



OAS | DTOC

Department against Transnational Organized Crime

80.20%

ON THE TRAIL OF ILLICIT GOLD
PROCEEDS: STRENGTHENING
THE FIGHT AGAINST ILLEGAL
MINING FINANCES

50.00

COLOMBIA



OAS Cataloging-in-Publication Data

Organization of American States. Secretariat for Multidimensional Security. Department against Transnational Organized Crime.

On the Trail of Illicit Gold Proceeds: Strengthening the Fight Against Illegal Mining Finances: Colombia's Case.

v. ; cm. (OAS. Official records; OEA/Ser.D /XXV.30)

ISBN 978-0-8270-7447-7

1. Money laundering. 2. Gold mines and mining--Corrupt practices. 3. Mineral industries--Corrupt practices. 4. Organized crime. 5. Transnational crime. I. Title. II. Series. OEA/Ser.D/XXV.30

February, 2022.



OAS | DTOC

Department against Transnational Organized Crime (DTOC)
Organization of American States (OAS)

A large, light orange outline map of Colombia is positioned in the background, framing the central text.

**ON THE TRAIL OF ILLICIT GOLD
PROCEEDS: STRENGTHENING
THE FIGHT AGAINST ILLEGAL
MINING FINANCES**

Colombia's case



TABLE OF CONTENTS

PROLOGUE 5

INTRODUCTION 7

LEGAL FRAMEWORK 8

GOLD SUPPLY CHAIN 15

GOLD PRODUCTION AND MINING SECTOR 17

ILLEGAL GOLD MINING ACTIVITY AND EXPORTS 26

ILLEGAL GOLD SUPPLY CHAINS 34

ILLEGAL GOLD TRADE AND MONEY LAUNDERING 37

GOLD SMUGGLING 41

ORGANIZED CRIME AND ILLEGAL ARMED GROUPS 43

CRIMINAL ORGANIZATIONS' INVOLVEMENT IN ILLEGAL MINING	51
CONCLUSIONS	54
ACRONYMS	56
ANNEX - COMPLETE LEGAL FRAMEWORK	58

PROLOGUE

The transformations that have taken place since the end of the Cold War, in the nineties, have led us to witness a world of deep social and economic inequalities. Normally, it is the developing countries that have suffered most severely the consequences of inequality, poverty, stagnation, violence, and insecurity among many other phenomena. These conditions took on even more force in a context of globalization and globalization that disproportionately accelerated countless processes of social deterioration.

In the Americas, most of the countries are privileged by nature, having large areas of territory endowed with enormous invaluable and diverse natural resources, such as fauna, flora, and minerals. They also face great challenges in the use of these resources within the legal frameworks and environmental sustainability.

In this context, along with the legal formality in the use of natural resources, minerals in particular, illegality rises, incentivized by the greed of transnational organized crime for the most valuable minerals such as gold, throughout its supply chain: extraction, transport, refining, and trade.

As a consequence of these events, as is the case for of most countries in Latin America, the dynamics of illegal markets have emerged forcefully, such as trafficking in drugs, persons, and firearms, smuggling and other expressions of illicit economies, and within these dynamics, illegal mining has stood out in recent years.

All these alternative or illicit economies are the expression of inequality and lack of opportunities for broad sectors of the population who see in these as options for a particular form of subsistence. However, this situation has not meant improvements in the quality of life of the population, since around these illegal economies, criminal groups have emerged that largely seek to monopolize these informal businesses in order to create significant wealth, resulting in the exploitation of the local populations where these activities take place.

These types of activities have financed illegal armed groups and have caused long periods of insecurity and violence in various territories. In the case of Colombia, the armed conflict has been heavily impacted by the dynamics of illegal economies over the past three decades. In this regard, it is important to highlight the role played by drug trafficking, which for years has been the financier and driver of a painful war for the country. However, intense struggles to counter drug trafficking have led criminal groups to redirect their sources of funding toward sectors where it becomes more difficult to keep track of illegality.

Furthermore, in the last decade, illegal mining has gained much strength, in Colombia as well as in other Latin American countries. The global demand for gold, as well as the significant increase in international prices of this metal, have opened a market of significant profits and this has led to the involvement of various armed groups in the exploitation and export control of gold illegally.

This phenomenon is so serious that it has been noted that illegal mining in Colombia, in particular the special role of gold, which is becoming the most important source of financing for illegal armed groups, surpassing even cocaine trafficking. This situation is alarming in that this activity is expected to remain a transversal element in addressing violence and armed conflict in Colombia. In addition, regarding illegal gold mining and the irregular practices that stem from it, money laundering is considered the final stage in the consolidation of a cycle of illegal markets. We are talking about significant sums of money that through the most diverse channels penetrate the legal economy, generating serious structural problems within the national economy.

In the prosecution of this crime, it is considered useful to carry out an analysis and diagnosis of the phenomenon in each affected country, from different aspects, and in a country-specific manner, but without failing to identify and bear in mind similarities and patterns at the regional level.

With this work philosophy, in production and development of this document, valuable information and data have been obtained that describe the security risks that illegal gold mining represents for Colombia; money laundering and the activities of Organized Criminal Groups (OCGs) and Illegal Armed Groups (IAGs), all of which have dire implications for public safety and the economic/social fabric of the communities in the gold mining areas, which are generally in remote regions that are in conflict.

In this way, that the Department against Transnational Organized Crime of the Organization of American States (OAS-DTOC), based on its specialization in associated matters and its international experience, intends to raise awareness and contribute to a topic of relevance to Latin America in general, and of great concern to Colombia.

As a result, this report will serve as input for the Colombian government and other competent bodies responsible for the formulation of strategies and public policies against the actions of organized crime engaged in illegal mining and its related criminal practices; to recover assets from illicit activities; and promote its redistribution in favor of the well-being, peace, and calm of Colombian society.

Gastón Schulmeister

Director

Department against Transnational Organized Crime

Secretariat for Multidimensional Security

Organization of American States

INTRODUCTION

The illegal gold trade in Colombia is a widespread and significant threat that has seen considerable growth in recent years. Illegal mining activity produces substantial quantities of gold in the country, by some estimates representing over 70% of national production and accounting for the majority of gold exports.¹

The illegal extraction of gold exacerbates numerous challenges Colombia faces, such as insecurity, environmental degradation, and corruption, while also providing opportunities for drug trafficking organizations and illegal armed groups to obtain significant revenue in some regions. Indeed, in areas where there is extensive mineral exploitation these transnational criminal organizations are often deeply involved in Colombia's illegal trade in gold, leveraging extensive criminal expertise, ample financing capacities, and armed violence in order to develop illicit gold networks.

The spread of illegal mining² in Colombia is facilitated by high levels of economic and commercial informality, rural poverty, corruption,³ limited governmental presence and resources in remote mining areas, and porous international borders that are vulnerable to smuggling, among other factors.

Colombia's government is taking numerous steps to combat the sale and export of illegal gold, including through regulation and oversight of gold supply chains, formalization programs targeting small-scale miners, support for subsistence mining, and on-the-ground operations to disrupt illegal mining activity. Nevertheless, illegal trade in gold continues to thrive as illicit actors excel in finding gaps and opportunities to exploit.

¹ Colombian Mining Association: *"The value-added figures for gold mining could be even higher if the bulk of this metal being traded was formally produced; of the total currently traded, only 30% is legal and pays royalties and all the relevant taxes, while 70% is part of an illicit mineral extraction market."* <https://acmineria.com.co/verdades-sobre-los-aportes-del-sector-minero-a-la-economia-del-pais/>

² Illegal mining goes beyond gold exploitation. As a matter of fact, authorities have seized other minerals illegally extracted, such as coltan, tin, and gemstones. More information available at <https://www.fiscalia.gov.co/colombia/derechos-humanos/fiscalia-impone-medidas-cautelares-a-mas-de-seis-toneladas-de-coltan-y-estano-que-corresponderian-a-mineria-ilegal/>

³ "Former mayor of Mitú, two former public servants, and six others prosecuted for alleged participation in illegal mining in the Vaupés River region." The Colombian Attorney General's Office. Available at: <https://www.fiscalia.gov.co/colombia/noticias/judicializados-exalcalde-de-mitu-dos-exfuncionarios-y-seis-particulares-por-presunta-participacion-en-mineria-ilegal-en-el-rio-vaupes/>

LEGAL FRAMEWORK

Colombia has developed an advanced legal framework governing the country's diverse mining sector. This framework has been adapted to address changes in the sector and oversee the disparate realities faced by small, medium, and large-scale mineral producers, as well as subsistence miners. Colombian laws and regulations also set out standards for mining practices and environmental protection, including penalties for illegal mining-related activities.

The Colombian Constitution (1991) establishes the underpinnings for mining's legal framework. The Constitution (Articles 332 and 360)⁴ provides that the country's entire subsurface (soil and subsoil)⁵ and all non-renewable natural resources are the property of the State. The Constitution also lays the foundation for granting mining rights, as well as the requirements for royalty payments to the State, where applicable.

Law 685 (2001) is Colombia's Mining Code, which sets out the regulations and framework for mineral exploration. The Code declares the promotion of mining activity to meet domestic and foreign demand to be in the public interest. Article 159 thereof defines illegal mining and Article 306 establishes the authority to suspend such mining. The Mining Code⁶ also provides tools to legalize traditional mining (Article 165), as well as mechanisms for requesting Special Reserve Area authorizations and other procedures such as operating contracts (Article 31).

⁴ Senate of the Republic of Colombia, Political Constitution of Colombia. Available at: http://www.secretariasenado.gov.co/senado/basedoc/constitucion_politica_1991_pr012.html

⁵ Gold mining in Colombia includes two types of deposits according to the geological conditions of the formations: (1) primary, known as reef or vein, characterized primarily by underground exploitation; and (2) secondary or alluvial (resulting from weathering processes and from the action of water on primary deposits that undergo a natural mechanical disintegration, whereby the gold particles are transported certain distances and tend to deposit in water channels, giving rise to the well-known "gold pleasures") with open-pit exploitation. The exploitation of the deposits, both vein and alluvial, is done in two basic ways in terms of removing the minerals: (1) manually—i.e., without machinery, and (2) with machinery.

⁶ Ministry of Mines and Energy, Mining Code. Decree 2655 (December 23, 1998). Available at: https://www.anm.gov.co/sites/default/files/decreto_2655_de_1988.pdf



Joint operation between the Colombian National Army and the National Police against illegal mining in the municipality of Río Quito, department of Chocó, Colombia.

Law 1658 enables formalization of subleasing and the possibility to formalize mining areas. Law 1955 (2019) provides for concession contracts with differentiated requirements and authorizes the evaluation of requests for traditional mining formalization.

Law 1955 also defines and authorizes subsistence mining (Article 327), including, for instance, for traditional artisanal gold miners, known as *barequeros*.⁷ *Barequeros* operate without mining rights, but should be registered at their municipality's mayoral office, in order to manually explore and mine for gold, silver, platinum, and gemstones in "open pits," with some other restrictions.

Article 14 of the Mining Code provides that one may have, declare, and prove the right to explore and exploit surface and underground natural resources on national territory and State property, through a mining concession agreement that has been duly granted and registered with the National Mining Registry.

⁷ "Barequeo" entails using manual panning techniques without any machinery or mechanical devices to separate and collect precious metals from the soil. *Glosario Técnico Minero*, Ministry of Mines and Energy, 2015.



Colombian National Army in the framework of “Operación Artemisa” against illegal mining in the department of Cauca, Colombia.

Article 159 of the Mining Code further defines illicit exploration and exploitation of mining resources, specifically stating that it is “when work is carried out to explore, extract, or gather minerals from public or private property, without the corresponding valid mining rights or authorization of the owner of said property.”

Law 1658 of 2013 established a ban on the use of mercury in mining. The law also granted a five-year transition period prior to fully prohibiting its use, thus enabling the mining sector to develop alternative practices and technologies to mine gold.⁸

Colombia’s National Mining Policy, drafted by the Ministry of Mines and Energy, also provides important guidance and a framework for the mining sector. The Policy’s goal is to promote inclusiveness and competition.⁹

⁸ National Development Plan 2011-2014, Law 1450 (2011), Article 106, Decision 774 (2012) Andean Community, Decree 2235 (2012)

⁹ Colombia’s mining policy, Ministry of Mines and Energy, April 18, 2016, <https://www.minenergia.gov.co/documents/10180/698204/GLOSARIO+MINERO+FINAL+29-05-2015.pdf/cb7c030a-5ddd-4fa9-9ec3-6de512822e96> <http://www.minminas.gov.co/documents/10180/698204/Pol%C3%ADtica+Minera+de+Colombia+final.pdf/c7b3fcad-76da-41ca-8b11-2b82c0671320>.



Operation of the National Army's Brigade Against Illegal Mining.

Article 112 of Law 1450 (2012)¹⁰ requires control measures to commercialize minerals, including a published list of mining owners and authorized mineral traders. To fulfill this requirement, the Colombian government established the Single Registry of Mineral Traders (RUCOM). This registry acts as a control measure to certify natural and legal persons who trade minerals in Colombia. As of January 1, 2015, the Colombian government requires the registration of (1) all traders “who act as natural or legal persons and buy and sell minerals on a regular basis to transform, improve, distribute, broker, export or consume them” and (2) “beneficiation plants and trading houses that purchase gold, silver and platinum ore, [and] precious and semi-precious stones from authorized mining operators.”

Other controls over the trade in minerals include requirements for certificates of origin provided by authorized mineral traders, beneficiation plants, or authorized mining operators. These steps were taken in response to the widespread practice of illegal mining and aim to establish a verifiable traceability for Colombian gold.¹¹

¹⁰ Congress of the Republic of Colombia, Law 1450/2011. The National Development Plan 2010-2014. Available at: https://www.anm.gov.co/sites/default/files/ley_1450_2011.pdf

¹¹ Law 1801 (2016)

The primary entities charged with regulation and oversight of Colombia's mining sector are:

- The Ministry of Mines and Energy (MME).
- The National Mining Agency (ANM).
- The Mining and Energy Planning Unit (UPME).
- The Colombian Geological Service (SGC).

The Ministry of Mining and Energy is responsible for issuing policies, coordinating, and planning the mining-related activities to ensure the sector's productivity.

The National Mining Agency (ANM) is responsible for the administration of mining resources, monitoring and oversight over the mining sector, and overseeing and executing sectoral processes like awarding mining rights and registration. The ANM also administers the Anna Mining management system, Genesis, and RUCOM. In the Department of Antioquia, these functions are delegated to the Government of Antioquia with respect to mining activities.

The Mining and Energy Planning Unit (UPME) is responsible for providing strategic and comprehensive sector-wide planning and for producing and disseminating relevant sectoral information.

The Colombian Geological Service (SGC) conducts scientific research relevant to the extractive sector and identifies potential natural resources in Colombian national territory.

Colombia's legal and regulatory framework seeks to combat money laundering and terrorist financing threats to the Colombian economy and financial system. Colombia's Financial Intelligence Unit, known as the Financial Information and Analysis Unit [*Unidad de Información y Análisis Financiero*] (UIAF) monitors and analyzes suspicious transactions and activities involving the financial system and designated entities that have potential exposure to money laundering and terrorist financing activity, including non-financial businesses and organizations with high exposure to money laundering risks, known as Designated Non-Financial Businesses and Professions (DNFBPs).

The UIAF is a key part of the National Intelligence System and works closely with the Attorney General's Office (AGO) by providing them strategic information (although not evidence) on money laundering and terrorist financing cases. The AGO transforms this information into investigative orders for law enforcement agencies with the mandatory judicial approvals. The UIAF also works with other intelligence authorities

such as the military, the National Intelligence Agency and the Colombian National Police. Given their direct links with the mining sector, the UIAF has classified the businesses listed below as DNFBPs,¹² imposing mandatory reporting requirements on them:

- Gold exporters and importers.
- Gold refineries.
- International trading firms that commercialize gold and / or carry out gold export and / or import operations within their economic activity.
- Securities transport companies, private security companies authorized for securities transport, armored vehicle securities transport companies.

