actors I was able to gather more information on the process since they have worked in conjunction with many others. Second, the three actor groups chosen are the ones engaged in a greater matter in the process, by interviewing them I was able to collect information of every stage of the ELP. For every stage of the ELP, at least one of them is involve in it. Third, the power relations between the actors in the ELP. The Environmental Authorities are the actor group within the process that has the potential to affect more the other actors and the processes in the ELP implementation, they are the ones who decide if a project will take place or not and under which conditions (Raik, et al., 2008).

Once the actor groups were identified, the individuals to interview within them were chosen in the following way. The environmental consultants I chose individually depending on the work they had done, aiming to reach individuals with experience in different types of projects and that had worked in the ELP for more than 3 years. In this way, I was able to have a more general overview of the ELP and not in the particularities that could be present for



certain types of projects. Regarding the environmental authorities I chose individuals who had worked on them for at least 5 years or who had positions of power within the entity. The former one allowed me to assure the individuals had extensive experience with the process. The latter, in contrast, gave me access to learn from the process from people with more possibilities to change it but who still face different types of challenges. For this group it was also important to have individuals from the different types of authorities given that they have differences in how they are ruled and the size of the projects which they deal with. For individuals in the NGOs a different process was followed. I did not decide on the individuals but on the NGO. I selected renowned NGOs in the country who work on topics regarding biodiversity, human rights, and environmental law; aspects I understand are the greatest approaches NGOs have when working with communities that are affected by the ELP. After contacting the NGO, I placed trust in them to direct me to the person who had more knowledge on the process.

Since the native language of the interviewees and mine is Spanish, all of the interviews were conducted in this language. As a consequence, it was necessary to translate the data collected for which it has been from the beginning subject to my interpretation (Krauss & Morsella, 2006, p. 148). By this recognition I do not mean to imply that the data presented is not trustful, on the contrary, what I mean to do is to make the reader aware of spaces within the thesis in which interpretations are done. However, by being from the same country as the interviewees I share with them what Daniels & Walker (2001) refer as “[the] historically transmitted system of symbols, meanings, and norms” (p. 42), which gives reliability to my interpretations while translating giving that language is greatly influence by these.

The interviews were conducted in semi-structured way. I had guiding questions to ask each of the interviewees but new questions were formulated within the interview depending on the information obtained through it. Nonetheless, the same themes and based questions were talked about in all of them (Crang & Cook, 2007). At the same time, an important characteristic of the interviews is that they are kept anonymous. By doing so, the interviewees in special those who are still working in the process were able to speak more freely and I was able to collect more relevant information. The individuals were not concerned about being politically correct or about possible consequences for speaking their mind.

In the majority of the cases I asked for approval of the interviewees to record the interview to what not all agreed to. As well, after the first interviews it was also decided to not interview individuals from one of the actor groups. I realized that though individuals in this group had agreed to be recorded, only when the recorder was off the interviewee shared more information. For the unrecorded interviews, notes were taken and the interview went slower as the interviewee was conscious of the need to write. Thus, I do not include any textual quotes of the interviews in the document.

Logistically, special attention was put to the time and the place of the interview. All the interviews were conducted in neutral spaces to assure the interviewees had a level of comfort with the interview that will allow them to speak more freely (ibid). The interviews lasted between half an hour and an hour depending on the time of the interviewee and its knowledge on the topic.

### 2.3 Analysis of data

Bacchi (2012) states that “the point of the analysis [through the WPR approach] is to start with postulated ‘solutions’” (p.23). The postulated solutions make reference to proposals done for how the problem can be addressed. Indeed, the first question of the WPR aims to explore these postulations to understand what the problem representations are behind them (Bacchi, 2009). For this reason, as part of the guiding questions for the interviews it was encouraged for the interviewees to share proposals of how the ELP could be improved rather than directly asking what problems are seen in it. Then, these solutions were processed and analyzed to understand what problem representations were behind them (ibid). However,

there were also cases in which the problems were directly stated. In these cases, once the problem representations were identified they were grouped with similar representations. Indeed, many of the statements done were found to have the same spirit to problem representations behind proposals done by other interviewees. Their similarities were assessed based on how the interviewees spoke both in the creation of the statement and of the proposal.

As expected, the environmental consultants, the environmental authorities and the NGOs had more than one representation of the problem regarding the ELP. Between the 15 interviewees a total of 100 proposals and statements were collected from which 45 different problem representations were identified. Each problem representation can be looked at in Annex with the respective proposals or statements.

At the moment that the problem representations were identified the analysis of the data begun. The problem representations, being the objects of study, were put together into categories based on common themes that were shared among them. In this way, the common themes or codes turned the view of the analysis from individual pieces of information to their similarities and differences (Crang & Cook, 2007). Having the codes allowed to work with a bigger picture of what was said by the interviewees instead of each of the 45 representations. Through them, the other three questions of the WPR approach were answered: the assumptions behind the representations, what had been left unproblematic, and its possible effects (Bacchi, 2009). A discussion was later done in order to understand what the findings on the research mean for the practice and the improvement of it.

In addition the interpretative process was done considering the way the interviewees built their ideas when speaking about the proposals, and influenced by my own views on ELP and the Colombian society. Certainly, Crang & Cook (2007) establish that “research is an embodied activity that draws in our whole physical person, along with all its inescapable identities”. Research and its findings is greatly influenced by the experiences that the researcher has with its surroundings and the relations it has created with its subject of study (ibid). For this reason, in addition to the discussion and analysis of the data I included a reflection of the biases that could be behind the propositions made in this study. With it, I intend for the reader to assess the study and run its own interpretation of the data collected and its analysis.

### 3 Colombian Environmental License Process

This chapter presents the basics of the ELP policy in order to illustrate how the different actors are related to it, and how the process itself works to the date the interviews were done. The implementation of the ELP is regulated by a ruling Decree that guides it. To the date this document was written the ruling decree is the Decree 2041 of 2014 (Contraloría General de la República, 2017). A change from one Decree to another is done under the assumption that it will enable a better implementation of the ELP. There have been six different Decrees to regulate the ELP and determine how it should be implemented by environmental authorities and by public or private individuals who aim to develop a project (Contraloría General de la República, 2017).

Among other guidelines, the Decree determines the timeline for the ELP and each of its stages, the projects<sup>3</sup> that need to undergo the ELP, and to which authority the EIA should be directed. Over the different changes on the Decrees, the timelines and the projects required to present the EIA are the aspects which have been modified the most. Though with every change the intention is for the process to run better, Toro et al (2010) agrees that these changes have been driven due to political and economic interests rather than from the desire to have a better environmental management.

What projects are required to have an environmental license is supposedly determined by the potential they have to have significant environmental impacts. These impacts are understood as environmental degradation of the renewable natural resources or/and significant modifications of the landscape. Any project that needs an Environmental License is not able to start its activities before this one is given to them. The license includes different restrictions or recommendations that they will need to follow to guarantee the prevention, mitigation, correction, and compensation of the environmental impacts (Law 99 of 1993) (Official Journal of the Colombian Government, 1993). Hence, if a license is given it is being said that it is possible for the country and the companies of the project to handle the impacts of the project.

The decision to give an environmental license is done through the Environmental License Process (ELP). Generally, two environmental studies must be done and given to the environmental authorities by the companies. The first study is the Environmental Diagnosis of Alternatives (EDA) where different scenarios in which the project can take place are assessed. Based on it, the authority decides which alternative is more suitable, for which the company is required to do an Environmental Impact Assessment (EIA). Not every project that is required a license needs to present an EDA but all are required to present an EIA which according to the Law 99 of 1993 (Official Journal of the Colombian Government, 1993):

*“It will include information about the project location, the abiotic, biotic and socioeconomic elements that could be deteriorated due to the project, and the environmental impacts that could take place. Besides, it will include the design of prevention, mitigation, correction and compensation of impacts plans, and the environmental management plan” (in Spanish)*

The environmental authorities are supposed to use the EIA Assessment Guide to assess the EIA presented (Contraloría General de la República, 2017). In the assessment the authorities look into the impacts and decide if the project can take place or not and under which conditions. If the decision is positive, a license is given in which the requirements and guidelines the company needs to follow are stated. The requirements included in it are based on the plans included in the EIA, though additional measures may be added. Within the license it is also possible for the environmental authorities to give permissions of use of the natural resources to the company (Official Journal of the Colombian Government, 1993). After the license has been given, follow up on the activities is done by the authorities to

---

<sup>3</sup> In this document projects make reference to economic activities, projects or works.

guarantee the requirements are being met, if they are not, the project is sanctioned (Contraloría General de la República, 2017).

The development of the EIA is usually done by environmental consultants the companies hire. For each type of project there is a guiding document based on which the EIA can be developed: the Terms of reference given by the Environmental Ministry of the country. The terms of reference postulate the information that is needed from the project which the companies should include in the EIA, they are stated depending of the nature of the project. Moreover, the consultants and therefore the companies are obliged by law to have a 'previous consult' with vulnerable communities<sup>4</sup> in case the impact area of the project reaches their lands when making the EIA. The objective of the consult is for the company to assure that the cultural, societal and economic activities of the vulnerable communities are not affected by the project (Decree 2041 of 2014) (Official Journal of the Colombian Government, 2014). If the vulnerable communities are affected the company is forced to reassess the project and formulate alternatives for it. In contrast, for other communities whose lands and wellbeing may be affected by the project, the company is required to inform them about the project but not to include their views in the EIA but the inclusion of their views will be done only if considered appropriate by the company (Decree 2041 of 2014) (ibid). Once the EIA is given to the authorities they may ask for clarifications on the information given, a moment where it is usually the environmental consultants who intervene.

The country has different environmental authorities, one that is national and works closely with the environmental ministry and others that are local and work autonomously. Both the national environmental authority and the local authorities assess EIAs and make the decision on giving the environmental license. However, both assess different types of projects. The national authority assesses projects that are of national interest, as well as high magnitude projects. Nonetheless, they receive information from the local authorities in order to have more specific knowledge of the lands that will be affected. The local authorities only take care of their regions and work autonomously from the national government. The region of competence is determined by the hydrogeological characteristics of the territory or by the number of inhabitants the cities may have (Law 99 of 1993) (Official Journal of the Colombian Government, 1993). The country has one national environmental authority and 39 local authorities (IDEAM, s.f.)

