

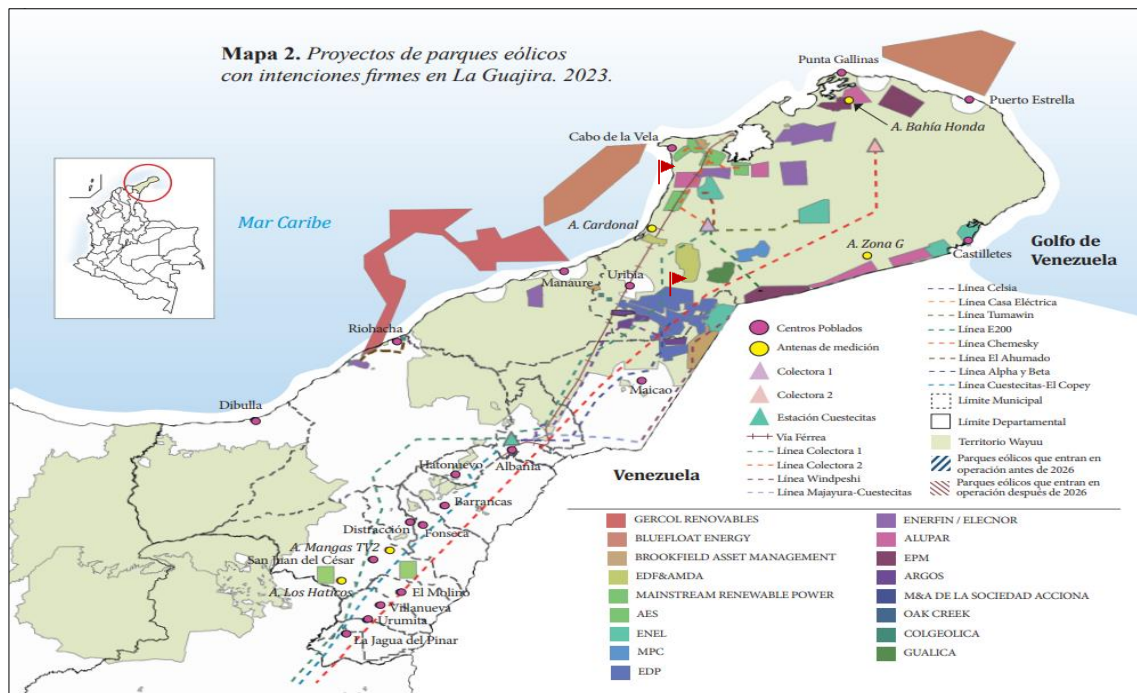
## Sector Wide Human Rights Impact Assessment of the Wind Sector in La Guajira, Colombia: scoping phase analysis

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### Introduction

For the green transition to be a just transition, the human rights of affected communities and workers need to be respected when developing energy projects. This means that affected communities and workers should be engaged in the identification of human rights risks and opportunities of energy developments in a timely and safe manner, and that their input is meaningfully reflected in project plans.

La Guajira in Colombia is one of the regions with the highest wind potential in the world – both on shore and offshore. It is a territory rich in resources and culture, but it also has a fragile ecosystem inhabited by extremely vulnerable communities, including Wayúu indigenous peoples. La Guajira has been under pressure from coal extraction, suffered from more than 40 years of armed violence, and is very vulnerable to climate change. There is a serious risk that the development of around 60 wind projects in La Guajira exacerbates the vulnerability and human rights challenges affecting the Wayúu, especially Wayúu women.



Map 1. Wind projects with firm intentions in La Guajira.

Source: Indepaz 2023

The [Centro Regional de Empresas y Emprendimientos Responsables](#) (CREER) and the [Danish Institute for Human Rights](#) (the Institute) are developing a Sector Wide Impact Assessment (SWIA)

on human rights for the wind sector<sup>1</sup> in Colombia to look at the combined impacts of these projects in the region. The expected results from the project are:

- A systematic and robust identification of actual and potential impacts in human rights related to the wind developments that can inform decisions;
- Recommendations for companies and government on how to prevent and address such human rights violations;
- The creation of safe spaces for dialogue and learning between parties that currently have serious problems listening and understanding each other;
- A robust improved methodological approach, that can be implemented in any energy corridor, in complex social settings like indigenous territories, that is consistent with new developments and best practice;
- Better outcomes for the communities hosting these projects.