Additionally, the Superintendence of Companies implemented the System for Self-Monitoring, Risk Prevention and Management of Money Laundering, Terrorist Financing, and Financing of Proliferation of Weapons of Mass Destruction (SAGRILAF), which establishes a series of prevention and management measures whose implementation is mandatory for certain economic activities, including those associated with the trade in precious metals and gems.¹³

Colombia also has a detailed process for asset forfeiture of criminal proceeds, including those from illegal mining and trading in gold. The framework and legal powers for these processes are detailed in the Asset Forfeiture Code [*Código de Extinción de Dominio*] (Law 1708 of 2014).

Among the entities involved in asset management and forfeiture in Colombia are the Fund for Rehabilitation, Social Investment, and the Fight against Organized Crime (FRISCO) and the Special Assets Corporation [*Sociedad de Activos Especiales*] (SAE).¹⁴ In some cases, Colombia goes beyond forfeiture and safekeeping of the assets. In instances where a successful business is charged with involvement in criminal activity, the SAE ensures ongoing operation of said business. It secures continued revenue and employment for its existing employees by contracting a management team responsible for continuing operations, while legal and court proceedings for asset forfeiture cases are completed. SAE thus administers several mining companies charged with involvement in criminal activity and money laundering in connection with illegal gold.

12 According to FATF: Types of “non-financial” businesses which due to the characteristics of their business, transactions, and markets have been associated with a higher risk of susceptibility to Money Laundering (ML), Terrorist Financing (TF), or Financing of Proliferation of Weapons of Mass Destruction. Source <https://www.fatf-gafi.org/glossary/d-i/>

13 https://www.uiaf.gov.co/caracterizacion_usuario/perfiles/reportantes/superintendencia_sociedades/sociedades_comerciales_vigiladas/normatividad/circular_externa_100_000016_2020

14 The Special Assets Corporation [*Sociedad de Activos Especiales*] (SAE), subject to private law and with tie to the Ministry of Finance and Public Credit, must administer a special account without legal status. Its objective is to strengthen the justice sector, social investment, drug policy, rural development, care of and reparation for victims of illicit activities.

Case Study: The SAE's Management of Seized Gold Trading Companies

The Special Assets Corporation [Sociedad de Activos Especiales] (SAE) is responsible for ensuring a proper administration and disposition of assets subject to precautionary measures and asset forfeiture, through the mechanisms defined under Law 1708 of 2014.

In recent years, the Attorney General's Office has seized two Colombian companies specialized in commercializing gold for their alleged role in illicit activities. These companies are currently under SAE management and administration. However, there are several challenges to maintaining the businesses' productivity and, consequently, their commercial relationships with key actors to achieve the export of this product. One of the greatest stumbling blocks is the fact that the financial system cuts off access to financial products, thereby putting these businesses and their employees' job security at risk.

SAE officials, hand in hand with the designated trustees, are faced with the difficult task of raising awareness among the most important financial institutions and buyers around the world in order for these companies to resume their commercial activity. To this end, the SAE has obtained the support of the Swiss Better Gold Initiative of the Government of Switzerland.

Despite these hurdles, SAE has continued exporting this precious metal. However, the financial sector's support is important for the State in tackling the challenge of administering and managing these assets of illicit origin.

In 2019, Colombian prosecutors seized the assets of a prominent gold trading company for its alleged role in the purchase and export of substantial quantities of illegal gold. The government turned the company's assets over to the SAE for administration.

The SAE outsourced its management in order to overhaul its operations as necessary for compliance with Colombian law.

The SAE administrators discovered widespread compliance issues in the gold trader's gold purchasing operations. A review of company procedures and partners found widespread non-compliance with due diligence standards, compromising the integrity of the company's gold supply chain. By applying basic due diligence practices in a review of the company's gold suppliers, SAE administrators determined that 90% of the gold suppliers raised red flags for potential money laundering activity and fraud. After the review, administrators severed ties with the suspicious gold producers.

The SAE continues to manage the company; however, representatives highlight the challenges they face in maintaining the gold trader's international partnerships and business relationships due to the company's tarnished reputation as a target of a criminal prosecution.

Source: *Interviews with SAE Representatives*

Joint, coordinated and interagency work of Colombia's National Army, Colombia's Air Force, Brigade Against Illegal Mining, the National Police, and the Attorney General Office where 16 dredgers, 10 excavators and 10 engines were found and destroyed in the Tamaná, Quito and Cabí rivers in Chocó, Colombia.

GOLD SUPPLY CHAIN

The legal gold supply chain in Colombia follows multiple routes but includes the same key steps. Among the actors involved in the gold supply chain are producers, mining companies engaged in large, medium, and small-scale operations, subsistence and artisanal miners, local and national gold traders and exporters, and gold refineries. The steps and requirements to mine gold can vary depending on the size of the operation, inasmuch as different categories of mining face different regulatory requirements under Colombian law. However, mining rights and authorization granted by the State are required for activities like extraction and commercialization, serving as a primary tool for introducing transparency into gold supply chains.



- 1. EXPLORATION:** The beginning of the mining process involves the identification of a potential mining site where minerals may be present. This phase may involve using different methods to determine the potential of a mineral deposit, including panning in the case of smaller mining operations, and geological surveys for larger operations. Further studies and analyses are then conducted in the exploration of a given site to determine its potential, the size of the gold deposit, and the viability of mining operations depending on the terrain and the site's stability. This phase also requires obtaining the relevant licenses, registration, and compliance of environmental protection standards.



- 2. PREPARATION, CONSTRUCTION, AND ASSEMBLY:** Subsequent to the identification of a viable mining site, a mining operation must transport the equipment, machinery, and personnel necessary to extract the minerals. Depending on the size and complexity of the operation, this can be a long process.



- 3. EXPLOITATION:** This next phase involves the extraction of minerals from a given site's deposit and the use of a variety of methods and equipment, including heavy and light machinery to move and gain access to the mineral.



- 4. PURIFICATION AND PROCESSING:** After the raw minerals are extracted, they must undergo further processing in order to remove impurities and other extraneous materials. The minerals are also typically shaped into bars so they can be sold. This step can be done in part with the equipment at or near the mining site, or the minerals can be transported to a gold processing facility.

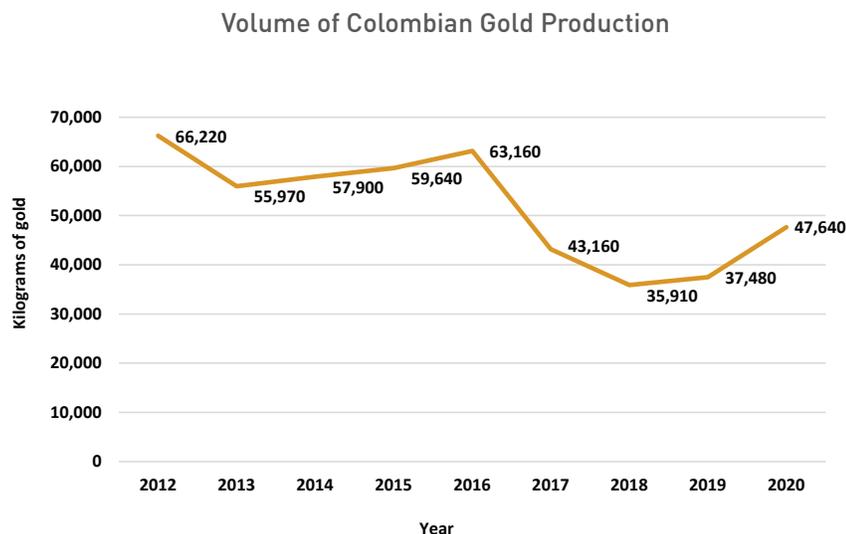


- 5. COMMERCIALIZATION AND EXPORT:** After the gold is processed, it is then ready to be sold on Colombia's domestic market or exported. A series of local and national gold traders purchase the gold from mineral producers, and then resell it domestically or export the gold to international refineries. To buy and sell gold in Colombia, traders and producers must be registered with RUCOM. Traders must comply with due diligence standards and appropriate taxes and royalties must also be paid.

GOLD PRODUCTION AND MINING SECTOR

Colombia has a well-developed and active mining sector that produces significant quantities of gold and other minerals. Gold production has fallen significantly since 2010, when production reached approximately 65 tons. In 2019, production was approximately 36 tons, which marked a recovery after a post-2016 decline of nearly 50% in the wake of some trade control measures implemented.

Graph 1. Volume of Gold Production in Colombia 2012-2019.



Source: Sistema de Información Minero Colombiano (SIMCO).

Colombia is rich in mineral and gold deposits throughout much of its territory with approximately one third of Colombia’s departments producing gold from mining. However, the majority of Colombian gold is produced in three departments—Antioquia, Chocó, and Bolivar—with Antioquia accounting for the largest share. In 2019, for example, the majority of Colombian gold was produced in Antioquia.

Table 1. Gold Produced by Department (2012-2021) in kilograms.

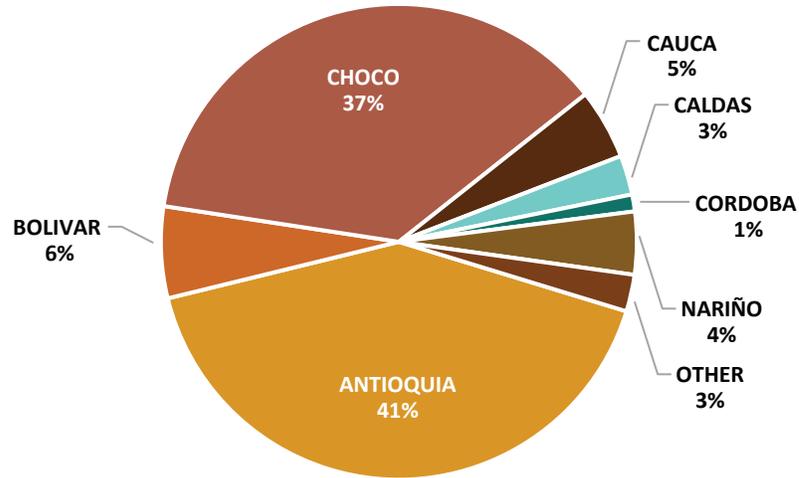
DEPARTMENT	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021 (Q1)
AMAZONAS				0.5126	0.3959					
ANTIOQUIA	27451.794	26458.826	29091.939	23620.355	25678.771	19743.213	21127.035	20953.268	29591.864	8251.994
ATLÁNTICO	9.195									
BOLÍVAR	4124.702	2239.009	1159.529	3716.139	4113.769	4307.237	4261.539	3202.103	2062.675	532.932
CALDAS	1773.329	1786.199	2301.570	1983.697	2620.174	2474.898	1950.243	1653.573	2766.554	573.595
CAQUETÁ		2.496		4.128	2.257	0.034				
CAUCA	3166.943	4435.794	4314.917	5372.919	4064.514	2474.228	907.165	875.082	687.982	159.118
CHOCÓ	24462.158	15307.516	11941.565	14772.756	15000.049	9260.175	4505.268	5189.997	6069.270	1287.409
CÓRDOBA	759.929	520.388	496.864	455.072	489.925	682.927	906.081	2175.447	3215.496	412.309
GUAINÍA	148.698	165.985	1118.943	692.416	441.476		42.002	135.319	64.253	21.208
GUAVIARE				0.206						
HUILA	292.041	256.458	107.396	65.764	95.551	214.286	315.159	307.456	269.008	42.931
LA GUAJIRA							17.256	259.512	319.983	19.629
MAGDALENA	0.290	0.800								
NARIÑO	2827.866	3586.910	5227.685	7562.176	9301.689	2711.863	1024.091	981.723	562.044	119.655
PUTUMAYO	43.878	9.538	20.864	37.185	68.894	44.936		2.652		
QUINDÍO	44.698	30.866	31.149	83.416	0.206					

DEPARTMENT	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021 (Q1)
RISARALDA	163.420	184.282	255.552	229.909	299.433	205.044	188.359	179.243	546.193	3.484
SANTANDER	28.913	48.861	271.641	87.537	82.856	77.587	59.019	48.916	82.407	10.203
SUCRE									32.619	40.163
TOLIMA	281.529	276.146	247.849	263.857	483.605	935.448	510.105	1279.378	708.750	187.807
VALLE DEL CAUCA	642.695	658.580	718.475	690.070	413.650	26.299	88.820	230.270	80.626	17.511
VAUPÉS	0.109									
VICHADA							3.201	2.548		

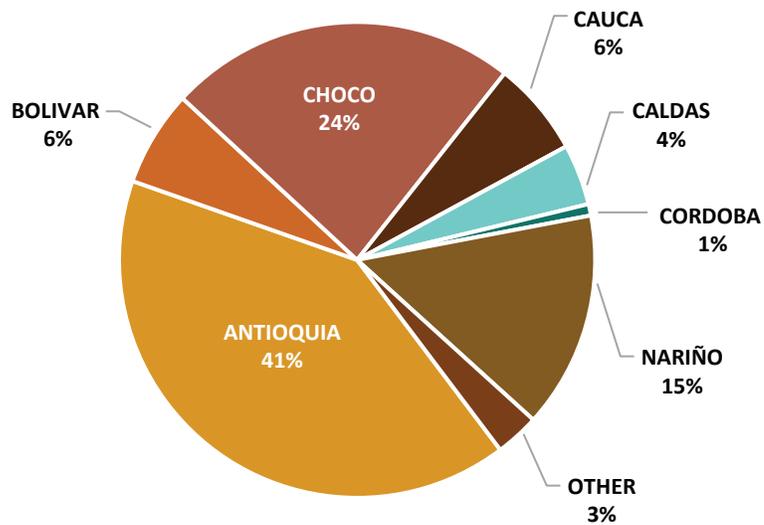
Source: Sistema de Información Minero Colombiano (SIMCO).
<https://www1.upme.gov.co/simco/Cifras-Sectoriales/Paginas/oro.aspx>

Graph 2. Share of Gold Production by Department in Colombia 2012, 2016, 2020.

