

A thesis submitted to the Department of Environmental Sciences and Policy of
Central European University CEU PU in part fulfilment of the
Degree of Master of Science

Local Participation for Energy Justice?
**Exploring the case of Cañaverales community's prior
consultation of a projected coal mine**

Florencia AZAR SALES

June, 2024

Vienna

**Erasmus Mundus Masters Course in
Environmental Sciences, Policy and
Management**

MESPOM



This thesis is submitted in fulfilment of the Master of Science degree awarded as a result of successful completion of the Erasmus Mundus Masters course in Environmental Sciences, Policy and Management (MESPOM) jointly operated by the University of the Aegean (Greece), Central European University CEU PU (Austria), Lund University (Sweden) and the University of Manchester (United Kingdom).

Notes on copyright and the ownership of intellectual property rights:

- (1) Copyright in text of this thesis rests with the Author. Copies (by any process) either in full, or of extracts, may be made only in accordance with instructions given by the Author and lodged in the Central European University Library. Details may be obtained from the Librarian. This page must form part of any such copies made. Further copies (by any process) of copies made in accordance with such instructions may not be made without the permission (in writing) of the Author.
- (2) The ownership of any intellectual property rights which may be described in this thesis is vested in the Central European University, subject to any prior agreement to the contrary, and may not be made available for use by third parties without the written permission of the University, which will prescribe the terms and conditions of any such agreement.
- (3) For bibliographic and reference purposes this thesis should be referred to as:

Azar Sales, F. 2024. *Local participation for energy justice? Exploring the case of Cañaverales community's prior consultation of a projected coal mine*. Master of Science thesis, Central European University CEU PU, Vienna.

Further information on the conditions under which disclosures and exploitation may take place is available from the Head of the Department of Environmental Sciences and Policy, Central European University CEU PU.

Author's declaration

No portion of the work referred to in this thesis has been submitted in support of an application for another degree or qualification of this or any other university or other institute of learning.

A handwritten signature in black ink, appearing to read 'Florencia Azar Sales', with a stylized, cursive script.

Florencia AZAR SALES

ABSTRACT OF THESIS submitted by:

Florencia AZAR SALES

for the degree of Master of Science and entitled: *Local participation for energy justice? Exploring the case of Cañaverales community's prior consultation of a projected coal mine*

Month and Year of submission: June, 2024.

The transition to a low-carbon energy system is urgent to limit the harmful effects of climate change. As the energy sector is deeply intertwined with social aspects and generates multiscale socio-environmental impacts and conflicts, the issue of how to transform the energy system to one that addresses injustices is imperative. The need for higher degrees of public engagement has appeared as an important cornerstone for more sustainable and fair processes and outcomes. However, as this research has found, public engagement does not necessarily equal or lead to energy justice.

This research conducted a case-study analysis of the prior consultation (PC) process of Cañaverales community, located in La Guajira, Colombia, for the projection of a coal mine that would impact their territory and livelihoods. Drawing from 17 semi-structured interviews, this thesis explored the multiscale structural injustices that manifested in the PC, as well as the perspective of the community on how their participation would be in a just energy system. This research uses the energy justice framework complemented by the radical energy justice paradigm to comprehensively analyse the power relations and vested interests that affect the studied participatory mechanism. The process and outcomes of the PC in Cañaverales community have not advanced energy justice. However, the community's contestations and mobilisation have shown how participatory schemes must be reframed. This thesis calls for the need to reconceptualise what meaningful participation entails and what could be expected from it to transform the energy system into a more just one.

Keywords: energy justice, radical energy justice, public engagement, local participation, prior consultation, Colombia, coal

Acknowledgements

I would like to express how thankful I am for all the people who have made this project possible and who have supported and inspired me throughout this master's programme.

First and foremost, I would like to express my biggest gratitude to all the people in the Cañaverales community who introduced me to their lives, to their fight, and shared their experiences with me. Therefore, this part will be in Spanish. Gracias a Chavelena y María por recibirme con brazos abiertos, a Oscar, Gea y Hugues, por compartir su sabiduría y fortaleza, y a todos los demás Cañaveraleños que me regalaron un poco de su tiempo y espacio para escucharles y aprender. Quiero extender unas gracias especiales a Luna y Dayelis, por su invaluable acompañamiento e inmensa amabilidad; esta tesis no hubiera sido posible sin su gran apoyo. ¡Continuemos firmes como el Caracolí del cequión!

A special thank you goes to María Cecilia Roa for believing in my research, for introducing me to Cañaverales, and for kindly supporting me in all the stages of this thesis. I would also like to express my gratitude to my supervisor, Michael Labelle, for his patient guidance during this research and for his words of encouragement. Additionally, I wish to thank the Open Society University Network (OSUN) for the financial support that provided me the opportunity to undertake field research in partnership with the University of the Andes in Colombia.

This thesis represents the culmination of the MESPOM journey, which has inspired and challenged me in every way. I want to thank all the professors and staff who are part of this programme for sharing their knowledge, experience and support. Thank you to everyone in MESPOM batch 18, for inspiring me with your passion and intelligence. I truly cannot imagine a better group of people to share this experience with. Special gratitude goes to my family away from home, Caro, Nastia, Michele, Memo, and Laura, for your immense kindness and bringing happiness to every moment; you are the most joyful and amazing gift this journey has given me. To Gabby and Hedda, thank you for the friendship, support, and enthusiastic energy that filled our Colombian adventure.

The warmest and most felt gratitude goes to my family, to my parents, brother, and grandmas, for believing in me and encouraging my dreams without a doubt, and for reminding me that a loving home is always there. To Ángel for the loving support, for being the stability to the chaos, and for accompanying me in every part of the world. This achievement belongs to all of you.

Table of Contents

Acknowledgements.....	vi
Table of Contents	vii
List of Tables	ix
List of Figures.....	x
List of Abbreviations.....	xi
CHAPTER 1. INTRODUCTION	1
1.1 Problem definition.....	1
1.2 Research questions and aim	3
1.3 Thesis outline	3
CHAPTER 2. BACKGROUND	5
2.1 Introduction to the Political Economy of Coal in Colombia	5
2.2 Public participation: prior consultation mechanism for decision-making in Colombia. 9	
2.2.1 The Prior Consultation Mechanism	11
2.3 Case study: Cañaverales community and the projection of a coal mine.....	15
2.3.1 Cañaverales: The Voice of the Water Spring	15
2.3.2 The coal mine projection process and Cañaverales defence to be heard	17
CHAPTER 3. THEORETICAL FRAMEWORK.....	20
3.1 Energy Justice.....	20
3.1.1 Critical perspectives of energy justice	22
3.2 Public Participation in Energy Studies	23
CHAPTER 4. METHODOLOGY	26
4.1 Research paradigm and positionality	26
4.2 Method	27
4.2.1 Scope.....	27
4.2.2 Data collection.....	27
4.2.3 Data processing	29
4.3 Ethics.....	30
4.4 Limitations	30
CHAPTER 5. RESULTS AND ANALYSIS.....	32
5.1 Cañaverales and the dispute for the expansion of the Sacrifice Zone.....	32
5.2 Lack of information and (dis)information in the PC	34
5.2.1 The impacts of the Mine Project	34

5.2.2	Knowledge about the PC process and the role of advisors	37
5.3	Power unbalance of the financing entity	38
5.4	The PC as a mechanised process.....	40
5.5	The Impartial Role of the State?.....	42
5.5.1	Role of the State in the PC	42
5.5.2	Abandonment of the State and corporate responsibility as the status quo	43
5.6	(Mis)recognition of knowledge	45
5.7	The proportionality test and the demand for the right to consent.....	47
5.8	Mobilisation of identity as Cañaveraleros and reframing the Prior Consultation	50
CHAPTER 6.	DISCUSSION	54
6.1	Energy injustice in the Cañaverales case	54
6.1.1	Distributive justice	54
6.1.2	Procedural justice	56
6.1.3	Recognition justice	59
6.1.4	Summary of energy justice findings.....	62
6.2	Reframing local participation for energy justice.....	64
CHAPTER 7.	CONCLUSION	66
7.1	Future research.....	67
BIBLIOGRAPHY	.....	69
APPENDIX A	.....	74
APPENDIX B	.....	75
APPENDIX C	.....	76
APPENDIX D	.....	81

List of Tables

Table 1. Summary of concepts and norms of the prior consultation mechanism in Colombia. ..	12
Table 2. Summary of the discussion on energy justice findings	62
Table 3. List of interviewees and their demographic characteristics.	75

List of Figures

Figure 1. Map of thermic coal extraction in the regions of Cesar and La Guajira, Colombia (Parra et al., 2021).....	6
Figure 2. Colombian exports of thermal coal (millions of tons) by commercial partners from 2015 to 2020 (Bustamante et al. 2020).....	8
Figure 3. Cañaverales location (left). (Modified from Wikipedia common maps). Water spring of Cañaverales (right) (own image).	16
Figure 4. Map with location and basic information of the original MPX project. The area of Cerrejón coal mine is also shown (F. G. Salazar 2022).	17
Figure 5. Timeline of main events of the Cañaverales coal mine projection and the prior consultation process with the Cañaverales community (own elaboration).	19
Figure 6. Overview of the three-phase coding process: Open, Axial, and Selective coding (Khalil 2014).	29
Figure 7. In yellow is the intervention area of the Mine Project. In green, Protected Forest Zone of Cañaverales water spring. The orange point shows the Cañaverales community and the blue triangle is the Cañaverales water spring. The grey points show other communities affected by the Mine Project. (Modified from F. G. Salazar 2022)).	37
Figure 8. Signs of the productive projects in Cañaverales supported by BCC and the National Service for Learning (SENA). Sign with the BCC logo uncovered (left) and the logo covered (right) (own images).....	45
Figure 9. Mural in the Cañaverales community stating love for the water spring and creating awareness of the need to act to protect it (own image).....	51

List of Abbreviations

BCC	Best Coal Company
CEU	Central European University
CINEP	Center for Popular Research and Education – <i>Centro de Investigación y Educación Popular</i>
CAJAR	Lawyer Collective José Alvear Restrepo - <i>Colectivo de Abogados “José Alvear Restrepo”</i>
DANCP	Direction of the National Authority of the Prior Consultation – <i>Dirección de la Autoridad Nacional de la Consulta Previa</i>
OECD	Organisation for Economic Cooperation and Development
GDP	Gross Domestic Product
ILO	International Labour Organisation
NGO	Non-Governmental Organisation
PC	Prior Consultation
PT	Proportionality Test

CHAPTER 1. INTRODUCTION

1.1 Problem definition

There is scientific consensus that transitioning from carbon-intensive to zero or low-carbon sources is necessary to limit warming to 2°C or below (IPCC 2023). While energy transitions have been generally addressed as a technical challenge, increasingly, there is recognition that the energy system is embedded within social aspects such as politics, culture, geography and knowledge (Benjamin K. Sovacool et al. 2019). Transitions to low-carbon energy systems depend on the political economy of energy, thus they risk intensifying inequalities and disparities among social groups in current energy systems and generating undesirable externalities (Castán Broto et al. 2018; Benjamin K. Sovacool et al. 2023). The discussion around energy transitions has increasingly brought to the forefront the issue of justice as a crucial consideration in energy studies and when developing energy transition agendas.

Latin America urgently needs an energy transition in a context where economic and social crises have exacerbated inequality and poverty and impacted energy security and sustainability (IEA 2023b). Although the region's unique capabilities and current national policies position it to progress in the global energy transition, such reconfigurations may not escape the legacies of colonialism, power inequalities and capitalist dominance (Castro et al. 2024). Globally, the energy sector is pervaded by issues with high levels of social controversy, such as the socio-environmental effects of the deployment of energy infrastructure (Ureta 2017). Focusing on Colombia, numerous environmental justice claims are related to the energy sector, where actors assert the impact of hydroelectric plants and the extraction of fossil fuels or minerals (EJAtlas 2022). Specifically in La Guajira department¹, a particularly relevant area for the energy transition due to the region's large dependency on the coal industry as well as its high wind energy potential, extractive energy-related activities have created an unjust and unequal relationship with the local communities (Vega-Araújo and Heffron 2022).

Against this backdrop, the demand to increase public participation is at the centre of claims for justice in energy and environment-related issues. Historically, participation has not been prioritised in the energy field, as it has been dominated by agendas of central governments and big companies, many times resulting in the detriment of local populations and their territories (Righettini and Vicentini 2023). Colombia is no exception, as energy policy decisions have always been taken at a

¹ Colombia is made-up of 32 administrative divisions called *departamentos* or departments, and one capital district.

national level, excluding citizenship and lower levels of government (Parra et al. 2021). Despite this, increasingly scholars and practitioners push for enacting a “participative turn” in the energy field. This is argued to be associated with all kinds of benefits, from improving the quality of decisions, granting a voice to concerns of different groups, or reducing conflicts usually related to new energy infrastructures or enactment of new policies (Ureta 2017). Moreover, scholars argue that in Colombia, engaging the public in decision-making in the energy field can help overcome the lack of trust in institutions and companies resulting from long-standing inequalities (Corral-Montoya and Puerto-Chaves 2022).

