

Through the sea and the **guajiro** land the **Wayuu** wind flies

On alert the Püloui* y Waneetu'unai**, because of the siege by multinational wind energy companies in Wayuu territory

Summary and current outlook

Joanna Barney



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* The Püloui of the Sea: the mother of all storms that protects the beings of the sea and punishes those who act without balance.

** Waneetu'unai: guardian of the sacred lands of the Wayuu.

Through the sea and the land of the Guajiros, the Wayuu wind flies -Summary-



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Acronym

ANLA	National Environmental License Authority
Corpoguajira	Regional Autonomous Corporation of La Guajira
DANE	National Administrative Department of Statistics
Dimar	General Maritime Directorate
Ecopetrol	Colombian Petroleum Company
EEB	Empresa de Energía de Bogotá
EIA	Environmental Impact Study
EIS	Social Impact Study
Incora	Colombian Institute for Agrarian Reform
Indepaz	Institute of Studies for Development and Peace

Presentation



T

his summary is done as a work and knowledge tool, with content aimed at allowing easier access to what was delivered in the complete book entitled *Through the Sea and the Guajiro Land, the Wayuu Wind Flies* (Barney, 2023a). It also aims to show the practical destination that its recommendations have had in the months following its publication, how it has contributed to the dialogue with the current Government of President Gustavo Petro, and with its fair energy transition policy and its new challenges.

The complete book compiles the various problems of the Wayuu communities around the wind projects that intend to be developed in their territory and is the result of the author's constant dialogue with the communities. In this dialogue, territorial strengthening exercises, workshops on the impacts of wind power complex¹, both onshore and offshore, have been carried out; exchanges of knowledge between jurisdictions; conversations between companies and communities in which the author has acted as guarantor; among others.

The book of which a summary is now made is the continuation of a study that began with a first volume released in 2019 called *The East Wind Comes with Revolutions*. In it, Joanna Barney, co-authored with Camilo González Posso, analyzed the problems that were already foreseen due to how companies, together with the Government of the time, had proposed an unequal and unfavorable business for local communities.

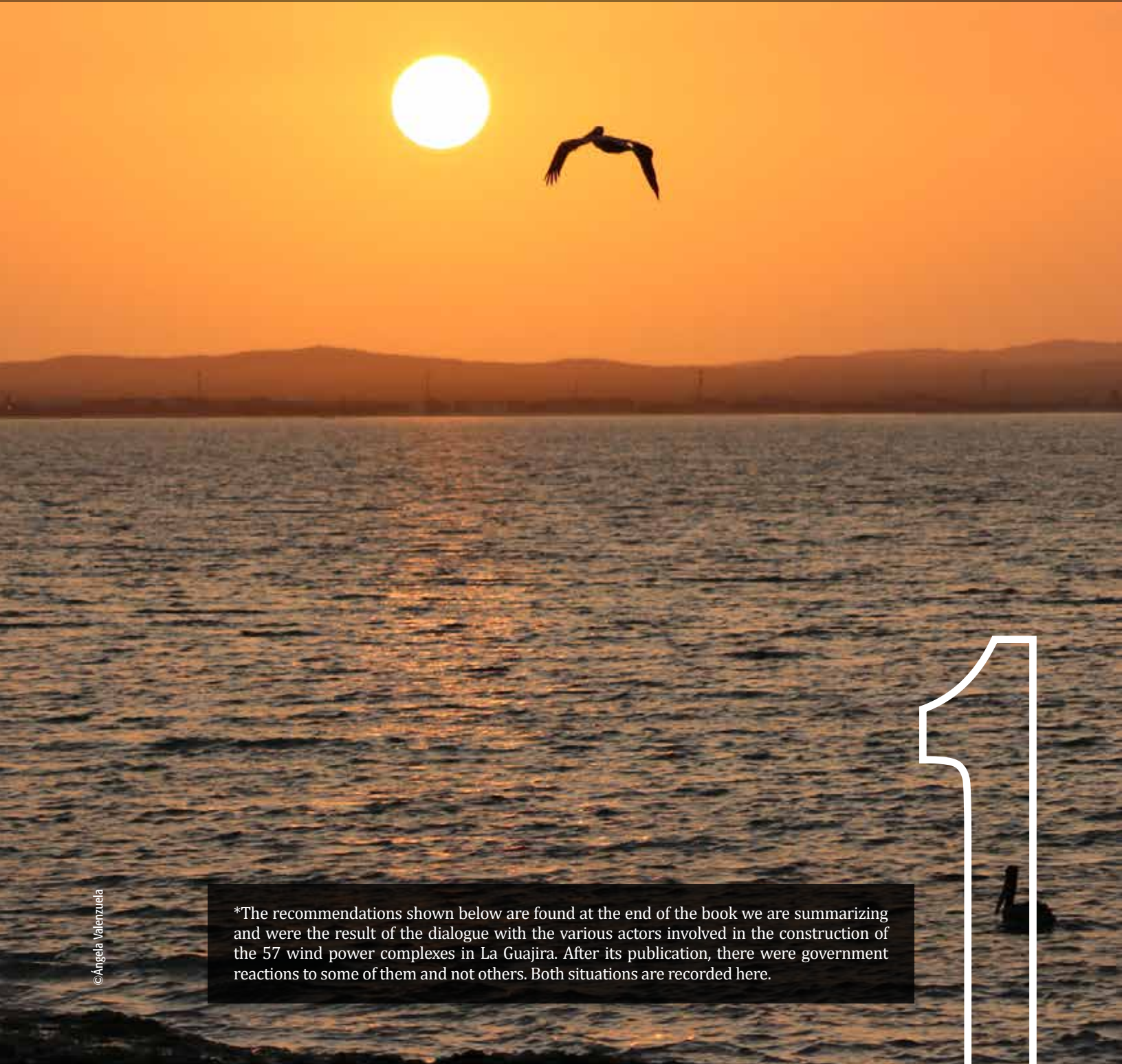
This summary will begin, then, by presenting the book's recommendations and the responses they have had or have not had, in recent months from the Government. The exercise includes charts, maps, and the main problems detected. All of this seeks to leave an updated panorama of the situation of wind power plants and the main social challenges experienced in the Colombian Guajira.

Nota editorial: the annexes announced in the index are found only in the digital version of this summary.

1. The communities request that renewable energy projects not to be called wind farms or solar farms, since the nouns park and farms are places that feed or entertain and, for them, this is not the case. Accepting your suggestion, we will talk about power complex, both wind and solar.



Recommendations about the course followed by wind projects in La Guajira and government responses*



*The recommendations shown below are found at the end of the book we are summarizing and were the result of the dialogue with the various actors involved in the construction of the 57 wind power complexes in La Guajira. After its publication, there were government reactions to some of them and not others. Both situations are recorded here.

1. The projects must be agreed upon without a doubt, according to the communities, with the ancestral authorities of the territories; furthermore, encouraging them to recognize the rights of those who live in the area of impact of the project.

Answer. The communities affirm that, on this point, there is no progress, the companies continue to negotiate with traditional leaders and ignore the ancestral owners.

2. A good formula for projects to have territorial acceptance is a kind of tripartite agreement between companies, Government, and communities. This had already been pointed out in the first installment of the Development and Peace Studies Institute (Indepaz) on this topic, *The east wind arrives with revolutions* (González and Barney, 2019). In the following book (Barney, 2023a), the figure of the communities as a real partner in the projects is insisted on, and this figure is effective as long as it has the support of advisors from civil society; among them, experts in culture, biodiversity, fishing, economics and everything that helps communities sit at a table with the relevant information for decision-making. On the other hand, the participation of the Government would guarantee that the control of renewable energies does not remain in the exclusive hands of private agents, mostly foreigners. Renewable energies cannot become a new exploitation material that does not leave significant profits in the territories where their extraction is planned.

Answer. In terms of the Government's speech, these points are said to be crucial. However, progress in associativity between companies and communities has not been seen in practice. In contrast, transcendental advances are observed in terms of government participation in offshore wind projects: in September 2023, government sources presented to the press the obligation to have the Colombian Petroleum Company (Ecopetrol) as a partner in offshore wind projects (Reuters, 2023).

- 3.** Revoke what was already agreed upon in the wind projects that came from previous governments and restart the process of prior consultations with the communities. Experience has shown that, after formalizing the consultations, many communities have had doubts that must be resolved as soon as possible by companies and the Government. Otherwise, there will be discomfort among all actors, delays, and greater losses for companies and their legal security will be put in suspense. We believe that a social disaster can still be avoided if we take a break from everything we have done and review the legitimacy, relevance, respect, and quality of the information provided to the communities in the prior consultations.

Answer: In this regard, the then Minister of Mines Irene Vélez signed the so-called “Pact for a fair Energy Transition in La Guajira (TEJ)” on June 22, 2023, in the presence of companies and some communities. Unfortunately, in dialogues before the signing of the Pact, and as the Pact itself shows, the guideline is to “follow the path already laid out.” She did not accept the review of either the consultations or the signed agreements. The above leaves the so-called *Pact* as a cosmetic document, with no binding scope for any of the parties.

- 4.** Companies must heed the recommendations and warnings of the communities in their areas of influence. For example, when they request that the territory not be entered while their internal conflicts are resolved. This is a measure that aims to avoid tragedies like those described in the entire book.

Answer to this recommendation. No new cases are known in this regard.

- 5.** Companies and the government must respect the *autonomous protocols* of the territories that hold them, or the *Wayuu Mandate* if the communities take advantage of it or any form of internal organization aimed at receiving companies or State bodies or to attend to the consent or, otherwise, the prior consultation. Its application should NOT be optional: when it comes to light that any of these organizational and internal protection mechanisms exist, they must be welcomed and respected.

Answer: Until now, the first autonomous protocol, of which Indepaz is a facilitator (see Appendix 2), was presented to companies such as Ecopetrol, AES (Jemewakai), the Regional Autonomous Corporation of La Guajira (Corpoguajira), the General Maritime Directorate (Dimar) and the National Administrative Department of Statistics (DANE). Its acceptance is still limited and State agencies are the most reluctant to accept it. Ecopetrol (understood in this section as a company) is the only one that has followed its guidelines and has established a respectful dialogue, until today, with its ancestral leaders.

- 6.** Indigenous communities are an environmental authority and must be considered as such in the collection of inputs for Environmental Impact Studies (EIA). This need was evident when reviewing the EIAs and finding that fauna sampling contradicts the environmental diagnoses of the consulted communities. They know their environment better than anyone and must be taken into account when collecting data, as well as including their concepts in mitigation plans.

Answer. It has been negative. In recent days (when this summary was being prepared), it became known that, contrary to the recommendation, the government proposes to accelerate the times taken by the National Environmental License Authority (ANLA) to accept or deny a license: The period for this would go from 90 to 45 days. It is expected that by December 2023 the draft decree that would enable this acceleration will be known. With this shortening of time, it is feared that, if before the concept of the communities was excluded, now there will not be effective participation from them.

- 7.** Companies are recommended not to use the programs registered as *Works for taxes* to bring water to Guajira (for example, Guajira Azul) and, to the Government, not to allow these programs to be used to comply with prior consultation agreements. The plans to bring water to the territory must be state-run, solid, and independent, to dignify the communities of La Guajira; Blackmail with water, because it is a basic good, cannot be allowed for expansionist plans of companies in collective territories.

Answer. No new work for taxes plans has been known to be used for these purposes. So far, that recommendation has been taken into account.

- 8.** Review the tax scope of Law 2099 of 2021 (“through which layouts are issued for the energy transition, the revitalization of the energy market, the economic reactivation of the country and other provisions are set”), which exempt the companies from paying taxes. These taxes are necessary for the development of the regions and communities where the projects take place.

Response: This recommendation was not specifically accepted for Law 2099 of 2021, but the request made by the Wayuu communities to re-allocate 6% of gross energy production as transfers for the benefit of the communities was considered, just as it governed until 2018 according to Law 143 of 1994 and which went to 1% with the National Development Plan of the Iván Duque government. In the assembly of ancestral authorities held in Cabo de la Vela, supported by Indepaz, and also in the previous forum in Riohacha, qualified spokespersons from the communities supported the criticism of the enclave projects of the 17 multinationals that intend to develop the wind power plants and they presented

the Government with the arguments to request the re-establishment of the 6% of transfers. There, the pact was sealed which later led to the processing of an article in the current National Development Plan, an article approved on May 5, 2023, after many *comings and goings*².