---

<sup>4</sup> Indigenous, Afro-descendants and Roms people

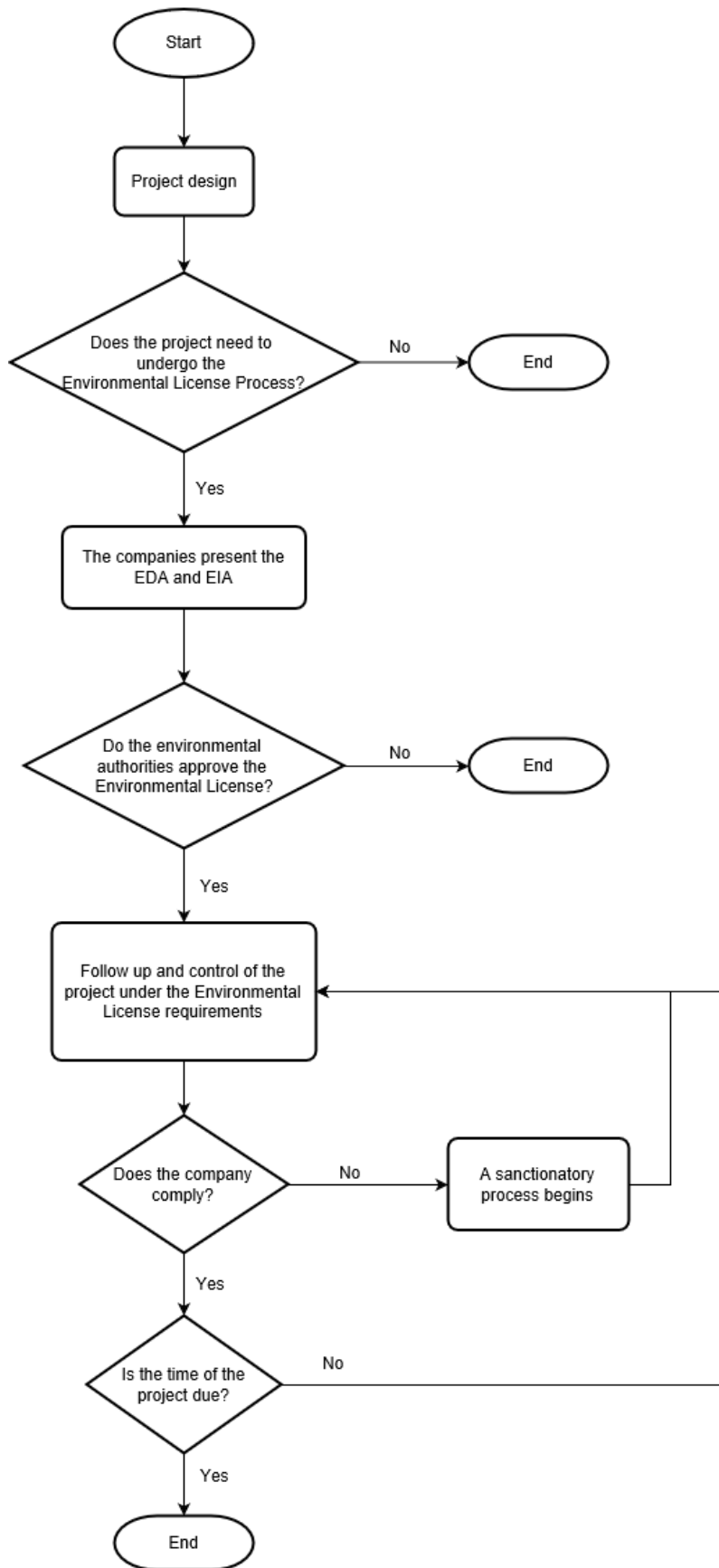


Figure 1 Colombian Environmental License Process.

Own production based on: Official Journal of the Colombian Government, (2014)

## 4 Actors' Problem representations on the Colombian Environmental License Process

In this chapter, I present the identified problem representations through themes. I display what the interviewees believe of what are the aspects within the ELP that do not work, who or what is responsible for their existence, and who should work on their improvement. Thus, I give an answer to the first research question: how do Colombian environmental authorities, environmental consultants, and Non-Governmental Organizations represent the problem of the ELP to be?

I chose the themes by connecting the individual representations and statements from their prime focus, similarities, and differences (Crang & Cook, 2007). I identified the themes informed on international EIA literature that has studied problematics of the EIA implementation worldwide. The EIA literature guided the coding process, but I decided the themes based on the characteristics of the data collected.

Moreover, I present how the interviewees relate to the different representations. The interviewees have divergent roles within the practice and engage with it in different parts. For this reason, I reflect on how their representations of the problem may vary among them as different practitioners groups. It is seen that the practitioners give different emphasis to the aspects to work on while also converging on some of them.

### 4.1 The problem representations

The problem representations themes show that there are different parts of the ELP which should be work on for the process to improve. Some themes center their attention on specific aspects of sub-processes which are part of the ELP. These sub-processes include the development or creation of the EIA and the decision-making process to give an environmental license. In another theme, the interviewees pay attention to aspects that shape the practice and provide the scenario for the practitioners to act in it (structures outside of the ELP). Interviewees portray the representations on these themes as integral to the ELP, without a responsible actor to commit to its implementation. A contrasting characteristic of the remaining representations is that they directly reflect or are critical to the way specific actors within the practice perform their role. In them, the actors are responsible for the problems or situations that are happening in the ELP rather than, as in the others, leaving it as a circumstance present in the process. For the detail of the themes and problem representations see Annex.

#### *Structures outside of the ELP*

In this theme, problem representations center on processes, means, or organizations on which the ELP and its practitioners depend on. These aspects are either built on external processes which are not influenced by the ELP or take place outside of it but affect it. They include the reliance that the process has on: regulations, resources, organizations, and the development planning of the country (Table 1). The EIA literature recognizes these aspects like the ones to which more attention is given, especially to those related to regulations (Loomis & Dziedzic, 2018).

The practice is built on regulations, through them the processes, the resources, the interactions, and the performances are planned and take place. As a consequence, if regulations are deficient the enactment and the mere existence of the practice is imperiled because there is no guiding line on which the practitioners can work on (Schatzki, 2002, p. 79). The interviewees see deficient regulations as the absence of them and the inability of the current ones to reach the needs of the process that they address. The absence of regulations results in parts of the ELP to not be properly worked on because there is not a demand on the actors to do so or guidance on how to do it. The inability of the current regulations leads to a

loss of resources since they direct the practitioners in inefficient paths. These appreciations are consistent with the Colombian EIA literature which has also identified the deficient regulations as an aspect that needs to be work for the process to improve (Toro, et al., 2010; Contraloría General de la República, 2017).

However, the interviewees also see as a problem how the implementation of the existent regulations varies depending on the meaning the practitioners give to it. This meaning changes when practitioners look at the regulation word by word or through the intention of it. One of the interviewees spoke about how sometimes it is demanded of companies to comply with the whole regulation without any discernment on what it is that applies to them or not. Nonetheless, the interviewees do not find the different meanings that can be given to the regulation problematic, instead they focus on the lack of guidelines to enact them. In this way, the responsibility is given to an external person and not to the individual practitioner.

Furthermore, the ELP relies on the capacities of the practitioners to perform the practice and the resources they are given to do so. The process handles technical information in the creation of the EIA and its assessment. As a result, the interviewees mentioned that the practitioners who interact in these stages should have the necessary knowledge and the time to achieve quality assessments. The restriction of time is mostly attributed to the urgency of developing the different projects which leads the decision-makers to reduce the timeline of the ELP. Additionally, interviewees claim that there is a need to have better work tools for the process to progress such as replacing printed documents with technological tools. Among all, the budget given to the process is the one seen as most problematic among the resources because without it the other needs cannot be addressed.

Other representations imply that the lack of base knowledge and planning of the natural resources of the country are the cause for licenses being given to projects though they harm the environment. Interviewees allege that through a clear understanding of the countries natural resources it will be clear which territories and ecosystems cannot be intervened and which others can be used for the extraction of resources. In this way, the responsibility of granting environmental licenses in important natural resources is given to a higher instant and taking away from the practitioners.

The ELP is reliant of the organizations in which the practitioners work because their rules affect the doings of the practitioners. In the majority of the cases the practitioners do not work as individuals who are just ruled by the regulations of the government, they are part of organizations in which they work in and which also has rules. Hence, interviewees see that a way to affect the actions of the practitioners is by making demands on the organizations, portraying them as mere recipients of orders to follow.

### *Environmental Impact Assessment process*

The creation of the EIA is one of the most important parts of the ELP. The EIA is the principal tool based on which the authorities decide to give an environmental license. For this reason, its content needs to be as clear and representative of the affected land area as possible. The EIA includes detail information on the environmental and social reality of it, an assessment of the potential impacts the project may have, and the measures to handle them.

The EIA demands the companies to have detailed information on the areas that will be affected by the project before they are. To collect information research is theoretically done in the field. The quality of the information is of high importance because it is the basis to identify and understand the potential impacts of the projects. Interviewees believe that the current information does not represent the reality of the territories. They say that the professionals who collect the information do not go to the exact area but to nearby land which they trust to have the same characteristics.

The purpose of the collected information is to screen it with the activities of the project to define its potential impacts. However, at the moment, there is not a specific methodology determined by a regulation that can guarantee a correct screening. Currently, it depends on the experience of the practitioners to decide which one is more appropriate. Thus, depending

on the practitioner the methodology is chosen which could be different from other studies. Hence, the representations highlighted the need for determining which methodologies should be used by all.

### *Decision making in the ELP*

Environmental authorities should make the decision of giving an environmental license based on the potential environmental damage of the project. A license influences the actors' lives and economic interests. As a consequence, the interviewees believe that the authorities make the decision on the license while being influenced by external interests and not only based on the EIA (Table 3).