Local engagement or public participation has become almost a magical solution to the social challenges of the energy sector and is viewed as a pathway for more just energy systems and transitions. This has been reflected in Colombia’s national policy. In the preliminary documents of the “Just Energy Transition Strategy”², launched in 2023 by the Colombian government, binding participation is one of its proposed pillars. Maintaining the policy aims to give more incidence to people and communities impacted by the energy sector. However, the unsolved issue of how to achieve spaces for local participation and engagement persists and is affected by the country’s context of lack of good governance (in the energy field) and the mistrust between actors. These issues have also been seldomly addressed in energy justice literature, where most scholars do not deal with *how* public participation is or can be implemented (Suboticki et al. 2023). and have the crucial shortcoming of arguing that public engagement positively translates into ensured justice (Suboticki et al. 2023; Blue, Rosol, and Fast 2019). Therefore, this thesis aims to contribute to the discussion that connects energy justice issues with public participation and overcomes the fault of deeming public participation equal to or leading to energy justice without delving into the power structures in which such participation materialises.

This thesis focused on the case of the Cañaverales community, located in the department of La Guajira, Colombia. Cañaverales is an Afro-descendant community that is being consulted due to the projection of a coal mine (the Mine Project) that would directly affect their territory and livelihoods. Although the Mine Project began its activities in Cañaverales in 2011, a series of circumstances led to the beginning of a prior consultation process with the Cañaverales Community Council until 2022. The projection of a new coal mine in times of decarbonisation, also in the context of La Guajira, a region that has undergone the grief socio-environmental effects of coal extraction, generates multi-scalar tensions and injustices. In Cañaverales, in addition to the

² The reviewed preliminary document of the policy is: [Social dialogues to define the “Just Energy Transition” roadmap in Colombia.](#)

injustices, it has stemmed a process of collaboration and mobilisation to demand their right to be a valid actor in the decision-making process of their territory's future.

Drawing from concepts from energy justice and public participation literature, this research delves into a detailed analysis of the prior consultation process that the Cañaverales community is going through. The process has reflected the challenges of local participation given the power asymmetries between the parties (community, project executor, and governmental institutions), and the multiscale vested interests of the coal industry. I pay particular attention to the perceptions of injustice by the local community, arguing that the Cañaverales community perspective provides valuable insights into the shortcomings of institutional participation schemes and thus, how to envision ones that do contribute to a transformation of the centralised energy decision-making regime.

This empirical study aims to strengthen the energy justice knowledge on localised studies in the geographical contexts of the so-called Global South, which has been found as a gap in the scholarship (Lacey-Barnacle, Robison, and Foulds 2020; Benjamin K. Sovacool et al. 2023). Moreover, given the 'participatory turn' of energy policy that Colombia's government aims to take with the Just Energy Transition Strategy, it is a particularly relevant moment to research matters that concern both justice and participation in the energy field in the country.

1.2 Research questions and aim

The general objective of this thesis is to explore how publics and local communities are involved in the energy system's decision-making and to investigate the (in)justice issues that affect such participation. Having taken a case study approach, the specific research questions guiding this thesis are the following:

1. *What are the injustices in the participation mechanism for decision-making in the Cañaverales community case, the prior consultation?*
 - a. *Why do these injustices exist, and who is responsible for them?*
2. *How do people in the Cañaverales community perceive their participation to be in a just energy system?*

1.3 Thesis outline

This thesis is organised in the following manner. In Chapter 1, I have included the main context of the research and defined both the problem and the research questions that will guide the study. Chapter 2 presents the contextual background necessary to understand the investigated issues. In Chapter 3, I introduce the theoretical concepts that I draw from to analyse the data, and in Chapter

4, I describe the research methodology, my reflections on positionality, as well as the research's limitations. Chapter 5 details the research findings and analysis according to the guiding questions to discuss these findings and their implications in Chapter 6. Finally, Chapter 7 includes the conclusions of the study, outlining its contributions and recommending further research.

CHAPTER 2. BACKGROUND

In this chapter, I undertook a literature review to cover three topics that are relevant as context for this thesis. First, I do a brief exploration of the political economy of coal in Colombia, delving into the actors, motivations, and policies of this industry and the impacts it has had on affected communities. Second, I introduce the prior consultation mechanism as a local participation instrument, its conceptual basis, and the main arguments to critique and defend this institutional mechanism. Finally, I describe the context of the case study, starting from the socio-cultural and economic background of the Cañaverales community, to then present the events that have occurred since the beginning of the coal mine projection that would impact them.

2.1 Introduction to the Political Economy of Coal in Colombia

As of 2020, Colombia was the 6th largest thermal coal³ exporter in the world and the first in Latin America (IEA 2023a). The country exports 90% of the extracted coal and uses only 10% domestically, this coal is not used to produce electricity locally as Colombia produces the majority of electricity from hydroelectric infrastructure (Parra et al. 2021). In this context, the coal sector has key relevance at a macroeconomic level because of the export revenues it generates, as well as its contribution to the economies of the coal-extracting subnational regions- El Cesar and La Guajira - through employment, royalties and local expenditure (Parra et al. 2021; Vega-Araújo et al. 2023).

While coal extraction is generally associated with employment, revenues and regional development in Colombia, this can also be questioned given the disconnect between the coal regions' large export amounts and their high level of socioeconomic vulnerability and multidimensional poverty (Corral-Montoya and Puerto-Chaves 2022). Coal exports represented 52% of the GDP in La Guajira in 2018, but the coal industry's employment represented 0.9% and 53% of the population lived in monetary poverty (Corral-Montoya and Puerto-Chaves 2022; F. G. Salazar 2022). The members of the Afro-Colombian and indigenous Wayuu communities residing in areas affected by coal exploitation in La Guajira have reported and protested against the negative impacts caused by the context of corporate capture of their territories supported by the State, and the absence of access to participation or justice rights over their territory (F. G. Salazar 2022). As Salazar (2022) presents, they have denounced that coal mining activities have deteriorated the availability and quality of water, resulted in the displacement and fragmentation of communities, and led to the militarisation of their territory.

³ Thermal coal is the coal meant for producing electricity.

The “mining corridor”, located in the south of La Guajira and north of El Cesar (see Figure 1), began its boom in the 1980s with the start of operations of the Cerrejón mine, which also marked the start of Colombia’s participation in the global export markets of coal (Vega-Araújo et al. 2023). Coal extraction in the country is centralized in this corridor, where three multinational companies dominate mines which add

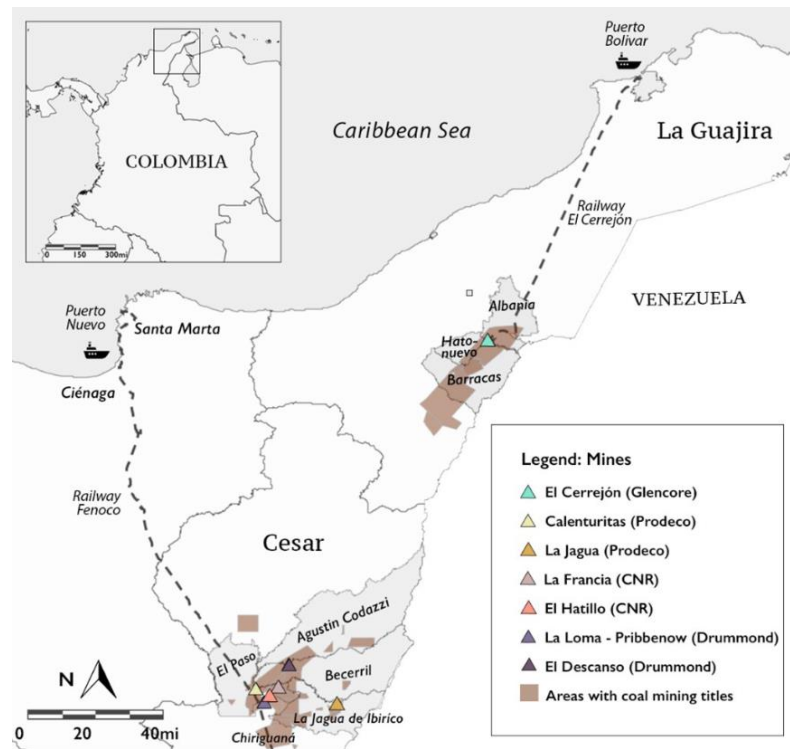


Figure 1. Map of thermic coal extraction in the regions of Cesar and La Guajira, Colombia (Parra et al., 2021).

up to 90% of the national extraction that is exported mainly to Europe, the US, Israel and Turkey (F. G. Salazar 2022). The interests of large industry actors, such as the companies that own the mines, have been historically favoured and become blurred with public interests by elite political spheres in Colombia and other Latin American countries (Vega-Araújo et al. 2023). The coal industry has been framed as a key contributor to national and local “development” and thus, it has been supported by past governments’ neoliberal policies which have offered investment incentives to foreign firms (Cardoso and Turhan 2018). The national government has taken the role of promoter of the industry instead of a regulator. This, added to centralized power and the influence of corporate actors on policy, has left other actors: both lower-scale governmental actors and civil society (local and ethnic communities, smaller private actors, or the general population), excluded from decision-making.

The Colombian coal extraction industry faces local, national, and international criticism. Four of the largest companies are facing accusations of human and environmental rights violations, and the impacts from the Cerrejón mine will be investigated under terms of the OECD Guidelines for Multinational Enterprises (Corral-Montoya and Puerto-Chaves 2022). The Cerrejón mine, one of the largest open-pit mines in the world, has been reported to have harmful conditions for the protection of workers, communities, and the environment (Cardoso and Turhan 2018). The Cerrejón mine caused forced resettlement and dispossessed the territory of the communities of

Manantial, Tabaco, Chancleta, Patilla and Roche; the displacement of these communities was a violent endeavour. Tabaco community disappeared by the execution of bulldozers, while the people of Patilla and Chancleta were pressured to demolish their own houses in exchange for economic compensation.

Opposition and resistance movements to coal extraction have been led by local indigenous, afro-descendant and peasant communities since the beginning of the expansion of the industry (Corral-Montoya and Puerto-Chaves 2022). Their objection has been mainly linked to the disproportionate impacts of the mining activities on their communities caused by the mentioned forced dispossession of their land. As well as, the appropriation of communal water sources and impacts on the environment (air, soil, and water pollution), which have led to resettlement caused by the affection to their health, and loss of their livelihood, territorial rights, and identity (Cardoso and Turhan 2018). As Cardoso & Turhan (2018) point out, such opposition movements have been criminalized and silenced via physical and political violence, preventing them from further denouncing the socio-environmental impacts of mining.

As several governmental actors have prioritized an attractive investment environment for extractivist industries, even to the point of militarisation of the infrastructure, this has generated a conflictive relationship between corporate and governmental actors and groups who resist coal mining (F. G. Salazar 2022). The opposition groups, which are most often vulnerable communities affected by the projects, NGOs or civil society, have been stigmatized as “enemies of progress”, and have been targeted and confronted with violence (Corral-Montoya and Puerto-Chaves 2022; Ulloa 2023). Violence, often leading to the assassination of human and environmental defenders in Colombia is a well-known issue, many of the victims have been opposers to large-scale mining, and recent reports show that Colombia is the country where most environmental defenders are killed each year, and based on data from the past years, several were from La Guajira (Indepaz 2020; Indepaz 2023).

In this conflictive context of the coal industry, the calls for climate change action and the global advocacy for decarbonisation are key dimensions to explore to understand the current involved actors and reasons for continuing coal extraction in Colombia. Even as trends of coal consumption seem to be declining in Global North regions, the future of coal phase-out seems to be in the Global South and its trade agreements (Cardoso and Turhan 2018). An example of this South-South dynamics is the coal trade relationship between Colombia and Turkey, which has strengthened in the past decade. In 2011 the trade relationship began, and between 2016 and 2020, Turkey amounted to 22% of thermal coal exports from Colombia while the imports from the

European market significantly decreased in the same period, now amounting to less than 10% of the total imports (See Figure 2) (Bustamante et al. 2020). Turkey, now the largest individual importer of thermal coal from Colombia, has an energy landscape that confluences a growing energy demand with the government's aim to decrease the dependency on hydrocarbon imports from Russia. The government's energy strategy has focused on using all domestic coal (lower quality) in an increasing capacity of coal-fired power plants, while importing high calorific value coal, such as the one extracted from Colombia, to ensure *energy security* (Cardoso and Turhan 2018). This indicates a potential uninterrupted coal demand from Turkish actors.