The following recommendations have not yet been answered:

- 9.** In the case of wind power plants, their electrical evacuation lines, and attached works, it is recommended to activate the mechanism of free, prior, and informed consent enshrined in the Political Constitution of Colombia, to prevent companies from acting as new agents of displacement of indigenous communities.
- 10.** It is necessary that prior consultations be made public again and that interested parties can find out about them via the Internet, as was the case before 2019. Likewise, a response is to be given to the petition rights that request them. Concealment exercises cannot be encouraged by companies and under the auspices of the Ministry of the Interior, since this leads to a climate of secrecy that does not contribute to the “*FAIR ENERGY TRANSITION ROUTE*” proposed by the Government.
- 11.** The impact zones of the wind power complexes in La Guajira must be considered specially and differentially: this may imply a multidisciplinary study, with indigenous participation, that allows for a more precise determination of the interaction of place and form. of Wayuu life (ecology of the region).
- 12.** Just as an EIA is requested, proponents should be required to carry out a Social Impact Study (EIS) in the territory. The EIS must precede any other intervention and will allow the communities to propose and organize their transformations and adhere them to their Life Plans if they so wish.
- 13.** It is necessary to review the entire chain of inputs required to build a wind power complex. In sections of the book being summarized, we mention the doubts surrounding the water supply of the projects, both fresh water and industrial water. The same care must be taken with the materials necessary for construction. For example, monitoring the environmental licenses of quarries (from which these materials are extracted, whose function is to adapt the roads) and the subcontractors of the different stages of the construction, production, and dismantling of a wind complex.

2. To see more on the topic: <https://indepaz.org.co/una-historia-de-nunca-acabar-ricardo-bonilla-vrs-irene-vez-y-jose-antonio-ocampo/>



Context of the situation



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he future of La Guajira is governed by the wealth of its territory in energy resources. Here, everything is superlative compared to other regions of Colombia: the best winds, the greatest radiation, and large reserves of coal, oil, and gas. This causes companies to pressure their expansion in a territory inhabited entirely by Wayuu communities.

The meeting of both worlds, that of companies and that of communities, is evident, but it is also unbalanced if some of the particularities that surround the Wayuu people are taken into account. For example:

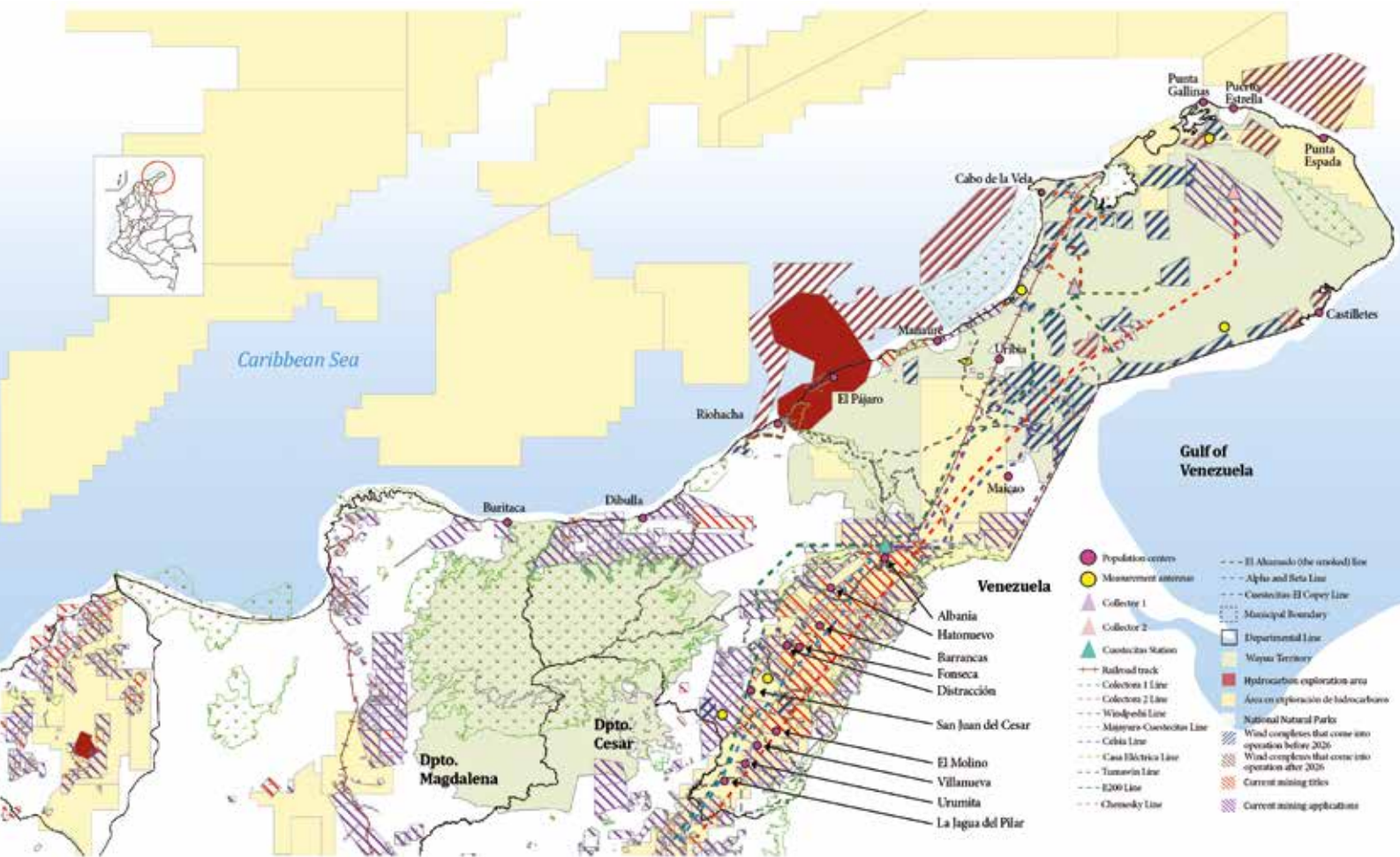
1. Almost all of the energy projects planned for La Guajira are in the collective territory, in the Expanded Indigenous Reservation of Upper and Middle Guajira, legally recognized by the Colombian Institute for Agrarian Reform (Incora) through resolutions 015 of 28th February 1984 and 028th of July 19, 1994, with a total area of 1,071,180 hectares. The above gives an unseizable, imprescriptible, and non-alienable character to the entire territory where the wind complexes and their attached infrastructure works are proposed.
2. The Wayuu live, for the most part, from fishing, tourism, and goats. In the latter case, they have the largest livestock herd in the country.
3. Little is known about the Wayuu people. According to official DANE data, it is the largest ethnic group in the country, but the exact number of its members is unknown since birth records and death certificates are missing (partly due to their own funeral customs). It is estimated that it is made up of more than 400,000 people. Furthermore, its binational nature (Colombia-Venezuela) means that, in many cases, some are double-documented, with different names and dates of birth. On the other hand, the vast majority do not speak Spanish adequately, which makes them susceptible to being manipulated by alijunas (non-Wayuu), or by members of their own ethnic group with particular interests.
4. Although most people consider La Guajira a desert, this territory is a tropical dry forest. However, its rainfall is increasingly scarce due, in part, to the climate change that the world is suffering. For this reason and due to the lack of an aqueduct that carries the liquid from the Ranchería River to the most remote areas, the communities can no longer plant their ancestral roses, or the goats die, and thus their quality of life is reduced. That is one of the causes of the special vulnerability of Wayuu children to diseases related to malnutrition. There are already rulings from the Constitutional Court that force the Colombian Government to seek immediate solutions for the supply of drinking water to these communities.
5. The Wayuu speak Wayuunaiki, an Amerindian language typical of their area. This language does not originally have a written version, which is why very few Wayuu people know how to read and write Spanish. Hence, DANE itself considers that a large part of this ethnic group is illiterate. The above is debatable, since Spanish is not their first language and their own is not written.



Such particularities of the Wayuu people, and the great needs they experience, in addition to the absence of the State in La Guajira, have put them in a situation of vulnerability to the corporate energy interests that exist in the peninsula. Map 1 shows the places of energy exploitation in the territory (oil, coal, other minerals, wind energy).

Map 1. Energy and mining projects in La Guajira

Source: Barney (2023a),



But, the siege on these territories is not new, it has existed for centuries. Those who were chasing gold found pearls for the consumption of Europeans and, later, other prospectors became rich with the bounty of salt, coal, and smuggling. Afterward, they headed to the sea, with the ambition of creating large projects for the exploration and exploitation of oil and gas, and, now, we are talking about producing clean energy, from energy sources such as wind and the Sun, to export or transform it into export material, such as green hydrogen, widely mentioned today.



Before, as mentioned, the delivery of the territories was concentrated on the mainland; Now, the conquest is also directed to the sea of La Guajira.

Table 1 presents the total number of wind complexes that currently exist in La Guajira and the number of companies, both international and those registered in Colombia.

Table 1. Total wind power complexes in La Guajira, at sea, and on land, and the number of companies.

Total parent companies	Companies registered in Colombia	Total complexes	Total MW	MW
17	29	57	12.851	2.833

Source: Barney (2023a)

Table 2 expands the data in Table 1.

Table 2. Wind energy projects (at sea and on land) in La Guajira. Parent companies and their companies in Colombia

Park number on maps	MATRIX HOUSE Country of origin and number of parks and antennas	NAME REGISTERED IN COLOMBIA	PROJECT NAME	PROJECT TYPE	MW	WIND TURBINES	WERE CONFLICTS DETECTED?	RESERVATION OR MUNICIPALITY OF PROJECT INSTALLATION	DOC (Date of commissioning)
1	BLUEFLOAT ENERGY Spain, 6 offshore projects	WIND OFFSHORE COMPLEX BARLOVENTO	OWF BARLOVENTO	OFFSHORE-COMPLEX	825	55	YES	Reservation of the Upper and Middle Guajira	8/02/32
		WIND OFFSHORE COMPLEX BARLOVENTO	WIND COMPLEX OFFSHORE BARLOVENTO I	OFFSHORE-COMPLEX	50	3	YES	Reservation of the Upper and Middle Guajira	31/12/34
		WIND OFFSHORE COMPLEX BARLOVENTO	WIND COMPLEX OFFSHORE BARLOVENTO II	OFFSHORE-COMPLEX	50	3	YES	Reservation of the Upper and Middle Guajira	31/12/34
		WIND OFFSHORE COMPLEX BARLOVENTO	WIND COMPLEX OFFSHORE BARLOVENTO III	OFFSHORE-COMPLEX	50	3	YES	Reservation of the Upper and Middle Guajira	31/12/34
		WIND OFFSHORE COMPLEX BARLOVENTO	WIND COMPLEX OFFSHORE BARLOVENTO IV	OFFSHORE-COMPLEX	50	3	YES	Reservation of the Upper and Middle Guajira	31/12/34
		WIND OFFSHORE COMPLEX ASTROLABIO	OWF ASTROLABIO	OFFSHORE-COMPLEX	825	55	YES	Reservation of the Upper and Middle Guajira	8/02/32
2	GERCOL RENOVABLES Colombia 1 offshore project	GERCOL RENOVABLES	NO NAME	OFFSHORE-COMPLEX	2080	174	YES	Reservation of the Upper and Middle Guajira	2030



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3	BROOKFIELD ASSET MANAGEMENT Canadá 4 projects 2 antennas	ISAGÉN	GUAJIRA I	COMPLEX	20	10	YES	Reservation of the Upper and Middle Guajira	INICIA 2022
			WESP 1	COMPLEX	12	4	YES	Reservation of the Upper and Middle Guajira	INICIA 2023
			GUAJIRA II	COMPLEX	403	74	YES	Reservation of the Upper and Middle Guajira	31/12/22
			GUAJIRA III	COMPLEX	40	13	NO	Reservation of the Upper and Middle Guajira	+2026
			ZONA G (antena de medición)	ANTENNA			NO	Reservation of the Upper and Middle Guajira	Instalada
			Proyecto K (antena de medición)	ANTENNA			NO	Reservation of the Upper and Middle Guajira	Instalada
4	EDF&AMDA France and Spain 4 projects	DESARROLLOS EÓLICOS URIBIA	COMPLEX ANDREA JUSAYU	COMPLEX	378	128	NO	Reservation of the Upper and Middle Guajira	30/06/25
		DESARROLLOS EÓLICOS ALTA GUAJIRA	WIND COMPLEX PUNTA COCOS	COMPLEX	362	103	SI	Reservation of the Upper and Middle Guajira	1/12/22
			WIND COMPLEX MOTOSIRA	COMPLEX	300	85	NO	Reservation of the Upper and Middle Guajira	1/12/26
		JOUTTALEIN	WIND COMPLEX JOUTTALEIN	COMPLEX	150	50	SI	Reservation of the Upper and Middle Guajira	1/07/26
5	MAINSTREAM RENEWABLE POWER Ireland 2 projects	MAINSTREAM COLOMBIA S.A.S.	WIND COMPLEX NEPTUNO	COMPLEX	150	50	NO	Reservation of the Upper and Middle Guajira	31/12/26
			WIND COMPLEX SIRIUS	COMPLEX	150	50	NO	Reservation of the Upper and Middle Guajira	31/12/25
6	AES USA 5 projects	JEMEIWA KAI	IRRAIPA	COMPLEX	99	33	SI	Reservation of the Upper and Middle Guajira	31/10/24
			CARRIZAL	COMPLEX	195	60	SI	Reservation of the Upper and Middle Guajira	31/10/24
			CASA ELÉCTRICA	COMPLEX	180	56	SI	Reservation of the Upper and Middle Guajira	31/10/24
			APOTOLORRU	COMPLEX	75	24	SI	Reservation of the Upper and Middle Guajira	21/08/24
			JOTOMANA-APOTOLORRU 2	COMPLEX	99	30	SI	Reservation of the Upper and Middle Guajira	31/10/24

Continues...