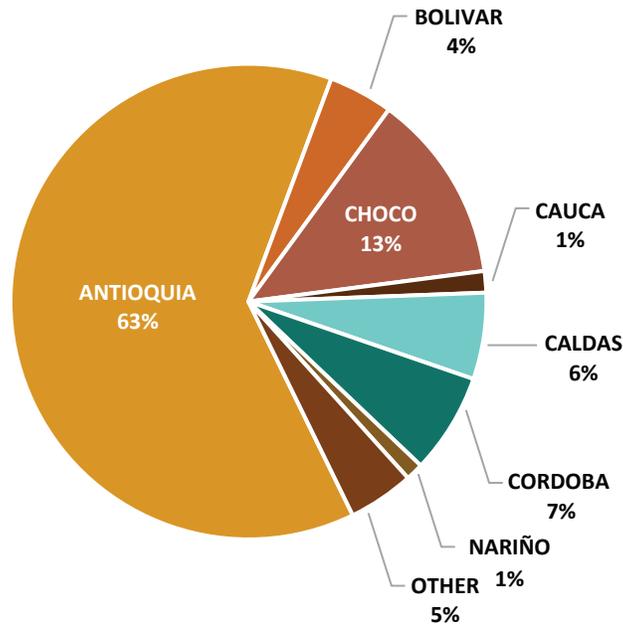
Production Share by Department - 2012



Production Share by Department - 2016



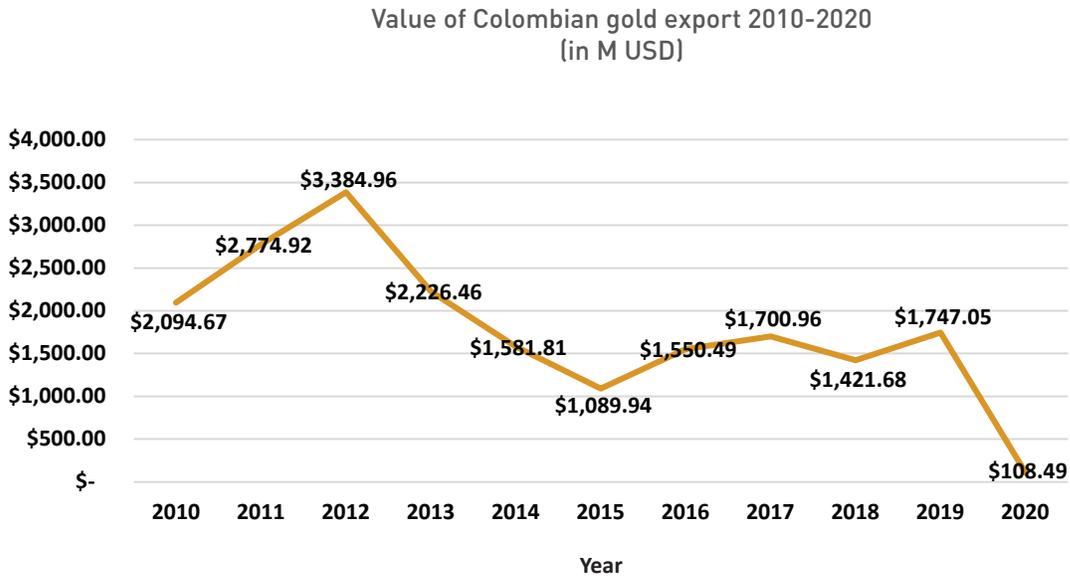
Production Share by Department - 2020



Source: SIMCO.

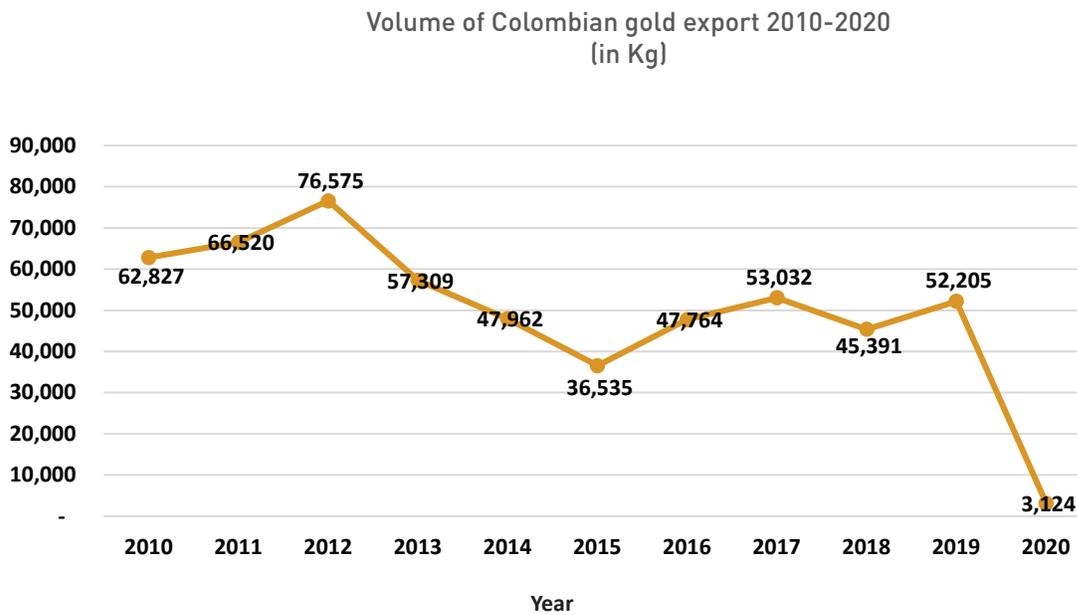
Colombia's export profile is dominated by petroleum and coal products, which comprised over 50% of its exports in 2019. Overall, the Colombian mining sector produced more than 20% of national exports. Coal led exports from the mining sector in 2019, but gold made up the second-largest share of the country's mineral exports. Colombia exports a significant share of gold and it continues seeking to develop its gold industry and become a leading global exporter of the mineral. In 2018, gold exports made up close to 3% of Colombia's exports. Gold also represented about 85% of Colombia's precious metal exports.

Graph 3. Value of Colombian Gold Exports 2010 – 2020.



Source: SIMCO. Tariff codes 710812 and 710813.

Graph 4. Volume of Colombian Gold Exports 2010-2020.

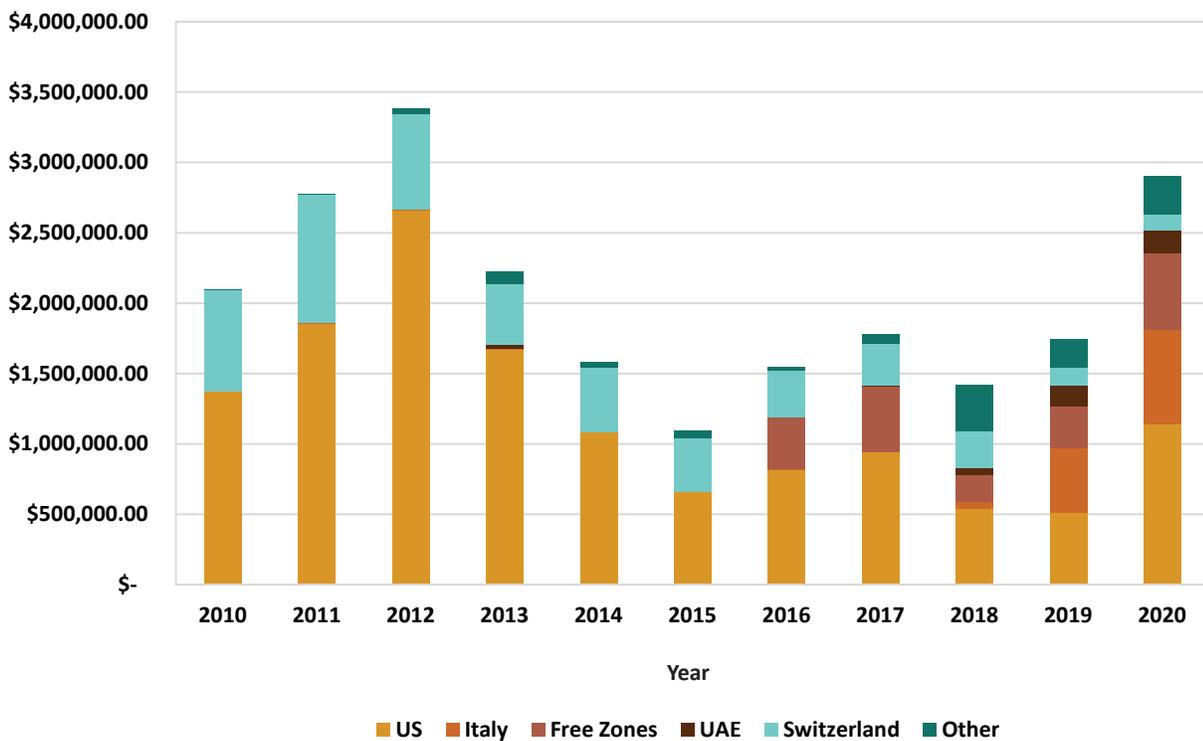


Source: SIMCO. Tariff codes 710812 and 710813.

Colombia's primary gold export destination is the United States, followed by Switzerland. In 2019, Italy and the United Arab Emirates increased their imports of Colombian gold, each receiving over 10% of Colombia's exported gold that year. Since 2016, Colombia has begun exporting a large share of its gold exports to free trade zones. In both 2016 and 2017, free trade zones received almost a quarter of Colombia's gold exports, while in 2019 this figure was over 15%.

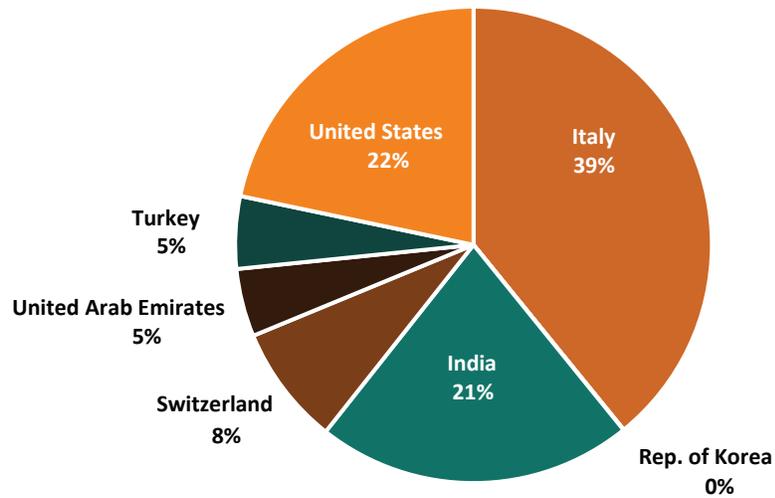
Graph 5. Export destinations for Colombian Gold 2010-2020.

Export destination for Colombian Gold 2010-2020
(FOB value in million USD)



Source: SIMCO. Tariff codes 710812 and 710813.

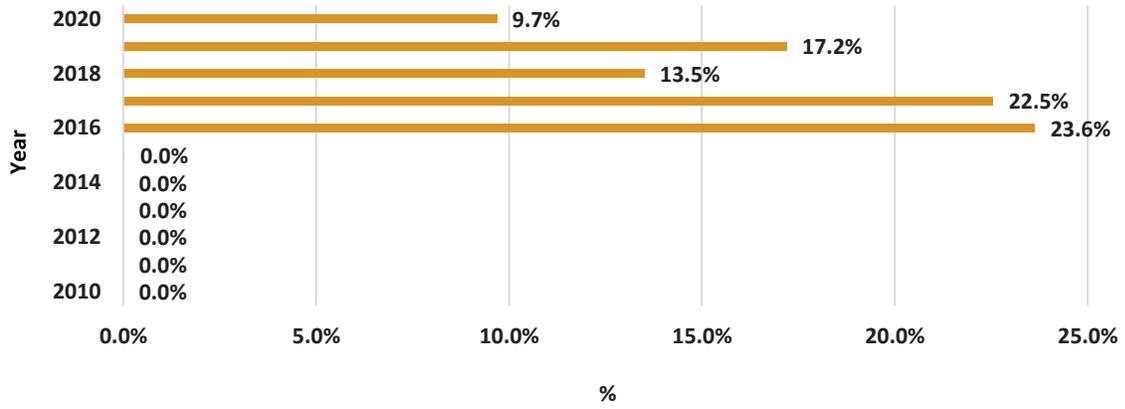
Graph 6. Indirect Share of Gold Exports 2019
(Imports reported by destination country)



Source: UN Comtrade. Export share refers to the share of the exports that can be obtained by adding up all the gold imports from Colombia reported by other countries. Note that the free trade zones are not included in other countries because they do not report to Comtrade. Tariff code 710812.

Graph 7. Share of Free Trade Zones as Gold Export Destination.

Share of Free Trade Zones as gold export destination 2011-2020
(% in FOB value)



Source: SIMCO. Share of FOB dollar value. Tariff codes 710812 and 710813.

ILLEGAL GOLD MINING ACTIVITY AND EXPORTS

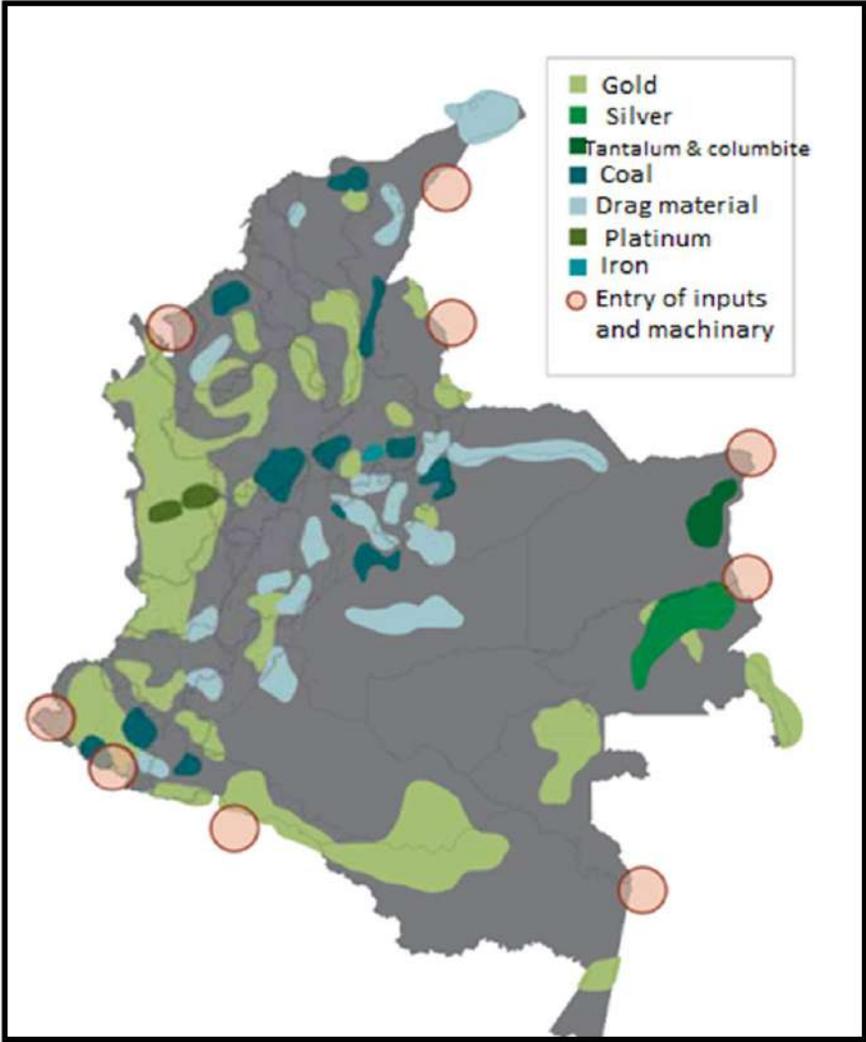
Illegal gold mining activity is widespread in Colombia and estimated to account for upwards of 80% of gold production in the country. While Colombia has developed a comprehensive framework for the mining sector, enforcement of these laws and regulations has been insufficient to prevent illegal gold mining and commercialization.

In 2019, the United Nations Office on Drugs and Crime (UNODC) and Colombia's Ministry of Mines and Energy released their latest analysis of alluvial gold extraction in Colombia. The study found that over 50% of alluvial gold exploitation, approximately 47,670 hectares, centers in areas where mining activity is prohibited by the government, such as protected nature reserves.