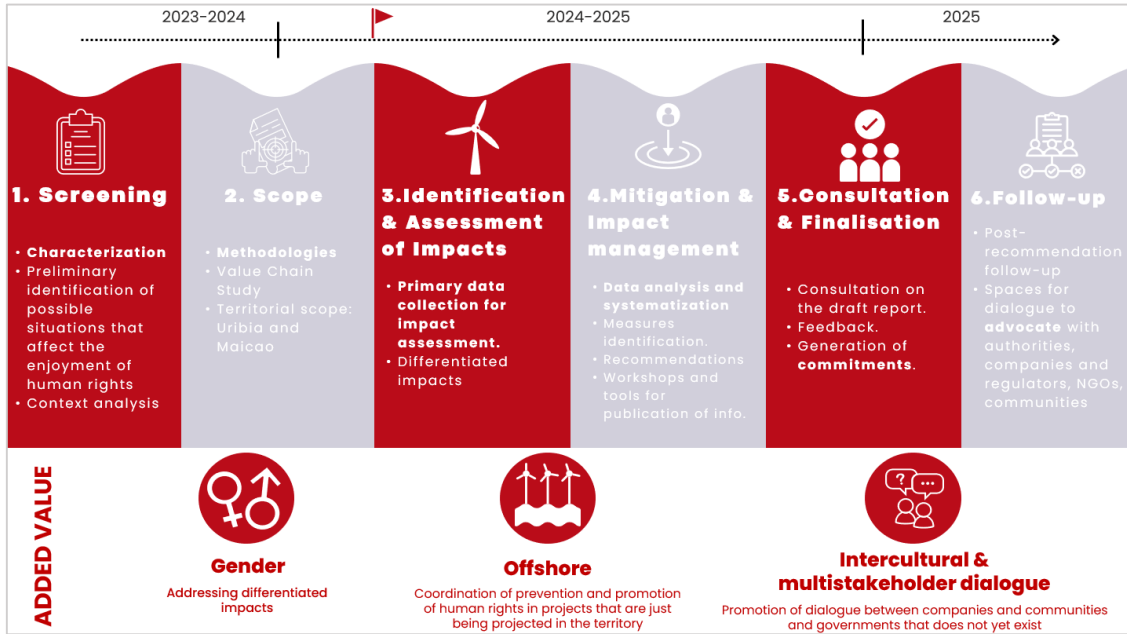
## Methodology

The central methodology is a [Sector Wide Human Rights Impact Assessment](#) (SWIA), which consists of 6 phases (see graphic). The SWIA is based on a collaborative approach to ensure that communities and specific groups are involved in decision-making processes, can access information and receive capacity building on the topics of their concern, as well as ensure that their experiences and expectations reach energy companies and decision makers. Moreover, key business and governmental actors are invited to dialogue and capacity building sessions to discuss the findings and identify shared solutions. The screening and scoping stages were completed in 2023. This included a mapping of all relevant actors, planned projects and companies involved in La Guajira, as well as of the relevant legal framework, policies, and procedures.

The Institute and CREER worked with local indigenous experts to understand the unique and complex land rights and gender dynamics of the Wayúu people and understand how to ensure respectful and meaningful participation of community actors in future processes. Good relationships were established with organisations and individuals, including state actors, energy companies, and community organisations.

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<sup>1</sup> The sector is understood as the relationship of the different actors involved in the projects that make up the economic activity and its purpose (state agencies, public entities, companies in their different links, communities, guilds, civil society, etc.)