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7	ENEL Italy 5 projects	ENEL GREEN POWER	TUMAWIND ANTES KUISA	COMPLEX	200	45	YES	Reservation of the Upper and Middle Guajira	31/10/24
			WINDPESHI	COMPLEX	200	45	YES	Reservation of the Upper and Middle Guajira	31/03/23
			URRAICHI- CHE- MESKI	COMPLEX	360	88	YES	Reservation of the Upper and Middle Guajira	28/02/23
			CASTILLETES	COMPLEX	100	22	YES	Reservation of the Upper and Middle Guajira	2026+
			FLORGUAJIRA	COMPLEX	100	22	YES	Reservation of the Upper and Middle Guajira	2026+
8	MPC Holanda 1 projects	WIND COMPLEX WAKUAIPA	PARQUE WAKUAIPA	COMPLEX	200	38	NO	Reservation of the Upper and Middle Guajira	1/01/24
9	EDPR Portugal 5 projects 1 antenna	RENOVATIO	ELIPSE	COMPLEX	200	57	NO	Reservation of the Upper and Middle Guajira	31/12/23
		EOLOS	BETA	COMPLEX	300	52	YES	Reservation of the Upper and Middle Guajira	30/11/23
		VIENTOS DEL NORTE	ALPHA	COMPLEX	234	65	YES	Reservation of the Upper and Middle Guajira	30/11/23
		KAPPA ENERGÍA	WIND COMPLEX KAPPA Y TORRE DE MEDICION	COMPLEX AND ANTENNA	500	138	NO	Reservation of the Upper and Middle Guajira	31/12/24
		OMEGA ENERGIA	OMEGA	COMPLEX	300	83	NO	Reservation of the Upper and Middle Guajira	31/12/23
10	ENERFÍN / ELECINOR Spain 5 projects	GUAJIRA EÓLICA 2	WIND COMPLEX RUTKAIN	COMPLEX	600	187	YES	Reservation of the Upper and Middle Guajira	21/12/24
		EÓLICA ALTA GUAJIRA	WIND COMPLEX BRISAS DEL CARIBE	COMPLEX	600	187	YES	Reservation of the Upper and Middle Guajira	26/05/22
		GUAJIRA EÓLICA 1	P. EL AHUMADO	COMPLEX	50	16	YES	Riohacha	1/04/22
		EÓLICA LA VELA	TRUPILLO	COMPLEX	100	27	YES	Reservation of the Upper and Middle Guajira	31/12/24
		MUSICHI S.A.S	P.E MUSICHI	COMPLEX	194	55	NO	Reservation of the Upper and Middle Guajira	31/12/22

Continues ...

*ENEL suspended the Windpeshi project in May 2023. Given the social and economic problems that its construction caused, the Italian company withdrew from its intention to develop it, but does not abandon the idea of the Colombian State being its eventual buyer through ISA, whose The largest shareholder is the Colombian Petroleum Company, Ecopetrol. For this reason, we keep this project on the list, since it is a project for sale.



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11	ALUPAR Brazil 5 projects	ALUPAR	AWATAWAA II	COMPLEX	0	0	NO	Reservation of the Upper and Middle Guajira	1/12/21
			AWATAWAA I	COMPLEX	0	0	NO	Reservation of the Upper and Middle Guajira	1/12/21
			PARAISO	COMPLEX	100	28	NO	Reservation of the Upper and Middle Guajira	21/12/24
			SATSAPA	COMPLEX	200	57	NO	Reservation of the Upper and Middle Guajira	1/12/21
			ZUCARAMANA	COMPLEX	200	57	YES	Reservation of the Upper and Middle Guajira	1/12/21
12	EPM Colombia 3 complexes 4 antennas	EPM	LOS HATICOS	ANTENNA			NO	San Juan del Cesar	INSTALADA
			PROYECTO CARDONAL	ANTENNA			NO	San Juan del Cesar	INSTALADA
			PROYECTO MANGAS T2	ANTENNA			NO	Reservation of the Upper and Middle Guajira	INSTALADA
			PROYECTO BAHIA HONDA	ANTENNA			SI	Reservation of the Upper and Middle Guajira	INSTALADA
			EPM EO400t (TAROA)	COMPLEX	400	133	SI	Reservation of the Upper and Middle Guajira	2026+
			EPM EO300m	COMPLEX	300	100	SI	Reservation of the Upper and Middle Guajira	2026+
			EPM EO200i	COMPLEX	200	65	SI	Reservation of the Upper and Middle Guajira	31/10/24
13	ARGOS Colombia 4 complexes	CELSIA (ANTES BEGONIA POWER)	ACACIA 2	COMPLEX	100	32	SI	Reservation of the Upper and Middle Guajira	30/11/23
			CAMELIA	COMPLEX	100	33	SI	Reservation of the Upper and Middle Guajira	30/11/23
			CAMELIA 1	COMPLEX	100	33	SI	Reservation of the Upper and Middle Guajira	30/11/23
			CAMELIA2	COMPLEX	100	29	SI	Reservation of the Upper and Middle Guajira	30/11/23
14	M&A DE LA SOCIEDAD ACCIONA Spain 1 Complex	ACCIONA ENERGIA DE COLOMBIA	PONDORES (GUANTANAMO)	COMPLEX	200	57	NO	SAN JUAN DEL CESAR	+2026
15	OAK CREEK Germany 1 Complex	OAK CREEK ENERGY DE COLOMBIA	LAS MERCEDES	COMPLEX	80	22	NO	SAN JUAN DEL CESAR	+2026

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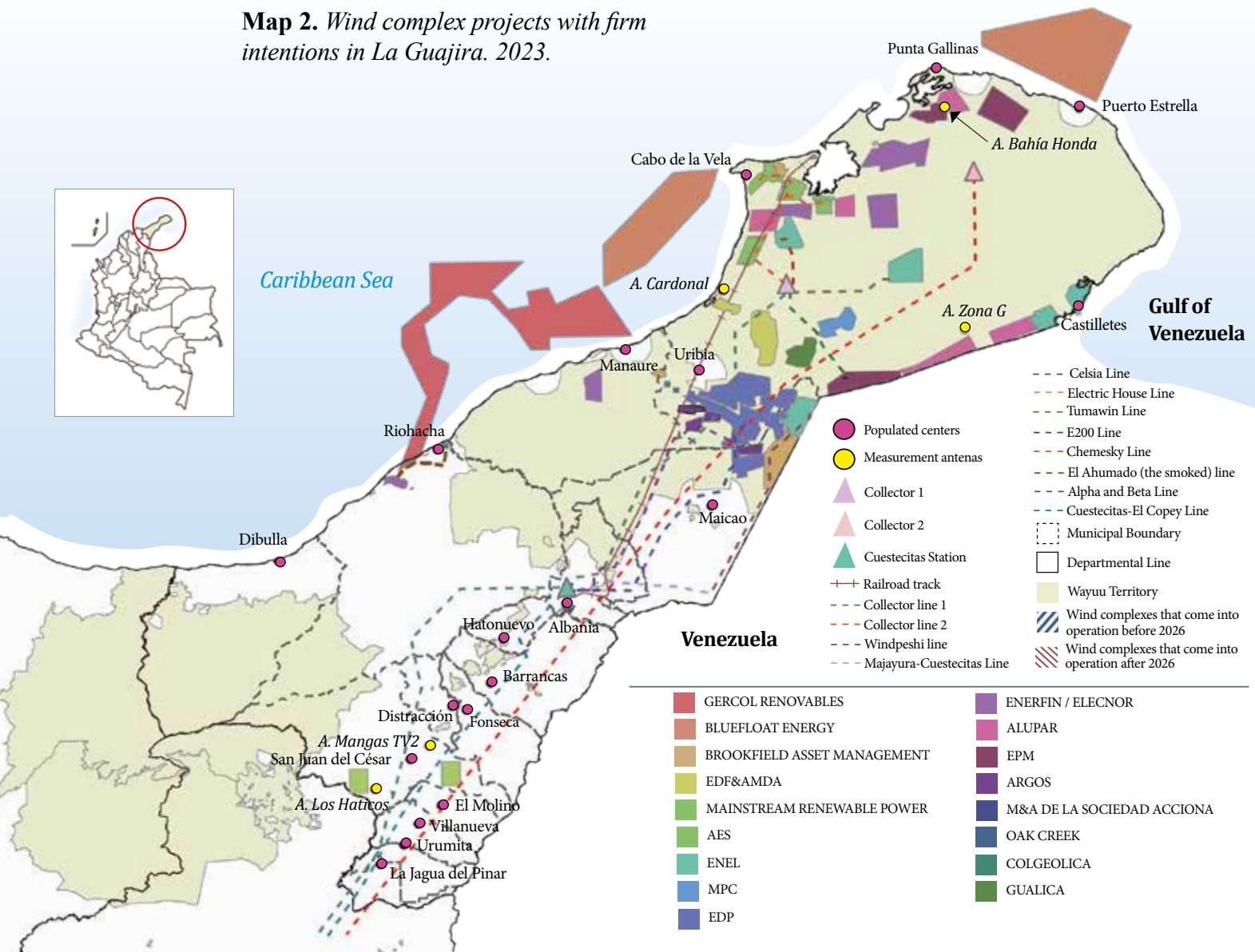
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16	COLGEÓLICA Colombia 4 parques	COLGEÓLICA	PROMETEO	COMPLEX	10	2	NO	Reservation of the Upper and Middle Guajira	2026+
		LA MANITA SAS	JEHOVA	COMPLEX	10	2	NO	Riohacha	2024
		COLGEÓLICA	NOE	COMPLEX	10	2	NO	Reservation of the Upper and Middle Guajira	2024
		COLGEÓLICA	LA MANITA	COMPLEX	10	2	NO	Riohacha	2024
17	GUALICA S.A.S Colombia 1 complex	GUALICA S.A.S	TOLOKOT	COMPLEX	150	30	NO	Reservation of the Upper and Middle Guajira	2026+

TOTAL: 57 wind projects, 12,851 MW, 2,833 wind turbines.

Source: Barney (2023a), with updates.

Map 2. Wind complex projects with firm intentions in La Guajira. 2023.



Main social conflicts caused by the entry of companies that intend to produce wind energy



3

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ind companies recognize in public spaces that indigenous communities are subjects of rights and affirm that they want their well-being. However, in the intimacy of prior consultations with these communities and in their management in the territories, they ignore the legitimacy of the leaders that are not related to them, they accuse the indigenous people of extorting them, they ignore them as environmental leaders, they are unaware of their territorial distribution and they impose, together with the Ministry of the Interior, the consultation formulas that are most favorable to them. Furthermore, they deny populations the possibility of knowing in advance and in full the documents necessary to make informed decisions.