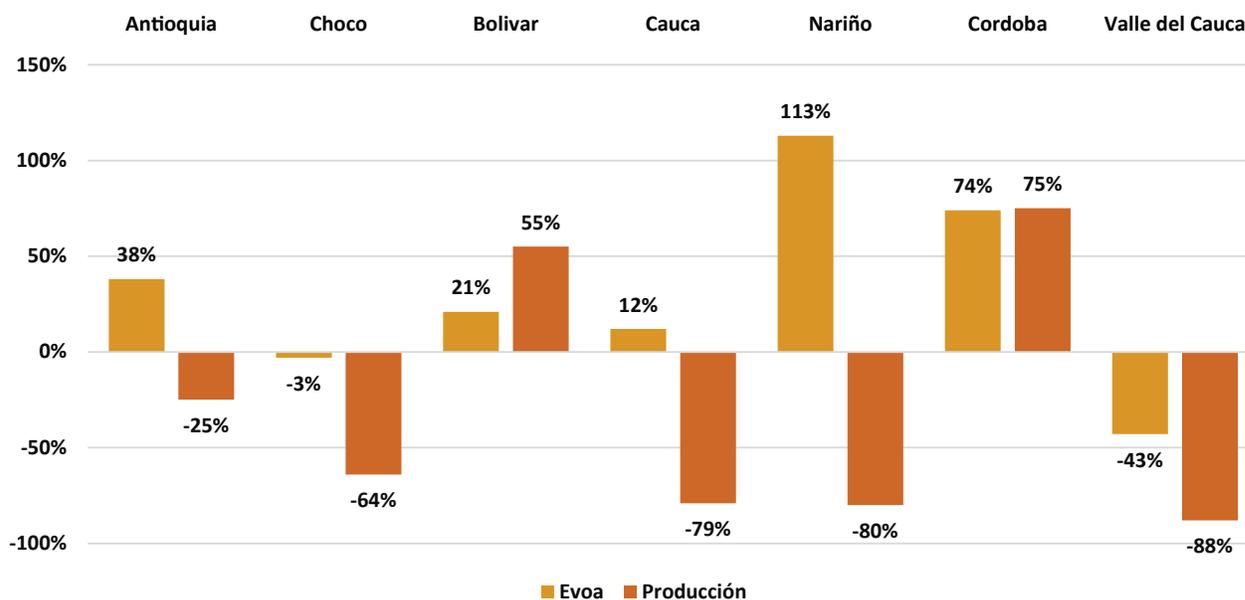
The Colombian National Army intensified operations against illegal mining in the framework of the implementation of the “Plan Diamante”.

Illegal Mining Activity and Smuggling of supplies.



Source: Extractive Industries Transparency Initiative and the Colombian National Police.

% Change in Production vs % Change in EVOA
(2014-2018)



Source: SIMCO and UNODC EVOA Report.

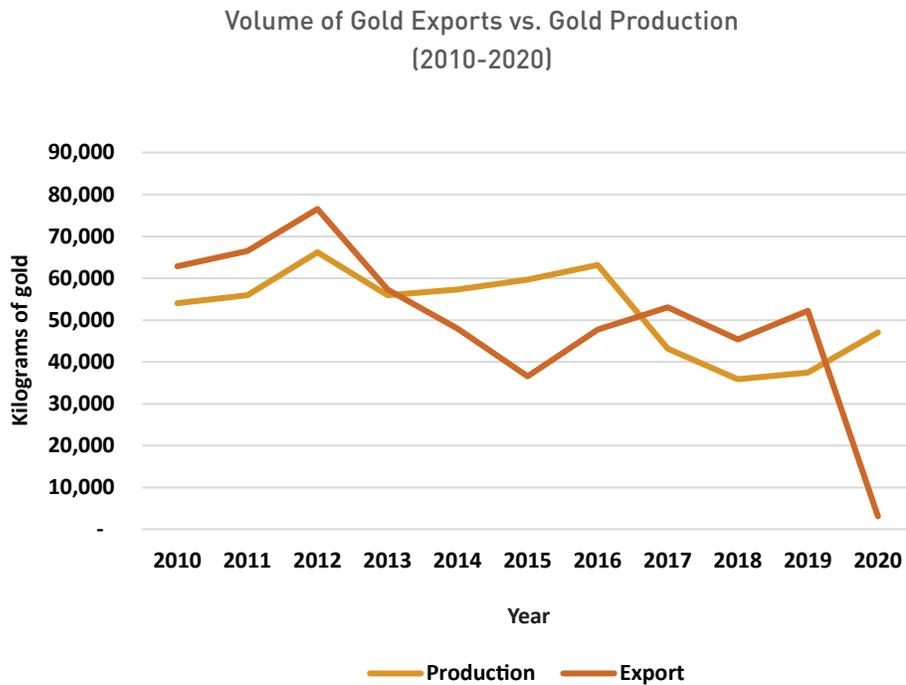
In many cases, the increase in illegal mining activity seems to accompany a decrease in legal gold production. In 2014, for example, the Department of Chocó registered 11,941,565 grams of gold production, according to the Colombian government, but by 2018, production had dropped to just 4,505,268 grams, a reduction of 63%.¹⁵ Nevertheless, the UNODC found that the change in alluvial mining activity, measured by hectares, fell just 3% during the same period of 2014 to 2018.

One potential explanation for this discrepancy is a decrease in non-alluvial mining activity, including underground mining. However, this is unlikely to be the primary reason for the discrepancy since a majority of Colombian gold is believed to come from alluvial mining activity, which in the Department of Chocó accounts for an estimated 90% of gold production.¹⁶ At the same time, Chocó is known to be one of the departments in Colombia that has a significant presence of illegal armed groups and illegal mining activity. This suggests that the disparity between gold production and evidence of alluvial mining activity in Chocó stems from an increase in illegal mining.

¹⁵ <https://www1.upme.gov.co/simco/Cifras-Sectoriales/Paginas/oro.aspx>

¹⁶ OECD, “Due diligence in Colombia’s gold supply chain: Gold mining in Chocó,” 2017, <https://mneguidelines.oecd.org/Choco-Colombia-Gold-Baseline-EN.pdf>.

This disparity is also present, and more markedly, in several other Colombian departments. In Nariño, an 80% drop in gold production between 2014 and 2018 accompanied an increase of 113% in evidence of alluvial mining activity for the same period. In Antioquia, gold production fell by 25%, while alluvial mining activity rose by 38%. This trend suggests a shift away from legal gold production toward illegal production in multiple Colombian departments and may explain, in part, Colombia's falling reported gold production in recent years.



Source: SIMCO and UN COMTRADE.

An analysis of Colombian gold exports also reveals multiple discrepancies in trade data, possibly associated with inconsistencies in trading systems, and potentially linked to illegal gold mining and the practice of Trade-Based Money Laundering (TBML)¹⁷ and trade misinvoicing. Colombia's overall gold exports significantly exceed reported national production. In 2019, Colombia reported gold exports of approximately 10 tons

¹⁷ According to FATF, Trade-Based Money Laundering (TBML) is defined as the process of disguising the proceeds of crime and the mobilization of value through the use of international trade transactions in an attempt to legitimize their illicit origin. Source: FATF Trade-Based Money Laundering, available at: <https://www.fatf-gafi.org/media/fatf/documents/reports/Trade%20Based%20Money%20Laundering.pdf>



Joint operation between the Colombian National Army and the National Police against illegal mining in the municipality of Río Quito, department of Chocó, Colombia.

over national gold production that year. In previous years, the discrepancy has been even more pronounced. This suggests the possible large-scale export of illegal gold and the practice of trade-based money laundering through misinvoicing of Colombia's gold exports.

The matter of inconsistencies in trading systems is an aspect that should be analyzed in greater depth since exports are not carried out at the same time as production and the international trade process entails a reasonable delay between both operations. On top of this, the dynamics of the trade markets lead to both demand and supply reductions in the face of expectations about price fluctuations that make higher profits foreseeable, which then result in either postponing or expediting transactions.

That said, with respect to the drop in exports reflected in the statistics for 2020, one can reasonably assume it is a logical consequence of the impact the COVID-19 pandemic has had on all international trade, the ensuing supply chain crisis, or a combination of these two extraordinary circumstances.

A cursory analysis of factors like the ones elaborated on above could, however, potentially lead to the wrong lines of investigation, or even identify operations that, once assessed, turn out to be normal market transactions although they were initially classified as suspicious. This type of error could be attributable to the dearth of analysis methodologies specifically geared toward the gold import / export sector or designed for specific market behavior.

A recent report by the think tank Global Financial Integrity finds that, between 2010 and 2018, trade misinvoicing in Colombia's mineral sector represented over \$5.6 billion in illicit financial flows.¹⁸ Additionally, every year since 2012, Switzerland has reported imports of Colombian gold significantly in excess of the exports reported by Colombia to that European country. For 2019, Colombian gold imports reported by Switzerland were approximately double the exports reported by Colombia. An even more glaring discrepancy exists between India and Colombia. Colombia's 2019 gold exports to India were reported to be approximately 1/10th of the value of India's reported gold imports from Colombia. Notable disparities also exist in Colombia's gold trade with the United States and Italy.

The sharp rise in Colombia's exports of gold to free trade zones since 2016 is also a point of concern due to the more lax controls government around the world impose in these zones and their associated risks for exploitation by money launderers.¹⁹ As Colombian authorities have begun to scrutinize gold traders more closely in recent years, the use of free trade zones²⁰ by firms dealing in illegal gold allegedly increased, suggesting that the illicit gold trade has shifted to these zones.

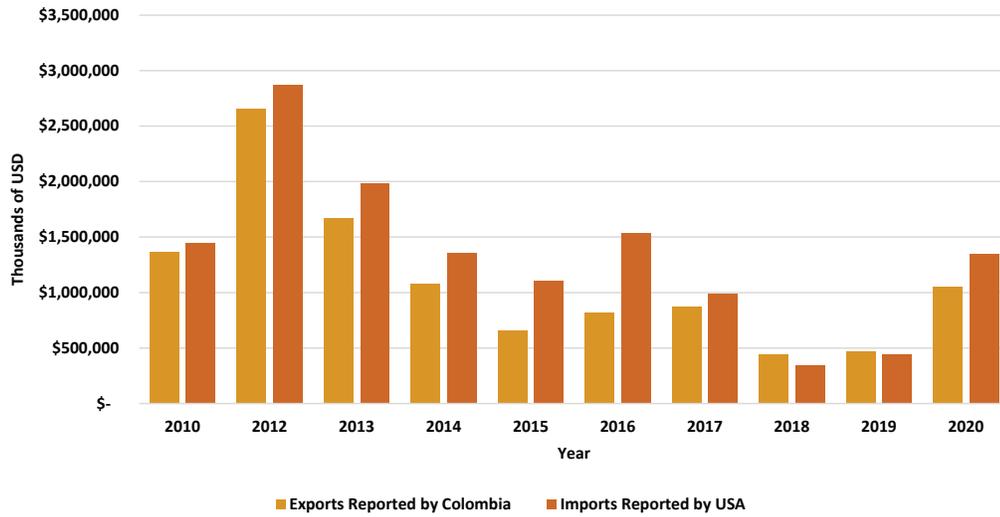
18 Global Financial Integrity, "The Gold Standard: Addressing Illicit Financial Flows in the Colombian Gold Sector through Greater Transparency," February 10, 2021, <https://gfintegrity.org/press-release/new-report-finds-colombian-gold-sector-vulnerable-to-illicit-financial-flows/>

19 The following document illustrates different illegal operations with gold, which clearly explain the phenomenon: http://www.derechoshumanos.gov.co/Prensa/2018/Documents/derechos-humanos-empresas/Cartilla%20Trazabilidad%20Comercializacion_Oro.pdf. This source also addresses the issue of free trade zones: <https://www.connectas.org/el-jugoso-negocio-del-oro-illegal-colombiano/>.

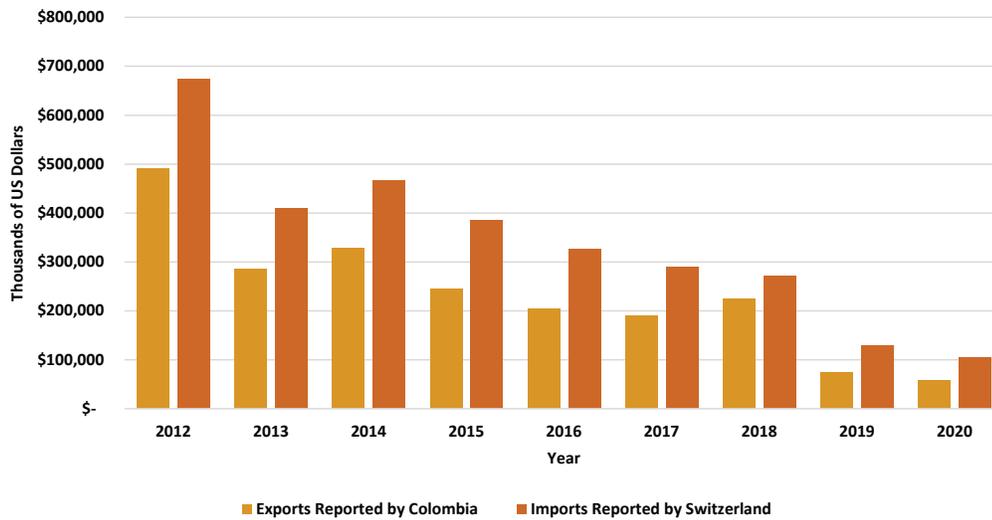
20 The Attorney General's Office has dismantled networks that use free trade zones: <https://www.fiscalia.gov.co/colombia/fiscal-general-de-la-nacion/operacion-estructural-contral-as-redes-senaladas-de-lavar-millonarias-sumas-de-dinero-mediante-la-exportacion-de-oro-obtenido-en-mineria-illegal/>

Reported Imports and Exports of Gold by Colombia and Its Primary Trading Partners

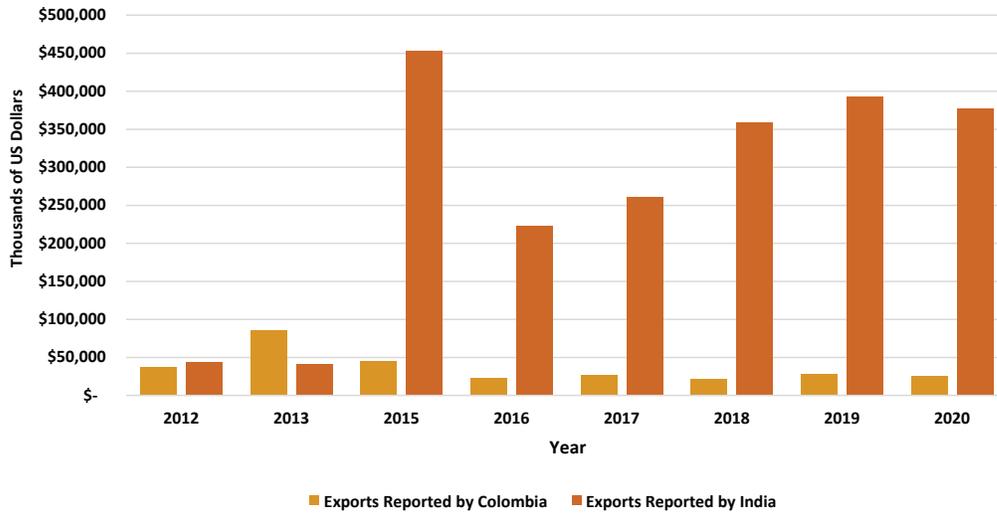
United States



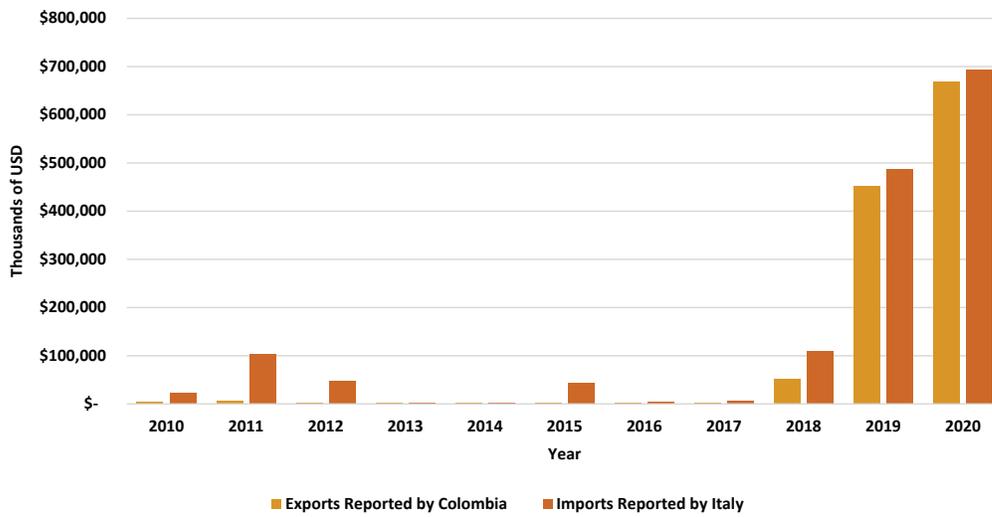
Switzerland



India



Italy



Source: Comtrade. The Data Refers to Exports and Imports of Gold. Tariff code 710812.