### Scope of the SWIA for the wind sector

The proposed scope of the study comprises actual and potential human rights impacts of land-based wind projects as well as of planned off-shore wind in the municipalities of Uribia and Maicao in La Guajira, Colombia. The scoping phase of the study identified, among the key issues:

- Inadequate procedures for Free, Prior and Informed Consent (FPIC);
- Conflicting mandates and legitimacy of traditional authorities and representatives, as well as exclusion of specific community groups during engagement and land access agreements;
- Impacts to intangible cultural heritage and disruption of sacred areas;
- Gender based violence and exclusion of women from decision-making;
- Inadequate and opaque benefit-sharing agreements;
- Increased conflict and violence.

### Main findings

The preliminary identification of possible situations that affect the enjoyment of human rights are:

SITUATIONS	DESCRIPTION
<b>LACK OF ACCESS TO INFORMATION</b>	-Absence of consolidation of information on the quantity, routes, environmental licensing processes, and parent companies and third-party owners of the projects. -There is no clear information on the value chains of onshore or offshore projects to recognize the points where the greatest impacts on human rights may occur.
<b>MULTIPLICITY AND MULTICAUSALITY OF CONFLICTS</b> (Social, environmental, cultural, economic, intra-clan, etc.)	-There is a lack of recognition of Wayuu knowledge, worldviews, and culture by companies in the sector, leading to conflicts. -Generation of conflicts due to (asymmetric) negotiations of prior consultations.

<p><b>FREE, PREVIOUS, AND INFORMED CONSULTATION AS A FOCUS OF CONFLICT IN NEGOTIATIONS WITH THE WIND SECTOR</b></p>	<ul style="list-style-type: none"> <li>-Absence of regulation and lack of knowledge by communities about the figure of "Advisors" operating in FPIC.</li> <li>-Negotiations between companies and communities that do not have institutional capacity for accompaniment in FPIC.</li> <li>-Prior Consultation is the only space for dialogue that ethnic communities have with the State, limiting the essence of the right and becoming a space that generates conflicts.</li> </ul>
<p><b>ABSENCE OF A GENDER APPROACH TO RECOGNIZE THE IMPACTS OF THE WIND SECTOR</b></p>	<ul style="list-style-type: none"> <li>-Political participation and decision-making scenarios do not have sufficient representation of women or young people.</li> <li>-There is no analysis that accounts for the gender approach and the differentiated impacts of the wind sector on women and sexual diversities.</li> </ul>
<p><b>NEED FOR A BROAD INTERCULTURAL PERSPECTIVE</b></p>	<ul style="list-style-type: none"> <li>-Lack of recognition of the existing cultural diversity in La Guajira, which invisibilizes actors such as Afro, peasants, Guajira people.</li> <li>-There is a crisis of legitimacy of Wayuu authorities. There is a multiplicity of "ancestral" authorities (legitimate within Wayuu communities) and "traditional" authorities (certified by the Ministry of the Interior) that generate problems of representativeness and relationship with companies when generating dialogues and agreements, which can generate conflicts within the communities or intra-clan conflicts within the Wayuu communities.</li> <li>-Despite the existence of extractive sector projects offshore, the cultural elements surrounding offshore wind projects represent possible high impacts for Wayuu communities.</li> </ul>
<p><b>WEAKNESSES AND GAPS IN THE REGULATORY AND PUBLIC POLICY FRAMEWORK</b></p>	<ul style="list-style-type: none"> <li>-Policies, regulatory framework, and responsibilities of the different State entities are diffuse and weak, and have faced multiple changes in the last government. For example, in issues such as: transfers, project closure, energy communities, PCFI, etc.</li> <li>-Absence of measures to ensure the adequate implementation of a human rights approach.</li> </ul>
<p><b>SECURITY ISSUES (context and protection of leadership)</b></p>	<ul style="list-style-type: none"> <li>-Risks to the civic space, especially for socio-environmental leaderships that carry out actions for the defense and protection of their territories.</li> <li>-Actions by illegal groups, disputes over territorial control, and drug trafficking routes can affect the operation of wind projects and increase violence in these areas, as well as the presence of the team on the ground.</li> </ul>