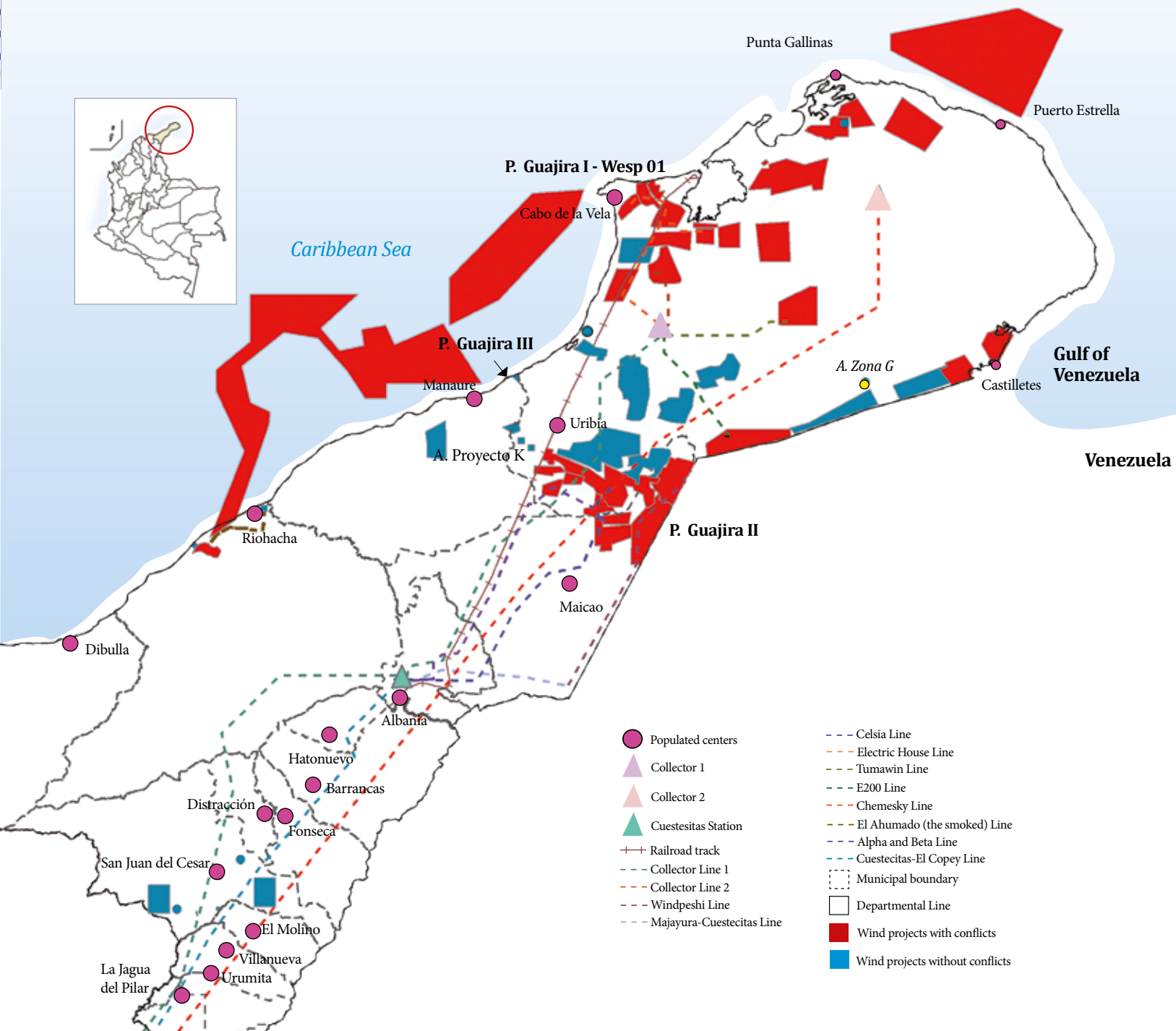
In particular, according to the communities, the most delicate thing generated by the incursion of companies into these territories is the conflict within the clans. The displacements and most of the deaths caused by “wars of the wind” originate from the mismanagement of expectations with the so-called compensations.

Compensations are given, according to known prior consultations, in the case of unsatisfied productive projects, water, and basic services. In none of the projects known to Indepaz do they talk about the delivery of cash, the communities affirm, some with evidence, that the companies give money directly to some communities to end the strikes. It is difficult not to perceive that these situations imply a delicate relationship between communities and companies, in such a way that no business could be maintained in this instability, with the danger also of stigmatizing the communities.

Strikes are these de facto situations that communities have used to make themselves heard by companies. In them, lawyers or organizations often get involved and charge for their intermediation to dissolve them.

These situations, as established by the communities themselves, could be processed differently if the companies and the Government, headed by the Ministry of the Interior, refrained from continuing to certify traditional leaders and gave way to the recommendations that the communities themselves gave to the then Minister of Mines and Energy Irene Vélez in December 2022 (see Appendix 3).

As things are going, today, the updated map of conflicts with wind projects is discouraging, even more so if one takes into account that none of these parks is in the active construction phase and that all the others are still alive only on paper. Even so, the conflicts are very real for the communities that live around these plans.



Map 3. Map of conflicts between communities and companies, in wind projects in La Guajira, 2023

Most relevant conflicts in offshore wind projects

In these projects, several problems arise: the first is the lack of recognition by the State control entities over the maritime spaces to which the Wayuu indigenous people have the right. Among its members, there are traditional semi-nomadic fishermen called apaalanchis.

There is a lack of knowledge of the spiritual wealth that the Wayuu Sea holds, which can bring difficulties to the culture of the indigenous people who inhabit the area.

The communities say that projects should begin consultations with them before making plans with their territories. This situation, highlighted by the population, is more evident in state electricity expansion plans when auctions are held in ethnic territories since the communities' right to be consulted from the planning phase is forsaken.

The second problem detected is the lack of regulation on the visual impacts of wind projects in Colombia. Taking into account that these projects cover from Cabo de la Vela to Punta Espada, one of the most touristic coastal areas that La Guajira has, the resistance of the communities that live on the seashore is anticipated, as the wind complexes would be seen in an intrusive way in the landscape, being 2.5 km away from the coast.

The communities do not see that there are any mitigation measures for a wind complex 2.5 kilometers from the beach. Without tourism, with serious effects on fishing and flying fauna, the wind complex would have to compensate them for around 40 years for what they would no longer receive from the sea. These parks would have to supply practically all their needs during that time.

Added to this is that one of these parks plans its construction in the sacred territory of Jepira, an area that goes from el Cabo and into the sea. When a Wayuu dies, his soul rests in that place for all eternity.

Due to the above, the Wayuu request that the wind complexes be moved away from the coast at least 50 km offshore. In addition, the community of the coastal area, from El Cabo de la Vela to Carrizal, prepared a declaration even opposing the installation of the measurement tower (see Appendix 1). Likewise, the communities that live from Puerto Estrella to Punta Espada prepared another declaration asking to interrupt the installation of measurement towers and any wind complex in their sea or coastal land (Appendix 2).

Conflicts in onshore wind projects

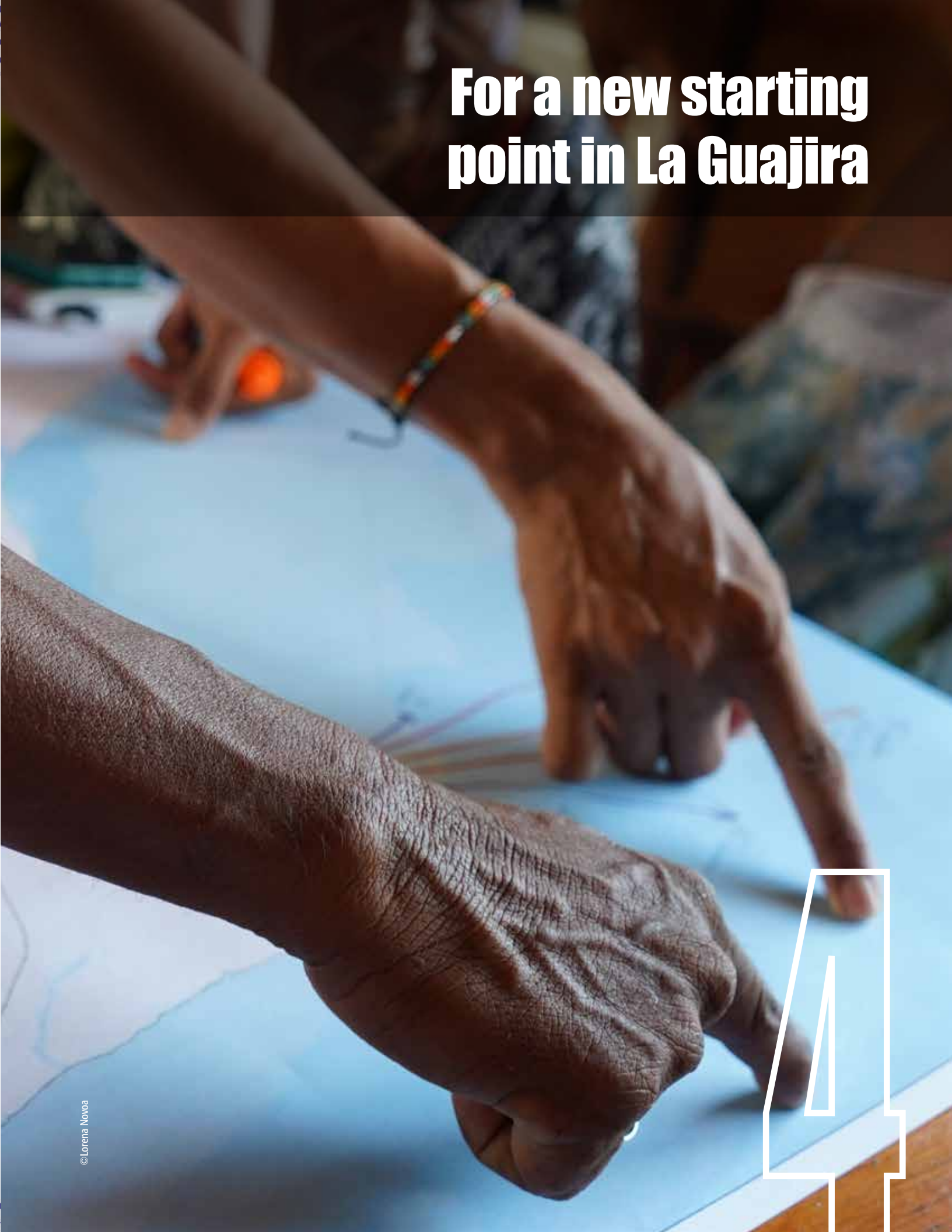
There are 15 parent companies with onshore projects. Of them, eight have conflicts with the communities and one withdrew one of its most advanced projects:

Regarding the most relevant conflicts, we find that companies ignore their obligation to recognize the importance of vital areas for the Wayuu.

There are also conflicts with outsourced companies, hired in some cases for the construction of wind power plants or their related works. They arise when these contractors are unaware, and this is the case in many cases, of the functioning of the collective territory and because, due to the absence of the State, they are made to believe (these contractors) that there is a relaxation of the rules that any company must comply with in so sensitive territories.

In the book, each of the problems is analyzed case by case.

For a new starting point in La Guajira





Currently, La Guajira is a territory in which Wayuu communities are trying to find their place in the midst of the expansion of the exploration and exploitation of energy resources. It can be, if allowed, an opportunity for reorganization, and adaptation to these new circumstances that pressure them to make determinations, both cultural and territorial.

The Wayuu population, committed to their life and their future, provides the country with reasoning and ways of acting that are respectful of culture and life, to design new forms of relationship with the Mother of all storms, who protects beings of the sea, and with the Guardian of the lands who guards their sacred sites.

The current government of Colombia is currently reviewing the roadmap for the fair energy transition. At the same time, the communities hope that all the requests submitted in the autonomous declarations, protocols, and complaints included in this summary will be considered so that the word justice acquires a broader dimension, which houses their desire to preserve the unity of their people to safeguard the mountains, traditions, customs, worldview, spirit, coexistence, traditional medicine, nature, species of animals and plants, the economy, their self-government, natural assets, and the integrity of their territories, as stated in the autonomous protocol from Cerro Carpintero.