The intent of having an EIA is for the government to, through the environmental authorities, decide if the projects can take place despite the environmental impacts it will have. Under the law, the views of the affected communities need to be heard and taken into account in order to make this decision. However, the representations signal that it is not done fitly at the moment. Representations show that the interaction with the communities does not have an effect on the process or the project and that they not have access to learn about the status of the projects constraining their opportunities to follow the ELP.

Moreover, the environmental license is usually the last permission developers of projects ask for after the project has already been ruled viable by other sets of interest and requirements of another nature. The representations show that it is seen as problematic because the ELP becomes a bureaucratic step before the project takes place. Interviewees argue that the ELP and the environment are not prioritized and that economic and political interests are giving preference. Besides, they have signaled that when the decision making on this subject comes, it is affected by corruption practices. A view which is parallel to the findings of Williams & Dupuy (2017), who show how vulnerable EIA practices are all over the world to corruption, especially in developing countries, due to individuals in power who perform their wishes over those of the common. However, the representations about these problematics as situations that are present in the process without pointing at any particular responsible.

### *Practitioners' compliance of the ELP*

Practitioners of the ELP have different roles within the process depending on the responsibilities that are given both by the regulations and other actors of the process. How they enact these roles shapes the practice and its outcome. The representations contest some of their actions and responsibilities (Table 4).

Firstly, the representations show that the actors' are accountable for the way they act and are not only dependent on the structures of the process. An example is that the actors can organize themselves and demand for the resources they need, instead of waiting for another actor to decided it through legislation. Secondly, the representations look into how collaboration among the practitioners can influence the practice. As a process that happens between several actors the work and success of the ELP are tight together with the interactions of all the practitioners. An example of it is the work that can be done between the different environmental authorities to expand the reach of their actions and the need for the actors to understand the others' role.

Loomis & Dziedzic (2018) claim that the roles of the practitioners and their impact in the EIA outcome have not been greatly studied in the EIA literature though it is a key aspect for the effectiveness of the process. Having clear roles and communication among actors enables the processes to work in a time sensitive matter and under no additional costs. In this sense, though the roles between the practitioners seem to be clear, the appropriation of them can become an important way to guarantee that the process improves. Therefore, it becomes important to highlight that it is an aspect which the same actors also believe important for the development of the process, as seen in the representations.



Table 1 Structures outside of the ELP Problem Representations

Sub-theme	Problem representation
Organizations	Lack of control on local environmental authorities
	The local environmental authorities need to be strengthen
	The practice of the environmental consultants is not regulated
	There should be a unique dependence in all the local environmental authorities offices that work on environmental licenses
	There is a weak jurisdictional system in the country to sanction and do follow up on the wrongs of the enterprises and communities
Planning	There is no planning regarding the natural resources of the country
	Lack of information of what is the damage that should be allowed
	Lack of information to determine if the environment is being protected or not
	There is not a baseline of what is the importance of taking care of the environment
	Lack of information of public access about the state of the natural resources/territories of the country that could be used in the ELP process
Resources and capacity	The education/formation of the environmental authorities' employees does not respond with the nature of the documents they need to assess. Does not synchronize with the necessities of the project
	Lack of knowledge in the recent graduates about ELP
	Lack of budget in the environmental authorities to properly conduct the ELP
	The heads of environmental authorities do not have proper technical requirements for their role
	Lack of employees in the environmental authorities
	Lack of money to have employees
	Lack of renovation in the tools that are used within the ELP such as technological tools. Moving from paper to digitalized.
	The time given to comply with the requirements in the ELP process is too short (environmental authorities - assessment, follow up. environmental consultants - making EIA, information)

Inadequate and missing regulations	The existent law does not cover all the activities.
	The environmental license and hence the EIA should not take into account different permits than environmental ones
	The environmental impact of the projects should be taken into account earlier in the procedural process. The country has to decide if the project should be done before, not until the environmental license stage which is almost at the end of the process.
	Projects are forced to present an EIA even when they have decided not to do it anymore because they acquired another government permission for the project that forces them to do so even if it is not needed anymore.
	There should be protocols that define methodologies so there is not room for interpretation and/or subjectivity within the ELP.
	There is no clarity about what should be handed in when modifying the license
Implementation of regulations	There is no clarity about how compensation should be done
	The individuals of the authorities do not have a clear guideline of what is Environmental License and what is not. In this sense, they start asking for operational information of the project when it is not part of it.
	EIA are asked to have everything that the Reference Terms say when it is not necessary as they are guidance
	The regulations are not implemented equally for all projects that fall underneath them

*Table 2 EIA process Problem Representations*

<b>Sub-theme</b>	<b>Problem representation</b>
Methodologies	Lack of unifying methodologies in the ELP to be followed by all actors within the process.
	The methodologies currently used within the EIA do not allow for a proper assessment of the impacts on the communities
	Lack of economic tools to assess if a project should be made or not
Information	The information being used within the ELP does not represent the reality of the territory affected

*Table 3 Decision Making in the ELP Problem Representations*

<b>Sub-theme</b>	<b>Problem representation</b>
Participation and Access to information	There is no public access to information on the ELP and projects that are intended to be done
	There are not spaces/processes that guarantee incidence of the communities in the planning and development of the projects
Priority of the environment and technical views on it	The environmental license process is viewed as a legal requirement rather than as a technical one
	The environmental protection is sometimes not seen as something necessary, needed or to be prioritized
Corruption	Existent corruption in the process

*Table 4 Practitioners' compliance Problem Representations*

<b>Sub-theme</b>	<b>Problem representation</b>
Accountability of the practitioners on their roles	Environmental consultants are disorganized and incapable to ask for adequate timelines to produce the EIAs
	Local environmental authorities do not punish enterprises for their inactions
	Environmental authorities do not know the importance of their role
	Government accountability for long term results
	Lack of commitment of the enterprises to compensate
Collaborative work	Lack of collaborative work/involvement between/of organizations to make it work
	There is no communication between environmental authorities
	The work of environmental authorities has been and it is question without an understanding of what, how and why they act

## 4.2 Actors' problem representations

The NGOs, Environmental Authorities, and Environmental consultants were chosen to be part of the research because of the roles they perform as practitioners in the ELP practice. They are engaged in different parts of the process, they are the ones who have greater interaction with other actors of the practice, and they hold positions of power in the process, in the case of the authorities. The engagement each of them has in the process depends on their responsibilities which also affect the interactions with each other, the EIA is an example of it. In it, the consultants develop the EIA to give to the authorities who assess it and decide on the environmental license. In this case, the authorities and consultants work in the same stage of the process but have different responsibilities. Also, it shows that the actors can be receivers of other's actions while still responsible for producing results. Thus, it is seen that the different experiences and interactions of the actors enable an extended view of the process for which they are of great value for the study.

The analysis of the representations found exposes that all the interviewees believe the ELP has aspects which need to improve in order for the process to achieve its aim. The interviewees share many representations of the problem in their proposals and statements which tackle diverse aspects of the process. This diversity is due to the diversity of roles of the interviewees, leaving to specific actor groups only some of the representations. Another important highlight is that even if the representations were not talked about by all of the interviewees, none competing representations were raised. Representations are judged to be competing among themselves when for the same situation they give a different alternative or the responsibility of action is given to different actors (Bacchi, 2014).

Among the representations shared there were ones that were shared between two of the third actor groups. First, the individuals of the authorities and consultancies made reference to the technical aspects of the process, which could be due to both of their involvement in the EIA. The EIA is a technical document that requires individuals who have specific knowledge and access to methodologies to be made and evaluated. Second, the authorities and the NGOs both highlighted aspects regarding the decision-making process; both groups have direct involvement in it as the ones who make the decision and are affected by it, respectively. However, both of them focused on different aspects of decision making although their views are not competing: the NGOs gave more importance to the participation and access to information of the communities, while the authorities focused on the lack of priority given to the environment. Third, the consultants and NGOs shared views on the implementation of the regulations of the process, a possible result of the positions of power in the process and their experience as practitioners. From their experience as practitioners, they identify that in order for some aspects to be part of the practice they need to be taken into account in the regulation. A situation closely related to their positions of power in the practice from which they cannot have an effect in the doings of others'; neither the consultants nor the NGOs hold a position of power in the ELP. As a consequence, the regulations become the path through which others act on the needed processes and in the determined ways which they believe important.

The representations shared by all of the actor groups made reference to the corruption and the inadequate missing regulations in the ELP. This communion registers these aspects to be systematic in the process regardless of its stages or the roles of the practitioners. Both aspects also give a clue on the ELP as a practice by showing how it is affected by the practitioners' actions. First, the corruption in the process is not related to the work that is done to enact what the regulations have established the process to be or the work that the practitioners do to accomplish the aim of the process, it is a reality that is part of the process due to individual actions driven by particular interests. Second, when the interviewees highlight the need for more regulations, it shows the capacity the practice has of evolving through the practitioners' experience in the process (Schatzki, 2002, p. 79).

The representations left to specific actor groups are considered to be like this because interviewees from other groups did not have a comparable input on them. First, the authorities brought special attention to two aspects within the structure of the process: the need of support from organizations in which the practice relies on for it to take place and the lack of resources and capacities of some practitioners. This view is a result of the power position they hold in both aspects in which they cannot influence how other groups organize their practices regardless of the position of power in the ELP they hold in the decision-making role. Second, the environmental consultants bring up representations that look into the direct actions that the practitioners can take on their performances of the practice to improve the ELP. A remark possibly made because of the interactions they have with the other practitioners of the ELP as the ones who engage more with others. This interaction can give them a greater awareness of the individual aspects to be improved directly by the practitioners.

Thus, all of the interviewees were active participants of the representations gathered showing their engagement with their process. All of their proposals are a result of their reflections and experiences within the practice. Furthermore, they share most of the aspects highlighted in the representations, a consequence of the nature of the process in which all the practitioners constantly interact with each other.

## 5 Analysis of the problem representations

I present an analysis of the problem representations in this chapter to answer what the assumptions that lie behind the problem representations are. These assumptions are aspects that the interviewees did not necessarily think about consciously when constructing their improvement proposals, but they are the conceptions which enable their existence. Identifying and understanding them grants the possibility to work on more rooted aspects that affect the process and were not recognized before.