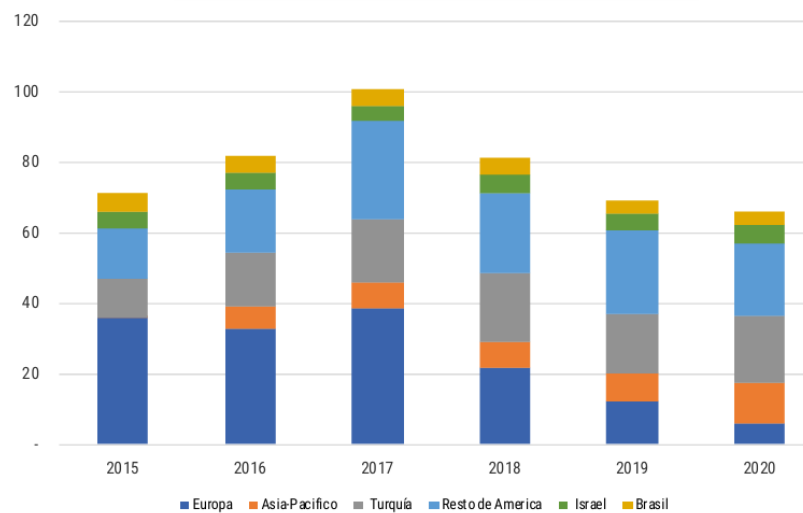


Figure 2. Colombian exports of thermal coal (millions of tons) by commercial partners from 2015 to 2020 (Bustamante et al. 2020).

Cardoso & Turhan (2018) analyse the dynamics of the Turkey-Colombia coal trade relationship, and how it has shaped cross-scalar socio-environmental conflicts and injustice. They argued firstly that trade agreements such as the one studied create ‘new geographies of coal’, which generate multi-scalar and interconnected socio-environmental interactions, injustices, and conflicts. Moreover, they argue that democratic deficits, attributed to the government's pro-coal policies and restricted social movements, can exacerbate such injustices and become less transparent regarding human rights violations and socio-environmental damages (Cardoso and Turhan 2018). The issues of this trade relationship are key for this thesis since the investor and executor of the projected coal mine that affects Cañaverales is Turkey's Yildirim Holding. This company acquired the projects for three coal mines (description of this in Section 2.3.2) in La Guajira in 2016, and it aims to export the extracted coal to its own power plants in Turkey.

The public discussion on a just energy transition for Colombia is ongoing at different scales. In the coal-extracting regions, there has been a visible focus on the issue since the sharp drop in exports starting in 2018 (see Figure 2) caused by the high volatility of coal prices. This resulted in

the closing of a mine, the return of mining titles and a 3-month strike in Cerrejón caused by labour reductions (Corral-Montoya and Puerto-Chaves 2022). The local impacts that were caused by such decline shed light on the necessity of plans for a just energy transition that manages the impacts of coal mine suspensions.

On the national policy level, the current administration of President Petro (since 2022) proposed a new climate and energy policy which encompasses a just energy transition, with a special focus on coal. Despite the narrative of this policy is to decarbonize the economy while there is an active understanding and addressing of the challenges faced by the energy-producing territories, as of now there are limited actionable policies and technical programs to advance the policy's objectives (Vega-Araújo et al. 2023). Moreover, as presented by Vega-Araújo et al., (2023), numerous challenges remain considering the strong opposition of powerful actors (e.g. opposing political actors and mining associations), and the power asymmetries found in the decision-making of the regulatory and public policy arena.

In parallel to a post-coal pathway being developed in Colombia's national policy and unevenly affected groups experiencing the harsh effects of the coal industry, an open-pit mine is being projected in the same region. The affected community, Cañaverales, is going through a prior consultation process and numerous conflicts and injustices have occurred throughout the process. The case of the Cañaverales community highlights the multi-scalar and complex dimensions of the coal chains, and how the process this community is experiencing is closely related to the global commodity chains and the interests of national governments with a trade relationship and of multinational companies which benefit from it.

Colombian scholars studying the questions and concerns of the just energy transition conclude that truly participatory dialogues or exercises are crucial for developing plans and policies, especially considering societal actors' voices and understanding the losses of the past decades of fossil fuel extraction (Corral-Montoya and Puerto-Chaves 2022; Vega-Araújo et al. 2023). Given this, it is key to unfold the issues of the process of Cañaverales to contribute to the advancement of policies and actions for a just transition.

2.2 Public participation: prior consultation mechanism for decision-making in Colombia

Citizens' or public participation is a widely studied and discussed topic by both scholars and law and policy practitioners. Exploring what participation means and its importance is a complex issue and, as Rodríguez (2021) poses, its meaning is a product of a social construction subject of

historical evolution and each society's sociocultural and political context. Indeed, through the evolving forms of government, democracy has made possible the existence of citizen participation, granting such subjects rights and duties within government.

Citizen's participation is the result of social struggles; it has allowed citizens to communicate their needs and interests to the State and enables the intervention of stakeholders on matters that affect them (Rodriguez 2021). For Sherry Arnstein, developer of the popular framework of the 'ladder of citizen participation'⁴, citizen participation is essentially a synonym of citizen power. Following Arnstein (1969), she emphasizes that deliberate inclusion of citizens in decision-making is shifting power, and "participation without redistribution of power is an empty and frustrating process of the powerless". Participation as a simplified concept in this context can be understood as the citizens aim to be part of and influence the processes and decisions which affect them. However, it is key to recognize its multi-dimensional character and acknowledge that its scope can progressively evolve or widen as it is closely related to the transformation of democratic societies (Rodriguez 2021).

Legislatively, in Colombia citizen participation has a fundamental role in the State's principles and structure. Through the decades of the 1970s and 1980s, in a scenario of restricted and exclusionary democracy, it was proposed to adopt new participation mechanisms as an element to finish such limitations and impede the prolongation of the armed conflict (Rodriguez 2021). Actors in different political movements saw the need to amplify the participation channels in the country, highlighting civil, labour, peasant, and women movements. In the constitution of 1991, Colombia was defined as a democratic, participative, and pluralist State; in it, participation is a value and a principle (Rodriguez 2021). This marked the transformation of citizen participation in Colombia from intervening only by electing society's representatives, to intervening in diverse modes.

Focusing on institutional forms of citizen participation, Colombian jurisdiction establishes several mechanisms and instruments that aim to guarantee participation rights to people. The scope of this thesis is centred on the prior consultation (PC) mechanism because it is the process which the Cañaverales community (the case study's focus) is undergoing and due to the importance of uncovering its localized challenges for meaningful participation and justice. This mechanism, on an international and Colombian scale, has become one of the main instruments for ethnic communities to protect their right to participate, and to preserve their ethnic, cultural and socio-

⁴ Sherry Arnstein's Ladder of Citizen Participation, introduced in 1969, outlines eight levels of public involvement in decision-making, grouped into three categories: non-participation, tokenism, and citizen power. This model highlights the progression from minimal to meaningful citizen engagement, emphasizing the importance of genuine empowerment in democratic processes.

economic identity and integrity (Hillón Vega 2014). The instrument has been both critiqued and defended; critiqued mostly due to its challenges and its contradictory conceptual construction (Sierra-Camargo 2017), and defended as the current best alternative to advance its objectives.

2.2.1 The Prior Consultation Mechanism

To contextualise the analysis of the PC mechanism, firstly I briefly present its normative and conceptual basis, as well as its aims. Then I describe the instrument's main concepts and norms such as the involved actors and its prescribed stages. Finally, I set forth some of the main arguments that critique and defend this mechanism in Colombia.

The right for PC of ethnic communities in Colombia is based on multicultural principles, which recognize the differentiated rights of indigenous and Afro-descendent communities to protect their cultural and ethnic diversity (Sierra-Camargo 2017).

In the legal framework, the PC started in Colombia in 1991 via the Agreement 169 of the International Labour Organization and the 1991 Political Constitution of the country. The Agreement 169, ratified in Colombia in 1991, is the instrument that regulates the prior consultation at an international level. Its purpose is to defend the differentiated rights of ethnic communities – indigenous, tribal and afro-descendent in the Colombian case – to be consulted in matters that affect them to guarantee participation of the communities and protect their economic, social, and cultural integrity (Sierra-Camargo 2017). On the other hand, the Political Constitution of 1991 recognised Colombia as a pluriethnic and multicultural society, reflecting this in the incorporation of several norms towards the protection of collective rights of indigenous and afro-descendant communities, such as the right to self-determination, the right to their territory and participation (Hillón Vega 2014). Moreover, the PC is recognised as a fundamental and collective right of ethnic communities by the Political Constitution.

In Colombia, the prior consultation's guidelines were defined in two presidential directives: a) Presidential Directive 10 of 2013, and b) Presidential Directive 08 of 2020. These two were decreed on the years their names state, meaning that domestic jurisdiction did not have official guidelines for the PC for a significant period after the legal framework protocolised the mechanism. The following table (Table 1) summarises the PC's concepts and norms based on the two mentioned Presidential Directives:

Table 1. Summary of concepts and norms of the prior consultation mechanism in Colombia.

Concept	Description
What is it?	<p>It is a fundamental and collective right of ethnic communities. Through it, they possess the right to intercultural dialogue that guarantees real, suitable, and effective participation in the adoption of administrative or legislative measures, or projects that affect them directly. The consultation must be:</p> <ul style="list-style-type: none"> - Free: there must not be any pressures or interferences. Communities must participate voluntarily. - Prior: consultation must be before the project or measure's execution. - Informed: communities must know all aspects of the project or measure based on the transparency basis.
Aims	<ul style="list-style-type: none"> - Guarantee real, suitable, and effective participation - Take decisions on the impacts and management measures of the projects or measures. - Protect the physical and cultural integrity of ethnic communities. - Determine the project or measure direct impacts on ethnic communities and agree on the management measures for the extinction, mitigation or compensation of such impacts.
Responsible governmental institution	The Ministry of the Interior, a branch of the executive governmental power is responsible for the prior consultation through the Direction of the Prior Consultation National Authority (DANCP, for its initials in Spanish). The DANCP was created in 2019, before this, the Ministry of the Interior managed the prior consultation.
Actors involved	The ethnic community, project/measure executor, and DANCP (as the coordinator) are the actors required to be there. However, other governmental institutions are invited to attend, as well as the community's allies or advisors.
Stages	<ol style="list-style-type: none"> 1. Determination of origin and opportunity This process is undertaken by the DANCP where their professional determines whether the project/measure will have an impact on any ethnic community and if the prior consultation mechanism is required. 2. Coordination and preparation This stage is held between the DANCP and the project's executor, in which the executor presents the project and the proposal of the methodological route⁵ to the DANCP. 3. Pre-consultation During this stage, the ethnic community and the executor meet under the coordination of the DANCP to agree on the methodological route of the prior consultation. 4. Consultation During this stage, the ethnic community and the executor, coordinated by the DANCP, have a dialogue where they analyse the impacts of the project/measure and formulate the management measures to prevent, correct, mitigate, or compensate such impacts. Once these are defined, the actors come to agreements on period, and conditions for the management measures. 5. Follow-up or monitoring The DANCP summons the ethnic community and the executor to follow up on the agreements of the prior consultation to verify the progress of the management measures. When 100% of the agreements are complied with, the prior consultation process closes.

⁵ The methodological route is the plan for the prior consultation. It includes the proposed meetings, times, participants, and places where the process will be held. It also includes which resources will be used for the prior consultation, and thus for identifying the impacts of the project/measure to the affected community.

Concept	Description
Proportionality Test (PT)	<p>The PT is applied in the case of the following three events:</p> <ol style="list-style-type: none"> 1) when there is no agreement in the pre-consultation or consultation stages. 2) when the representatives of the ethnic community do not attend the prior consultation meetings. 3) due to a lack of agreement in the ethnic community of their representative. <p>The PT is a procedure where the DANCPC determines the management measures to prevent, correct or mitigate the impacts considering the positions expressed by the community and the project/measure's executor. The measures must be devoid of arbitrariness, based on criteria of reasonableness, proportionality and objectivity. Other actors who intervene in the test, besides the DANCPC and the executor, are the Public Political Agency of the project's sector, the National Environmental Authority, the Public Ministry, and the Colombian Institute for Anthropology and History. However, the directives do not indicate the scope of these actors' intervention.</p>

The prior consultation has many challenges in reaching the aims of an intercultural dialogue that allows the affected communities to pose their visions and interests about the impacts of a consulted measure or project. The DANCPC regulation of the instrument does not include *consent*, and it only results in agreements on how to mitigate a project's impacts or compensate the communities for a project that will be executed regardless of the PC (Machado et al. 2017). This is based on the concept that no segment of the national population has the right to veto development politics that affect the country in general (Rodriguez 2021), but it diminishes the strength of the mechanism. The Colombian Constitutional Court⁶ does signal three exceptional cases when the execution of a measure or project requires the prior, free, and informed *consent* of ethnic communities. The three cases are (i) transfer or relocation of the Indigenous or tribal people from their place of settlement; (ii) the storage or deposit of hazardous or toxic materials in their territories; (iii) measures that imply a high social, cultural, and environmental impact that puts their subsistence at risk. Despite this ample interpretation of the Constitutional Court, the PC has been used in an ambivalent form, and one of the main debates surrounding it is whether it implies or not consent (Sierra-Camargo 2017). This has generated further concerns on whether the mechanism truly respects the differentiated rights of the ethnic communities to protect their socio-cultural identity and autonomy.