ILLEGAL GOLD SUPPLY CHAINS

Colombia's 2019 National Risk Assessment identified (1) the illegal exploitation of mineral deposits and the use of heavy machinery in mining activity, and (2) the commercialization of precious metals and gemstones, as two of the three activities that are at the greatest risk for money laundering in this sector.²¹

Colombia's gold supply chains are vulnerable to unlawful activity and the infiltration of illegal gold at several points of production and commercialization processes. Typically, an illegal gold mining operation, from extraction to commercialization, will involve multiple illegal actors and illegal acts at different steps of the illicit supply chain.

Prior to extraction, inputs to the illegal gold supply chain, such as mercury, explosives, and even heavy machinery, are often obtained unlawfully. This can be through cross-border smuggling, particularly in the case of mercury, or involve criminal acts such as fraud, bribery, and money laundering to finance the purchase of inputs. Colombian authorities have identified cross-border flows of contraband supplies at its borders with Colombia, Ecuador, Peru, and Brazil, as well as at Colombia's maritime points of entry.

Mercury supplies to Colombia depend on a broader regional supply chain and smuggling of this outlawed input for the illegal gold trade. A primary entry point for smuggled mercury into Colombia is through the country's southern border with Ecuador.²² This is linked to the contraband flow of mercury which originates in Mexico, is imported by Bolivia, and is smuggled to Peru, Ecuador, and Colombia.

Officials report that, in many cases, supplies such as heavy machinery are secured locally by illegal miners. One method includes securing financing for the purchase of machinery either from a criminal organization, an unscrupulous gold trader, taking out loans from local credit providers, or even taking loans from other

²¹ UIAF, "Evaluación Nacional de Riesgo" ["National Risk Assessment,"] March 2019, https://www.uiaf.gov.co/sistema_nacional_ala_cft/evaluaciones_nacionales_riesgo/evaluacion_nacional_riesgo_2019.

²² Semana, "Más de 270 kilos de mercurio se han incautado en Antioquia en 2018" ["More than 270 kilos of mercury were seized in Antioquia in 2018,"] July 24, 2018, <https://www.semana.com/contenidos-editoriales/colombia-sin-mercurio/articulo/mas-de-270-kilos-de-mercurio-se-han-incautado-en-antioquia-en-2018/576621/>.



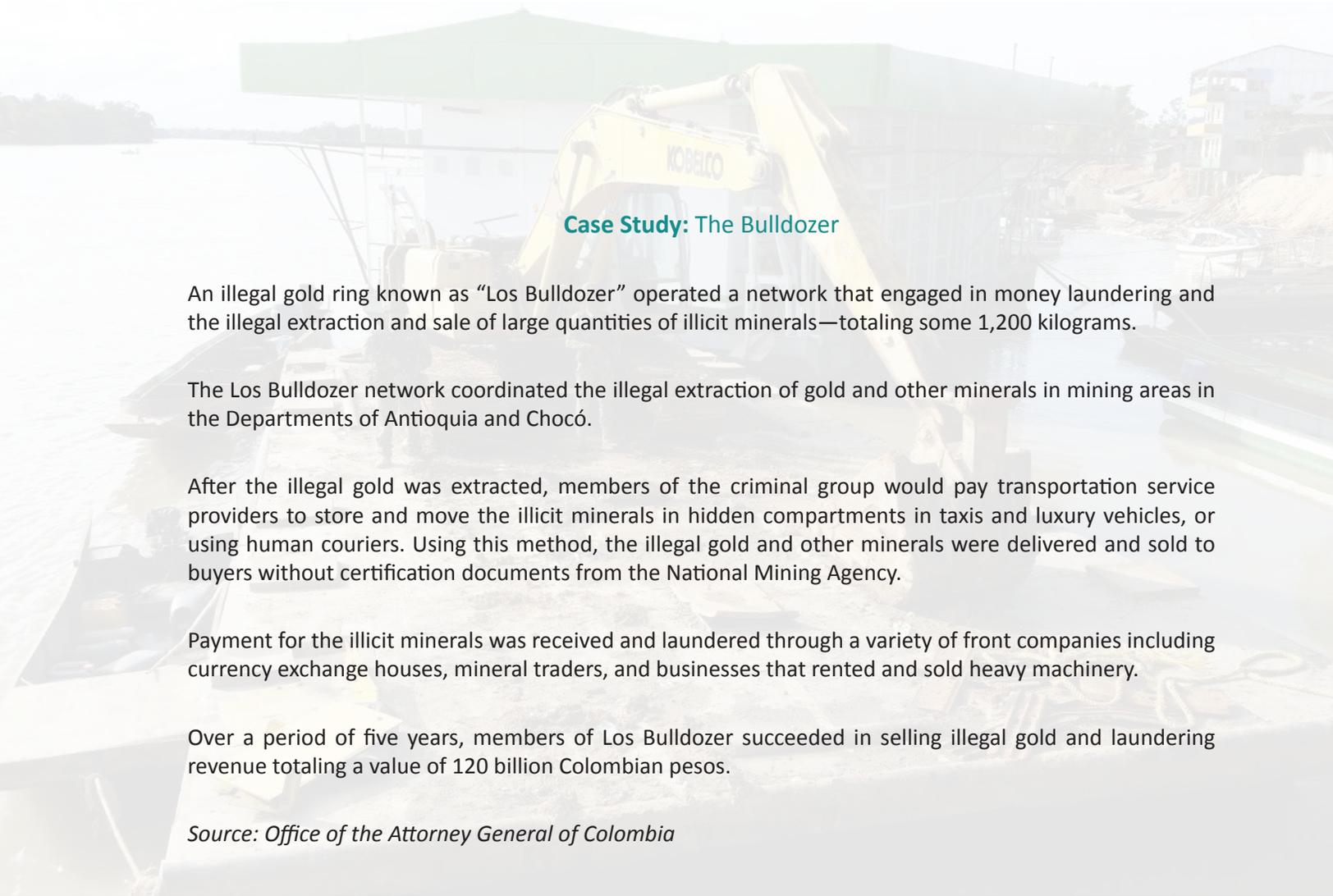
Operation against illegal mining by the Rapid Deployment Task Force of the Colombian National Army in the department of Nariño, Colombia.

criminal organizations (“drop by drop” loans).²³ Many times, these illicit facilitators will also physically procure and store machinery for future use to support illegal mining operations. Other potential sources of heavy machinery reported by officials are construction companies and public works projects near an illegal mining site. Reports suggest that illegal miners gain access to idle machinery through theft, bribe, or by threatening representatives of a construction firm or officials overseeing public works projects. The illegal miners then transport the machinery to a given illegal mining site.

Gold mining can also be illegal from the outset if it is: carried out in restricted areas such as nature reserves; tied to criminal groups; lacking the appropriate permits for exploitation; or employing prohibited mining materials or methods that damage the environment.

At the tail end of the illegal gold’s supply chain and commercialization process, laundering illegal gold will often involve other criminal acts. This may include activities such as bribing local officials, or fraud and money laundering by unscrupulous firms or criminal organizations that spuriously register gold producers’ identities and thus disguise the gold’s’ illicit origin. Criminal organizations and corrupt customs officials also facilitate smuggling of illegal gold across borders to move the gold laundering process to a jurisdiction where there are fewer obstacles to selling illegal gold.

23 Drop by drop loans: Loans illegal miners can obtain within a few hours, without the need for a guarantor or guarantee, at extremely high interest rates (sometimes 100% of the loan amount) that often make the loan payment impossible. Payments are made daily (drop), and are collected by members of criminal organizations, who even use violence to coerce the miners.



Case Study: The Bulldozer

An illegal gold ring known as “Los Bulldozer” operated a network that engaged in money laundering and the illegal extraction and sale of large quantities of illicit minerals—totaling some 1,200 kilograms.

The Los Bulldozer network coordinated the illegal extraction of gold and other minerals in mining areas in the Departments of Antioquia and Chocó.

After the illegal gold was extracted, members of the criminal group would pay transportation service providers to store and move the illicit minerals in hidden compartments in taxis and luxury vehicles, or using human couriers. Using this method, the illegal gold and other minerals were delivered and sold to buyers without certification documents from the National Mining Agency.

Payment for the illicit minerals was received and laundered through a variety of front companies including currency exchange houses, mineral traders, and businesses that rented and sold heavy machinery.

Over a period of five years, members of Los Bulldozer succeeded in selling illegal gold and laundering revenue totaling a value of 120 billion Colombian pesos.

Source: Office of the Attorney General of Colombia

Seized machinery that it could be used in illegal mining.

ILLEGAL GOLD TRADE AND MONEY LAUNDERING

The illegal gold trade is a significant source of, and a vehicle for, money laundering activity in Colombia. Money laundering is facilitated by the informal and cash-based trade in gold, the difficulties in identifying the gold's origin, the large volume of high-value gold transactions, and widespread issues of non-compliance by gold traders.

Criminal mining networks, unscrupulous firms, illegal miners, and others launder the proceeds of illegal mining in Colombia through a variety of methods, sometimes misusing the formal financial system. Shell companies, trade-based money laundering, fraudulent cash transactions, and real estate investments are some notable laundering typologies associated with the gold trade.²⁴

In addition, drug trafficking organizations and illegal armed groups use illicit proceeds of their criminal activity to invest in illegal gold mining, launder illicit funds, and thus earn substantial profits. Some groups like the National Liberation Army (ELN) are believed to secure a significant portion of their revenues from the illegal gold trade.²⁵

²⁴ Attorney General's Office, "The assets of family clan accused of illegally extracting gold in Antioquia, Cauca and southern Bolivar have been seized for purposes of forfeiture," November 27, 2020, <https://www.fiscalia.gov.co/colombia/seccionales/seccional-antioquia/ocupados-con-fines-de-extincion-de-dominio-bienes-de-clan-familiar-senalado-de-extraer-ilegalmente-oro-en-antioquia-cauca-y-sur-de-bolivar/>

²⁵ La Opinión, "Minería ilegal es más rentable que el narcotráfico: Fiscal," [Prosecutor: Illegal mining is more profitable than drug trafficking,] April 4, 2019, <https://www.laopinion.com.co/colombia/mineria-ilegal-es-mas-rentable-que-el-narcotrafico-fiscal>.

The proceeds of illegal gold are also laundered through mixed methods including real estate and shell companies.²⁶

The illegal gold trade also depends to a significant degree on the ability to trade gold in multiple Colombian markets (real estate, commerce, international trade, etc.). Gold has properties that make it inherently difficult to trace its origins. This, combined with a high level of informality in the Colombian gold sector, significantly complicates efforts to promote transparency and oversight of mineral supply chains. Despite efforts the Colombian government has undertaken to regulate the gold sector, illicit actors have developed numerous methods and strategies to obscure the illegal origins and connections of illicit gold. This has enabled the substantial flow of illegal gold to be traded in the country and exported to international markets, thereby sustaining and promoting the Colombian illegal gold trade.

Reports also indicate that a number of businesses, ranging from local gold consolidators and traders to national exporters, purchase large quantities of gold from illegal sources—some do so knowingly, while others ignore or turning a blind eye to its illicit origin. To conceal the illicit origin of gold and substantiate fraudulent transactions, traders use forged paperwork, shell companies, among other strategies. Multiple cases have identified the prevalent practice of gold laundering by mineral traders and exporters in Colombia, suggesting widespread challenges with the enforcement of due diligence standards.

Fraudulent and fake registration in government registries, in particular the Single Registry of Mineral Traders (RUCOM), is also a notable vulnerability and method for concealing illegal gold transactions.²⁷ Mineral traders purchasing illegal gold fabricate legal gold transactions with fraudulently registered mineral producers, including deceased artisanal miners and shell companies, in order to conceal the illicit origins of the gold. These practices allow for its subsequent commercialization and export under the guise of legally mined gold. In some cases, local gold traders reach agreements with

“Mineral traders purchasing illegal gold fabricate legal gold transactions with fraudulently registered mineral producers, including deceased artisanal miners and shell companies, in order to conceal the illicit origins of the gold.”

²⁶ See examples: <https://www.fiscalia.gov.co/colombia/noticias/destacada/desarticulada-red-de-lavado-de-dinero-a-traves-de-exportaciones-de-oro/> and also <https://www.fiscalia.gov.co/colombia/lavado-de-activos/judicializados-los-bulldozer-senalados-de-comercializar-oro-y-otros-metales-preciosos-obtenidos-mediante-labores-de-mineria-ilegal/>

²⁷ UIAF Colombia: “Dismantled laundering network ... - UIAF.” 16 Jan. 2015, https://www.uiaf.gov.co/sala_prensa/noticias/16-enero-2015-desarticulada-red-21768.

subsistence miners registered in the RUCOM, offering them payment in exchange for the ability to record them as the illegal source of gold.²⁸ In several prominent cases, large gold trading companies created and maintained numerous government registrations for a series of non-existent mining companies and artisanal miners they repeatedly used in the laundering of illegal gold.²⁹ Although the Colombian government has established a ceiling on the amount of gold subsistence miners are allowed to produce,³⁰ this practice has reportedly continued nonetheless. A recent review by Colombia's Attorney General substantiated the widespread nature of this practice when it found that over a dozen Colombian municipalities had more artisanal miners registered in the RUCOM than the respective municipality's working-age populations.

There are several red flags that have been identified which suggest traders' fraud and manipulation of registered providers. These include firms that have many providers with family ties, listed providers whose economic status or profile does not match the amount of gold being produced, and multiple providers with the same registered address.

Officials have also discovered that a method illegal miners and mining companies employ to launder gold is directly through legal mining concessions. A mining operator may purchase illegal gold and then launder it by recording it as the product of the legal mine. This offers the opportunity to mix legal and illegal gold at the beginning of the supply chain, minimizing the threat of detection faced by laundering methods used at later steps in the supply chain.

Trade-Based Money Laundering is another method that authorities note is prominently used in Colombia's illegal gold trade. The Financial Action Task Force defines trade-based money laundering as "the process of disguising the proceeds of crime and moving value through the use of trade transactions in an attempt to legitimize their illicit origins".³¹ In the case of illegally mined gold, different methods have been used to launder it through trade activity. This includes, but is not limited to, misinvoicing, mislabeling as lower value gold scrap, and registering non-gold exports, even by bathing gold in lower-value metals. As previously discussed, there is significant evidence of this practice in trade data.

28 El Colombiano, "El oro se comercia con engaño y trampa," [Gold is traded through deception and cheating,]. <https://www.elcolombiano.com/especiales/tras-el-oro-turbio/comercio-oro-ilegal>

29 Connectas, "Sospechas doradas: las millonarias transacciones de CIJ Gutiérrez" [Golden suspicions: the millionaire transactions of CIJ Gutiérrez,]. <https://www.connectas.org/sospechas-doradas-millonarias-transacciones-cij-gutierrez/>

30 MME Resolution 40103 (2017).

31 FATF, Trade Based Money Laundering, 2006. Available at: <http://www.fatf-gafi.org/media/fatf/documents/reports/Trade%20Based%20Money%20Laundering.pdf>



Operation carried out against illegal mining on the Pacific coast of the Department of Valle Caucaño, Colombia.