Also, the analysis includes the recognition of problem representations that are not part of the interviewees' proposals or statements for improvement of the ELP. These representations were part of the reflections they made on the process and the reality of the country when presenting their proposals. It was considered necessary to mention them within the study due to their interrelations with the stated recommendations and on their mentioned in other scenarios or processes of the country done regarding other practices.

### 5.1 Mistrust of the Colombian Society in its organizations

The dependence and correlation of the ELP to the Colombian power branches drive the citizens generally to doubt its outcomes and the intentions behind them. At the moment, only 25% of the citizens trust the countries' power branches (García Sánchez, et al., 2016, p. 260). The Colombian citizens doubt their work irrespective of who the individuals are within the organizations in the ELP and the job they do. Indeed, within the proposals to improve the process the need for monitoring the actions of the authorities and the consultants were mentioned.

The Colombian power branches are the government, the jurisdictional system of the country, and the Congress. The environmental authorities are part of the government as organizations established by law to manage the environment of the country, and the jurisdictional system is the one in charge of imparting justice if the environmental law is not followed or the requirements given in the environmental license are not met (Law 99 of 1993; Law 1333 of 2009) (Official Journal of the Colombian Government, 1993; Official Journal of the Colombian Government, 2009).

According to the study done by García Sánchez, et al. (2016) there is a mistrust in the Colombian power branches because of the corruption the country has been facing, the way that the national economy is managed, and the provision of public services (p.254). In the past eight years cases of corruption have been brought to the public eye which consists on "mismanagement of public funds for the private benefit and against the wellbeing of the population" (in Spanish) (ibid, p. 327). In 2018, Colombian politicians were signaled to be participants in what has been named the greatest corruption scandal in Latin-America. Politicians of different countries of the region were accused of being paid to give a construction company (Odebrecht) opportunities to build infrastructure in the countries (Semana, 2017). In 2016, 60% of the Colombian population believed that corruption was a common practice by public officials and 17, 4% of the population had been a victim of it; determined by being asked a bribe in different institutions and by different officials (García Sánchez, et al., 2016, p. 335). As a result, there has been a big political move to "defeat the corrupt" that aims to have a law about how corruption should be punished in the country in order to eliminate or diminish its recurrence – a move that started to take place before this study started and was still ongoing by the time this document was written (Vence al corrupto, 2017).

Among the interviewees, this was the problem they agreed on more. Sadly, it is a situation that is so embedded in the country that it is naturalized. When the interviewees spoke about it, they mentioned it as a fact or situation to be expected (Gasper, et al., 2013). This naturalization leads to see how corruption is a continuous characteristic of the scenario within

which the practice takes place. It has been present in the society for many years, and it went into an essential moment of scrutiny during the time the interviews took place.

Thus, the interviewees see corruption as an essential aspect that shadows the environmental management of the country. The practice has to take place under this setting; it is the scenery or the structure in which the practitioners work. Besides the direct mentions made on it, it is possible that many proposals to improve the ELP were brought up referring to it, in order to close spaces in which the practice can be affected by it or where it can happen. Examples of it are the representations regarding the resources and capacities that the process has. They include the lack of budget to hire experienced professionals to be part of the process and the lack of knowledge on the process of some people in dominant positions of power. Closely related to a statement made by a different interviewee which claims that some directors of the environmental authorities are not experts but are put there due to political favors.

## 5.2 Letter of the law vs Spirit of the law

The spirit of the law and the letter of the law were portrayed continuously as competing concepts in the problem representations. The letter of the law refers to the language that is used in the legislation, and the spirit of the law to the intention with which it was written (Bregant, et al., 2019). Interviewees highlighted that the letter of the law comes above the spirit of the law on many occasions compromising the protection of the environment. By having processes that give priority to the letter of the law instead of its spirit, spaces are open for competing interests to take place. The actors of the process rely significantly on the law and the structure that it brings to act on it and ask others to do so. As a consequence, when the practitioners do not prioritize the spirit of the law above other interests, the practitioners are left alone on working for the practice to fulfill its purpose.

When problematizing this juxtaposition, one of the interviewees mentioned a vital circumstance that hinders the prioritizing from taking place: the practitioners or even the society do not understand the spirit of the law between the practitioners or even the society. In the country, every decision and action that individuals and agencies of the government make can be sued and asked to be investigated by control agencies. Hence, individuals of the environmental authorities are afraid to act against other interests because these control agencies could determine that they committed malpractice even if they acted based on the knowledge of the affected land and the project. An interviewee mentioned that at times environmental authorities are forced to spend more time in the cases that are open by the control agencies than on the assessing and monitoring of the ongoing projects. A statement closely related to the proposition of another interviewee who suggested for control agencies to learn about what it is that the environmental authorities do, so they can assess better if opening the processes or not. In their opinion, control processes are opened unnecessarily because the control agencies take cases judging on the letter of the law and disregarding the spirit of it because of a lack of knowledge on it.

Other representations showed these juxtaposition by talking about situations where a decision needs to be made on sanctioning a company or not. When the authorities establish that a company is not fulfilling the environmental law or the requirements given to them in the environmental license a sanctionatory process begins in which the companies can refute the claims made against them. As claimed by the interviewees, these processes usually result in companies not being sanctioned because they can cover their actions based on the letter of the law even if they are trespassing the spirit of it. The companies play with the words of different laws to prove the process is invalid regardless of their lack of compliance of the environmental law and their requirements.

Another case an interviewee presented talked about a case in which an individual from the environmental authority decided to stop the activities of a project until this one complied with the environmental requirements, as required by law. Because having a stop on activities meant that the company would have great monetary losses, the company decided to sue the

authority without any success. As speculated in the interview, the actions taken by the individual were the right ones even under the pressure of the situation. Years later, under an employment process, the individual was recriminated by the interviewer on the decision of stopping the activities of the company. The interviewer contested the individual from the authority on the consequences his decision brought to the company, disregarding the protection of the environment and the compliance with the environmental law.

From these representations and examples, it is possible to see that actors do not prioritize the spirit of the law when acting within the process of the ELP. While the control agencies are supposed to work in order to guarantee its compliance they fail to understand what the intention of the law is when the authorities are required to sanction companies. A situation that drives them to open query processes that take the limited practitioners resources. It causes the individuals of the environmental authorities to be scrutinized on their work though they acted base on knowledge and in the way expected by law. Similarly, the actors who compete with the interest of the ELP play with the prioritization that is given to the letter of the law over the spirit of the law to give room to their interests.

### 5.3 Participation

From the claims done in the interviews, practitioners understand participation in the ELP practice as an informative exercise which should evolve to spaces where communities<sup>5</sup> can have an influence. Sometimes, the project owners or the authorities organize sessions with the communities who could be affected by the project to share what the project will be. However, these sessions are not mandatory, and their outcome is not of mandatory implementation. A situation that has been problematized by the interviewees, in particular by the NGOs who do not believe it to be enough. For the interviewees, there is a need for having better participatory processes in which authorities and project owners take into account the communities' views in the decision making.

At this point, a clarification needs to take place. There are two different ways in which the processes of participation with communities have historically taken place. The decision on which type of process happens depends on the community who is affected by the project, if they are considered vulnerable by the constitution or not. When the communities affected are considered vulnerable there are regulations which guide how the participatory processes should happen to assure its customs will not perish, whereas for other communities there are not. The constitution gives the category of vulnerability to indigenous groups, afro-descendent groups, and Romani people. To not damage their culture and traditions the processes are regulated when projects have the potential to affect them. There is a dialogue between the developers and the communities in which the project is presented to listen to the worries of the communities and plan the project accordingly. There have been cases when developers redesigned the project entirely because it impacted the place where an indigenous group conducted their rituals. As a consequence, this research only talks about the communities who do not fall under this category but are affected by the, unless stated otherwise.

For the communities that are not categorized as vulnerable, spaces to influence the processes are harder to find. In the introduction, I described how inhabitants of different towns have been undergoing different voting processes to decide if they want extractive projects to take place on their territory or not. This voting was able to take place because the constitution of the country has different participatory processes for the civil society to give their voice. These processes are independent of the ELP; they have the potential to affect the development of the projects from the perceptions of the people rather than from the technicalities of it. Civil society has the direct responsibility of organizing it as the government only aids with the logistics once 3 million people have signed they want to express their opinion. One of these processes is a public vote in which the citizens vote for

---

<sup>5</sup> Communities makes reference to citizens, inhabitants, local communities



the outcome they will like to have in a specific situation; in this case, the projects. The outcome of the vote is of mandatory implementation by the corresponding party if the constitutional court rules the outcome to follow the constitution (Banco de la República, 2017). For all of the public votes that have taken place, the majority of citizens of the towns voted to not have fossil fuel extraction or mining projects in their regions. The interviewees said that the votes were a consequence of the affected communities not being adequately heard by the authorities in the ELP processes, stating that they were not able to influence the ELP decisions to decide if a project should take place or not. The votes were said to be a reaction to the government and environmental authorities deciding to allow these types of projects in different regions without taking the communities into account and without doing proper follow up to guarantee the environmental and social impacts do not happen.

The interviewees portrayed the communities as actors to take into account in the decision making of the ELP. They built them as subjects that hold power over the decision making due to their role as receivers of the consequences that come from having the projects in their regions. A subjectification that gives them a great responsibility to decide what the best situation or circumstance may be for them in the future. Moreover, this subjectification has consequences in the other actors as of how do they integrate the knowledge and wants of the communities into the decision making process.

The representations also refer to experts as actors to reach to in the ELP for knowledge on the projects and its impacts. Interviewees considered that without their participation the talks around the ELP are tinted by economic and political interests which disregard the technical knowledge of the project and its impacts. The representations show a need for spaces to include knowledge base decision making.

The participation that the actors envision for the process is one in which various actors views on the projects affect the decision making. In this sense, participation is not merely about having an informative session of what will happen. Participation means that all information is given transparently, accompanied with spaces in which the different points of views regarding the project are heard and taken into account when deciding on the environmental license and the requirements that the companies need to follow. The process is characterized, by including the different actors even before the decision has been made so they can contribute on if the project should even take place and if so under which conditions.