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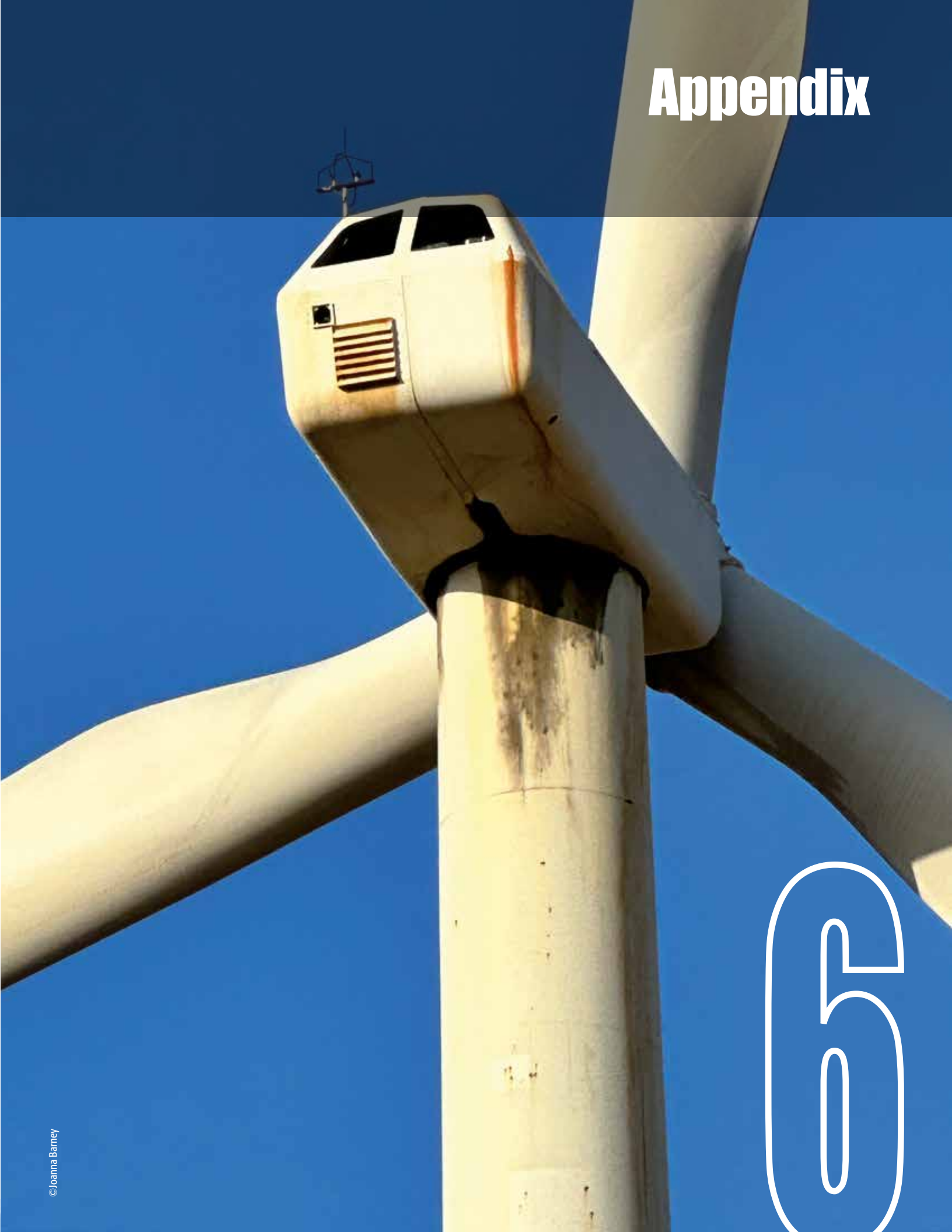
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Appendix



6

Appendix 1.

Declaration of the Wayuu who live from the sea in the town of Cabo de la Vela. November 3, 2022

Appendix 2.

Autonomous protocol of the ancestral Wayuu and the communities of Puerto Estrella, Nazaret, Taroa, and Punta Espada. May 21, 2023

Appendix 3.

Protocolo autonómico de Cerro Carpintero (Protocolo autonómico de Consulta y Consentimiento previo, libre e informado. Autoridades ancestrales y representantes del gobierno propio de e'irrukuus Ipuana, Epinayú, Uriana, Epieyú del Resguardo Indígena Ampliado de la Alta y Media Guajira, sector Cabo de la Vela, La Guajira. Marzo de 2022.

Appendix 4.

Proposal for the National Development Plan, for the Wayuu ancestral people impacted by wind complexes, delivered to the Ministry of Mines and Energy on December 28 in Cabo de la Vela. December 28, 2022.

Appendix 1.

DECLARATION OF THE WAYUU WHO LIVE FROM THE SEA IN THE TOWNHOUSE OF CABO DE LA VELA

Corregimiento of Cabo de la Vela, department of La Guajira
November 3, 2022

**MR. PRESIDENT OF COLOMBIA, GUSTAVO PETRO URREGO
MINISTER OF MINES AND ENERGY, IRENE VÉLEZ TORRES
MINISTER OF ENVIRONMENT, SUSANA MUHAMAD**

Receive our greetings,

We, the undersigned, are Wayuu indigenous people, an ancient indigenous community that lives in the Reservation of the Upper and Middle Guajira, we live in the area known to you as Cabo de La Vela, but which for us is Jepira. In this area we live from fishing, the sale of crafts, and tourism. Many of our countrymen who live further from the coast are shepherds and live off their goats and sheep, we, on the other hand, live off the sea.

This paradisiacal area of Cabo de la Vela receives tourists every day, mostly foreigners, who come for the tranquility, and our exuberant landscapes. They are attracted by how little intervention our territory has, and the richness of our culture, and they say that here You can see the best sunsets and the most starry skies.

Here on our coasts is one of the most important ecosystems for climate change, they say it is a carbon dioxide (CO2) capture sponge, it is the largest protected area of seagrasses in the country, they called it Sawairù and it is the home to three species of sea turtles and the nursery of the fish we consume, the snail and the lobster.

In this same area, all Wayuu have our most sacred place: the Jepira. The place where we will all go to rest, that is, the place where we will live the life of the dead. That is why we do many rituals, with them we facilitate the path to the last resting place, which also extends to the sea area.

And it is for this reason that we, the inhabitants of the coastal area of Cabo de la Vela, want our rights to consultation to be respected, but above all to free, prior, and informed consent in all acts and works that alter our way of life.

FACTS

We affirm this because a few months ago we learned that Corpoguajira had been asked for permission to install a wind measurement antenna in the sea of our sacred Jepira¹. It was on us to do the research and we found the information that a Spanish company called BlueFloat had the intention of installing a wind complex on our coast, less than 3 kilometers from the shore, bordering the seagrass area. The complex has been called Astrolabio and extends from Musichi through Carrizal to the tip of Cabo. This complex has planned the installation of 55 wind towers, each 261 meters high. We as a community took the tour and understood that the park area would encompass our entire artisanal fishing area. We also understood that the landscape would be terribly affected because the size of the towers on practically our beaches (that complex is on the coast) would affect the tourism that comes in search of our ancestral landscapes.

We also learned that in a document called “The Roadmap for Offshore Wind Projects”, our vital area had been designated as an important block to develop wind complexes, they called it FX-4. In this roadmap, we observe that the DIMAR will be in charge of allocating said blocks, but we also see that this document does not have prior consultation even though we know that the majority of said blocks are in the territory of Apalaanchis (Wayuu fishermen) and other communities that also live from the sea.

We, as the caretakers of the Palaa Mar, can assure you that this decision was not consulted and that since the situation is so delicate since the sea represents our livelihood and is part of our spirituality, a project of such dimensions should not even be contemplated.

We know that according to Article 6 of ILO Convention 169, we had to participate in this “Roadmap” since our presence is required in all legislative and administrative measures that directly affect us. For its part, article 7 establishes, on the one hand, that we can decide our priorities in the development process and we must control, as far as possible, our economic, social, and cultural development; and on the other, that we have the right to participate in the formulation, application, and evaluation of development plans and programs that may directly affect us. Likewise, the duty of governments is established to ensure that, whenever possible, studies are carried out in cooperation with interested people, like us, on the aforementioned development activities, in an attempt to evaluate the social, spiritual, and cultural impact. and about the environment. It is about preventing state authorities, in the exercise of the political power they hold, from designing, developing, and executing public policies that compromise us, without us having had full knowledge of such policies or having assessed their advantages or disadvantages².

We also know that the right to collective property assists us as it is a fundamental guarantee that makes effective our fundamental rights to autonomy and self-determination and, especially, to integrity, ethnic and cultural identity, economic supply and, therefore, which preserves our survival because it implies the possibility of accessing our traditional means of subsistence and developing our ancestral practices. This Superior guarantee has constitutional support in articles 58, 63, 286, 329, and 330 of the Political Constitution, in articles

1. Auto 163 del 18 de marzo de 2022

2. Taken from Sentence T-063/19: Right to ethnic and cultural integrity of the indigenous community

13, 14, 15, 16, 17, 18, and 19 of Convention 169 of the ILO, as well as in article 21 of the American Convention on Human Rights.

We also know that Colombian jurisprudence and international conventions signed by Colombia, such as ILO Convention 169, require the State to apply prior, free, and informed consent if our culture and means of subsistence are in danger, as should have been the case of the BlueFloat company before starting its wind studies in our sea.

Of the three exceptional cases, (1) the Transfer or relocation of the indigenous or tribal people from their place of settlement; (2) the storage or deposit of dangerous or toxic materials in their territories; (3) measures that imply a high social, cultural and environmental impact that puts their subsistence at risk” two of these are true for us, because if our way of life is affected, we will have to resettle somewhere else and look for another way of life, but we know that all the beaches of La Guajira have their eurrukus, and we know that we will not always be well received in other parts and this could lead to internal disputes.

We are also clear that consultation and consent must be prior, this means that all consultations involving our maritime territory of Cabo de la Vela must be carried out before any work or project begins to be developed, and before laws are passed or administrative measures are taken, tenders are held, contracts are signed or commitments are made with institutions, companies or individuals that may affect us, our territories, our health, our economy, our culture, our heritage, sacred sites, or our natural assets. And that the consultation process must begin with sufficient time so that our contributions can be delivered and received, the plans or proposals to be consulted adjusted, and our consent obtained.

REQUESTS

1. Declare the Offshore Wind Roadmap unconstitutional and prevent its application.
2. Request Corpoguajira or DIMAR to refrain from delivering a wind resource measurement permit to the BlueFloat company for the Astrolabio wind complex.

According to what was reported by the community of Ipapure, the company Operaciones y Montajes de La Guajira begins to carry out, in compliance with its contract with the company CJR, which, in turn, works for ENEL, actions to the detriment of the communities that are in the area of the road and the Ipapure stream. As a result of these pressures, the community denounces what can be seen in image 29.

Body of the complaint from the Ipapure community against the company Operaciones y Montajes, subcontracted by ENEL.

Public Complaint

The members of the Wayuu Ipapüle Ancestral Territory (non-Wayuu say Ipapure) publicly denounce the abuses and irregularities that have been committed on our land by the company **Operaciones y Montajes de La Guajira SAS**, which without consultation and the full legal requirements carried out construction work on a road in our territory and has been using it to transport mineral material necessary for the operation of the **Windpeshi Wind complex** owned by the multinational ENEL Green Power, located in the Wayuu Wuinpeshi ancestral territory, this comes directly affecting the health, social fabric, traffic safety, environment and water reservoirs of the population.