Concerning this, Hillón Vega, (2014) argues that when talking about socio-environmental matters, the prior consultation is a space where two contradictory political projects of Colombia conflict. On one side, the extractive economic model views the prior consultation as a regulatory process within the expedition of permits to exploit natural resources, while on the other side, the multicultural project sees it as a mechanism to bring forward and recognise the autonomy and

⁶ Defined in the Unified Sentence SU123/2018

rights of ethnic groups and their territories (Hillón Vega 2014; Sañudo et al. 2016). This has turned the prior consultation mechanism into a disputed space in the legal sphere, where even governmental institutions hold contradicting positions towards the management of the mechanism (e.g. the posture of the Mining and Energy Ministry in contraposition to the General Attorney Office or the Ministry of Indigenous Affairs). Following the conceptual analysis of the prior consultation, another issue is defining the mechanism as only being available for selected ethnical minorities. This creates an authority that can create a value judgement of who deserves to be consulted while restricting the instrument to other subaltern sectors who do not mobilise their identity as ethnic but claim to be consulted (Hillón Vega 2014; Sierra-Camargo 2017). The debate on who should be consulted is contentious and has been studied; however, it is not within the scope of this thesis.

Aside from its contradictory conceptual basis in Colombia, scholars have studied the contributions and limitations of PC of the mechanism's process. They have found that PC struggles to facilitate genuine intercultural dialogue. One key issue is the significant differences in epistemic and ontological perspectives between the communities and the government/project's executors (Machado et al. 2017). For instance, while governments and companies have tended to fragmentation projects' impacts without acknowledging the complex relationships among them, communities, based on their cosmovision, identify the impacts with a territorial emphasis, recognising the interconnection between ecological and cultural processes (Machado et al. 2017). This mismatch in visions hampers effective dialogue in PCs, and designing genuinely intercultural participation instruments is crucial for overcoming such a divide. Finally, the PC's limitations have resulted in using the instrument as a 'pacific domination' tool (Sierra-Camargo 2017), often even intensifying the issues it tried to neutralise. Powerful economic actors have used the mechanism to legitimately persuade communities, many times fracturing them, reaching a non-genuine consensus of an already-made decision supported by governmental actors for the so-called 'common good' (Sierra-Camargo 2017).

The existence of the proportionality test (PT) is of key relevance to understanding the limitations of the PC under the current regulations. The PT was defined in Presidential Directive 10 of 2013 and Presidential Directive 08 of 2020 as a mechanism applied when agreements were not reached through the PC between the ethnic communities and the project executor. The test, executed by the DANCP based on objectivity criteria, aims to determine the management measures to mitigate or compensate for the projects' impacts (Bastidas Reyes 2022). However, the proportionality test does not define any participation of the ethnic communities in the mechanism, it does not

determine how the additional entities must intervene in the test, and it gives the DANCP a role beyond its capacities as the partial regulator of the PC (Bastidas Reyes 2022).

Despite all the shortcomings and limitations of the PC, it has played a fundamental role in the judicial protection of ethnic groups, and it has advanced reflections on the development model of Colombia and its socio-environmental impacts (Hillón Vega 2014; Rodríguez 2021). The PC, paradoxically, has served on certain occasions as an event that strengthens the local networks and the political organisation of the communities (Machado et al. 2017). From the perspective of communities, the PC has had ambiguous results. Interviews with several groups which have gone through the process state that in the process, there have been disbalances and, on many occasions, only an agreement of economic compensation is granted in exchange for permission to proceed with the projects (Howland, Uprimi, and Barsanti 2013).

Regulations and modifications must be proposed to the instrument's procedural framework and the mechanism's conceptual basis. A case study analysis of the PC process, such as the one developed through this thesis, can contribute to proposing the necessary transformation of these participative mechanisms to ensure the rights to justice of ethnic communities.

2.3 Case study: Cañaverales community and the projection of a coal mine

2.3.1 Cañaverales: The Voice of the Water Spring

Cañaverales is a community of around 3,000 inhabitants located in the municipality of San Juan del Cesar in the southeast area of La Guajira (See Figure 3). The community has historically been dedicated to farming due to its fertile lands. Cañaverales' name comes from the word *caña* in Spanish, which means cane, as a reflection of the area's important sugar cane crops in the past. Many of the residents of the community are descendants of black communities of the Guajira, they self-recognize as Afro-Colombians.

The water spring of Cañaverales gives life to the land and the community (See Figure 3). The *acequias*⁷ carry and distribute the spring's water through many parts of the town and the farms. The water is used to irrigate the crops, to provide water for the cattle, and for the community's consumption. Cañaverales is privileged with this clean and constant water availability and fertile lands for crops in a region with high water scarcity (F. G. Salazar 2022). The river and the spring also provide water for other nearby towns, but the supply is not constant.

⁷ *Acequias* are the Spanish word for community-operated water canals, used In Spain and in the former Spanish colonies in America for irrigation. In addition to watering crops and providing water to communities, they can have deep cultural significance.

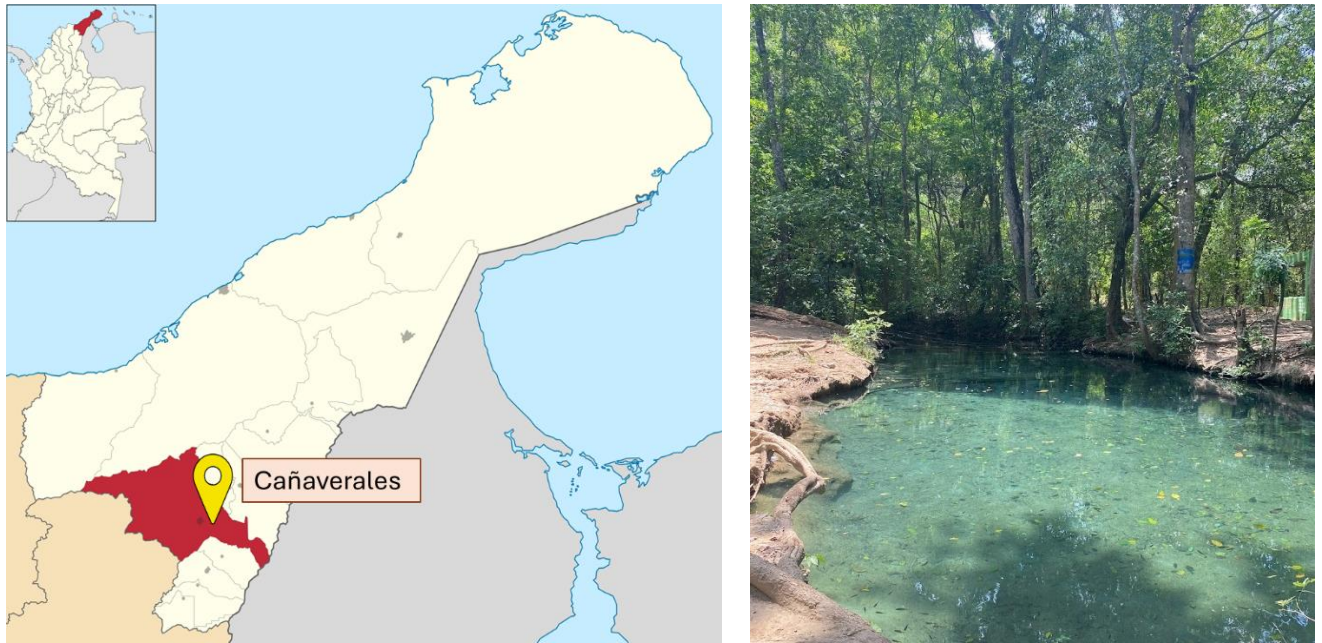


Figure 3. Cañaverales location (left). (Modified from Wikipedia common maps⁸). Water spring of Cañaverales (right) (own image).

Farming has been the main activity and identity of the community for generations. Even though the products and conditions for farming have changed throughout the decades (from sugar cane to tomato, cassava root or cotton), most people in the community depend economically on these activities and have strong roots in the land, the water, and the animals. Cañaverales is known as the agricultural pantry of the region, and the community is proud of this. This sense of identity and strong rooting is reflected in their songs and poems. As (J. F. G. Salazar 2022) describes, the life of people in Cañaverales is closely connected to the songs of *vallenatos* (a music genre from that Colombian region) and the landscape. The songwriters are often peasants, inspired by their rural livelihood and their experiences related to the natural environment. Cañaverales culture is deeply rooted in these songs or poems.

La Guajira, the department where Cañaverales is located, is going through a humanitarian crisis. In the region, 59 out of a 100 homes do not have proper access to food, and there is severe water scarcity, many times worsened by the periodic climatic event El Niño (Dejusticia 2023). The situation has been called an emergency, and the extremity of the crisis is reflected in the deaths of indigenous Wayúu kids due to malnutrition, and the general malnutrition of the youth in the region (Dejusticia 2023). In this dire context, Cañaverales could be called an exemption in the department; the community has constant access to water and food because of its closeness to the water spring

⁸ De Milenioscuro - Trabajo propio, CC BY-SA 3.0, <https://commons.wikimedia.org/w/index.php?curid=15668259>

and the fertile lands of their territory. People in Cañaverales are aware of these privileges and are concerned by the threat that they could be affected by the development of an open-pit coal mine.

2.3.2 The coal mine projection process and Cañaverales defence to be heard

The coal mine project of Cañaverales has been active for over a decade. In 2008, the holding company EBX, under the Brazilian subsidiary MPX, was granted a concession for coal exploration. The exploitation projected by MPX was an integrated mining project which included the Cañaverales open-pit mine, two additional mines -one open-pit called Papayal and an underground one called San Juan, as well as the construction of a railroad to connect the three mines with a maritime port in the Colombian Caribbean coast (See Figure 4) (J. F. G. Salazar 2022). The exploration activities started in Cañaverales around 2010. People of the community talk about the arrival of workers from mining companies to purchase land and construct exploration pits.

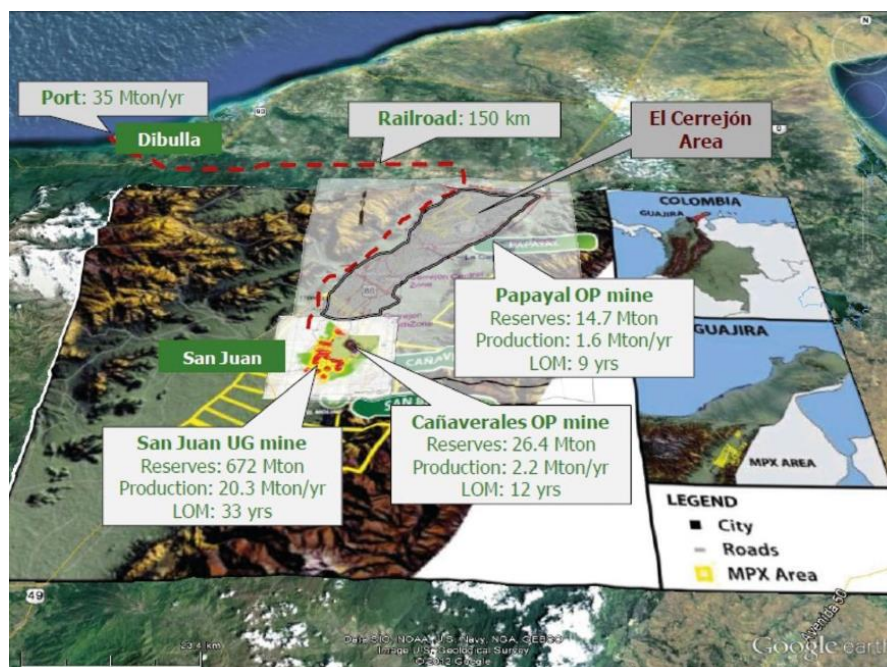


Figure 4. Map with location and basic information of the original MPX project. The area of Cerrejón coal mine is also shown (F. G. Salazar 2022).

In 2011, MPX obtained the environmental license for the integrated mining project granted by the National Environmental Licensing Authority (ANLA, due to its initials in Spanish). The mining project. Despite this, the construction or exploration phase of the project never began since the company MPX and its owner were involved in corruption offences, which made the conglomerate go bankrupt, and the mining project, which includes the Cañaverales mine (hereinafter, the Mine Project), was sold to the Turkish group Yildirim Holding in 2014.