## 5.4 Transparent accountability

Most of the problem representations referred to situations that signaled for the need of having more transparent accountability in the ELP. In the interviews, they said that many stages of the ELP need more explicit guidelines for the practitioners to act in the same way for every project instead of relying on interpretations of what should be. At the moment, the actions that are taken by the practitioners in different parts of the process are done depending on the characteristics of the project at hand, instead of systematically. A situation that brings a problem to the practice because it causes that every project undergoes different ways of doing which brings instability to the decision making.

Different problem representations focus on the improvement of aspects that will lead to the improvement of the scenario in which the practitioners enact the practice. An example of it is the problem representation about the lack of public access to information on the state of the natural resources/territories of the country. By this information becoming available as base knowledge, the practitioners will not need to create or construct it every time. Transparency will increase because the information comes from the same source under the same parameters allowing for better accountability.

Similar situations are found when interviewees ask for having methodologies and processes to follow. As it works now, there is not an updated methodology to be used, and also there is freedom into choosing which one to use. As a consequence, the evaluation and the assessment are not done under the same terms, giving spaces for companies to adjust the assessment of

the impacts presented in the EIA to be more favorable. The fixed methodology will be a fixed technical tool to close the gap between what consultants (or companies) present and what the authorities assess. In this sense, the technical tool becomes the enabler for having a more transparent process. Thus the methodology will be fixed for every situation, and it will not be altered depending on the circumstance.

It seems as these proposals bring hope to the interviewees that the process will be more natural to defend as it will leave fewer gaps on the decision making since the decision will be assumed as given through the process rather than just assessed by someone's view. At the same time, every project will go through the same process so there will be less room for political or jurisdictional decisions to be made over the professional assessments. Lastly, it could bring room for the communities to be better informed; some interviewees referred to how it is necessary to have more transparent processes that the communities could follow in a lay language for them to understand what will happen in their territories and be able to follow it.

## 5.5 Lack of governance

The representations give the understanding that if those in power decide something, the decided actions will be implemented in the whole country for every environmental management situation that falls under it. However, in the reality of the country, this is not a straight forward process as portrayed, and it is highly likely that it will not happen because of the lack of governance in lands and regions of the country. As a consequence, it is not possible to guarantee that every action of improvement will reach the totality of the regions in the country as it can seem from the majority of the representations. Hence, there is a gap left behind by the representations identified on how the improvements of the ELP will reach the whole Colombian territory.

The lack of governance in the regions is determined by the government being “absent, unable, or unwilling to perform its functions” (Rabasa & Peters, 2007). This ungovernability by the state is among other things a result of the history of the country. The country has been in an armed conflict for more than 50 years in which criminal arm groups have held control over territories being them the ones who governed. Thus, the development of resources, institutions, and government organizations are not present in these lands as they are in big cities and their proximate towns. Alternatively, even if the organizations exist, they are ruled by different interest than the ones of the government as a response to the reality that the regions and lands live (Manetto, 2017); and possibly driven by corruption practices.

As a consequence of this reality, the actions to be taken from the representations identified will not be seen in the totality of the Colombian territory. The regions and lands that have been historically neglected by the government cannot answer to demands regarding the ELP due to a lack of capacity. Even if the central government may dictate a measure, the organizations in the regions do not have enough capacity in terms of budget and employees to follow the tasks because it has not been a priority for those regions to have them. In some cases, the organizations may not even exist or have the capacity to intervene in the regions because the government is not the one who is in control of the territories.

## 6 Effects of the problem representations

In this chapter, I answer the question of what are the effects that are produced by the problem representations. The representations come from proposals that can affect society when acted upon, being by influencing actors' roles in the process or the lay people's lives (Bacchi, 2009; Bacchi, 2014). Having an understanding of what these effects could be, helps to shape and build what is to be done to improve the ELP. Indeed, as Ulrich Beck recognizes in its modernity studies, the actions that we do to take care of the now may represent a risk for the society in the future (Delanty, 2005, p. 287). Hence, to avoid encountering unwanted risks or situations that will represent a detriment to the process or society is necessary to analyze and understand what these could be before taking action.

As expected, the interviews resulted on a multitude of problem representations regarding the ELP. Hence, the government or decision makers that are to design ways to improve the process face the question of what actions to take in order to improve the situation. Is it necessary to address all the problem representations? Is it possible to address them all? Are all of them of equal importance? This chapter, and in general this study, does not intend to answer these questions but it expects to aid with the understanding of possible effects that come with the representations.

### 6.1 Agency

The concepts of agency and structure are concepts widely used in social theory. They make reference to how individuals act under their own will, and to how their actions are restraint by rules or constructions that are part of society, respectively (King, 2005, p. 215). Scientist and researchers raise dilemmas on the relationship between both of them, dilemmas that interviewees also raised in the problem representations. The dilemmas include if the structure rules the agency or if the agency rules the structure. If the structure constraints the agent wholly, or if the agent is free to act as he wishes to overrule the structure (ibid, p.228-230).

The majority of the problem representations direct attention to what others can do rather than to what the individual actor can do by himself to make it better. By doing so, the understanding leaves behind how the practitioners can develop the practice and affect it through their actions. The discourse in the representations directs attention to the agents in power, and it forgets the actions that every practitioner takes and could change to improve.

The interviewees portrayed themselves as mere recipients of orders without any agency to make a change. This portrayal is a possible consequence of how the ELP and EIA have worked over the years until now where other government agencies or branches of power have overviewed the activities done without an active engagement of all practitioners. Reasoning, however, that has an essential effect on the institutions they indicate as the ones responsible for creating the new pathways for them to work on; they are automatically put or reinforced as the ones in power. The responsibility is given directly to the other, rather than having internal reasoning about how the practice can be changed and shaped by them. Thus, the practitioners become dull subjects who are not responsible or capable to decide on their practice if not guided by others.

Though this 'other' was not explicitly mentioned a save assumption will be to say that they refer to the Colombian government which is by the country's constitution conformed of President, the Ministers, and the heads of Administrative Departments. By the constitution, they are in charge of creating the regulatory decrees of the laws and therefore of shaping how the actions are to be taken to implement the law (Asamblea Nacional Constituyente (1991), 1991). Still, there is no clarity on which of these branches and different offices the interviewees suggest.

It is not to say that having a focus on the positions of power that lie behind the problems of EIA and ELP is incorrect but to signal that other aspects which also need attention are left behind. Placing the responsibility in only one group of actors leads to losing sight on the

possibilities of change each of the actors can have and the power they may have to do so. An example is the need of environmental consultants to conduct their studies on the field and not only through secondary information despite the pressures of time that might be put in them by the enterprises that hire them. Similarly, the environmental authorities could work on ways to show the impossibilities of doing their job in the time constraint that it has been given to them that makes them rely almost blindly on the information given to them. It has a significant effect on undermining the agency of the practitioners to influence the process diminishing them to mere followers of structures.

Through these reflections, it is not intended to disregard the problem representations or claims directed to other actors as agents. There is paramount importance on analyzing this situation because the majority of statements and problem representations the interviewees gave are on the terms of structures. It is also not my intent to say that those changes are not necessary for the ELP. The reflection brought in this analysis is that the interviewees seem to have given away their agency in the process. The individual that holds the practice has been subjected as a person that only follows what is said to or pressured into without the possibility to explore for new possibilities. As a consequence, they wait for others to perform the changes they cannot make but that they perceive as needed giving the power to other actors to do so and awaiting in the others intend to make them.

#### *Practitioners work in the practice*

Within the Colombian society when speaking about the individuals in the environmental authorities and environmental consultants, it is thought that they are negligent in their work. Questions are raised on the development of their practice and on how they allow projects to take place when they can have severe impacts in the environment and surrounding communities. Statements accompany these questions in which the citizens say that the individuals in these organizations “do not care about the citizens but only about the big companies’ interests.” As a consequence, consultants and individuals in the authorities work in constant pressure and with fear for the decisions they make; an aspect highlighted by different interviewees.

Interestingly, the representations of the practitioners put the responsibility into an external actor and not within each other. Though it is possible that the representations portrayed the proposals in this way as a response to the claims made against them, given the nature of the interviews this might not be the case. The interviews were held anonymously and individually among the interviewees, if the interviewees perceived another actor within the practice to be responsible they could have stated it without fear of repercussions. Thus the responsibility that they give to actors with a higher position of power is believed to be a reflection of the practice and not as self-indulgence from the critics. Hence, through this new portrayal seen from the interviews, the individuals of the authorities and consultancies are enabled in their daily lives to perform the practice without judgments on their job and without fear of being signaled on their job. Indeed, they speak about their work as being a consequence of the decisions of others rather than of their own will.

## 7 What do the representations mean moving forward?

In this chapter, I will discuss the different implications that the thesis has in the reality of the ELP and the understanding of the process to bring light on the contribution they have for the practice moving forward.

One of the main objectives of studying the representations that are part of proposals is to understand their differences in order to decide how to work on them or which one to address. The study of the representations looks at who is given responsibility for the situation to be a problem, what are the effects of it, and what it is behind of these statements (such as realities or believes). This knowledge facilitates the decision in what to work on based on an awareness of the consequences that acting in each representation could have for actors in the society, and for the situation (Bacchi, 2014). Nonetheless, the representations identified in this thesis are not competing which means that the knowledge raised on them enables their understanding, but it does not result in direct information that could lead to choosing one over the other because the situations tackled in each of them are different.

As a consequence, from the results of this thesis, the decision to act on the representations is not which proposal works best for the intention of improving the process but which one to give priority to. The results of this thesis contribute to the understanding of problems the practitioners see in the process which as a conglomeration are all needed to improve the practice. At the same time, they indicate who should be responsible to work on them. Furthermore, knowing the assumptions that lie behind them allows for the decision makers to design strategies which do not look only into the specifics of the process, but that take into account external situations that can affect it. As a result, an assessment can be done by the decision makers to decide to which representations to give priority to base on the existent resources of the process.