Transaction-level assessments suggest that misinvoicing of exports in Colombia is facilitated by some corrupt customs officials who oversee gold transactions. Additionally, analysts with Global Financial Integrity have noted that Cúcuta, a city located on the porous and conflictive border with Venezuela, plays an oddly significant role in the gold sector with over 80% of its gold exports between 2009 and 2018 linked to companies that were targeted by Colombian law enforcement operations.³²

Other methods of money laundering in Colombia's illegal gold trade include the creation and use of shell companies to disguise the origin of illegal gold, the use of free trade zones offering little scrutiny of exports, and the use of pawn stores and jewelers.³³

³² Global Financial Integrity, "The Gold Standard: Addressing Illicit Financial Flows in the Colombian Gold Sector through Greater Transparency," February 10, 2021, <https://gfintegrity.org/press-release/new-report-finds-colombian-gold-sector-vulnerable-to-illicit-financial-flows/>

³³ See: <https://www.fiscalia.gov.co/colombia/noticias/destacada/desarticulada-red-de-lavado-de-dinero-a-traves-de-exportaciones-de-oro/>

GOLD SMUGGLING

Gold is smuggled both into and out of Colombia by various actors, including illegal miners, smuggling rings, and criminal organizations. Porous borders with neighboring countries as well as heavily transited airports and border crossings enable the movement of illegally extracted minerals across Colombia's borders. The significant presence of criminal groups and smugglers in border areas, as well as the growth of illegal mining in neighboring Venezuela have also contributed to the increased smuggling of illegal gold.

Gold Smuggling into Colombia: Illegal gold is smuggled into Colombia from neighboring countries, including Venezuela and Ecuador. Criminal organizations, smugglers, and illegal miners exploit Colombia's porous borders to move illegally mined gold into the country. Illegal armed groups like the ELN have a well-established presence in Venezuela and are reported to be very active in the surging illegal mining activity in Venezuela's Orinoco Mining Arc. The Colombian government has also identified criminal groups, among them an organization named "Los Chatarreros," devoted to bringing contraband gold from Venezuela to Colombia.³⁴ Once the gold enters Colombia, it is laundered using a variety of methods to disguise its illicit origins.

Gold smuggled into Colombia can be fraudulently commercialized and exported from Colombia using domestically centered methods of gold laundering to disguise its illicit origins.

Gold Smuggling out of Colombia: While opportunities abound to launder illegal gold domestically, illegal actors are also known to engage in the smuggling of illegal gold out of the country. This may be done for multiple reasons, such as to move the gold to the same country as its primary beneficiary, to move it to a country where it is easier to launder thanks to fewer restrictions on gold commercialization, or to evade tax and royalty payments. Gold is smuggled out of Colombia to numerous destinations in the region, including Ecuador, Panama, and the Caribbean. Among the wide array of smuggling methods employed, some mirror those preferred by drug traffickers, like fast-go boats and private planes.³⁵ Illegal gold outflows from

³⁴ "Cooperación internacional es fundamental para combatir organizaciones que se financian con extracción ilícita de minerales: Ministro de Defensa" ["Minister of Defense: International cooperation is key to fight organizations who are funded with illicit mineral extraction,"] June 26, 2020, <https://id.presidencia.gov.co/Paginas/prensa/2020/Cooperacion-internacional-fundamental-combatir-organizaciones-financian-extraccion-ilicita-minerales-MinDefensa-200626.aspx>.

³⁵ Portafolio, "Las razones del incremento del tráfico ilegal de oro en la región" ["Reasons behind the increase in illegal gold trafficking in the region,"] January 11, 2020, <https://www.portafolio.co/tendencias/las-razones-del-incremento-del-trafico-ilegal-de-oro-en-la-region-536983>

Colombia have been detected in contraband smuggling across formal and informal land border crossings, using a variety of vehicles and human couriers. One recent case, for example, uncovered an illicit network that smuggled gold to Ecuador using private vehicle transport services and buses in the process.³⁶

Assorted known methods of smuggling illegal gold make use of private aircraft as well as commercial passenger flights to transport illicit minerals outside of the country.³⁷ This may involve the cooperation of corrupt airport officials and customs agents, who have been bribed or extorted to allow the illegal gold past security checkpoints and inspectors.

Rings running contraband also use more complex methods to smuggle gold through airports, like smelting and shaping the gold into common personal items such as jewelry or belt buckles. Additionally, they may bathe these items in steel or silver to further disguise their value from customs agents and airport officials. Smugglers, posing as airline passengers, wear the concealed gold or carry it on their body, board international flights and then transfer the gold at a given destination.

36 Attorney General's Office, "Caen los señalados máximos responsables de la destrucción ambiental por minería ilegal en el Triángulo de Telembí" ["Those accused of being responsible for the environmental destruction in the Triangle of Telembí from illegal mining are taken down,"] November 23, 2020, <https://www.fiscalia.gov.co/colombia/crimen-organizado/caen-los-senalados-maximos-responsables-de-la-destruccion-ambiental-por-mineria-ilegal-en-el-triangulo-de-telembi/>

37 Attorney General's Office, La ruta ilícita de 'Los Quilates'" ["The illicit route of 'The Karats,'] August 22, 2019, <https://www.fiscalia.gov.co/colombia/noticias/la-ruta-ilicita-de-los-quilates/>

ORGANIZED CRIME AND ILLEGAL ARMED GROUPS

In Colombia, the deep and widespread involvement of organized crime and illegal armed groups in contraband gold mining makes the nature of this challenge significantly different from that of other countries in the region. According to the 2018 Mutual Evaluation Report by the Financial Action Task Force of Latin America (GAFILAT), Colombia's main money laundering threat comes from organized crime,³⁸ and gold mining is one of the most vulnerable sectors.

Some of the primary illegal armed groups engaged in illegal mining in Colombia are the National Liberation Army (ELN), dissidents of the Revolutionary Armed Forces of Colombia [*Grupos Armados Organizados Residuales*] (GAOR), and criminal bands (BACRIM). These groups receive ill-gotten gains from illegal mining operations through assorted methods, exploiting vulnerabilities at different levels of the gold supply chain.

For the past several years, the growing illegal gold trade in Colombia has seen substantial involvement of illegal armed groups, as it offers them an attractive source of revenue.³⁹ Illegal gold provides higher profits than drug trafficking and entails fewer risks thanks to the ample opportunities that exist to illicitly trade and export the mineral.

“Eight of the ten Colombian municipalities with the highest levels of alluvial mining activity also illegally produce coca.”

³⁸ Financial Action Task Force of Latin America, “Mutual Evaluation Report Colombia,” 2018, <http://www.fatf-gafi.org/media/fatf/documents/reports/mer-fsrb/GAFILAT-Mutual-Evaluation-Colombia-2018.pdf>.

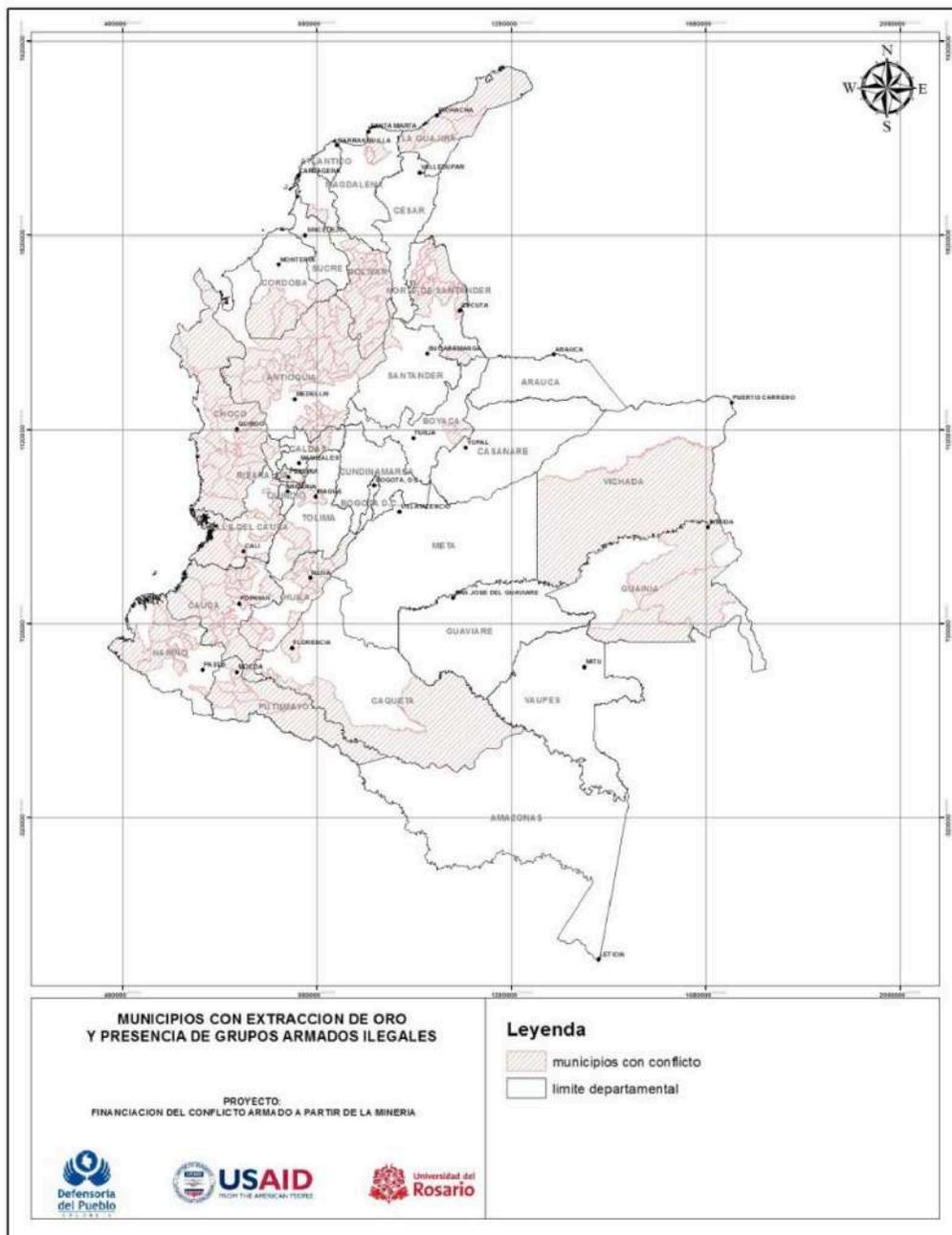
³⁹ El Espectador, “Denuncian ocupación de grupos armados para controlar narcotráfico y minería ilegal” [Reports of occupation by armed groups to control drug trafficking and illegal mining,] April 7, 2018, <https://www.elespectador.com/noticias/judicial/denuncian-ocupacion-de-grupos-armados-para-controlar-narcotrafico-y-mineria-ilegal/>



The National Police of Colombia deploying all its capabilities in rural areas of Colombia against illegal mining.

Myriad factors and conditions on the ground facilitate and incentivize illegal armed groups' participation in illegal mining in the country. Colombia's rich endowment of natural resources in its remote areas makes gold deposits widely available for illicit exploitation, to the benefit of illegal groups. At the same time, scant government presence in key areas of the country offers these groups the opportunity to exert control over territory, including far-flung areas where resources are concentrated.

Municipalities in Colombia where gold mining and illegal armed groups converge.

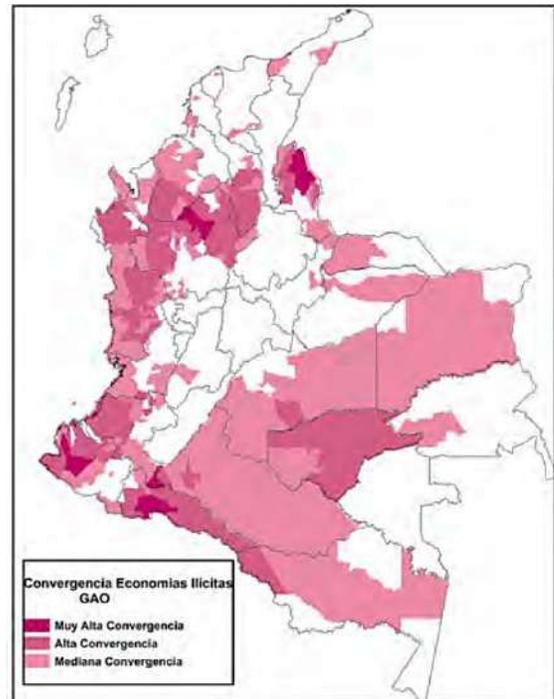


Source: Defensoría del Pueblo, “Informe especial: economías ilegales, actores armados y nuevos escenarios de riesgo en el pos-acuerdo”, 2018 with data from BRCM 2017, Battery of Indicators of the Ombudsman’s Office 2016, DIPOL 2014 and Mining Census 2011.

https://publicaciones.defensoria.gov.co/desarrollo1/ABCD/bases/marc/documentos/textos/Informe_Economias_ilegales.pdf.

Faraway areas that lack a consolidated presence of governmental institutions may also offer opportunities for an array of parallel criminal activities, such as illegal mining and illicit coca production. Indeed, evidence suggests there is significant convergence of illicit economies. For example, nearly some 43% of areas with illegal mining activity also report illicit coca production, and eight of the ten Colombian municipalities with the highest levels of alluvial mining activity also illicitly grow coca.⁴⁰

Illegal Mining Activity (Left) and Areas with a Convergence of Illicit Economies (Right).



Source: Colombian National Security Council and Ministry of Defense. https://www.mindefensa.gov.co/irj/go/km/docs/Mindefensa/Documentos/descargas/Prensa/Documentos/politica_defensa_deguridad2019.pdf - Page 24.

⁴⁰ United Nations Office on Drugs and Crime, “Colombia Alluvial Gold Exploitation Evidence from Remote Sensing 2019,” October 2020, https://biesimci.org/fileadmin/2020/documentos/evoa/evoa_2019_ing.pdf.



Joint operation between Colombia National Police and Carabineros.

The profits to be reaped through the illegal extraction of gold makes the mineral's trade even more profitable than cocaine. This illicit economy is therefore highly attractive for criminal organizations and illegal armed groups. Abundant opportunities to illegally extract and launder large quantities of the mineral also significantly factor into illegal mining's considerable growth and its appeal to criminal organizations.

Colombia has a sizable population of small and subsistence miners throughout the country. Criminal groups therefore have access to a labor force that can be enlisted for illegal mining operations in vulnerable regions. In fact, illegal armed groups rely on access to, and influence over, small and artisanal miners who engage in the actual extraction of the gold as one of the principal ways to reap profits from illegal mining.

In some regions illegal mining goes hand in hand with drug trafficking and other activities in which Colombia's illegal armed groups engage. For example, illegal gold is used as a vehicle to launder proceeds of drug trafficking through trade-based money laundering schemes as well as through financing illegal mining operations.

Illegal armed groups and drug traffickers are key drivers of the illicit gold trade in Colombia. They are one of the main sources of financing for illegal mining activity and provide access to materials and supplies, including machinery, explosives, and chemicals like mercury. What is more, officials suggest that chemical precursors used both in the illegal gold trade and drug trafficking also facilitate the convergence of these illicit economies.

Illegal gold mining operations also provide opportunities for human trafficking, including forced labor and sex trafficking rings. These rings are frequently located near illegal mining sites, where criminal organizations seek to make money off of workers who illegally mine.

Revolutionary Armed Forces of Colombia (FARC-D): Until recently, the Revolutionary Armed Forces of Colombia (FARC) were Colombia’s longest existing illegal armed group, carrying out a decades-long war against the Colombian State. For over 50 years, the FARC developed a widespread, international network of illicit activity and revenue that focused heavily on drug trafficking, but also diversified into other areas of crime such as kidnapping and illegal mining.