When the environmental license was granted to MPX in 2011, the authorities did not require the performance of any prior consultation process since they did not determine the existence of ethnic

communities in the influence area of the project. However, the environmental license expired when Yildirim Holding reactivated the project in 2018 under the subsidiary Best Coal Company (hereinafter, BCC or the Project Executor). Thus, they were required to request a new environmental license from the competent authorities. On this occasion, Cañaverales and other nearby communities had, years before, legally petitioned for their recognition as Afro-descendant community councils, which have the fundamental right to a free, prior, and informed consultation as ethnic communities. Due to this request, in 2019, the DANCP determined the existence of ethnic communities in the project's influence area, which required the prior consultation with 9 community councils, a necessary procedure for BCC to request their environmental license for coal exploitation.

At the beginning of 2020, the PC process was set to begin with the 9 community councils impacted by BCC's project, and each council was then summoned by the DANCP to the pre-consultation meeting. The COVID-19 pandemic impacted globally in the same year, and in Colombia, public gatherings were restricted. BCC, supported by the DANCP, proposed continuing the prior consultation process online (F. G. Salazar 2022). 8 of the community councils decided to proceed and closed the PC process during the pandemic, sometimes within less than 3 months, settling with BCC certain economic compensations that would cover the possible impacts of the mine project.

The community council of Cañaverales did not agree to proceed with the prior consultation during the COVID-19 pandemic due to the lack of effective participation through virtual means. As of now, the process is still ongoing. The prior consultation has been a process with numerous injustices, lack of transparency, and disbalances of power, which will be described in detail in Chapter CHAPTER 5 of this thesis to understand the difficulties for participation that the community has had. However, in the following paragraphs, I describe the main events that have happened throughout the process to provide context for the analysis (see Figure 5 for a visual timeline).

The Cañaverales community council, supported by allied organisations, has claimed since 2020 (before the pandemic) their right to transparent and complete information about the project. Due to the denial of BCC to share this information before beginning the prior consultation meetings, the Cañaverales community council posed a legal petition for information. In the second half of 2021, they agreed with the DANCP to begin with the pre-consultation meetings if BCC shared technical information about the project during such meetings. Two pre-consultation meetings were

held in 2021, where the shared information about the project was incomplete, and given the unsuccessful dialogue, BCC announced the suspension of the meetings to reevaluate the project.

In 2022, BCC requested the proportionality test to the tribunal. Even though governmental institutions, such as the Colombian Institute of History and Anthropology, which participated in the proportionality test evaluation, considered that this test was not valid, BCC and the DANCP formalised the proportionality test in July 2022 (Padilla 2023). After the community council advanced judicial actions against the proportionality test decision, the Regional Court found in favour of the community council in November 2022. It stated that the PC process should continue.

Throughout 2023 pre-consultation meetings were held, but BCC continued aiming to advance the proportionality test to avoid further prior consultation meetings and request their environmental license to ANLA (CAJAR 2023). The last pre-consultation meeting was held in November 2023. A senator, Imelda Daza, attended the meeting and after it, she proposed in the senate the creation of a special committee to follow up the Cañaverales prior consultation (Bravo 2024). The committee was installed in March 2024, it is composed of 8 senators, and it is an action that has led the topic to the national agenda and spotlight.

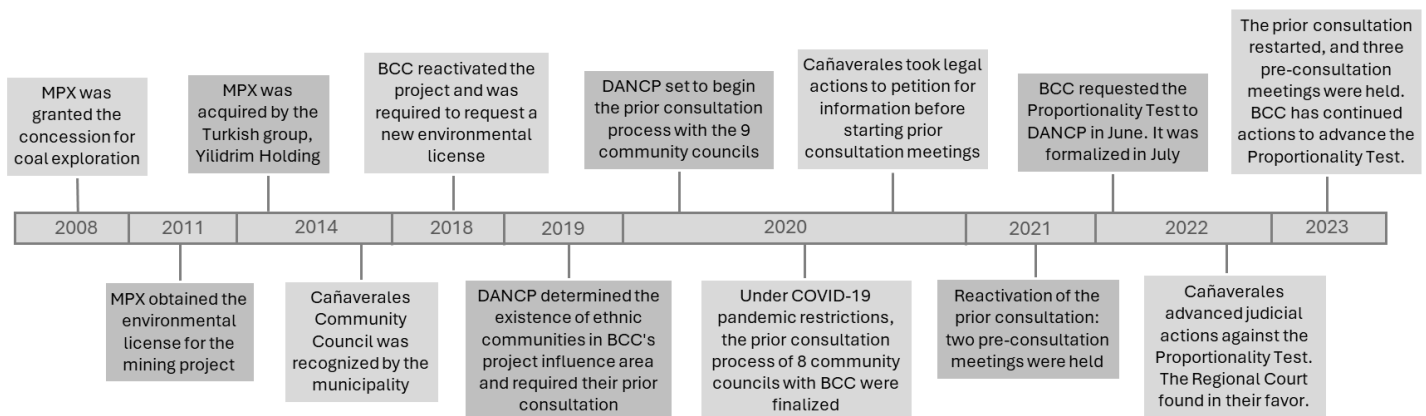


Figure 5. Timeline of main events of the Cañaverales coal mine projection and the prior consultation process with the Cañaverales community (own elaboration).

It is fundamental to state that the Cañaverales community cannot be reduced to one unit or oversimplify their vision. Within the community, some groups are in favour of the mine, or at least they have accepted the employment or other benefits that BCC has given them. Moreover, it is important to consider that within the injustices or impacts on the community, particular groups could be unevenly impacted such as women or the elderly. Due to time and resource constraints, this thesis has as a limitation the analysis of the differentiated visions put forward, only considering the one from the members of the community council of Cañaverales, who are openly disputing the Mine Project.

CHAPTER 3. THEORETICAL FRAMEWORK

3.1 Energy Justice

Energy justice has emerged as a conceptual framework as well as a tool for political and policy decision-making concerned with social justice issues across the life cycle of the energy system - from policymaking to resource extraction, infrastructure building, or consumption (Heffron 2023; Benjamin K. Sovacool et al. 2017). Energy justice aims to highlight and remediate the injustices and inequalities of energy systems, with a normative emphasis on what is morally just or right and through analysing relevant power relations that produce such injustices (Benjamin K. Sovacool et al. 2023). Drawing from the energy trilemma, which poses the multidimensional challenge of granting energy security while addressing sustainability and equity issues (Tornel 2023), energy justice seeks to accomplish a global energy system that fairly disseminates both the benefits and costs of energy services and one that has representative and impartial energy decision-making” (Sovacool et al., 2017, p. 2). Therefore, as suggested by Jenkins et al. (2016), energy justice scholars have taken an evaluative stance, where they assess the injustices, as well as a normative stance where they recommend how to approach them.

The framework is informed by the environmental justice movement and literature, including the three core tenets of justice to question the origins and experiences of environmental injustices; these central tenets are – distributive, recognition, and participation (Jenkins 2018). Energy justice scholarship draws from such a tri-dimensional framework but focuses on the injustices of energy systems, which narrows the scale of analysis in a strategy to build a solid foundation for the scholarship (Jenkins 2018). In addition, by separating energy issues within justice concerns, energy studies have expanded from the common concerns about the energy system (maintaining security, safety and affordability) and gone to explore the social and spatial configurations that shape energy systems and their transitions, as well as consider aspects beyond the tradition techno-economic approach, including cultural, political, and social aspects of the energy system to research (Tornel 2023).

The three tenets of energy justice, as described by McCauley et al. (2019), Heffron (2023), and Jenkins et al. (2016) are concerned with:

- *Distributive* justice – is concerned with the distribution of harms and benefits of energy systems among different social groups, individuals and geographical spaces. It recognises *where* the injustices emerge physically but also the uneven distribution of the associated

responsibilities. Moreover, it is concerned with how this uneven distribution is experienced by different stakeholders and where the impacts are located.

- *Recognition* justice – is concerned with how different social groups, especially marginalised groups and their needs, knowledge, and discourse are recognised. It focuses on questions of who is or is not recognised as a vulnerable group. It aims to drive analysis beyond distributive justice and the recognition that parts of society are unfairly affected by energy systems into a reflection on “who exactly should we focus on when we think of energy victims” (McCauley et al., 2019, p. 917), to avoid the overlook of impacts on neglected sections of society. Citing Fraser, McCauley et al. (2019) identify cultural domination, non-recognition, and disrespect as the three categories of misrecognition; further stating that cultural domination is a common theme in natural resource conflicts globally, particularly concerning relationships between extractive industries and indigenous groups.
- *Procedural* justice – is concerned with access to fair and inclusive decision-making processes, emphasising the necessity of participation not only as a moral imperative but to achieve equitable outcomes. This dimension asks the question of *how* social groups and individuals are included in the decision-making processes and whether they are unjust. Most literature focuses on institutional deliberative engagement in decision-making, but procedural justice demands both formal and informal forms of involvement in decision-making.

In addition to the three dimensions presented, scholars have recently introduced two additional dimensions. *Cosmopolitan* justice, which acknowledges the global dimension of energy injustices, asserts that procedural and distributive justice principles must apply universally to all human beings regardless of borders (Heffron 2023; McCauley et al. 2019). Finally, *restorative* justice aims to rectify historical injustices caused by energy systems, whether intentional or unintentional, promoting processes of healing and correction. (Heffron 2023; Jenkins et al. 2016; McCauley et al. 2019).

The concepts of energy justice and the framework have been applied by scholars within diverse disciplines of energy studies to explore empirical cases. Mundaca, Busch, and Schwer (2018) examined community perspectives and causal inferences about perceived energy (in)justice during the transition to a low-carbon energy system in two European cities; Hurlbert and Rayner (2018) utilised the framework to analyse the case of the Chippewas First Nations (Canada) opposition to a pipeline expansion; Castán Broto et al. (2018) proposed an open dialogue between energy justice theories and postcolonial critiques to analyse the energy transition in Mozambique; or Pandey and Sharma (2021) focused on recognition-justice to explore power and agency dynamics and

stakeholder participation on Renewable Energy Transition projects in India. This reflects the variety of methods and areas of focus of the field. Moreover, even though here I highlight a diverse geographical dispersion of scholars, there is a clear dominance of work originating and focusing on issues in ‘Global North’ regions (Lacey-Barnacle, Robison, and Foulds 2020). In Latin American scholarship, there is extensive literature on environmental justice, and political economists and geographers of the region have focused on issues of power and injustice related to energy infrastructure, but the conceptual framework of energy justice has rarely been utilized. One of the few examples of empirical studies using the framework is the study of Mejía-Montero et al. (2021), examining the injustices through the energy lifecycle of utility-scale wind power in Oaxaca, Mexico, and Vega-Araújo and Heffron (2022) who assessed the energy (in)justices of energy transmission infrastructure in La Guajira, Colombia.

3.1.1 Critical perspectives of energy justice

Despite the advances of the energy justice field in bridging gaps between social justice studies and the common view of energy problems as purely technical, several critiques of the shortcomings of the framework have emerged in the literature. A commonly mentioned shortcoming is the strong root of the concepts in Western and universalist thought and philosophies of justice (Benjamin K. Sovacool et al. 2017), failing to consider many ontological and epistemological injustices embedded in energy systems, and defecting to consider notions of justice from Non-western knowledge and philosophy (Tornel 2023). Another weakness of the framework highlighted in the literature is the normative top-down approach that the field has taken, which seems to argue for objective categorisations of what is just and unjust (LaBelle, Bucată, and Stojilovska 2023). This positivist approach has tended to focus on “affirmative remedies of injustice”, suggested by Sovacool et al. (2023) citing Nancy Fraser, which results in conclusions that do not add apparent solutions to injustices but do not disturb the underlying structure that generates them. As argued by LaBelle, Bucată, and Stojilovska (2023), when proposing a radical framing to energy justice, “energy justice needs to shift from labelling injustices (a normative position) and embrace a more radical framing that is critiquing the structure to identify those who perpetuate injustice and sustain an unjust energy system.” (LaBelle et al., 2023, p. 144).

The radical energy justice, proposed as a framing to critique and complement the contemporary energy justice framework, suggests focusing on a structural perspective of the system and the social and institutional practices which are embedded in people’s everyday lives and how they construct their world (LaBelle, Bucată, and Stojilovska 2023). This radical paradigm, through its structural analysis, uncovers domination and acknowledges that in the energy system, historical and physical

institutional structures (re)produce injustice; moreover, it recognises that existing unjust structures (structural relationships) are changed by conflict, and thus aims to understand how such changes rendered by conflict occur, and has an emphasis on supporting social emancipation (LaBelle, Bucată, and Stojilovska 2023). In contrast to the normative framing of energy justice, which identifies the injustices, the radical framing is concerned with determining the sources causing structures of injustice, questioning *who* causes them and *why* in the sense of considering particular interests or power structures benefiting by the energy injustices.