Facts

1. Operations and Assembly of La Guajira SAS enters the Wayuu Ipapüle Ancestral Territory without due or correct consultation. After this, when they encountered obstacles in the construction of their project, they requested support from Mr. Abraham Salas Juusayuu, ancestral authority of Ipapüle who was contacted by telephone through a relative of his wife, since he was abroad. The person who contacts Mr. Abraham is a person from outside the Ipapüle Ancestral Territory, he is an Alijuna, and he is from the company, but he does not have any management position. This alijuna requests by telephone, in said request the person speaking with Mr. Abraham makes a brief explanation of what they need to do on the trail that crosses the Ko'oishima'ana channel that belongs to this ancestral territory, in the conversation they only say who need to fix the road and enable vehicular traffic in times of rain, knowing the work that Mr. Salas Juusayuu's ancestors used to do to fix the road without damaging the environment, gives his consent by phone, thinking that what they would do would not cause the environmental, social or health damage that currently occurs, what they proposed was to recover a traditional way of repairing roads without causing environmental damage and very efficient for its purpose.
2. Officials from Operaciones y Montajes de La Guajira SAS make private visits to some members of the community to inform them about what they were about to start doing, until that moment they had not made any contact with Mrs. Ana Arinda Iguarán Palmar, niece of Mr. Abraham and who is the Traditional Authority of Ipapüle, legally possessed before the Office of Indigenous Affairs of Maicao as a territorial entity that exercises official jurisdiction over Ipapüle, likewise, this is recognized by the Ministry of the Interior, since before this entity she has presented the respective censuses of the members of the community.
3. On August 29, 2020, Operaciones y Montajes de La Guajira SAS communicated via email to the Traditional Authority, said communication indicated the subject "Vial construction socialization", which made a fairly brief outline of the work that, according to them, they were going to do, however, the works were already underway, said document reads *"We are in the process of socializing a project, which passes through*

lands in which you are the authority. Said project is the construction of a road with standards of safety and technical standards; which will allow the safe circulation of the inhabitants near the road”, in the same way, they indicate that the road under construction would have an extension of 73km and would connect Jaturumow and Windpeshi with Uribia respecting the infrastructure and fences in the vicinity of the area where said road is to be installed, the text ends by making a list of supposed benefits that the territory would obtain with said work, among which are mentioned better access, involvement of unskilled labor and coordination with government entities for the channeling humanitarian aid.

4. The Traditional Authority of Ipapüle responds in a letter sent via email to Operaciones y Montajes de La Guajira SAS requesting that said entity be presented formally, as well as the details of the project, among which the mechanisms for the possible prior consultation, technical, and structural characteristics of the work, area to intervene, studies of environmental risks and their mitigation, criteria for hiring unskilled labor and other specificities that provide clarity about the work, however, there was no formal response on the part of the company, only a comment in bad taste that reads *“Ms. Ana knows the it is necessary to present a good program to socialize the work and other elements that she requires in her letter”* from someone who only signs J Ramos thus leaving in the environment a clear disdain for compliance with the regulations established for the development of this type of activities, one can also understand in this response a clear ignorance of the millennial rights of the ancestral heirs over the territory and the obligation to Prior consultation as a fundamental right of indigenous peoples.
5. Operaciones y Montajes de La Guajira SAS carries out intervention work on the reel that has historically existed in Ipapüle and that crosses a section of the large Ipapüle stream called Ko’oishima’ana, these are carried out without any prior consultation process with the traditional authority of the territory, they only consulted one of the members residing in that sector, but they did not socialize with the legitimate owners of the territory and other members of the community, despite the fact that permission was initially requested from Mr. Abraham when they spoke with him by telephone, to make said intervention, such intervention was not done in the way that Mr. Abraham had been told, which is why he considers today that he was deceived in his good faith by the company, since nothing that they said was done as such, since Mr. Abraham expected that no damage would be caused to the natural environment, which was completely disrespected by the company; since they built a structure that today completely hinders the normal flow of the waters that pass the stream in times of rain, this has evidently caused countless damages to the inhabitants of its surroundings.
6. Operaciones y Montajes de La Guajira SAS made negotiations with people who, unscrupulously, pose as heirs of the Ipapüle Ancestral Territory. At one time they settled in that place and today they proclaimed themselves leaders and owners of a portion of the land which is within the official and ancient territory of Ipapüle. These people present documents from the Secretary of Indigenous Affairs of Uribia where they prove possession of the territory, these certificates indicate that their territory is an extension of the Jonjocito district, which is unlikely, since This is located approximately 40km north of what historically and administratively corresponds to

Ipapüle, however, Mrs. Adaluz Barroso from Jaichein summons the directors of OMG to make an agreement from which she received an amount of money equivalent to \$5,000,000 and it was agreed to deliver \$1,000,000 monthly as compensation for the passage of the trucks through “their land”, this agreement was made under the auspices of the Uribia Indigenous Affairs Office, without this office first verifying that this Jaichein is really in the jurisdiction of Uribia. It should be noted that one of the small hills in the territory is called Yaichein, not Jaichein. The Jayaliyuu of Jaichein are Wayuu natives of an ancestral territory called Mechemecho’u.

7. There is an apparent lack of knowledge on the part of the Office of Indigenous Affairs of Uribia of the townships that make up its territory, this township is the jurisdiction of the Municipality of Maicao as indicated by Law 105 of 1960, issued by the Congress of Colombia and by which Regulations are issued on the Municipality of La Guajira and other provisions are adopted, this regulation has not been repealed and under this, the members of the community since it was consolidated as a township have maintained a permanent relationship with Maicao. Likewise, Ipapüle is the electoral point assigned to the Municipality of Maicao and is also the main headquarters of the Indigenous Educational Institution IEI No 7 which belongs to the same municipality, that is, administratively, educationally, and politically Maicao. The Juusayuu, owners of Ipapüle, are also founders of the city of Maicao; This is how history records it, and they established their lands officially attached to the Municipality of Maicao.
8. As an Ancestral Territory, Ipapüle has cartography that was initially drawn by its legitimate owners, ancient cartography that has also been recognized in various documents by entities such as the Agustín Codazzi Geographic Institute – IGAC, an entity that established the ancient cartography on a map from Ipapüle. With its ancient limits, just as its legitimate owners did, the Ipapüle Ancestral Territory is established as follows: To the north the Kasi’ichi lagoon, to the east the Arroyo Guerrero, to the south the Colombian-Venezuelan border and to the west the Cerro after the Warule, where the ancient Alaapalen cemetery, ancient property of the Juusayuu, is located. A living testimony of the authentic ownership of the Juusayuu over the Ipapüle territory (Testimony that cannot be provided by those who today call themselves new owners of the territory).
9. Operaciones y Montajes de La Guajira SAS never established any type of dialogue with the Traditional Authority of Ipapure, to talk about prior consultation or participation mechanisms of the members of the Ipapure community in the development of the work; this company met separately with people who live near the highway, some of these people who presented themselves as members of the community are not actually members, they remained in Venezuela, but they saw in the perks offered the possibility of securing some economic resources for them. The arrangement that this company proposed is generally the same, remuneration is made for the transit of the cars through the area, in this sense it is important to clarify that said arrangement consists of delivering a specific amount of money, generally between \$3,000,000 and \$5,000,000 in two payments, subsequently a value of \$1,000,000 would be paid monthly, speaking of agreement is a mere formalism since the company officials arrive with a decision made and inform the person about the amounts they will pay. The legitimate owners of Ipapüle have never received resources from this company even though they have been made to see the environmental damage they have

caused, the disrespect they have had for entering the territory and building a road that the Juusayuu owners of the territory have never authorized. They were even told to pay the penalty as the Wayuu thought says and they have never complied.

- 10.** Operaciones y Montajes de La Guajira SAS built an embankment to allow its trucks to travel in times of rain, however, the company's benefit has been the misfortune of the inhabitants of the ancestral territory, this becomes evident when the rainy season begins, this has caused critical situations, such as the flooding of the facilities of the Ipapüle headquarters of the Indigenous Educational Institution IEI No. 7, since the water, dammed by the intrusive structure that now crosses the water groove, overflowed through a natural drain, dramatically increasing the flow of the small streams that in turn ended up reaching the school (they have tried to make up for their mistake, in the last rain that was not very strong we saw that the water did not arrive, we hope it continues well). In the same way, the water destroyed the fences of the family gardens near Ko'oishima'ana. At the beginning of this year, some rains again dammed the water and carried away whit animals that sleep in the stream, which directly affects the social fabric, since those affected assume that this has been caused by the members of the Juusayuu family because they are the ancestral heirs of the territory and they assume that the Juusayuu gave the OMG the territory and many believe that the Juusayuu profit from this.
- 11.** The construction of the embankment is affecting the health of the inhabitants of the territory since the passing trucks raise large amounts of dust that have significantly increased the number of cases of respiratory illnesses, even though the company promised those who live in the vicinity of the road that it would be periodically irrigated to avoid dust clouds, this has not been fully fulfilled, largely because water is very scarce in the area and the few existing reservoirs are protected by the members of the community to ensure that this is available to them and their animals, this situation has led to water for human consumption in houses, clothing, hammocks, and even food being permanently full of dust, which will gradually deteriorate the health of people who live near the road.
- 12.** The construction of the embankment has generated a terrible deterioration of the soil of the stream, the damming of the water channel, the excessive removal of vegetation layer and uncontrolled burning of trees in the area have weakened the soils, causing them to erode and begin to sink, thereby altering the original form of the local ecosystem, it is worth highlighting the fragility of this type of biomes since there is no permanent source of water, these spaces are the reservoirs that support the delicate xerophytic vegetation, until now the company has not presented a care plan to help mitigate this situation, causing large-scale environmental damage that, if not addressed on time, could end in a terrible and irreversible environmental disaster. We are not aware of any company plans to remedy the environmental problems it is causing.
- 13.** To date, the company has not presented any regulatory document that regulates or endorses its operations in this area of the territory, meaning that to date we do not know if Corpoguajira, MinAmbiente, and ANLA are informed of the actions that are being developed within the framework of the construction of the wind complexes authorized to enter into operation, these activities have directly to do with the

operation of these entities, at least that is what in the informal dialogues that have been had with officials of Operaciones y Montajes de La Guajira SAS, in which up to now crucial issues for the care of the environment, as well as respect for the members of the society of the Wayuu Ipapüle Ancestral Territory, have not been addressed.

- 14.** Some vehicles owned or contracted by Operaciones y Montajes de La Guajira SAS that circulate near the Ipapüle headquarters, the main headquarters of the Indigenous Educational Institution IEI No 7 of the municipality of Maicao, (Our school) do so without care, they do so without regarding the permanent transit of students, some do so at high speeds, becoming a latent danger for members of the educational society. Some children still do not appreciate the danger of disrespectful drivers who travel at high speeds when returning from work with this company.

Taking into account the arguments presented above, it is imperative to take actions that call on the officials of the company Operaciones y Montajes de La Guajira SAS, CORPOGUAJIRA, MinAmbiente, Mininterior, and ANLA to compensate for all the damage that has been done to the environment so far. As with the society of the Wayuu Ipapüle Ancestral Territory, the mandatory nature of prior consultation must be recognized as a fundamental right of the native peoples and in this specific case, of the Wayuu, so what the community cannot ignore. demands through the Traditional Authority legally constituted and recognized by the Office of Indigenous Affairs of Maicao and La Guajira, the Ministry of the Interior, and other government entities with jurisdiction and interference in this type of situation.

Appendix 2.

Autonomous protocol of the ancestral Wayuu and the communities of Puerto Estrella, Nazaret, Taroa, and Punta Espada

Puerto Estrella district, department of La Guajira, May 21, 2023

MR. PRESIDENT OF COLOMBIA, GUSTAVO PETRO URREGO
MINISTER OF MINES AND ENERGY, IRENE VÉLEZ TORRES
MINISTER OF ENVIRONMENT, SUSANA MUHAMAD

Receive our greetings,

We, the undersigned, are Wayuu indigenous people, an ancient indigenous community that lives in the Alta y Media Guajira Reservation, we live in the area known to you as Alta Guajira (Wüinpümüin). In this area we live from fishing, the sale of crafts, and tourism. Many of our countrymen who live further from the coast are shepherds and live off their goats, sheep, cattle, and crops.

This paradisiacal area receives tourists every day, mostly foreigners, who come for the tranquility and our lush landscapes. They are attracted by how little intervention our territory has, and the richness of our culture, and they say that here you can see the best sunsets, bird watching, and the most starry skies.

Here on our coasts is one of the most important ecosystems for climate change, they say it is a carbon dioxide (CO₂) capture sponge, the seagrass area is home to three species of sea turtles and the nursery of the fish we consume, the snail and the lobster. In our sea we have several types of fish, we have sharks, dolphins, barracudas, and chipichipi, among others.

In our territories we have dunes, which are water sponges, they are an important ecosystem for the conservation of beaches and are vital for turtles and tourism.