### 7.1 The ELP as a practice

This study enabled learning about the ELP as a practice and the engagement that the practitioners have with it and its success. A preconception about the actors in the ELP was that the NGOs would have a higher interest on expressing their views of improvement of the process, but the result shows that the individuals of the authorities and consultants were equally concerned with it. At times, it was the authorities and consultants who saw more opportunities for improvement in the practice than the NGOs. A natural consequence of them being part of more stages of the process, but that initially I thought they would try to show as correctly working. Then, it has been interesting to see that it is all of the actors who are committed to finding paths in which the process can become better. This commitment shows that the practitioners believe the process as necessary for the countries' citizens and natural resources; otherwise, the alternative would have been to reinvent the tool from scratch.

Many of the representations refer to aspects that the interviewees need in their daily interactions with the practice to be able to perform the ELP. They included aspects regarding guidelines and tools at different stages of the ELP which are considered to be, within practice theory, fundamental aspects that allow a practice to exist and for new practitioners to join (Schatzki, 2002). The guidelines suggest the regulations and development planning of the lands, while the tools point to the need for resources, knowledge, and methodologies. However, the need for these aspects would not have been recognized by the interviewees if they would not have been practitioners in the ELP. The interviewees identified highlighted the needs in the representations from the tacit knowledge practitioners get from the practices they are involved in which allow them to know what the practice needs in order to deliver (ibid). A knowledge that is only acquired by directly engaging in the practice.

Thus, through the representations, it has also been possible to identify how the practitioners interact with the practice and how they help to build it. Their commitment to the practice to improve and the experience that they have, I argue, enables the creation of stronger strategies of improvement. For this reason, I encourage decision-makers to also include the practitioners in the design of the improvement strategies. The first step for improvement was to collect the practitioners' views and to analyze them and get understanding on them, as done in this research, but further collaboration needs to take place in the construction of the strategies to guarantee that the actions to be taken reflect their actual needs.

## 8 Authors' relation to this study

As a characteristic of qualitative studies, it is expected for the analysis and discussion to be affected by the way the author perceives the situation and what their background is, which is why here I attempt to identify and discuss what aspects may have driven my conceptions and my work. First, it is important to point out that from my transformative worldview I decided to study the process by assuming that it needs to change. As a Colombian environmental engineer, I had preconceptions of what aspects were problematic within the process, and also on the possible views that others may have on it. These preconceptions had the potential to affect the interviews and the way I related to the interviewees while conducting them; it was possible that I would unconsciously drive the interviewees to speak more about some issues than others. In order to avoid its intrusion on the study I had to be aware of them so I was able to recognize if I was seeking for agreement or if I was open to finding new reasoning's, and in those cases make sure that I kept the conversation as open as possible and guided by the interviewees' perceptions.

A similar situation could happen with the analysis and discussion of the findings. There was the possibility that they could be tainted by my experience in environmental movements and my natural concern about the environment. The work on the movements consists of the change that as individuals we can make while striving for a structural change. In this case, as with the previous aspect, I was aware of it in order to be sure to give space for other views such as the importance to work in the structures.

Nonetheless, the reader should know that my experiences are not aspects that intervene with the research since they have also driven it further. First, due to my master education, I believe significantly in how participative processes can drive a more significant change in society and how it could lead to better policies. An understanding that has driven my choice of theory and method and enabled me always to seek the view of the other above my own. Second, my origins and job experience enabled the research to start in a further stage than if I would not have engaged with the process before. When starting the research, I already knew whom I should contact, the dynamics of the different actors and between themselves. This knowledge typically takes researches significant time resources since they need to immerse themselves in their subject of study to seek to understand it which sometimes ends in the decision to not immerse in the situation and understand it from other stands which could be qualified by some as superficial; it can be said that I had already performed a participatory observation that allowed me to engage better with the research.

Lastly, I believe that it is possible for others to identify different effects from the problem representations than the ones I have identified. Similarly, it is possible that some of the problem representations and the ways of grouping them are affected by these assumptions and beliefs. In this sense, I encourage the reader to think about the discussion as one of many interpretations that the representation show but to believe in the representations as actions that are seen as needed and need to be taken care of in the Colombian ELP and EIA due to the recognition that was given to them by the interviewees.

## 9 Conclusion

The NGOs, Environmental Authorities and Environmental Consultants problem representations of the Colombian Environmental License Process studied in this thesis allowed to have a greater understanding of what is lacking in the process. The problem representations identified made reference to four main aspects of the ELP: the structures of the process, the environmental impact assessment process, the decision-making process, and the practitioners' compliance with their responsibilities. In contrast to the CGR (2017) the representations found referred to improvements that need to be done in the practice beyond the legislation, reflections were done base on the day to day practice. Similarly, in contrast with Toro et al. (2010), the representations signaled aspects in the EIA practice different beyond the ones recognized in the EIA literature and international appreciations; a result from the practice taken place in a particular context which affects it and of how the practitioners act on it.

Moreover, the study of the representations through the WPR approach enabled the identification of assumptions that are rooted in the society and the practitioners which affect the practice. Many of these assumptions are part of the country's reality which causes the practitioners to act cautiously to avoid them; it includes the mistrust on Colombian organizations and the need for more transparent accountability. Also, they refer to embedded doings the interviewees believe should be done differently like the current view on participation and the current implementation of the law as a written text. The understanding of these assumptions will enable a better implementation of the strategies to improve the process by bringing more knowledge on aspects that can affect it.

Finally, from the representations, it was possible to see that the power relations from the reality of the country affect the way that the practitioners perceive their role in the practice. In the majority of them, the interviewees gave the responsibility to an unspecified outside actor who but that I understand to be the government. I find this situation problematic because it neglects the power practitioners' hold as agents to influence the practice, and it portrays them as actors who are only reactive to the will of the government. A problematic situation when the practitioners interviewed showed great interest in the practice to be improved, but they leave this improvement at the will of the government.



## References

- Arts, B. y otros, 2014. A practice based approach to forest governance. *Forest Policy and Economics*, Issue 49, pp. 4-11.
- Asamblea Nacional Constituyente (1991), 1991. *Procuraduría General de la Nación*. [En línea]  
Available at:  
[https://www.procuraduria.gov.co/guiamp/media/file/Macroproceso%20Disciplinario/Constitucion Politica de Colombia.htm](https://www.procuraduria.gov.co/guiamp/media/file/Macroproceso%20Disciplinario/Constitucion%20Politica%20de%20Colombia.htm)  
[Último acceso: 4 Junio 2018].
- Bacchi, C., 2010. Foucault, Policy and Rule: Challenging the Problem-Solving Paradigm. *Aalborg: Institut for Historie, Internationale Studier og Samfundsforhold, Aalborg Universitet. FREIA's tekstserie*, Issue 74.
- Bacchi, C., 2012. Introducing the 'What's the Problem Represented to be?' approach. En: A. Bletsas & C. Beasley, edits. *Engaging with Carol Bacchi*. Adelaide: University of Adelaide Press, pp. 21-24.
- Bacchi, C., 2014. *Introduction: Locating the WPR approach*. [Grabación de sonido] (University of Adelaide).
- Bacchi, C. L., 2009. *Analysing Policy: What's the problem represented to be?*. 1st ed. Malaysia: Pearson.
- Banco de la República, C., 2017. *Red Cultural del Banco de la República en Colombia*. [En línea]  
Available at:  
[http://enciclopedia.banrepcultural.org/index.php/Mecanismos de participación ciudadana](http://enciclopedia.banrepcultural.org/index.php/Mecanismos_de_participación_ciudadana)  
[Último acceso: 14 November 2018].
- Barker, P., 1998. Power, truth, and strategy. En: *Michel Foucault an introduction*. Edinburgh: Edinburgh University Press, pp. 20-47.
- BBC Mundo, 2016. Colombia: suspenden licencia de explotación petrolera que amenazaba a Caño Cristales, el "río más bonito del mundo". *BBC*, 15 Abril.
- Bletsas, A., 2012. Spaces between: Elaborating the theoretical underpinning of the 'WPR' approach and its significance for contemporary scholarship. En: A. Bletsas & C. Beasley, edits. *Engaging with Carol Bacchi*. Adelaide: The University of Adelaide Press, pp. 37-51.
- Bregant, J., Wellbery, I. & Shaw, A., 2019. Crime but not punishment? Children are more lenient toward rule-breaking when the "spirit of the law" is unbroken. *Journal of Experimental Child Psychology*, Volumen 178, pp. 266-282.
- Cobb, S. & Acosta, L. J., 2018. Colombia's Cerro Matoso mine must pay damages to local communities, court rules. *Reuters*, 17 March, p. online.
- Contraloría General de la República, 2017. *El proceso administrativo de licenciamiento ambiental en Colombia*, Bogotá: s.n.
- Craig, R. T. & Muller, H. L., 2007. *Theorizing communication. Readings Across Traditions*. United States of America: Sage Publications, Inc..
- Crang, M. & Cook, I., 2007. *Doing ethnographies*. s.l.:Sage Publications.
- Creswell, J. W., 2014. *Research design. Qualitative, quantitative and mixed methods approaches*. 4 ed. United States of America: SAGE Publications.
- Daniels, S. E. & Walker, G. B., 2001. Understanding Conflict Situations. En: *The Collaborative Learning Approach*. London: Praeger, pp. 25-53.
- Delanty, G., 2005. Modernity and Postmodernity: Part II. In: A. Harrington, ed. *Modern Social Theory*. New York: Oxford University Press Inc, pp. 279-291.
- Foucault, M., 2000. Truth and power. En: *Essential works of Foucault 1954-1984. Power. Vol.3.* London: Penguin Books, pp. 111-134.
- Gasper, D., Portocarrero, A. V. & St. Clair, A. L., 2013. The framing of climate change and development: A comparative analysis of the Human development Report 2007/8 and the World Development Report 2010. *Global Environmental Change*, 23(1), pp. 28-39.
- González, J., 2018. Corte Constitucional falla en contra de Cerro Matoso por contaminación a poblaciones cercanas. *La república*, 12 March, p. online.
- Goodwin, S., 2012. Women, Policy and Politics: Recasting policy studies. En: A. Bletsas & C. Beasley, edits. *Engaging with Carol Bacchi*. Adelaide: The University of Aelaide Press, pp. 25-36.
- Hallgren, L. & Ljung, M., 2005. *Environmental Communication [Miljökommunikation]*. Lund: Studentlitteratur.