In this thesis, in order to answer RQs 1 and 1a, I draw the concepts of energy justice both from a normative and a radical paradigm. Through this energy justice perspective, I aim to explore the local perceptions of injustices throughout the case of Cañaverale with a particular focus on the PC process. This participation mechanism conceptually aims to consult ethnic communities that could be impacted by a project, but it has revealed the structural injustices of the energy system's centralised decision-making. While the thesis delves into the three tenets of energy justice to explore the RQs, I centre my analysis' attention on procedural and recognition justice. I focus on procedural justice because it is directly related to concerns about public engagement in decision-making and questioning the fairness and inclusion of such processes. On the other hand, I am particularly concerned about the analysis of recognition justice in this study because I argue that recognition-based justice is crucial to unpack how social, political, and cultural hierarchies operate in societies and, thus, energy systems.

3.2 Public Participation in Energy Studies

As stated in the previous section, this thesis focuses on the injustices unpacked through the PC process of the Cañaverale community. The PC process is an institutional form of public participation included within Colombian legislation. I draw from theories and concepts used within public engagement/participation research to explore the structural injustices within such a public participation process.

Public participation and engagement in energy studies, generally referring to the involvement of public or specific groups in decision-making or agenda-setting, are commonly deemed as fundamental pathways for more democratic decision-making and, thus, more just energy systems or energy transitions (Suboticki et al. 2023). Outside the energy studies literature, the argument of a virtuous relationship between public participation and policymaking, and public participation is proposed as the best method to consider and attend to “social issues”, particularly of technology-intensive policies (Ureta 2017). However, much of the literature on participatory policy-making

within and outside energy studies has the important shortcoming of arguing that public engagement positively translates into ensured justice (Suboticki et al. 2023; Blue, Rosol, and Fast 2019).

Such shortcoming was detected by Suboticki et al. (2023) in their exploration of justice considerations in the literature on public participation in energy transitions. They found that while energy justice poses collective decision-making as a normative principle to achieve energy justice, most literature on energy justice does not deal with how such engagement can be practically conducted, and most public engagement literature does not explicitly reference justice issues. Therefore, this thesis aims to contribute to the discussion that connects energy justice issues with public participation and overcomes the fault of deeming formal engagement equal to or leading to energy justice.

A commonly used framework to explore public participation is Sherry Arnstein's ladder of citizen participation, developed in 1969. Arnstein's ladder categorised participation into eight hierarchical levels that range from non-participation to tokenism, and on top, citizen control (Blue, Rosol, and Fast 2019). Her theories emphasised the relevance of redistribution of power for meaningful participation. Although her theory has been critiqued due to the failure to address complexities and nuances in the conflict-filled nature of power distribution between citizens and the state (Blue, Rosol, and Fast 2019), the ladder of citizen participation delves with the *level of engagement* the public has through their participation. The *level of engagement*, specific to deliberative participation mechanisms which deal with a specific issue, refers to how much influence participants have in determining the outcomes of the consulted issue. It is fundamental to consider this because many scholars studying formal/institutional decision-making processes fail to problematise the influence of the public, taking a stance of advancing 'public acceptance' for a predefined technology or policy (Suboticki et al. 2023). As this thesis focuses on a public consultation process, which falls into the category of non-influencing the outcome of the consulted issue, I examine what concerns this raises from an energy justice perspective.

As a response to the techno-centric and managerial perspective of public participation studies, which frames participatory schemes as a rational space and ideal publics as objective, studies of Science and Technology Studies (STS) explore actual participative schemes, unravelling the tensions and transformations during the implementation of a participatory mechanism (Ureta 2017). These studies recognise that participatory spaces develop through controversies and are embedded into political power and culture and that the public is never detached nor objective, particularly in issues that affect them (Chilvers and Kearnes 2020). In order to analyse such

contestations and power structures in participatory schemes, Ureta (2017) follows the conceptualisation advanced by Michel Callon, where such schemes are part of continuous contestation between *framing* and *overflowing*. *Framing* is the practice where actors set boundaries that determine what is included and excluded in the participatory scheme; these framings determine what kind of arguments/evidence is admitted in the scheme and who is legitimate to participate (Ureta 2017). All *framings* intrinsically have *overflows* (externalities in traditional economic terms), and thus, in participatory schemes, overflowing means the instability in the initially framed scheme potentially by other actors establishing their own frames (Ureta 2017).

This thesis draws from the concepts of *framings* and *overflows* to complement the three-tenet energy justice framework in comprehensively understanding the PC process's power structures, and particularly to address the RQ2 - How do people in Cañaverales perceive their participation to be in a just decision-making process of the energy system? I argue that this approach aids in revealing how the *framing* of the consultation often benefits powerful stakeholders while creating significant *overflows* that perpetuate injustices for less powerful groups.

CHAPTER 4. METHODOLOGY

4.1 Research paradigm and positionality

This research's key aim is to explore the participant's perspectives and to understand the issues that affect a consultation process. Undertaking qualitative and inductive research provides a rigorous foundation for examining the case study (Patton 2002). The researcher's worldview, encompassing their ontological assumptions and epistemology, significantly influences the study's approach and design (Creswell and Creswell 2018). I took a constructivist stance as I delved into the subjective meanings people give to their experiences and focused on a specific context of the case study to interpret the collected data. My research was also influenced by a transformative worldview, as defined by Creswell and Creswell (2018), based on my belief in the transformative power of research, especially in focusing on the needs of historically marginalised groups.

Positionality acknowledges that researchers are not neutral but are situated within specific social, cultural, and historical contexts that shape their interpretations and every aspect of the research (Bourke 2014). Research is a shared space between the researcher and the participants, and thus positionality is determined by where one is situated in relation to 'the other' (Bourke 2014). While it is not limited to them, some aspects of positionality include gender, race, education, or socioeconomic status; and self-reflection is a prerequisite for the researcher to articulate, construct, and critique their positionality continuously (Darwin Holmes 2020). I am a 27-year-old Latin American female who is pursuing a Master's degree in a consortium of European Universities. Throughout all my research engagements, this was how I presented myself. I was constantly in the continuum of 'outsider'/'insider' (Darwin Holmes 2020), and I acknowledged and reflected upon my position of power as an educated woman developing my research with a Western institution of higher education. Reflexivity is central to understanding the power unbalances in the research process and is crucial to think of oneself as the main research tool and think about our potential biases (Darwin Holmes 2020). The process of self-reflection on my situatedness and transparency is key to strengthening the validity and quality of the research.

Considering both my worldview and positionality, my initial aim was to develop a participatory and action-oriented research approach, which seeks to exchange knowledge and design research collaboratively with participants to avoid exacerbation of power barriers and develop research which is useful for the community's agendas (Lee et al. 2023). This approach was not feasible due to time and resource constraints; however, it is crucial for me that my research is action-oriented. Therefore, on my first interaction with the Cañaverales community, when several community

council members were present, I introduced myself and my research. I inquired whether they considered my aims of value for them. After a positive response, I continued with the research and informed them that I would provide them with a summary of research findings upon completion of the thesis report.

4.2 Method

4.2.1 Scope

This research takes a case study approach within qualitative research of the Cañaverales community's (La Guajira, Colombia) process of prior consultation for a projected coal mine that would impact their territory and livelihoods. The research was conducted in collaboration with an ongoing research project at the Interdisciplinary Centre for Development Studies of the University of the Andes, in Colombia, led by Professor Maria Cecilia Roa. This collaboration was key to achieving the research's objectives as I benefited from collaborating with a built trust network with members of the Cañaverales community. I conducted field research in Cañaverales between the 11th and 18th of March 2024, and continued virtual communication with community members for further inquiries. In addition, I held meetings with Professor Maria Cecilia Roa to discuss the progress of my research and one reunion with the group of students working on the ongoing project with the case of Cañaverales. This allowed for additional inputs and perspectives on the case study as well as relevant feedback on my analysis.

A case study approach intends to conduct a detailed analysis of an event, process, or group of individuals, allowing for a nuanced and empirically rich account of the studied problem (Creswell and Creswell 2018). This approach offers a multifaceted lens through which the researcher can explore real-life complex phenomena in depth, particularly provisioning a rich contextual understanding and holistic perspective of the issue (Yin 2009). As Yin (2009) presents, the immersion of researchers into the intricacies of a case study can unveil the interplay of social, cultural, economic, and political factors that foster a nuanced comprehension of the studied subject. Moreover, the practical relevance of case studies is evident in their direct applicability to real-world problems, offering insights that inform decision-making processes across various domains, including policy-making implications stemming from the empirical evidence of the research.

4.2.2 Data collection

The main data sources collected for this research were semi-structured interviews. When research pays particular interest in personal meaning-making, interviews play a distinctive character in

comparison to other types of research (Magnusson and Marecek 2015). Semi-structured interviews must encourage participants to tell stories and experiences without being constrained by the interviewer, providing rich data with nuanced insights into the explored phenomena (Magnusson and Marecek 2015). That being said, semi-structured interviews are subject to limitations such as researcher bias and the participant's subjective behaviour and answers depending on the relationship with the interviewer. Because of this, the interviews' data was complemented by participants' observations (I attended two Community Council meetings and one dialogue session with engaged women of the community), and secondary data collected through document analysis of policy documents and news articles talking about the case study (see Appendix A) with the list of the reviewed policy documents and news articles) and a contextual literature review.

I conducted 17 interviews that provided in-depth and varied perspectives and information for this study (See Appendix B with a table of participants). During field research, I conducted 13 interviews with members of the Cañaverales community. Five with members of the community council board, and eight with other active community council members (4 out of this were with members of the active youth group). In addition, I interviewed 4 actors who represented the perspectives of different stakeholders. Two interviews were with representatives of the Colombian organizations collaborating with the Cañaverales community. The first was with the Center for Popular Research and Education (CINEP for its initials in Spanish), an organisation providing community and political support. The second interview was with CAJAR, a non-profit lawyer's collective focusing on human rights defence. Finally, two interviews were conducted with professionals with experience in PC mechanisms from the perspective of governmental institutions.

The interview participants were recruited through purposive and snowball sampling (Patton 2002). As Patton (2002) describes, this type of sampling consists of locating key information-rich informants by asking well-situated people, thus getting a chain of recommendations. Given my collaboration with the University of the Andes research group, I had a first approach with some members of the Cañaverales community council board, after that, they recommended me to other actors of diverse backgrounds within the community and the representatives of the NGOs collaborating with them. On the other hand, to find professionals on prior consultation from the governmental authorities' sector, I contacted several people with that background through official governmental emails and LinkedIn; however, responses were limited, and I managed to interview the 2 mentioned actors. Most of the interviews had a duration of 1 hour, while some of them lasted approximately 2 hours. As mentioned, the interviews followed a semi-structured approach allowing participants to share stories and experiences freely. Despite this, I developed and used an

interview guide for each stakeholder group (see Appendix C). These guides were developed based on a preliminary literature review and their purpose was to guide the interviews' conversation. However, during the interviews, I focused on certain questions or others were omitted depending on the participants' knowledge, experience, or interest in the issue.

4.2.3 Data processing

I undertook a qualitative thematic analysis, mixing an inductive and deductive approach when analysing the collected data. While I considered certain themes identified in the literature when deductively analysing the data, I focused on inductively engaging with it to allow for finding new codes and themes. I systematically coded the interviews information through a three-phase coding process that enabled a rigorous and consistent procedure (Khalil 2014). The three-phase coding strategy (see Figure 6), as described by Khalil (2014), encompasses open, axial, and selective coding, allowing for data organisation into open codes, identifying axial categories, and defining selective themes to build meaning. The first stage of this process involved the transcription of the interviews with the aid of TurboScribe software, followed by the coding phase, which was performed with NVivo 14 software to facilitate the systematic analysis. The identification of the open codes was through a first review of the interview data, which led to approximately 50 descriptive codes systematically organised in NVivo. After re-analysing the data, I unified and aligned groups of open codes and generated a reduced number of axial codes which began the categorisation of the data into the selective codes, or main themes of the data. The process was not linear and required a constant interplay of the researcher with the data, comparing and reducing it in a cyclical process to create stories that present the found meaning (Khalil 2014). Through the process, I also used hand-drawn mind maps to organise the open and axial codes and explore the themes. It is important to mention that the analysis process was performed in Spanish (the language of all the data), and translations of the direct quotes were conducted when writing this report aiming to respect the language and intention of the participants when translating.

