

NAVIGATING COLOMBIA'S ENERGY TRANSITION: BALANCING CLIMATE GOALS WITH INDIGENOUS RIGHTS



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Executive Summary

Colombia's pursuit of a sustainable energy future, marked by a \$40 billion investment portfolio aimed at transitioning from fossil fuels, underscores its commitment to climate change mitigation. However, this ambitious agenda intersects with the rights of Indigenous communities, particularly the Wayuu in La Guajira, whose ancestral lands are pivotal for renewable energy projects. The challenge lies in harmonizing national climate objectives with the rights enshrined in international instruments like ILO Convention 169 and the UN Declaration on the Rights of Indigenous Peoples (UNDRIP). Addressing this requires a nuanced approach that respects Indigenous autonomy while advancing Colombia's renewable energy goals.

Highlights

- La Guajira is central to Colombia's renewable energy plans due to its wind power potential, but a history of exclusion and weak state presence has created deep mistrust among indigenous communities toward state and private actors.
- Prior, free and informed consent (PFIC) is a key safeguard under international law, recognized by UNDRIP and ILO Convention 169, which requires that indigenous communities have meaningful participation and decision-making power over projects affecting their territories.
- Climate policies focused on accelerating renewable energy expansion often prioritize financial and regulatory incentives over human rights protections, increasing the risk of social conflict and legal uncertainty for projects.

Background

Colombia's renewable energy sector holds significant promise with projections indicating up to \$2.2 billion in investment across 66 projects in 2024. However, this growth faces critical social and governance challenges. In La Guajira, the Wayuu community has raised serious concerns about the absence of adequate prior consultation and the potential environmental and cultural impacts of wind energy developments. These tensions have contributed to substantial project delays, with 82% of renewable energy initiatives in the region currently behind schedule, underscoring the complexity of aligning national energy goals with Indigenous rights and participation.

State Obligations and Renewable Energy Expansion

Colombia's climate commitments are anchored in international agreements like the Paris Agreement, necessitating a shift from fossil fuels to renewable energy. The government's investment in renewable energy projects aims to reduce dependence on coal and oil, which currently comprise over 50% of the country's exports. The success of these projects hinges on substantial private investment and cooperation from international partners. The development of renewable energy infrastructure, particularly in regions like La Guajira, is essential for meeting national climate goals. However, as a developing country with historically low greenhouse gas emissions, Colombia does not bear the same international obligations as industrialized nations under the principle of common but differentiated responsibilities. Nevertheless, it is expected to contribute meaningfully to global climate efforts while simultaneously addressing domestic development priorities and long-standing structural inequalities.



Indigenous Rights and Practical Challenges

The rights of Indigenous communities are grounded in ILO Convention 169, ratified by Colombia in 1991. As the first binding international treaty on Indigenous peoples, it introduced the obligation of prior consultation on projects affecting their lands and livelihoods. This consultation must be conducted in good faith and with the aim of reaching agreement. The UN Declaration on the Rights of Indigenous Peoples (UNDRIP), adopted in 2007, built on this foundation by advancing the standard of free, prior, and informed consent (FPIC). While not legally binding, UNDRIP reinforces Indigenous self-determination and the right to participate in decisions affecting their territories and cultures.

In practice, ensuring FPIC in communities like the Wayuu presents several challenges:

- **Poverty and Marginalization:** The Wayuu community faces high levels of poverty and limited access to basic services, which can hinder effective participation in consultation processes
- **State Absence:** The limited presence and capacity of the state in regions like La Guajira often result in private entities assuming roles typically held by government institutions, leading to imbalances in power dynamics.
- **Lack of Social Characterization:** Authorities often lack comprehensive understanding of the social structures and leadership within Indigenous communities, complicating the identification of legitimate representatives for consultations.
- **Economic Prioritization:** Economic incentives associated with renewable energy projects can overshadow the cultural and spiritual significance of Indigenous lands, leading to conflicts and resistance from local communities.

FPIC is essential to ensuring a just energy transition, which, in line with international human rights principles, must not disproportionately burden vulnerable communities and must respect human rights throughout the process. As emphasized by the UN Working Group on Business and Human Rights, a rights-based energy transition requires meaningful inclusion of Indigenous voices and safeguards that uphold their dignity and cultural integrity.

Key Policy Recommendations

1. Guarantee the effective implementation of FPIC

Adopt a rights-based approach in energy project planning by ensuring that prior consultation processes respect the full scope of FPIC, including the community's right to withhold consent in cases of significant cultural or territorial impact.

2. Align climate policies with collective rights

Design climate action strategies that place indigenous peoples' rights at the center of renewable energy policy, ensuring that environmental goals do not override social justice and self-determination.

3. Promote intercultural governance mechanisms

Establish permanent intercultural dialogue platforms where indigenous communities, state institutions, and project developers can co-design solutions and decision-making processes that honor traditional knowledge systems and community priorities.

4. Support global governance and soft law instruments

Encourage international cooperation to develop and apply flexible governance tools that harmonize climate goals with human rights obligations, drawing on UNDRIP principles and best practices from other jurisdictions.



Conclusion

A just and sustainable energy transition requires more than technical solutions. It demands respect for the rights, worldviews, and self-determination of indigenous peoples. Colombia's success in navigating this path depends on embracing the principles of free, prior, and informed consent, as articulated in UNDRIP, and ensuring that collective rights are fully integrated into climate governance frameworks at both the national and international levels.

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