- Hansen, H. P., von Essen, E. & Sriskandarajah, N., 2016. Citizens, Values and Experts: Stakeholders and the Inveigling Factor of Participatory Democracy. In: H. P. Hansen, B. Nelsen, N. Sriskandarajah & E. Gunnarsson, eds. *Commons, Sustainability, Democratization Action Research and the Basic Renewal of Society*. New York: Routledge.
- IDEAM, s.f.. *Observatorio Colombiano de Gobernanza del Agua*. [En línea] Available at: <http://www.ideam.gov.co/web/ocga/autoridades> [Último acceso: 8 julio 2018].
- King, A., 2005. Structure and Agency. En: A. Harrington, ed. *Modern Social Theory*. New York: Oxford University Press, pp. 215-232.
- Krauss, R. M. & Morsella, E., 2006. Communication and Conflict. En: M. Deutsch, P. Coleman & E. Marcus, eds. *The handbook of conflict resolution - theory and practice*. San Francisco: Jossey-Bass, pp. 144-157.
- Loomis, J. J. & Dziedzic, M., 2018. Evaluating EIA systems' effectiveness: A state of the art. *Environmental Impact Assessment Review*, Volumen 68, pp. 29-37.
- Manetto, F., 2017. "The Colombian state is entrenched in the cities, it needs to be deployed in the regions". *El País*, 23 October.
- Noticias RCN, 2018. Corte Constitucional confirma que níquel de Cerro Matoso sí produce graves estragos a la salud. *RCN*, 16 March, p. online.
- Observatorio de la democracia; Universidad de los Andes Colombia; USAID, 2016. *Barómetro de las Américas Colombia - Democracia e instituciones*, s.l.: Observatorio de la democracia; Universidad de los Andes Colombia; USAID.
- Official Journal of the Colombian Government, 1993. *Law 99 of 22 December 1993, which creates the Ministry of the Environment and organizes the National Environmental System as well as enacting other regulations (In Spanish)*. Bogotá: National Press; 1993a; 41146: 215-272.
- Official Journal of the Colombian Government, 2009. *Law 1333 of 21 July 2009, which establishes the environmental sanctionatory process as well as enacting other regulations (In Spanish)*. s.l.:National Press; 2009; 47417.
- Official Journal of the Colombian Government, 2014. *Decree 2041 of 15 October 2014, which regulates Titles VIII and XII of Law 99 of 1993 regarding environmental licences (In Spanish)*. Bogotá: National Press; 2014; 49305; 7-17.
- Rabasa, A. & Peters, J. E., 2007. Understanding Lack of Governance. En: A. Rabasa, y otros eds. *Ungoverned Territories - Understanding and Reducing Terrorism Risks*. s.l.:RAND Corporation, pp. 1-5.
- Raik, D. B., Wilson, A. L. & Decker, D. J., 2008. Power in Natural Resources Management: An Application of Theory. *Society and Natural Resources*, 21, pp. 729-739.
- Reckwitz, A., 2002. Toward a Theory of Social Practices A Development in Culturalist Theorizing. *European Journal of Social Theory*, pp. 243-263.
- Red Cultural del Banco de la República, s.f.. *Red Cultural del Banco de la República*. [En línea] Available at: [http://enciclopedia.banrepcultural.org/index.php/Constituci%C3%B3n\\_Pol%C3%ADtica\\_y\\_cultural\\_de\\_Colombia\\_de\\_1991#Diversidad\\_C3%A9tnica\\_y\\_cultural](http://enciclopedia.banrepcultural.org/index.php/Constituci%C3%B3n_Pol%C3%ADtica_y_cultural_de_Colombia_de_1991#Diversidad_C3%A9tnica_y_cultural) [Último acceso: 9 Junio 2018].
- Schatzki, T., 2002. What is a social practice?. In: T. Schatzki, ed. *The Site of the Social. A philosophical account of the constitution of social life*. s.l.:Pennsylvania State University Press, pp. 70-88.
- Semana, 2017. Lo que debe saber del escándalo de corrupción de Odebrecht. *Semana*, 24 January.
- Smith, G., 2003. *Deliberative Democracy and the Environment*. Oxon: Routledge.
- SOAS University of London, 2014. *Introduction to Environmental Impact Assessment*. [En línea] Available at: [https://www.soas.ac.uk/cedep-demos/000\\_P507\\_EA\\_K3736-Demo/module/topindex.htm](https://www.soas.ac.uk/cedep-demos/000_P507_EA_K3736-Demo/module/topindex.htm) [Último acceso: 20 March 2018].
- Toro Calderón, J., Martínez Prada, R. & Arrieta Loyo, G., 2013. Methods of Environmental Impact Assessment in Colombia. *Revista de Investigación Agraria y Ambiental*, 4(2), pp. 43-53.
- Toro, J., Requena, I. & Zamorano, M., 2010. Environmental impact assessment in Colombia: Critical analysis and proposals for improvement. *Environmental Impact Assessment Review*, Issue 30, pp. 247-261.

Vence al corrupto, 2017. *Vence al corrupto*. [En línea]

Available at: <https://www.vencealcorrupto.com/#laconsulta>

[Último acceso: 2 July 2018].

Williams, A. & Dupuy, K., 2017. Deciding over nature: Corruption and environmental impact assessments. *Environmental Impact Assessment Review*, Volumen 65, pp. 118-124

## Annex

Practitioners' roles Problem Representations		
Sub-theme	Problem representation	What was said
Accountability of the practitioners on their roles	Environmental Consultants are disorganized with their practice	There needs to be an auto-regulation of the consultancies to determine how much time it takes to do an EIA for each activity.
	Local Environmental Authorities do not punish enterprises for their inactions	The commitments done by the enterprises in the environmental license are not done fully or in accordance and they are not punished by local environmental authorities.
	Environmental Authorities do not know the importance of their role	Environmental authorities should know that their role is the most important one.
	Government accountability for long term results	The government should guarantee that when I do my compensation measures they will stay and no loss of biodiversity will happen.
	Lack of commitment of the enterprises to compensate	Enterprises should truly commit to compensating their impacts.

<b>Practitioners' roles Problem Representations</b>		
<b>Sub-theme</b>	<b>Problem representation</b>	<b>What was said</b>
Collaborative work	Lack of collaborative work/involvement between/of organizations	The other authorities involved have different assessments than the environmental authorities so the influence area of the project may change. There needs to be a balance.
		There should be more closeness in the EIA and their assessment with the academy to determine the impacts of the projects.
	There is no communication between Environmental Authorities	There should be an enhancement on the knowledge between environmental authorities.
	The work of Environmental Authorities has been and it is question without an understanding of what, how and why they act	The entities who control the work of the environmental authorities should be trained into what is it that they do because some of the employees on the environmental authorities are scared to do their job because they will be sanctioned.
		Environmental authorities' employees may have the technical background to assess an EIA but they become a lawyer just following what is written because they are judge by that.
	The environmental authorities are afraid of giving a good concept to a project due to the outside pressure and problems they can get into from doing so, even if they are right.	

<b>Decision making in the ELP Problem Representations</b>		
<b>Sub-theme</b>	<b>Problem representation</b>	<b>What was said</b>
Participation and Access to information	There is no public access to information on the ELP and projects that are intended to be done	There should be more transparency in the process of giving an environmental license to a project and its assessment so people could verify what it is going on and learn what it is going on.
		The communities are not properly warned about a project that it is going to be done in their territory.
	There are not spaces/processes that guarantee incidence of the communities in the planning and development of the projects	The spaces of participation of the communities should guarantee a debate that has incidence and effects in the decisions. This dialogue and debate should be based on arguments and it should have an important development.

Decision making in the ELP Problem Representations		
Sub-theme	Problem representation	What was said
		The involvement and participation of the community is not enough.
		The information is too technical for the communities to understand and participate.
		It is not enough to just have in the record of the environmental license what it was said in the audience with the communities.
Priority of the environment and technical views on it	The ELP is viewed as a legal requirement rather than as a technical one	The ELP should be more technical not so jurisdictional (if someone disagrees on the assessment the defenses are based on laws rather than in the technical aspect of the project that needs to be changed).
		The lawyers in the environmental authorities modify the assessments of the technical people leaving behind some of their technical concepts.
		The assessment of the environmental authorities' employees should be respected if it is done technically and ethically.
	The environmental protection is sometimes not seen as something necessary, needed or to be prioritized	Though the environmental license should aim to first prevent and only compensate as the only option the communities push for the compensation so they can have money from the company.
		There are parts on the EIA that are done due to the interest of the enterprise rather than truly looking at protection. It can be due do to a reduction of costs.
		Environmental licenses are sometimes negotiated due to political interest instead of truly being implemented.
		Sometimes assessments are done do to the political realities of the country rather than the technical assessment.
		Projects go on due to political interest even if there are technical assessments that advise otherwise.
Corruption	Existent corruption in the process	Follow up is not done due to the environmental authorities' employer knowing the owner of the company.

Decision making in the ELP Problem Representations		
Sub-theme	Problem representation	What was said
		People in the environmental authorities are not experts but are put there do to political favors (directors of the local environmental authorities).

EIA process Problem Representations		
Sub-theme	Problem representation	What was said
Methodologies	Lack of unifying methodologies in the EIA to be followed by all actors within the process.	The significant impacts should be determine within the EIA but through a methodology given by the authorities.
		Hydro Energy by design. A tool to understand the cumulative environmental impacts on hydroelectric (there was not a clear methodology of cumulative impacts within projects).
		There is not a unique methodology to assess the EIA.
		The methodologies that are being used to do different assessments are not up to date and do not represent the actual impacts.
		The environmental authorities should have access or use the same methodologies as the ones of the EIA in order to be comparable and look into the environmental base of the country.
		The environmental license starts with the assumption that the territory was clear before the project but the reality is that when you arrive the project might have already started in some ways or it could be done where another project lays. The legislation does not provide guidance on how to deal with it.
		The methodologies for the development of information should be given by the authority and it should reflect the true impacts and the economic assessment.
	The methodologies currently used within the EIA do not allow for a proper assessment of the impacts on the communities	The strategic environmental assessment should be truly implemented where it is truly seen what happens to the communities (see the guidelines of the environmental ministry on this).