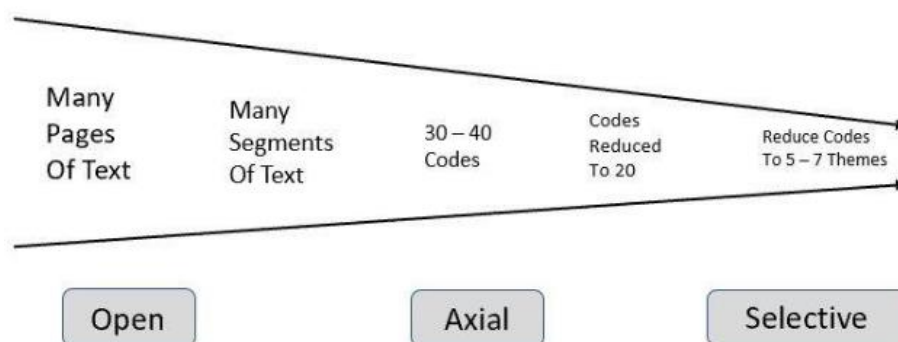


Figure 6. Overview of the three-phase coding process: Open, Axial, and Selective coding (Khalil 2014).

To strengthen the research design, and increase the quality and validity of the evidence, triangulation was used by collecting information from different perspectives, and by complementing interviews data with other sources (Patton 2002). While the interviews from several members of the Cañaverales community provided a holistic and nuanced perspective of people's experiences, adding the view from the allied NGOs provided a different lens to the issue. In addition, participants' observations allowed for the understanding of contextual factors for the analysis or identification of issues not covered in the interviews.

4.3 Ethics

I adhered to ethical standards and principles for research as outlined in the Central European University (CEU) Ethical Policy on Research. This research did not involve any coercion, deception or meant significant risks to either the researcher or the participants. The Ethical Research form, part of CEU's Ethical Policy on Research guidelines, was completed and submitted for approval by the Ethical Research Committee to ensure meeting the University's ethical standards. Moreover, I discussed ethical concerns and how to address them with my thesis supervisor at CEU and the Professor I collaborated with at the University of the Andes in Colombia.

The informed consensus of the participants was carefully managed by 1) introducing myself and my positionality, 2) presenting the context and aims of the study verbally and through an information sheet, and 3) asking for consent through a written consent form (see Appendix D). The participants were also informed that they would not be financially compensated for their participation and could abstain from answering any question or retire their consent to participate at any point. Regarding data protection, the collected data and transcripts were saved in my personal computer and a Cloud folder (that only I could access) with numbered labels instead of names. All the interviewed participants allowed for the use of their names in this report, however, no additional personal or incriminating information is included to minimise potential risks for the participants.

4.4 Limitations

The potential limitations of the research lie both in the methodology and the researcher. In terms of methodology, as the majority of the data is based on semi-structured interviews, it is important to consider the limitations of this collection method. One important limitation of semi-structured interviews is the dependence on participants' willingness to share their experiences accurately, as studies have revealed that during interviews, the answers provided by participants may not be in

line with reality as they could share ‘desirable’ answers. To overcome this, it was fundamental to build trust with the participants and to create a space for participants to share stories. Another limitation of the data collection lies in the lack of access to perspectives from different groups within the Cañaverales community or from actors representing the Project Executor. While I intended to interview people who have a positive opinion towards the mine project, this was not possible. This was somewhat overcome by including the perspective of other stakeholders outside the community and through collecting secondary data from news articles that interviewed representatives of the Project Executor.

In terms of the researcher’s limitations, they lie in the potential personal biases reflected through the research process, and the potential of my positionality influencing the interactions with the participants. Constant self-reflexivity, as described previously, and having a robust research methodology are two of the strategies I followed to overcome these limitations. In addition, longitudinal limitations were also fundamental for a thesis project, as the time bounds were short which significantly impacted the study’s scope.

CHAPTER 5. RESULTS AND ANALYSIS

In this Chapter, I include the results of this research and their analysis based on the guiding research questions. Firstly, I describe the context in which the Cañaverales prior consultation is unveiled, to then outline and analyse a number of procedural and structural factors, and power relations that have inhibited the community's participation in decision-making. In addition, I analyse the actions the community has advanced to defend and demand their right to influence decision-making in matters that affect them.

5.1 Cañaverales and the dispute for the expansion of the Sacrifice Zone

La Guajira, the Colombian department where Cañaverales is situated, is a region teeming with projects for natural resource extraction. Various governments designated this area as a strategic hub for the energy sector, leading to the extraction of resources for conventional energies like coal, oil, and gas and the production of non-conventional energies through solar PV, wind, and hydroelectric. The proliferation of this type of projects has resulted in the appropriation and control of ample territories, resources and communities that, through conflictive and violent processes, have gone through processes that transform their livelihoods and environment and impact greatly their economic, social, cultural and environmental rights (Corral-Montoya and Puerto-Chaves 2022). Cañaverales is under the threat of becoming a link in the expansion of the 'extractive frontier' of La Guajira with the projection of an open-pit coal mine.

"In La Guajira, we have El Cerrejón, the largest [open-pit coal] mine in South America [...]. As Guajiros [people from La Guajira], we have realised, firstly, the natural and ecological disaster it has caused. Cerrejón has destroyed many ecosystems and eliminated 18 water tributaries that provided water for animals, plants, and humans in the sector. The saddest part is that they have displaced more than 18 communities. Among them, indigenous communities who have lost their cultural roots have had to leave their ancestral land and their connection with nature. Having mentioned this situation, we, as Cañaveraleños, are worried about the fact that a mine will arrive." (Ifener, Cañaverales Community Council member)

As expressed by Ifener, people in Cañaverales are aware of the impacts that this mine could have on their livelihoods and environment due to the experiences of their neighbours. They object to being part of the 'sacrifice zone'. A term used to evidence how territories, usually in the so-called 'global south', with a history of colonisation and racial and class marginalisation, end up assuming the socio-environmental harms of extractivist activities (F. G. Salazar 2022). The development of the Mine Project in Cañaverales has the potential to cause localised harm by transforming the landscape (physical, socio-economic, and political), hence impacting the livelihood of the affected communities. On the other hand, the Mine Project economically benefits corporate actors at the

global coal supply chain level, as the Project Executor is the Turkish multinational Yildirim Holding (as described in Section 2.3.2). Furthermore, the export of coal and future combustion in a coal-fired power plant in Turkey has both global harms in terms of the greenhouse gas emissions from the activity and local harms in the Turkish region where the plant is located. Indeed, the region in Turkey (Çatalağzı), where major investment in coal-fired power plants is advancing, faces opposition from local residents and environmental groups denouncing impacts on health, environmental damage, and unemployment (Cardoso and Turhan 2018). While the Cañaverales community could face unequally distributed damages from the development of the Mine Project, it is relevant to highlight and consider how there are multi-scalar impacts and injustices throughout the energy supply chain, in this case, reflected by the impact of the ‘energy production’ stage of the supply chain, affecting groups in the near of the coal-fired power plant facilities in Turkey.

When talking to Andrea, the representative from CINEP, she told me, “if it were not for the Cañaverales process, that mine would be in the construction phase. Then it has been very significant and symbolic for the region [La Guajira]”. Cañaverales has listened to the experiences of the neighbouring communities affected by El Cerrejón (the largest open-pit coal mine in South America) to predict and dispute the potential harm that the Mine Project would have. As Luna, a youth member of the Community Council, shared when I talked to her, “we went to the towns [displaced by El Cerrejón]. To that ‘space’, because there is nothing there anymore, and we saw ruins [...]. There, we knew the reality that those people lived; the women’s collectives told us all the persecution they went through [...], how their kids got sick from the lungs and passed away [...]. After that, I returned here, and my life changed”. Lorena, another youth member, shared, “we went to Provincial [a displaced town by El Cerrejón], and it changed our lives. They were ghost towns”. This understanding and awareness of the potential impacts have been one of the motivations that have led the Cañaverales community to demand their right to be heard and considered in the decision-making for the acceptance of the Mine Project. As described in Section 2.3.2, they have advanced various actions to be recognised as an ethnic community with the right to a PC. However, in addition to the difficulties to be recognised with this right, the PC consultation has been a complex process, filled with power asymmetries and vested interests that (re)produce injustices in the process. The following sections delve into the experiences and perceptions the Cañaverales community expressed about this process.

5.2 Lack of information and (dis)information in the PC

5.2.1 The impacts of the Mine Project

When I asked Oscar, the legal representative of the Community Council, an initial interview question on what he knows about the mine project, he answered, “the correct answer that I should give you is almost nothing... because they [BCC] have not really shown what they intend to do”. Full information disclosure is fundamental for procedural justice. Especially people affected by the project or measure should receive complete and clear information to reach this tenet of justice concerned with fairness in the process of engagement of all stakeholders in energy decision-making (Hurlbert and Rayner 2018). The lack of information about the mine project was among the main concerns and demands of the Cañaverales community reflected in the interviews. They expressed how they perceived their rights violated and that the prior consultation was not being processed rightfully. Orangel, a member of the Community Council, told me, “The prior consultation must be free, prior, and informed. Informed, in our case, no... they [BCC] have not wanted to share their documents”. Such lack of information has been reflected in various manners and has hindered the fairness of the PC process.

Firstly, members of the Cañaverales Community Council and advisor organisations have voiced that at the beginning of the PC process in 2021, the Mine Project executor was reluctant to share full information about the Mine Project. “Unfortunately, the company [BCC] did not want to provide information, we wanted the minimum, to know the project. How would we enter a pre-consultation process, where we would not evaluate impacts, but we are supposed to know the project’s magnitude”. This was communicated by Geania, a member of the Community Council, and was reinforced in 10 out of the 13 interviews conducted with people in Cañaverales.

As stated in the PC guidelines⁹, at the pre-consultation stage, one of the objectives is that the executor presents the project to the ethnic community, and the DANCP must guarantee the transparent and reasonable management of sufficient information and that the project is explained clearly and completely. However, through the process in Cañaverales, the Project Executor has argued that detailed information about the project is not required to be disclosed during the pre-consultation stage. Luna, a youth member of the Community Council, mentioned: “They [BCC] did not want to answer certain questions; they simply said that was not in this stage, it was on a next stage. But that is what the PC is for, for the community to know”. Here, the issue lies in

⁹ The Presidential Directive 10 of 2013, and its addendum in the Presidential Directive 18 of 2022, include the guidelines for the development PC with ethnic communities.

different views of what ‘sufficient information’ means per the PC guidelines. When talking to Andrea, the representative of CINEP, she mentioned that she perceived that both the DANCP and the Mine Project executor interpreted the presentation of the project at this stage only needed to be very general. In contrast, the Cañaverales Community considered the lack of information a violation of their rights and demanded this to understand the project's details to participate in the PC actively.

To access such information, the Cañaverales community, supported by CAJAR, advanced several legal petitions for information. Because of this, information on the environmental impact assessment of the Mine Project was delivered to the community in a USB and physical document form, including the inputs of the studies (maps, lab studies, etc.). About this, Cindy, the representative of CAJAR, expressed, “the community presented the petition for information, [...], the company [BCC] delivered incomplete information, but on top of that it is technical information, where the language is not adjusted, the language does not allow for effective informing”. The issue of lack of clear information has been a finding in other studies on the implementation of PCs on energy infrastructure in Colombia. As Vega-Araújo and Heffron (2022) found, often the sharing of information in documentary or technical form results in communities not having a clear overview of the project and its impacts, compromising meaningful participation. This view of deficient clarity in the information was also shared by Yolgida, a Community Council member, “they [BCC] tell us their technical words, I do not know if it is like that, or because they suppose we should understand what they say. But I remember very well that when I was in the PC training, it is supposed to be clear [...], appropriate language should be used.” On the one side, full information should be disclosed by the project executors for the sake of transparency. Still, it is fundamental that an adequate conveyance of this information is used for all audiences to understand.

While talking to the Community Council members, another prevalent concern is BCC’s distortion of the Mine Project’s information by either minimising or omitting the impacts it will have. This has been reflected in the inconsistency of the details presented by the Project Executor. As found in other studies of PC processes, there is a possibility that the reason why project executors omit information is part of a strategy to decrease compensation payments or avoid further negotiation of measures (Vega-Araújo and Heffron 2022). In Cañaverales, when BCC presented the Mine Project at the pre-consultation meetings, many questions and concerns were raised by actors in the community, and the inconsistency of the answers led to confusion and distrust among the community. Dayelis, a youth member of the Community Council, told me in a frustrated tone, “one day they [BCC] would say that the dump [of coal extraction waste] will be located in this

place, another day that it would be located on another place”.

The extraction zone of the Mine Project of Cañaverales is located less than 1 km from the centre of the community and less than 1.5 km from one of the natural recharge zones of the water spring (See Figure 7). Among other issues, the potential impacts of this proximity have led to unease among people in Cañaverales on whether the impacts of the Mine Project will result in their displacement from their territory. When talking to Hugues, a Community Council member, he said, “first, they said that there would not be displacement, but then they talk about an involuntary relocation”. Several other interviewed members of the community mentioned this issue, stating the Project Executor has employed strategic language to undermine the impacts of the Mine Project, such as the use of the wording *involuntary relocation* instead of *displacement*.