Peace negotiations between the FARC and the Colombian government led to a peace accord in 2016, which provided for the group’s subsequent demobilization and formal disbanding. However, a significant number of FARC members, now referred to as “dissidents,” broke away from peace negotiations and actively continued the group’s historical illicit activities, forming multiple dissident groups. These dissidents have increased in number since the peace accord, both through new recruitment by FARC-D as well as the return to arms of some previously demobilized FARC members. The Colombian government estimates that the ranks of FARC dissidents number around 4,300 members, including 2,600 armed soldiers and 1,700 others who make up a support network for them.⁴¹ The FARC-D remains active throughout parts of Colombia and has established a significant foothold in neighboring Venezuela.

“...transnational criminal organizations leverage their international criminal networks, control over territory, armed strength, and ability to launder and finance illicit activity to promote their involvement in the illegal gold trade...”

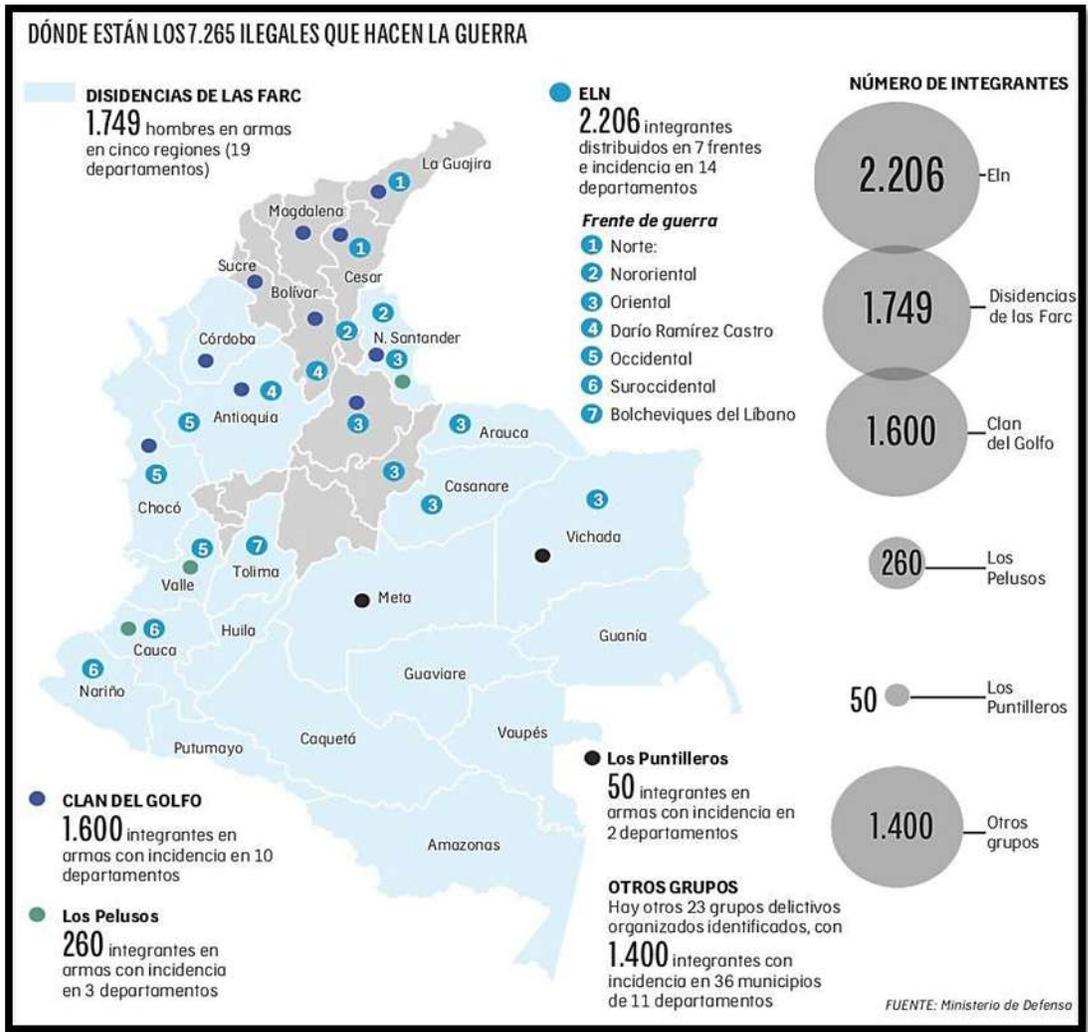
The National Liberation Army (ELN): The National Liberation Army is one of Colombia’s longest enduring illegal armed groups and guerrilla movements. Unlike the FARC, the ELN has not entered into a negotiated accord with the Colombian government to facilitate its demobilization; instead, it continues to carry out criminal activity as well as attacks against the Colombian State.

The ELN has taken advantage of the FARC’s demobilization under the 2016 peace accord by strengthening its presence and control over territory that was previously contested or held by the FARC. Like the FARC-D, the ELN also has a significant foothold in Venezuela, where, by some reports, up to half the guerrilla movement is stationed. The

⁴¹ LAFM, “Número de disidentes de las FARC y guerrilleros del ELN aumentó” [“The number of FARC dissidents and ELN guerrilla members has increased,”] November 19, 2019, <https://www.lafm.com.co/colombia/numero-de-disidentes-de-las-farc-y-guerrilleros-del-eln-aumento>

ELN's presence in Colombia and Venezuela closely revolves around illegal mining, which is considered to be the group's primary source of revenue.

Presence of non-State Armed Groups in Colombia.



Source: Ministry of Defense and LAFM.com.co 2018⁴².

42 "Así quedó el mapa de grupos armados en Colombia" ["This is what the map of armed groups in Colombia looks like now."] | La FM. December 24, 2018, <https://www.lafm.com.co/colombia/tras-la-caida-de-guacho-autoridades-analizan-las-estrategias-para-enfrentar-grupos-armados>. For more information, see: https://www.mindefensa.gov.co/irj/go/km/docs/Mindefensa/Documentos/descargas/Prensa/Documentos/politica_defensa_deguridad2019.pdf, <https://www.eltiempo.com/colombia/colombia-quienes-son-y-cuanto-poder-tienen-los-grupos-que-se-resisten-a-la-paz-624655> and <https://www.rcnradio.com/recomendado-del-editor/mapa-actual-de-guerra-en-colombia-conflictos-y-alianzas-entre-disidentes-eln> <http://www.elmundo.com/noticia/Las-zonas-mas-afectadas-por-el-conflicto/369880>

Criminal Bands (GAO, GDO and GAOR):⁴³ Often a catch-all term, BACRIM refers to Colombia’s criminal gangs and drug trafficking organizations—groups such as the Gulf Clan, the Pelusos, and the Caparros. The GAOR have their roots in Colombia’s paramilitary groups and have grown to become dominant criminal actors in the country. The criminal bands’ illicit activity is wide-ranging and includes illegal mining, drug trafficking, human trafficking, and extortion, among others. These groups have also developed powerful international criminal networks for money laundering, contraband, smuggling, counterfeiting, cybercrime, environmental crimes, and human trafficking, which complement their illegal mining and illegal gold trading activities. Some groups have even tweaked their operations to become highly specialized in illegal mining in order to maximize revenues from this booming illicit industry.

43 Law 1908 (July 9, 2018) established two categories to refer to the investigation and prosecution of criminal organizations previously defined as BACRIM (Bandas Criminales); Article 1. Scope of application, Organized Criminal Groups (GDO), and organized armed groups (GAO), and from the latter by extension the Residual Organized Armed Groups (GAOR) were established to describe the dissidents of the extinct FARC-EP.

CRIMINAL ORGANIZATIONS' INVOLVEMENT IN ILLEGAL MINING

Colombia's illegal armed groups and drug trafficking organizations exhibit great diversity in the scale and depth of their participation in the illegal gold trade, acting as an important motor for the growth of this illicit economy. These established criminal organizations are able to leverage their criminal networks with their transnational⁴⁴ scope, control over territory, armed strength, and ability to launder and finance criminal activity to further their involvement in the illegal gold trade and secure substantial ill-gotten gains.

The most prominent and straightforward method of involvement is through **extortion** of miners who carry out illegal mining activity in the territory under their control. The risk to the illegal armed groups is minimal as they receive revenue directly in areas they control, and authorities have a limited window to intervene.

The extortion, also referred to as a *vacuna* or *boleteo*, ranges in value, but anecdotal evidence suggests 5% to 10% of mining revenue/production is common. This criminal model is also applied to the array of activities associated with mineral extraction, such as the transport of machinery and fuel into areas controlled by illegal armed groups. Extortion targets both legal and illegal mining activity; however, reports indicate that illegal mining operations, including small-scale and artisanal miners, as well as criminal mining bands, are the primary target.

⁴⁴ In terms of the UN Res 55/25 (United Nations Convention Against Transnational Organized Crime): "...an offence is transnational in nature if: **(a)** It is committed in more than one State; **(b)** It is committed in one State but a substantial part of its preparation, planning, direction or control takes place in another State; **(c)** It is committed in one State but involves an organized criminal group that engages in criminal activities in more than one State; or **(d)** It is committed in one State but has substantial effects in another State..."

While extortion is the method criminal groups most commonly employ in the illegal gold trade, officials report a shift whereby these groups increasingly participate directly in illegal mining activity and throughout the illicit supply chain in order to maximize revenues. Criminal organization's or illegal armed group's direct control and management of illegal mines may include financing and securing mining supplies and machinery such as backhoes and explosives.

Reported examples of illegal armed groups' deeper involvement in the illicit gold supply chain include:



1. Financing, securing, and transporting inputs for mining operations—i.e., heavy machinery such as backhoes and chemical agents such as mercury, to the mining site;



2. Attracting workers to the mining site, including miners to extract the minerals and workers trained to use heavy machinery in the extraction of minerals;



3. Transporting illegally extracted gold from the mining site;



4. Laundering illegal gold and related revenues by, *inter alia*, establishing front/shell companies, producing fraudulent documents, and developing arrangements with existing mineral traders to launder illegal gold;



5. Smuggling illegal gold out of the country;

In some cases, these tasks are carried out by an individual representing a given criminal organization, such as a money launderer or fixer. In other cases, it entails a more significant presence from multiple representatives, including armed enforcers.

A criminal organization may identify, secure, and staff an illegal mining site, frequently drawing workers from other regions or nearby populations. The increasingly nomadic nature of illegal and informal mining enables groups to attract miners to remote areas to participate in the illegal extraction of gold.

More direct control and broad involvement in the illegal gold supply chain enables criminal organizations to derive higher profits from illegal gold mining. This may require, however, greater exposure to risk by having to oversee and manage miners, make expenditures on equipment, maintain an armed presence to prevent incursion by a competing illegal group or state security forces, and incur costs associated with laundering, smuggling, and transport.

This method of illegal gold exploitation may likewise require criminal organizations to arrange for the movement, smelting, and even laundering of larger quantities of illegal gold after its production. This is often accomplished with the collaboration of gold traders and exporters in Colombia, known to be a weakness in the national gold supply chain.

According to officials, another method identified involves criminal organizations' efforts to **secure legal access and rights to mining sites**. This entails legally registering and documenting mining rights through fraud and/or corruption. In order to do so, a natural person or company without known ties to organized crime can be used as the front man/corporation to establish legal rights to a mine. This process allows criminal organizations to exploit and commercialize minerals with the requisite legal documents and certificates.

Colombian criminal organizations have also been known to engage in **Trade-Based Money Laundering**, including to launder drug money using illegal gold. Criminal organizations' involvement in both drug trafficking and illegal mining facilitates this practice. In order to repatriate illicit drug funds from abroad, Colombian criminal organizations, with the cooperation of unscrupulous gold exporters, will export illegal gold using methods such as trade misinvoicing.

It has been discovered that larger quantities of illegal gold are unlawfully exported by **smelting gold into common items** such as tools and screws and then bathing the gold items in lower value metals. This allows large amounts of gold to pass customs controls without arousing suspicion or the need for the requisite gold documentation.

CONCLUSIONS

Colombia's illegal trade in gold is complex and deeply entrenched in mineral supply chains, thus presenting formidable challenges to the struggle against this illicit industry. In many ways, the threat the illegal gold trade poses to Colombia is more significant than for other countries due to its role as a primary source of revenue for illegal armed groups in some regions of the country. These guerrilla and drug trafficking organizations have acted as key drivers of violence and growth in the country's illicit gold trade.

In recent years, Colombian officials have uncovered and prosecuted many substantive cases targeting complex illegal gold networks and actors across the illicit supply chain. This showcases the investigatory capacity of officials, as well as the sophisticated nature of the country's illegal gold trade.

The repeated challenges with respect to the country's subsistence and small-scale mining population are also notable and echo issues seen elsewhere in the region, including in Peru and Ecuador. The government has taken measures to incorporate these mineral producers into the formal economy in order to foster transparency in their operations and disentangle them from criminal elements. Nevertheless, although many subsistence miners have taken advantage of the formalization mechanisms, these efforts have yet to reach the goals they were intended to. The data shows that illicit mining is increasing, albeit at a slower rate than previously, thanks to the measures the State has adopted.

Non-compliance on the part of Colombian mineral traders is another particularly concerning issue. The role of large and small gold traders in laundering large volumes of illicit gold revenue calls for greater enforcement of due diligence requirements and more severe penalties for firms trading in illegal gold. Similarly, the significant flow of illegal gold through Colombian exports highlights the need for increased scrutiny of mineral exporters and shipments. Moreover, control mechanisms have been implemented in stages prior to export. The main obstacle, however, has yet to be overcome: identifying the illicit origin of the gold. The mining sector's institutions are working diligently to design and implement more sophisticated mechanisms to stop illegally mined gold from entering the legal trade chain. Enhanced international cooperation is very important to bolster Colombia's capacity to uncover and disrupt these illicit international transactions.

Lastly, enhanced controls targeting illegal mining activity are also important to reduce the flow of illegal gold to Colombian markets. To this end, measures should be taken to restrict the transfer of heavy machinery used in mining activity given its prominent use and frequent procurement by illegal armed groups. An expanded government presence and response capacity in remote mining regions is also essential for combatting illegal mineral extraction and involvement of illegal armed groups.



In 2017, more than 100 dredgers and excavators belonging to criminal organizations were destroyed in the department of Chocó, Colombia.



In 2017, more than 100 dredgers and excavators belonging to criminal organizations were destroyed in the department of Chocó, Colombia.