<b>EIA process Problem Representations</b>		
<b>Sub-theme</b>	<b>Problem representation</b>	<b>What was said</b>
		There should be more technical criteria in the social aspect of the EIA so the discussion is not so subjective (the north of the environmental license is lost if not).
	Lack of economic tools to assess if a project should be made or not	A cost-benefit assessment should take place where cost makes reference to the consequences of the impacts the project has (ex. leaving a community without water, maybe not in 5 days but in 10 years) and to benefits as those that are portrayed as having hospitals, making improvement in the infrastructure of the places (this were referred as actual compensation actions the projects normally do in their practices).
Information	The information being used within the ELP does not represent the reality of the territory affected	Secondary information instead of primary.
		The ELP should also show the planning of the territory where the project is going to happen.

<b>Structures outside of the ELP Problem Representations</b>		
<b>Sub-theme</b>	<b>Problem representation</b>	<b>What was said</b>
Organizational	Lack of control of the local environmental authorities	There should be control over the Local Environmental Authorities to make sure they do their work.
	The Local Environmental Authorities need to be strengthen	The Local Environmental Authorities should be strengthen because they have a double roll in the environmental management of the country. The manage natural resources at the same time that they provide environmental license to projects. The national environmental authorities only does the former one.
	The practice of the environmental consultants is not regulated	There should be a database of environmental consultants that classifies them.
		The environmental consultants are not regulated so the quality of the EIA varies greatly and sometimes really poor studies are done. In terms of the information that is presented, they present information that is not needed or professionals without the expertise in some topics do it to save money.
		There is a copy/paste of the EIA between projects and the measure that are presented even if the projects are in different territories with different qualities.



Structures outside of the ELP Problem Representations		
Sub-theme	Problem representation	What was said
	There should be a unique dependence in all the Local Environmental Authorities offices that work on Environmental Licenses	There should be a unique dependence in all the Local Environmental Authorities offices that work on environmental license.
	There is a weak jurisdictional system in the country to sanction and do follow up on the wrongs of the enterprises and communities	There is not a consequence for the enterprises when they have impacts on the environment. There is a weak jurisdictional system in the country to sanction and do follow up on the wrongs of the enterprises and communities.
Planning	There is no planning regarding the natural resources of the country	The environmental part of the country should not be reactive. It should already be determine what cannot be touched. We need to have order in the territories what are the resources in them, what are we using them for, and what do we want to use them next. When having this it will be possible to determine if a project can take place or not.
	Lack of information of what it's the damage that should be allowed	The environmental license is always allowing a level damage in the environment. It is important to find out what truly is the level of damage on nature that could be allowed.
	Lack of information to determine what if the environment is being protected or not	The state should be the one to determine if the natural capital of the country is being protected or not because they are the ones that have information (ex. Comparing the information with other years).
	There is not a baseline of what is the importance of taking care of the environment	There is not a baseline of what is the importance of taking care of the environment.
	Lack of information of public access about the state of the natural resources/territories of the country that could be used in the ELP process	There should be a program that says the state of the territory instead of the enterprise being the responsible to say so.
		The follow up made by the environmental authorities should be based in comparing what the status of the environment/pollutants was before the project and what its now. At times there is not a base of what the territory is that allows to compare to how it has changed from when the project was not there.

Structures outside of the ELP Problem Representations		
Sub-theme	Problem representation	What was said
		The Local Environmental Authorities should have better knowledge of the territories they manage so to be given to the national environmental authorities.
		There should be a systematization of the information that is given in the EIA in order to use it to know about the territory.
		There should be a detail database of the country territories that could be use as reliable secondary information for making the EIA.
		A project/proposal is to have layers of the territory which are of public access. It should be possible to see in them what the state of the territory is in terms of natural resources and the requirements that are around the areas. With this layers investors could check if there are possibilities to develop the projects where they want, and other organizations could also participate in making projects accountable of their environmental impacts.
		The country should continue with the regionalization project on what is the state of the natural resources given by the different EIA so it can be used in the ELP.
Resources and capacity	The education/formation of the employees in the environmental authorities does not respond with the nature of the documents they need to assess. It does not match the necessities of the project	The people in the authorities are lawyers and not technical (in the field) people.
		There is not enough quantity of experts in the environmental authorities in order to properly assess the EIA.
		The EIA might not be done by a full spectrum of experts but just a few, having to make assessments on fields that are not their own
	Lack of knowledge in the recent graduates about the ELP	Universities should teach more about EIA and environmental authorities so the recent graduates can be part of the environmental authorities.
	Lack of budget in the environmental authorities to properly conduct the ELP	Agreements with universities have to be done to help with the EIA assessment. They have people with experience and it is cheaper to hire them than external experts.
The impacts and economic valuations are determine by the enterprises in the EIA and the environmental authorities do not have resources to verify if they are accurate or not.		

Structures outside of the ELP Problem Representations		
Sub-theme	Problem representation	What was said
		There is not enough quantity of experts in the environmental authorities in order to properly assess the EIA. As well as with different specific backgrounds.
		Some projects have not have proper follow up because there is no time for the environmental authorities employees to look into them.
		There is a lack of capacity (monetary, time) in the authorities to do a proper follow up (there are parts that are not looked into).
	The heads of the environmental authorities do not have proper technical requirements for their role	The heads of the environmental authorities should have more experience and better capabilities to defend the decisions made.
	Lack of employees in the environmental authorities	There should be employees hired by the environmental authorities as part of them rather than only relying on contractors so the memory of the projects and the institution is not lost so easily as when the contractor stops working.
	Lack of money to have employees	Other entities different than environmental authorities also have to assess information given in the environmental license. They take too long to do so causing the enterprise to re-do studies since the territory might have changed at the time. Some of this authorities do not get paid to do that job so they have no opportunity to maintain a good number of employees while the environmental authorities does have a payment.
	Lack of renovation in the tools that are used within the ELP such as technological tools. Moving from paper to digitalized.	There should be a platform in which enterprises could upload the EIA so everything guarantees the same format, and it is guaranteed that everything is hand in.
		There should be an automatize system/survey which could be taken to the projects. Write everything in them and download it into the computer already in the format of follow-up so there is a save time.
		A technological system that allows the individuals of the environmental authorities to register the projects that are being compensated in a place, the actions that are being done and the indicators that are being followed.
		The time in the environmental license law is not enough to do a proper assessment of the EIA

Structures outside of the ELP Problem Representations		
Sub-theme	Problem representation	What was said
	The time given to comply with the requirements in the ELP process is too short (Environmental Authorities-assessment, follow up. Environmental Consultants - making EIA, information)	The time given in the legislation is even too short for the same enterprises to be able to give the additional information that is asked by the authority.
		The methodologies of follow up provided by the environmental ministry do not take into account the time capacity of the environmental authorities employees.
		The orality part of the process does not allow for requirements to be truly full field though you might know the project it is difficult to come up with answers and questions right in the moment.
		Due to a lack of time and economic savings secondary information it is used that does not represent the reality of the impacted territories.
Implementation of regulations	There is no clarity about how compensation should be done	There should be agreements on the compensation that needs to be done.
		There is a lot of money that goes to compensations that is getting lost.
		The compensation of the impacts should be the last measure to take or be considered in an environmental license.
		There are not clear guidelines on how the compensations should be invested.
		There is a lack of clear doable tools for the implementation of compensations.
	The individuals of the authorities do not have a clear guideline of what the environmental license is. In this sense, they start asking for operational information of the project when it is not part of it.	The individuals of the authorities do not have a clear guideline of what is environmental license and what is not. In this sense, they start asking for operational information of the project when it is not part of it.
		Do not make sure that the actions are being followed but that the impacts are happening within the allowed range.
	EIA are asked to have everything that the Terms of Reference say when it is not necessary as they are guidance	EIA are asked to have everything that the Reference Terms say when it is not necessary as they are guidance.
The regulations are not implemented equally for all projects that fall underneath them	The impacts of the project further than the direct area of influence should be looked at.	
	There is a low governmentality. The state is centralist.	

Structures outside of the ELP Problem Representations		
Sub-theme	Problem representation	What was said
		It is asked more from small enterprises than big ones. They close or sanction easier small projects than big ones.
Inadequate and missing regulations	The existent law does not cover all the activities	Other activities should also be assessed or demanded to have an environmental license (agriculture, cows, smaller projects - fishing, mine exploring, fracking).
	The environmental license and hence the EIA should not take into account different permits than environmental ones	The environmental license and EIA should not have different permits than environmental ones.
	The environmental impact of the projects should be taken into account earlier in the procedural process the country has to decide if the project should be done not only until the environmental license stage which is almost at the end of the process	The environmental aspect of projects should be asked to be considered since the business idea when planning a project not only at the end when the environmental license happens.
		It is expected for the environmental license to stop a project when this one has been started way before by other government authorities (it is not the case for all the projects but its seen in those of the energy and mining sector).
	Projects are forced to present an EIA even when they have decided not to do it anymore because they acquired another government permission for the project that forces them to do so even if it is not needed anymore	When the enterprises acquire the right to develop a project they are forced to go with the environmental authority. Sometimes, after they have acquired this right they realized that due to environmental reasons is not possible to develop it. However they are still forced to do the EIA and present it to environmental authorities due to the clause when they acquired it.
	There is no clarity about what should be handed in when modifying the license	There is no clarity about what should be handed in when modifying the license.
	There should be protocols that define methodologies so there is not room for interpretation and/or subjectivity within the ELP	The other authorities involve should have clearer process on how the 'previous consult' should work.
There should be protocols that define methodologies so there is not room for interpretation and/or subjectivity within the environmental license process.		