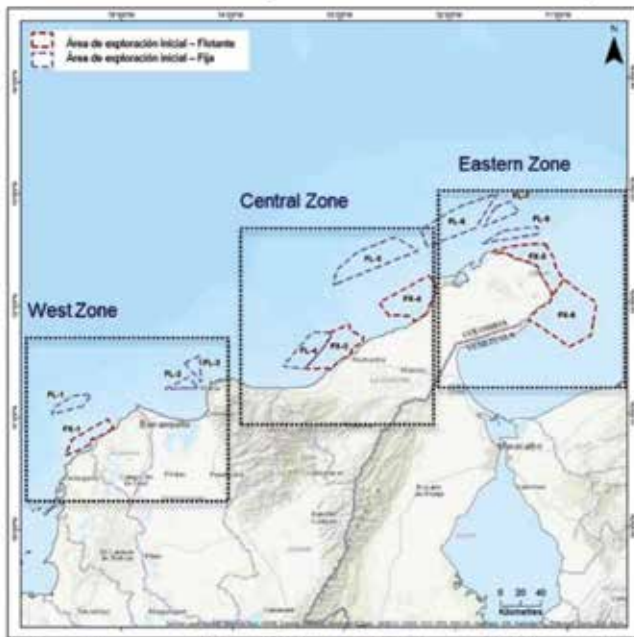
All the Wayuu come from Wüinpümüin, here all the origins of the Eurrukus are born. The first woman, called Wolunkaa, comes from these lands, who is the origin.

It is for the above reason that we, the inhabitants of this area, want our rights to consultation to be respected, but above all to free, prior, and informed consent in all acts and works that alter our way of life and worldview.

FACTS

We affirm the above because today we learned that permission had been requested from Corpoguajira to install a wind measurement antenna at sea and that Corpoguajira granted them the measurement permit.

We were obligated to do the research and we found the information that a Spanish company called BlueFloat had the intention of installing a wind complex on our coast, less than 2 kilometers from the shore, bordering the area from Taroa to Punta Espada. The parks have been called Barlovento, Barlovento I, II, III, and IV, and the installation of 55 wind towers, each 261 meters high, and 12 wind turbines between the Barloventos is planned. We as a community did the mapping exercise and understood that the park area encompasses our entire artisanal fishing area. We also understood that the landscape would be terribly affected because the size of the towers on practically our beaches (that park is on the coast) would affect the tourism that comes in search of our ancestral landscapes.



We also learned that in a document called “The Roadmap for Offshore Wind Projects”, our vital area had been designated as an important block to develop wind complexes, they called it FX-5. In this roadmap, we observe that the DIMAR will be in charge of allocating said blocks, but we also see that this document does not have prior consultation even though we know that the majority of said blocks are in the territory of Apalaanchis (Wayú fishermen) and other communities who also live from the sea.

We as the caretakers of the Palaa Mar can assure that this decision was not consulted and that since the situation is so delicate, since the sea represents our livelihood and is part of our spirituality, a project of such dimensions should not even be contemplated.

We know that according to Article 6 of OIT Convention 169, we had to participate in this “Roadmap” since our presence is required in all legislative and administrative measures that directly affect us. For its part, article 7 establishes, on the one hand, that we can decide our priorities in the development process and we must control, as far as possible, our economic, social, and cultural development; and on the other, that we have the right to participate in the formulation, application, and evaluation of development plans and programs that may directly affect us. Likewise, the duty of governments is established to ensure that, whenever possible, studies are carried out in cooperation with interested people, like us, on the aforementioned development activities, in an attempt to evaluate the social, spiritual, and cultural impact. and about the environment. It is about preventing state authorities, in the exercise of the political power they hold, from designing, developing, and executing public policies that compromise us, without us having had full knowledge of such policies or having assessed their advantages or disadvantages.

We also know that the right to collective property assists us as it is a fundamental guarantee that makes effective our fundamental rights to autonomy and self-determination and, especially, to integrity, ethnic and cultural identity, economic supply and, therefore, which preserves our survival because it implies the possibility of accessing our traditional means of subsistence and developing our ancestral practices. This Superior guarantee has

constitutional support in articles 58, 63, 286, 329, and 330 of the Political Constitution, in articles 13, 14, 15, 16, 17, 18, and 19 of Convention 169 of the OIT, as well as in the Article 21 of the American Convention on Human Rights.

We also know that Colombian jurisprudence and international conventions signed by Colombia, such as OIT Convention 169, require the State to apply prior, free, and informed consent if our culture and means of subsistence are in danger, as should have been the case of the BlueFloat company before starting its wind studies in our sea.

Of the three exceptional cases, (1) the Transfer or relocation of the indigenous or tribal people from their place of settlement; (2) the storage or deposit of dangerous or toxic materials in their territories; (3) measures that imply a high social, cultural and environmental impact that puts their subsistence at risk” two of these are true for us, because if our way of life is affected, we will have to resettle somewhere else and look for another way of life, but we know that all the beaches of La Guajira have their eurrukus, and we know that we will not always be well received in other parts and this could lead to internal disputes.

We are also clear that consultation and consent must be prior; this means that all consultations that involve our maritime, land, and air territory must be carried out before any work or project begins to be developed, and before laws are passed or administrative measures are taken, tenders are held, contracts are signed or commitments are made with institutions, companies or individuals that may affect us, our territories, our health, our economy, our culture, our heritage, sacred sites, or our natural goods. And that the consultation process must begin with sufficient time so that our contributions can be delivered and received, the plans or proposals to be consulted adjusted, and thus our consent obtained.

REQUESTS

1. Declare the Offshore Wind Roadmap unconstitutional and prevent its application.
1. Request Corpoguajira to cancel the wind resource measurement permit to the company BlueFloat for the Barlovento offshore wind farm granted by RESOLUTION N° 2382 OF 2022 on November 9, 2022
1. For the TAROA area we request that you refrain from placing measurement antennas for wind farms on land.
1. For these territories from Taroa to Castillete, wind farms are not desired for either land or sea.

(Signatures of ancestral leaders follow)

Anexo 3.

Protocolo autonómico Protocolo autonómico de Consulta y Consentimiento previo, libre e informado. Autoridades ancestrales y representantes del gobierno propio de e'irrukuus Ipuana, Epinayú, Uriana, Epiyú del Resguardo Indígena Ampliado de la Alta y Media Guajira, sector Cabo de la Vela, La Guajira. Marzo de 2022.

Appendix 4.

Proposal for the National Development Plan, for the ancestral Wayuu impacted by wind complexes, delivered to the Ministry of Mines and Energy on December 28, 2022, in Cabo de la Vela.

In November 2022, the Colombian Ministry of Mines and Energy announced the start of the *Fair Energy Transition Route*³. This route had to begin to be drawn with genuine dialogues in the territories. In a first approach, held on December 10, 2022, in Riohacha, it was suggested, at the direct request of the Minister of Mines and Energy, Irene Vélez, that in the dialogues there be clear and creative proposals that could be included in the National Plan. Development (PND) around the energy transition, born from the territories of La Guajira, where the vast majority of wind farms are intended to be built.

To prepare these proposals requested by the minister, delegates from all the ancestral territories met again on December 17 in a ranch near the city of Riohacha. For eight hours, and with the presence of a delegate from the Ministry of Mines and Energy and several social organizations, they created a document with all their proposals. This was presented and delivered on December 28, 2022, to the minister in full transfer, in Cabo de la Vela, municipality of Uribia.

Several of the features of the aforementioned text are unique; To begin with, ancestral owners are not usually heard in the settings of public life; They are not very close to being political figures and, in many cases, they speak their language and not Spanish. In the meeting that preceded the delivery of his document to Minister Irene Vélez, as in the one on December 28, when it reached her, his voice and his demands were heard. This fact makes the delivered text very valuable.

Another point that gives a lot of validity to the proposals is that all the territories that will have wind complexes were represented by their ancestral authorities or by their authorized delegates. Last, but not least, both in the preparation of the document and in its presentation, the communities were in total agreement on how they should proceed so that the fair word -inserted in the Fair Transition Roadmap - would come true.

The document is so valuable and includes so many elements discussed in this book that it is worth leaving it in its entirety as a powerful conclusion of what the communities feel about what the development of wind projects in their ancestral territory has been until today.

3. The direction of this route can be found in Minenergía (2022b).

Next, the memories,

MEMORIES.

Background of the meeting: on December 10, 2022, the Ministry of Mines and Energy called a meeting in the city of Riohacha (reports and conclusions are attached). The reason for the meeting was to present the beginning of the construction of the fair energy transition roadmap. Given the obvious absence of the communities (the event was largely made up of companies), Dr. Irene Vélez Torres, Minister of Mines, proposed a second meeting for the communities to present their proposals to the National Development Plan (PND). In preparation for this meeting, a prior meeting of the communities impacted by the wind complexes was held on December 17, in which the points that will be presented to the Minister of Mines and Energy were defined.

Meeting attendees: This meeting is attended by 105 leaders from the areas of Bahía Honda, Camarones, Riohacha, around the city of Uribia, Cabo de la Vela, Media Luna, Puerto Estrella, Ipapure, Windpeshi, Taroa, Jojoncinto, Albania, Hato Nuevo and Barrancas.

Conclusions of the meeting:

The meeting was held in a participatory manner; all the authorities had the floor; they all introduced themselves, and, one by one, presented their cases. It focuses on solutions and, as a result of this work, the following 6 proposals are consolidated, which, it is expected, will be taken into consideration in the PND concerning the fair energy transition.

PROPOSALS

We start with what the community has defined as the most important. We call it organizing the bower, which is nothing more than making known in our uses and customs, who can and should decide about our territories. We consider this point essential, since, thanks to this lack of knowledge, we find ourselves immersed in a spiral of conflicts, and even violence, between the ancestral owners and the traditional authorities with which the renewable energy companies have negotiated.

POINT 1. HOW TO INTERLOCUTE WITH THE WAYUU PEOPLE

Background and justification:

Las Renewable energy companies have arrived in La Guajira with the guidelines of the Ministry of the Interior, which certifies traditional authorities. These authorities were created by Decree 1088 of 1993 to receive transfers, but

their figure has been transformed over time and has supplanted the ancestral authorities, which are the ones that, in uses and customs, make territorial decisions.

This situation has unleashed a wave of conflicts and disharmonies in which traditional and ancestral authorities are involved. This also worsens with the return of Wayuu who lived in Venezuela

Solution and request to be considered in the National Development Plan, hereinafter, PND:

In 2019, the Constitutional Court issued Sentence T-172, in which it ruled in favor of the ancestral authorities, requesting to follow a series of guidelines for the restitution of this form of organization in the Wayuu territory, as can be seen in the following summary:

Sentence T-172 of 2019. 65 Wayuu authorities, representing their communities, filed a tutela action against the Ministry of the Interior to obtain protection of their right of association, which they considered violated by the imposition of administrative barriers to join the organization. Association of Shipia Wayuu Indigenous Traditional Authorities. However, the Sixth Review Chamber warned that, in addition to the impact on the right of association, there are serious threats to the autonomy, cultural identity, and survival of the Wayuu indigenous people as an ethnic group. Based on the concepts issued by members of the Wayuu people, experts on the subject, and public authorities, the Chamber verified that the norms that regulate the right of association, access to the General Participation System, and the registration of indigenous peoples in the databases Official data, as well as the actions of administrative authorities, are based on institutions outside the Wayuu people. Firstly, the concept of “community” imposed by the State corresponds to a form of organization in which social cohesion is supported by democratic mechanisms. On the contrary, Wayuu’s social organization is based on kinship. Secondly, the type of political authority that the regulations provide for all indigenous communities is elected through democratic mechanisms and has a temporary mandate. In contrast, political and social authority for the Wayuu is based on kinship and the concurrence of qualities according to their uses and customs and is not subject to democratic election mechanisms. Thirdly, the State foresees that the relationship of ethnic groups with the territory is developed based on the concept of reservation, which is a legal and sociopolitical institution made up of one or more indigenous communities, with a collective property title that holds the guarantees of private property. However, in the Wayuu people, the organization of the territory is determined by ancestral history, from which the relationship of the territory with the clans and, consequently, with the matrilineal lineage is established. Based on the divergences between the norms and actions of the State and the particularities of the Wayuu people, which have forced a process of transformation of the institutions, uses, and customs of this ethnic

group, the violation of their rights to cultural identity, participation, autonomy, and to consort was established, as well as a serious threat to its survival. Consequently, the Chamber adopted different measures to protect the Wayuu indigenous people, as a collective subject, aimed mainly at obtaining action from the State that consults their identity, institutions, uses, and customs and that is respectful of their particularities as an ethnic group. The Sixth Review Chamber, among others, ordered the Ministry of the Interior to carry out an ethnological study of the Wayuu people that allows it to know their forms of political and social organization and, based on this, develop a regulatory project for the registration of their social groups, ancestral authorities and associations of authorities. This project must be consulted with the Wayuu indigenous people to issue the corresponding regulations. Finally, taking into account that one of the greatest obstacles that interfere with the exercise of the fundamental rights of the Wayuu indigenous people is the absence of a census, the Chamber issued an exhortation to the [National Administrative Department of Statistics] DANE and the Presidency of the Republic to create a particular information system, aimed at knowing the population and the particularities of this ethnic group.