Acronyms

AGO	Attorney General's Office
ANM	<i>Agencia Nacional de Minería</i> [National Mining Agency]
BACRIM	<i>Bandas Criminales</i> [Criminal bands]
DNFBP	Designated Non-Financial Businesses and Professions
ELN	<i>Ejército de Liberación Nacional</i> [National Liberation Army]
EVOA	<i>Explotación de Oro de Aluvion</i> [Alluvial gold exploitation]
FATF	Financial Action Task Force
FARC	<i>Fuerzas Armadas Revolucionarias de Colombia</i> [Revolutionary Armed Forces of Colombia]
FARC-D	<i>Fuerzas Armadas Revolucionarias de Colombia Disidentes</i> [Dissident Revolutionary Armed Forces of Colombia]
FRISCO	<i>Fondo de Rehabilitación, Inversión Social y Lucha contra el Crimen Organizado</i> [Fund for Rehabilitation, Social Investment, and the Fight against Organized Crime]
GAO	<i>Grupos armados organizados</i> [Organized armed groups]
GAOR	<i>Grupos armados organizados residuales</i> [Residual Organized Armed Groups]
GDO	<i>Grupos de Delincuencia Organizada</i> [Organized Criminal Groups]
GAFILAT	<i>Grupo de Acción Financiera Internacional de Latinoamérica</i> [Financial Action Task Force of Latin America]
MME	Ministry of Mines and Energy
RUCOM	<i>Registro Unico de Comercializadores de Minerales</i> [Single Registry of Mineral Traders]

SAE	<i>Sociedad de Activos Especiales</i> [Special Assets Corporation]
SAGRILAFT	System for Self-Monitoring, Risk Prevention and Management of Money Laundering, Terrorist Financing, and Financing of Proliferation of Weapons of Mass Destruction
SGC	<i>Servicio Geológico Colombiano</i> [Colombian Geological Service]
SIMCO	<i>Sistema de Información Minero Colombiano</i> [Colombian Mining Information System]
TBML	Trade-Based Money Laundering
UIAF	<i>Unidad de Información y Análisis Financiero</i> [Financial Information and Analysis Unit]
UNCOMTRADE	UN Repository of official international trade statistics and relevant analytical tables
UNODC	United Nations Office on Drugs and Crime
UPME	<i>Unidad de Planeación Minero-Energética</i> [Mining and Energy Planning Unit]

Annex - Complete legal framework

TIPO DE NORMA	CONTENIDO DE LA NORMA
Ley 685 de Agosto 15 de 2001	“Por la cual se expide el Código de Minas y se dictan otras Disposiciones”. https://acmineria.com.co/acm/wp-content/uploads/normativas/Ley_685_de_2001_-_CODIGO_MINAS(1).pdf
Decreto 480 de marzo 06 de 2014	“Por el cual se reglamenta las condiciones y requisitos para la celebración y ejecución de los subcontratos de formalización minera”. https://acmineria.com.co/acm/wp-content/uploads/normativas/DECRETO%20480%20DEL%2006%20DE%20MARZO%20DE%202014%20-%20subcontrato%20formalizacion.pdf
Resolución 91267 de noviembre 18 de 2014	Definición de pequeños mineros en subcontratos de formalización y devolución de áreas.
Decreto 276 de febrero 17 de 2015	“Por el cual se adoptan medidas relacionadas con el Registro Único de comercializadores - RUCOM ”. https://acmineria.com.co/acm/wp-content/uploads/normativas/decreto_276_de_2015_-_mineria.pdf Que el artículo 112 de la Ley 1450 de 2011, dispone que; “para los fines de control de la comercialización de minerales, el Instituto Colombiano de Geología Y Minería INGEOMINAS, o quien haga sus veces deberá publicar la lista de los titulares mineros que se encuentren en etapa de explotación y que cuentan con las autorizaciones o licencias ambientales requeridas. Esa lista también debe incluir la información de los agentes que se encuentran autorizados para comercializar minerales. (...)”
Decreto 1073 de 2015	Decreto Único Reglamentario del Sector Administrativo de Minas y Energía. El cual compila las normas de carácter reglamentario que rigen en el sector. https://www.minenergia.gov.co/en/decreto-unico-reglamentario

TIPO DE NORMA	CONTENIDO DE LA NORMA
<p>Ley 1753 de junio 9 de 2015</p>	<p>Por la cual se expide el Plan Nacional de Desarrollo 2014-2018 “Todos por un nuevo país”: Esta ley, de la cual fueron partícipes todos los órganos rectores del Estado, permitió al sector clasificar las actividades mineras en subsistencia, pequeña, mediana y grande. Así mismo, estableció metas para el crecimiento verde que promueven el desarrollo tecnológico e innovación para el fortalecimiento de la competitividad nacional; aspectos que claramente se alineaban a las estrategias del Ministerio de Minas y Energía para la eliminación del mercurio</p> <p><i>Artículo 19. Mecanismos para el trabajo bajo el amparo de un título en la pequeña minería. Son mecanismos para el trabajo bajo el amparo de un título minero, los siguientes:</i></p> <ol style="list-style-type: none"> 1. <i>Subcontrato de formalización minera...</i> 2. <i>Devolución de áreas para la formalización minera...</i> <p><i>Artículo 20. Áreas de reserva para el desarrollo minero. Las áreas de reserva para el desarrollo minero serán las siguientes:</i></p> <p><i>Áreas de Reserva Estratégica Mineras...</i></p> <p><i>Áreas de Reserva para la formalización...</i></p> <p><i>Áreas de Reserva para el desarrollo minero-energético...</i></p> <p><i>Artículo 21. Clasificación de la Minería. Para efectos de implementar una política pública diferenciada, las actividades mineras estarán clasificadas en minería de subsistencia, pequeña, mediana y grande. El Gobierno nacional las definirá y establecerá los requisitos teniendo en cuenta el número de hectáreas y/o la producción de las unidades mineras según el tipo de mineral. Para la exploración solo se tendrán en cuenta las hectáreas...</i></p> <p>http://www.secretariassenado.gov.co/senado/basedoc/ley_1753_2015.html</p>
<p>Decreto 1886 de septiembre 21 de 2015</p>	<p>Por la cual se establece el Reglamento de Seguridad en las Labores Mineras Subterráneas.</p> <p><i>Artículo 1. “Objeto. Este Reglamento tiene por objeto establecer las normas mínimas para la prevención de los riesgos en las labores mineras subterráneas, así mismo adoptar los procedimientos para efectuar la inspección, vigilancia y control de todas las labores mineras subterráneas y las de superficie que estén relacionadas con estas, para la preservación de las condiciones de seguridad y salud en los lugares de trabajo en que se desarrollan tales labores.</i></p> <p>https://www.minenergia.gov.co/documents/10180/698204/DOCUMENTO_ReglamentoSeguridadMineriaSubterranea.pdf/774e58ab-d35d-4d92-8e7e-fd63ec127216</p>

TIPO DE NORMA	CONTENIDO DE LA NORMA
<p>Decreto 2504 de diciembre 23 de 2015</p>	<p>Por el cual se adiciona el Decreto Único Reglamentario No 1073 de 2015 que define los aspectos técnicos, tecnológicos, operativos y administrativos para ejercer la labor de FISCALIZACIÓN MINERA DIFERENCIAL y se toman otras determinaciones. https://www.anm.gov.co/sites/default/files/decreto_2504_de_2015.pdf</p>
<p>Resolución 1258 de 2015</p>	<p>Con el Ministerio de Ambiente y Desarrollo Sostenible, se contribuyó en la promulgación de esta Resolución que contiene la Guía ambiental para la formalización de las actividades de minería tradicional. https://acmineria.com.co/acm/wp-content/uploads/normativas/resolucion_1258_de_2015_mads_-_mineria_tradicional_y_formalizacion.pdf</p>
<p>Resolución 40144 de febrero 15 de 2016</p>	<p>Por la cual se adopta el Sistema de Gestión de Trámites, Procesos y Servicios Mineros SI.MINERO. https://www.redjurista.com/Documents/resolucion_40144_de_2016_ministerio_de_minas_y_energia.aspx#/</p>
<p>Resolución 40359 de abril 8 de 2016</p>	<p>Por la cual se crea el protocolo para desarrollar la mediación establecida en el capítulo 4 del Decreto Único Reglamentario 1073 de 2015” para la pequeña minería no regularizada. http://extwprlegs1.fao.org/docs/pdf/col157807.pdf</p>
<p>Resolución 0565 de abril de 2016</p>	<p>“Por el cual se establecen los requisitos y procedimientos para el Registro de Usuarios de Mercurio – RUM para el sector minero”: Desde el año 2013 hasta la publicación de la norma, el Ministerio de Minas y Energía dio acompañamiento al Ministerio de Ambiente y Desarrollo Sostenible en la formulación del documento que reglamenta la inscripción de los usuarios del mercurio para el sector minero. http://www.ideam.gov.co/documents/51310/614707/Resolucion+0565+de+abril+2016.pdf/d62face4-b481-4054-b409-1b281008e90c</p>
<p>Decreto 1421 de septiembre de 2016</p>	<p>Por el cual se adiciona y modifica el Decreto Único reglamentario del Sector Administrativo de Minas y Energía, 1073 de 2015, respecto de la adopción de medidas relacionadas con el Beneficio y Comercialización de minerales y se adiciona y modifica el Decreto Único Reglamentario del Sector Ambiente y Desarrollo Sostenible, 1076 de 2015, respecto del LICENCIAMIENTO AMBIENTAL PARA LAS PLANTAS DE BENEFICIO https://www.anm.gov.co/sites/default/files/decreto_1421_de_2016.pdf</p>

TIPO DE NORMA	CONTENIDO DE LA NORMA
<p>Decreto 1666 de octubre 21 de 2016</p>	<p>Por la cual se adiciona el Decreto Único Reglamentario del Sector Administrativo de Minas y Energía. 1073 de 2015, relacionado con la CLASIFICACIÓN MINERA</p> <p>https://www.anm.gov.co/sites/default/files/decreto_1666_de_2016.pdf</p>
<p>Decreto 1975 de diciembre 6 de 2016</p>	<p>Por el cual se adiciona el Decreto Único Reglamentario del Sector Administrativo de Minas y Energía, 1073 de 2015, en lo relacionado con integración de áreas y prórrogas de contratos de concesión.</p> <p>https://www.anm.gov.co/sites/default/files/decreto_1975_2016.pdf</p>
<p>Decreto 2133 de diciembre 22 de 2016</p>	<p>Por el cual se establecen medidas de control a la importación y comercialización de mercurio y los productos que los contienen, en el marco de lo establecido en el artículo 5 de la Ley 1658 de 2013": El Ministerio Comercio, Industria y Turismo conjuntamente con el Ministerio de Minas y Energía, Ministerio de Hacienda y Crédito Público, el Ministerio de Salud y Protección Social y el Ministerio de Ambiente y Desarrollo Sostenible participaron activamente en la construcción de este documento normativo, el cual establece aspectos alrededor de la importación y comercialización del mercurio, tales como: Registro Único Nacional de Importadores y Comercializadores Autorizados; cupos para la importación y su administración; Autorizaciones previas; Comercialización y Disposiciones transitorias, entre otros que son de especial interés para el sector minero.</p> <p>http://es.presidencia.gov.co/normativa/normativa/DECRETO%202133%20DEL%2022%20DE%20DICIEMBRE%20DE%202016.pdf</p>
<p>Resolución 41265 de diciembre 27 de 2016</p>	<p>Por la cual se establecen los parámetros y condiciones para el ejercicio del derecho de preferencia de que trata el Artículo 2.2.5.2.2.13 del Decreto 1975 de 2016 "Por la cual se adiciona el Decreto Único Reglamentario del Sector Administrativo de Minas y Energía, 1073 de 2015, en lo relacionado con integración de áreas y prórrogas de contratos concesión</p> <p>https://www.anm.gov.co/sites/default/files/res_41265_de_2016.pdf</p>
<p>Resolución 40103 de febrero 9 de 2017</p>	<p>Por la cual se establecen los VOLÚMENES MÁXIMOS DE PRODUCCIÓN EN LA MINERÍA DE SUBSISTENCIA.</p> <p>https://www.anm.gov.co/sites/default/files/res_40103_9_feb_2017.pdf</p>

TIPO DE NORMA	CONTENIDO DE LA NORMA
<p>Decreto 1102 de junio 27 de 2017</p>	<p>“Por el cual se adiciona y modifica el Decreto Único Reglamentario del Sector Administrativo de Minas y Energía, 1073 de 2015, respecto de la adopción de medidas relacionadas con la Comercialización de Minerales”</p> <p>1. Los mineros de subsistencia deberán contar con la declaración de producción para vender el mineral producto de su actividad a través del formato establecido por la Agencia Nacional de Minería – ANM, el cual se encuentra publicado en la página www.anm.gov.co.</p> <p>2. Los mineros de subsistencia que extraen metales preciosos, piedras preciosas y semipreciosas deberán aportar el Registro Único Tributario – RUT al momento de realizar la inscripción ante la respectiva Alcaldía, como requisito para su publicación en el RUCOM.</p> <p>3. Los mineros de subsistencia que extraen metales preciosos, piedras preciosas y semipreciosas que ya se encuentran inscritos ante la alcaldía correspondiente y publicados en RUCOM, tendrán un término de seis (6) meses, a partir del 27 de junio de 2017, para presentar ante la alcaldía donde se encuentre inscritos, el RUT, so pena de ser eliminados de las listas de publicación del RUCOM.</p> <p>4. Se establece que una vez, la autoridad minera nacional, tenga conocimiento del exceso de los topes de producción establecidos por el Ministerio de Minas y Energía mediante Resolución No. 40103 de 2017 para los mineros de subsistencia, procederá a la eliminación de su publicación en RUCOM., previo adelantamiento de la respectiva actuación de los términos establecidos en el Código de Procedimiento Administrativo y de lo Contencioso Administrativo.</p> <p>https://www.anm.gov.co/sites/default/files/decreto_1102_de_2017.pdf</p>
<p>Decreto 1949 de noviembre 28 de 2017</p>	<p>“Por el cual se modifica y adiciona el Decreto Único Reglamentario No 1073 de 2015, en cuanto se reglamentan los mecanismos para el trabajo bajo el amparo de un título en la pequeña minería y se toman otras determinaciones”.</p> <p>https://www.anm.gov.co/sites/default/files/decreto_1949_de_2017_dec_1073_de_2015_seccion_2.pdf</p>

TIPO DE NORMA	CONTENIDO DE LA NORMA
<p>Ley 1873 del 20 de diciembre de 2017</p>	<p>“Por la cual se decreta el presupuesto de rentas y recursos de capital y ley de apropiaciones para la vigencia fiscal del 1 de enero al 31 de diciembre de 2018” Artículo 111. El Ministerio de Minas y Energía, en desarrollo de la Política Minera Nacional, podrá apoyar a los pequeños mineros y comunidades mineras, mediante la adquisición y montaje de equipos especializados en minería que sean requeridos para el mejoramiento de la operación minera y producción más limpia. Así mismo, podrá estructurar e implementar proyectos productivos para la reconversión laboral de los pequeños mineros y/o mineros de subsistencia. El Ministerio de Minas y Energía determinará los requisitos y demás acciones necesarias para el desarrollo del presente artículo, y lo financiará con cargo a las apropiaciones disponibles.</p> <p>https://dapre.presidencia.gov.co/normativa/normativa/LEY%201873%20DEL%2020%20DE%20DICIEMBRE%20DE%202017.pdf</p>
<p>Ley 1892 de mayo 11 de 2018</p>	<p>Por medio de la cual se aprueba el “Convenio de Minamata sobre el Mercurio hecho en Kumamoto (Japón) el 10 de octubre de 2013”.</p> <p>https://dapre.presidencia.gov.co/normativa/normativa/LEY%201892%20DEL%2011%20DE%20MAYO%20DE%202018.pdf</p>
<p>Resolución 41052 de octubre 17 de 2018</p>	<p>Por medio de la cual se crea la Mesa de Interlocución territorial Minera – MINA.</p> <p>https://www.minenergia.gov.co/documents/10192/24120227/180719_010819_Proyecto+Resoluci3n+modificaci3n+MINA+06+06+2019.pdf/3301329e-706f-4a84-95ba-9820774244a9</p>
<p>Ley 1955 de 2019</p>	<p>Plan Nacional de Desarrollo, que incluye los artículos:</p> <p>22. Licencia ambiental temporal para la formalización minera.</p> <p>30. Fortalecimiento de la fiscalización, seguimiento y control de actividades mineras</p> <p>325. Trámite solicitudes de formalización de minería tradicional</p> <p>326. Requisitos diferenciales para contrato de concesión minera.</p> <p>327. Minería de Subsistencia.</p> <p>https://www.funcionpublica.gov.co/eva/gestornormativo/norma.php?i=93970</p>
<p>Otras normas vigentes</p>	<p>https://acmineria.com.co/normativas/normas-vigente/</p>



Organization of American States

Department against Transnational Organized Crime (DTOC)

1889 F Street, N.W., Washington, D.C. 20006, USA

<https://www.oas.org/en/sms/dtoc/>

ddot@oas.org

 @oea_ddot