Therefore, in an assembly with the communities impacted by the Wayuu people's renewable energy projects, it is requested that the necessary resources be awarded to develop the project to implement this ruling. In internal dialogue, we have proposed the following route:

1. Carry out an anthropological study with support from universities to map ancestral cemeteries (the proposed roadmap is attached to the minister).
2. Request from the PND the resources to finance all the second burials⁴ of the uncles or Alaulas, so that this territorial verification is based on uses and customs (Law of Origin). This ritual must be accompanied by the Constitutional Court to constitute by this means the social cartography of that specific territory.
3. Request all Wayuu to do this work for the above. There is no lost Wayuu, we are all ancestral somewhere in La Guajira

POINT 2. PRIOR CONSULTATIONS IN THE FRAMEWORK OF THE ENERGY TRANSITION WITH THE WAYUU PEOPLE

Request resources to invalidate and repeat all previous consultations developed in Wayuu territory within the framework of the energy transition and train communities on environmental impacts.

4. This ritual should be paid for by the uncles themselves, but, due to economic reasons, the tradition has weakened. Its recovery is important, since it is in these places where ancestral authorities are ratified, where neighbors and relatives meet to remember their limits. This ritual helps to pacify the nephews, by teaching them the role of their authority, to understand their customs that, for one reason or another, may have been lost.

Background and justification:

Within the framework of independent investigations, it has been established that we were never told about our right to prior, free, and informed consent and that only prior, free, and informed consultation was mentioned to us as a supposedly valid mechanism of agreement between companies and the community.

In the Colombian case, having specified the above, the Constitutional Court (T-129/11) finds it necessary that prior consultation and informed consent of ethnic communities, in general, can determine the least harmful alternative when there are projects that have the potential to endanger their ways of life and specifically in those events that: a. They involve the transfer or displacement of communities due to the work or project. b. Are related to the storage or dumping of toxic waste on ethnic lands. c. They represent a high social, cultural, and environmental impact on an ethnic community, which leads to putting its existence at risk, among others.⁵

As is well known, the location of the wind turbines and high voltage lines (collector and connections) forces us to travel the meters that the companies determine, so the consent mechanism had to be activated from the beginning. However, the national government and the wind companies did not recognize it and were unaware of the serious effects, such that apart from the relocation of families, there would be threats to our physical and environmental integrity and our means of subsistence.

Independently of the previous point, in the review of the consultations of the communities that have met to make these contributions, we found some serious faults in the consultative process:

1. Within the prior consultations carried out, we were not given real training on the impacts of the projects within the framework of the transition.
2. We were not provided with the environmental impact studies in Wayuunaiki, nor were we allowed to relate them to experts. In some cases, the companies discouraged us from receiving external advice and stressed to us: "This is better than what we agreed between the company and the community; external advice brings delays and complicates everything."
3. The economic agreements agreed with companies are meaningless. We are being promised resources, used only through productive projects that we must request from the company. We are told about a partnership, but we do not know the values of the business and we are only promised participation, "if there are no strikes", because, if there are, we will not be able to comply with the agreements.
4. Annexed works, such as access roads to the projects, do not have prior consultation. This point is of utmost importance since it is one of the works that is causing the most damage to areas like Ipapüle. These works also do not have an environmental license. The excuse is that they are adaptations to roads that belong to the mayor's offices. The reality is that these works

5. <https://www.corteidh.or.cr/tablas/30202.pdf>.

have not been minor and have already damaged streams, generating floods and channel changes, without anyone being held accountable for these events. Displacements have been generated here, impacting the social-cultural fabric.

5. The economic agreements reached within the framework of prior consultations are, to say the least, miserable. They talk about very general figures, their projections are not shown, nor real profits and agreements are made within the framework of our misery.

Requests to include the PND:

1. Invalidate all prior consultations carried out within the framework of the energy transition. Request resources to apply prior, free, and informed consent for the development of projects within the framework of the energy transition in La Guajira, including adaptation works on roads or access roads to the projects.
2. Apply, for the entry of the territories, to the Wayuu Regulatory System (SNW). (Regional protocols, mandates, Life Plans, etc.).
3. Do the consulting we need to make decisions about the projects to experts. Once we have all the information in writing and our language, we must be allowed access to experts. These must be chosen and hired by us from a pool built by the communities themselves.
4. Training communities through agreements with universities and organizations, on the environmental, social, and economic effects of infrastructure works within the framework of the transition. For example, the case of direct energy (collector 2) and the impacts of wind complexes on local fauna

POINT 3. RESTRUCTURING OF THE PROCEDURES TO DELIVER ENVIRONMENTAL LICENSES – FROM ANLA AND CORPOGUAJIRA –

Background and justification:

Communities that have had projects or have been visited by companies state that they do not agree with the way environmental impact studies have been carried out in our communities. We know, now, that those companies that must define these impacts are paid by the same companies and will never say the real risk that we or our environment run.

Examples of the above can be seen in the bodies of the environmental licenses granted to the wind projects, where the communities express their concern about being a transit area for the Pink Flamingo, but the company determines that, during its captures within the framework of its investigations, these birds were not observed and, therefore, no management plan should be made. To this, we ask ourselves a question: don't we, the communities that live in the territory, know more about what birds live or pass through here? Why on no occasion do these companies, which claim to be biologists, come to ask us and why do they enter our territories without asking or asking for permission? Aren't we community environmental authorities?

By asking ourselves these questions, we have defined, then, a type of proposal that can help ensure that the environmental impact studies carried out by companies are under our uses and customs (Law of Origin).

Requests to include the PND:

1. Suspend all licenses granted by ANLA and Corpoguajira within the framework of the energy transition. The reason is that indigenous communities are environmental authorities and were not taken into account for these decisions. We have the same consideration about the Hydrogen Route and the Route of offshore wind farms.
2. Train communities to accompany and be guarantors of environmental licenses.
3. Create a fund so that these environmental licenses are paid for with public resources and for the communities to choose, from a pool of bidders, the environmental company they want to carry out the environmental impact studies.
4. The environmental impact study should not be carried out by companies. Independent, academic, external, and scientific entities paid by the government should be sought.

POINT 4. AUCTIONS AND MINING CONCESSIONS IN ETHNIC TERRITORIES, BOTH ON LAND AND AT SEA.

Background and justification:

One of the main problems that we found after analyzing why the current conflicts between us, the communities, and the companies arose was that they already had commitments with the State before closing the agreements with us. In the case of the wind complexes of the first phase, these agreements had been established in the 2019 renewable energy auction.

Let us remember that, as a result of that auction, the companies Jemeiwa’Kai (AES), Celsia (Argos), and Renovatio were awarded. It should be noted that, for that year, none of the projects that were chosen had completed the prior consultation phase.

This situation undoubtedly generated undue pressure on companies, which had to, at any cost, complete all their procedures before the dates on which they agreed to go into operation. This pressure was transferred to the communities, who had to receive consultations in a hurried and disorderly manner.

A similar fate awaits the construction of the evacuation line known as the 500kv Collector awarded to Energía de Bogotá in 2018. Given this mega-work, awarded without our consent, the same Comptroller’s Office, in a communication from August 2020, requests to suspend the work until all social licensing is carried out. As you can read in the second point of your request:

SECOND: That as a necessary corollary, the execution of the project “Transmission Line Associated with the Cuestecitas Collector Connection 1 at 500 kV” be suspended, located in the municipalities of Uribia, Albania, Maicao, Manaure, and Riohacha in the department of La Guajira” and other projects and administrative acts, contractual or not, that are a direct consequence of the unapplied acts, that are in the planning or execution stage, until the procedure of prior consultation and obtaining free, prior and informed consent is exhausted from the ethnic communities that are within their area of influence as established in certifications 0618/ of June 22, 2018, and 0271 of June 10, 2019, and other acts issued by the Director of Prior Consultation of the Mininterior and, under the considerations set forth by the abundant Constitutional and contentious jurisprudence on the satisfaction of that fundamental guarantee.

Regarding mining concessions in our territory, we have begun to have problems concerning obtaining construction materials for wind complexes and their access roads. The concessions that have been given for materials such as barite are being used to obtain top dressing for the roads, all of this without an environmental license. We must watch helplessly as clouds of smoke rise from those “quarries”, which make us sick, without Corpoguajira guaranteeing us a healthy environment.

As if that were not enough, coal concessions, far from decreasing, are intensified in the southern area of Guajira, in the case of Cerrejón and Cañaverales, which creates a contradiction: do we intensify wind and coal exploitation at the same time?

Requests to include the [PND](#):

1. Do not grant any alternative energy project in our reservation through auction or other means of binding adjudication. Keep in mind that the sea is also part of our territory, of our worldview and we live and depend on it. Therefore, this request also covers the sea space that is used for our survival.
2. Suspend mining licenses throughout the Alta, Media Guajira, and Sur de la Guajira reservations for materials that will be used within the framework of the energy and coal transition.
3. In the case of Collector 2, the territory owners must be involved from the beginning, training must be provided with extensive information and in wayunaiki about the impacts of these lines and the displacement that they generate in their easement strip.

POINT 5. ON THE SOCIAL RESPONSIBILITY OF COMPANIES IN THE TERRITORIES OF THE WAYUU PEOPLE

Background and justification:

When a project begins, multinational companies hire other smaller companies to do the necessary work for their projects. These outsourced companies hire members of the Wayuu community to do some jobs. The problems that have arisen, in some cases, which were reported in an assembly on December 17 by young people hired by an ENEL contractor for its Windpeshi project, were:

1. They are paid one million pesos without benefits and their contract is renewed every three months to avoid paying settlements.
2. Job positions are agreed upon, in many cases, in the prior consultation protocols. They are promised some jobs, but, whose terms of reference are the company's; In an indigenous community with few Western-educated members, they only have to occupy unskilled labor positions.
3. The same situation occurs with the hiring of automobiles, where communities request that their cars be hired, but, when the terms of reference for these contracts are read, a large percentage of cars from La Guajira are quickly excluded. This has led companies to hire fleets of cars to Barranquilla, among others.

Requests to include the PND:

1. Academic training must dignify the Wayuu and avoid our dependence on multinationals. To do this, young people from dispersed territories must be trained in the modernization of their own economies.
2. Training for women heads of household in their own economies with guarantees of sustainability.
3. For the sustainability of all these projects, water must be guaranteed, independently of private companies.
4. Political education for the entire Wayuu community.

POINT 6. MILITARIZATION OF TERRITORIES TO PROTECT ENERGY PROJECTS

Background and justification:

Renewable energy companies do not arrive alone. Due to the alleged situations of insecurity that have been presented against them, they have chosen to hire the Colombian army, in some cases as EPM and as private companies, such as the case of ENEL and Renovatio.

The two figures have brought conflict to our territories. Sometimes, heavily armed men prevent us from passing through our roads and intimidate us. As a particular case, we see that in Windpeshi, the police have dedicated themselves to start requisitions on members of the community who wish to get together to celebrate these Christmas dates.

We have at least, one case already in the Prosecutor's Office, in which a community denounces a renewable energy company for having displaced them from their territories. The complaint involves heavily armed men wearing uniforms from the company in question.

Concerning this, in recent months, the governor of La Guajira anticipated that new military battalions would be opened "to safeguard the security of wind companies." This point is unacceptable: is the security of companies more valuable than that of us, the owners of the territory?

Requests to include the PND:

1. In the exercises that we are empowered to do as a people, is exercising our territorial control. To do this, we request resources to strengthen our regional security. Through this component, we ourselves will provide security to our ancestral territory.

Annexes [included in the original document]:

1. Memories of the meeting of December 10, 2022, held in Riohacha within the framework of the Fair Energy Transition, cited by the Ministry of Mines.
2. Roadmap of the anthropological study in the Wayuu ancestral territory.
3. Regional protocol of Cabo de la Vela.
4. Wayuu Regulatory System.