One of the exceptional cases defined by the Colombian Constitutional Court where after a PC, a process can require the *consensus* of the community is the displacement of the affected community (see Section 2.2.1). The Project Executor states that the project will not end Cañaverales farming vocation, nor the water spring (Bravo 2024), thus it would not cause displacement. However, the Project Executor advanced a specific framing and scope to develop environmental assessment studies that determine the impacts of the Mine Project. When setting those framings, the Project Executor has a vested interest in the results of the studies.

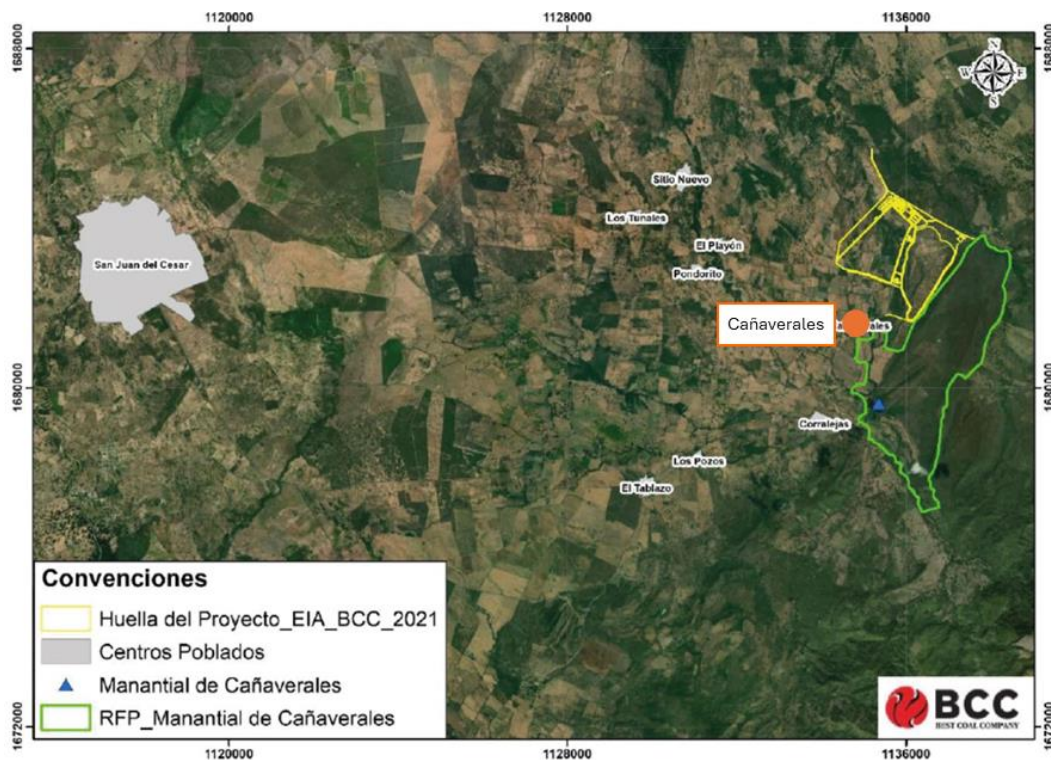


Figure 7. In yellow is the intervention area of the Mine Project. In green, Protected Forest Zone of Cañaverales water spring. The orange point shows the Cañaverales community and the blue triangle is the Cañaverales water spring. The grey points show other communities affected by the Mine Project. (Modified from F. G. Salazar 2022)).

During the PC process, the community's questions were many, so the Project Executor requested them in written form, and "we did a list of 64 questions for them to study and answer", says Orangel, a member of the Community Council. When BCC started to answer these questions, fundamental information on the Mine Project's infrastructure began to be disclosed. An example of this was the discovery that the Mine Project would cause the diversion of one of the main *acequias* of the Community, which transports water from the water spring to an amount of farming land of not only Cañaverales but a nearby community, Conejos. This would generate relevant environmental, socio-economic, and cultural impacts, but it was not part of BCC's presentation of the Mine Project, reflecting their initial framing that did not disclose full information on the Project. When talking about this issue, Cindy, representing CAJAR, voiced, "for me, this was one of the most significative meetings [of the PC] because it was the first time the company [BCC] answered really important issues on the transformations that the territory would suffer". Disclosure of the scope of the Mine Project and a real understanding of the impacts change the basis on which the community can participate and advance in the PC process.

5.2.2 Knowledge about the PC process and the role of advisors

Lack of awareness and understanding of the rights and duties of the communities within the PC mechanism has been found as an issue for this process in Colombia (Vega-Araújo and Heffron 2022). Ethnic communities in Colombia have the right to PC based on the ratification of the 169 agreement of the ILO. This agreement also states that governments must take measures for communities to know their rights and duties. The PC mechanism guidelines establish that during the first meeting of the pre-consultation stage, the DANCP will explain the PC's law framework and the party's rights and duties in a clear manner. However, this explanation commonly implies informing the communities of decrees, laws and numbers, and it does not serve the purpose of conveying a true understanding of the mechanism and the rights communities have within it (Vega-Araújo and Heffron 2022). As Geania, a member of the Community Council, told me, "it is complex to enter a scenario like this; we saw it as a samp where we are on one side, and there is so much mud in the middle to cross [...]. That is why the trainings were important to understand what a prior consultation is". People in Cañaverales knew the importance of understanding the PC scheme. When they were called for the first pre-consultation meeting, they requested for an extension to get training, "we asked the ministry [DANCP] to tell us what a PC is. They sent a person who explained the PC, and we began learning. Then the organisations [NGOs] who are

helping us arrived, CINEP, CAJAR. The UN also taught us about PC. And then, when we were prepared, we agreed to begin the PC”, said Orangel, a member of the Community Council.

The relevant and supportive role of the allied NGOs has been highlighted by most of the interviewed members of the Community Council. Three organizations are supporting the case of Cañaverale in a coalition. CINEP supports the community in terms of popular education and organisational strengthening; CAJAR takes the role of legal support of the PC; and AIDA covers the issues of the mining permit analysis. Universities, such as the University of the Andes, have also supported and accompanied the community through applied research projects that have developed educational or productive projects in Cañaverale.

In PC processes, the role of advisors has been found to be key. Generally, their role is to provide technical knowledge and expertise to help the community identify the project impacts and be aware of their rights in the PC process. As Omar Ivan, a worker of the DANCP, told me, “there must be communication among equals and ensure that the community has professionals with the capacity to understand the project. Then, the law says that companies must guarantee this to the communities.” Although the role of advisors and allied organisations has been positive and fundamental for the Cañaverale case, there have been experiences when advisors, driven by profit-related self-interest, pressure the communities and reach unfair agreements in the PC (Vega-Araújo and Heffron 2022) and thus can hinder justice. Therefore, the role of new actors introduced by the participation mechanisms, such as community advisors must be closely considered when analysing PC processes or local participation procedures in general.

5.3 Power unbalance of the financing entity

Prior consultations are filled with power and recourse asymmetries that significantly affect the process (Machado et al. 2017). These are caused by several reasons, one of them being a lack of complete information shared about the project, as described in the previous section. Another fundamental one identified by the Cañaverale community was the power given by the financing of the PC space. As per the common procedures of a PC, “all the development of the PC, all of the meetings, the logistics, everything is financed by the company [the project executor]”, said Omar, a PC manager working with the DANCP. The case of Cañaverale has been different. While interviewing Luna, one of the youth members of the Community Council, she proudly told me, “we covered everything [for the PC meetings]. They wanted to bring their large screens to present their project, and we did not want that. If we presented a video with a white sheet, that is

how we did it because that is what the community had to work with. We did not want to receive anything from them”. Previous research on communities’ perspectives on the PC in Colombia highlights the partiality issue of financing. Through that research, communities established their opinion that the State, as a guarantor of the PC, should finance the process under the principles of transparency and impartiality (Howland, Uprimi, and Barsanti 2013). From the Cañaverales community perspective, allowing the Project Executor to cover the costs of the PC translates into losing their independence and impartiality through the process.

Additionally, through the interviews, members of the Cañaverales community called attention to how they perceived the environmental impact studies developed by the Project Executor as insufficient, generating an impartial basis for the PC. Per its official guidelines, the PC process aims to determine the direct impacts of the project on ethnic communities and agree on the management measures for the extinction, mitigation, or compensation of such impacts. Regularly, in PC processes, the impacts are determined based on the environmental impact studies developed by the project executors. However, the Cañaverales community considered that the information provided by the Project Executor based on their environmental impact studies was not transparent nor consistent (as described in section 5.2). Due to this, they advanced actions to revise BCC's environmental impact study with the support of a geoenvironmental firm (Terrae). One of the key findings of this revision was related to the impact that the Mine Project would have on the water spring and its underground flows. Elit, a member of the Community Council, said, “they [BCC] say that they will not impact the water spring because there is a fault [geological fault] that is an impermeable layer that prevents underground water from flowing towards the mine”. He then expressed that he did not believe that, based on his knowledge of the territory, and many people in Cañaverales thought the same. After Terrae developed the revision of BCC's environmental impact assessment, they concluded that the study did not provide sufficient in-situ data to conclude that the geological fault's impermeability and thus, that it is an insufficient basis to argue that the water spring would not be impacted. Oscar, the legal representative of the Community Council, said that after this, BCC changed their argument, “after that [the study's findings], the woman who told us that the fault is impermeable did not come back. A man came saying something completely different, saying that the faults are permeable and else [...]. So, when first they say that it is impermeable and then that it is permeable, then you are confused”. This continued reflecting inconsistency of information perceived by the community and generated further distrust in the impact assessment of the Project Executor, and the concern about the impact of the Mine Project on the water spring grew.

The Cañaverales community's livelihood and its identity are interlinked with and rooted in the water spring (as further explained in section 5.8). They are certain that if that water spring, a 'piece of paradise' as they call it, is affected, they would be displaced from their territory. "If the aquifer is damaged, the water spring would dry, and we would have no choice but to emigrate. What will we plant? Where will we drink anything? Our economic source would end", said Eduar, a youth member of the Community Council and farmer. The community views the PC as an opportunity to understand the true scope and impacts of the Mine Project, but BCC, often supported by the DANCP, has imposed obstacles to information disclosure.

Based on this experience, when the Cañaverales community developed their methodological route¹⁰ for the PC's consultation stage, they proposed that further studies were needed to identify the impacts of the Mine Project and that they did not agree to the Project Executor's financing of the studies. The challenge of sourcing the financing for the studies exists, but the community suggests in their methodological route to advance the studies with allies such as public universities. As Cindy, the representative of CAJAR, states, "this is historical because no other community council in the framework of PC has not received the money. They generate a precedent of dignity". The PC has become a process where power disputes and conflictive dynamics are reflected (Hillón Vega, 2014). From the energy justice lens, the normative principles set in the framework vouch for inclusive and engaging mechanisms for energy decision-making (Benjamin K. Sovacool et al. 2017); however, mechanisms such as the PC often ignore the existent and underlying power asymmetries that hamper them.

5.4 The PC as a mechanised process

The PC space is paradoxical and conflictive in many ways. In this section, the explored issue is how the mechanism has misrecognised the Cañaverales community's rights to a fair and equal dialogue through issues of timing and means of consultation. Project executors often reckon the PC only as a procedure to get through to receive the environmental license for their project, and many times even as an obstacle to reaching such licensing (Hillón Vega 2014). In the Cañaverales case, the Project Executor first tried to avoid the PC process completely, but when it was legally stated as a requirement, BCC evidenced their conception of the PC by their ways of rushing the process.

¹⁰ The methodological route is the plan for the prior consultation. It includes the proposed meetings, times, participants, and places where the process will be held. It also includes which resources will be used for the prior consultation, and thus for identifying the impacts of the project/measure to the affected community.

Even if Cañaverales is the community which is closest in the distance to the extraction pit of the Mine Project, it is not the only one that had to be consulted. The Community Councils in Corralejas, Los Pozos, El Tablazo, El Playón, Pondorito, Los Tunales, Conejos and Fonseca also were recognised as representatives of an ethnic community with the right for a PC given the direct impact the Mine Project would have on them. However, as mentioned in section 2.3.2, they have all already closed the PC process. When talking to Andrea, a representative of CINEP, she told me, “the PC in the surrounding communities was very fast, very express. Precisely because the presentation of the project or the sharing of information was through a slide presentation in one meeting, and it was something very general [...]. That is the regular practice of how the company arrives in the communities”. The process of the other communities lasted less than 3 months. In addition to having a lack of clearness and full disclosure of the project’s information, some of the processes were held virtually during the COVID-19 pandemic. A PC through virtual means can hamper the active participation of all actors in such communities; despite this, the process continued. BCC also pressured the Community Council of Cañaverales to proceed with a virtual PC. As Lorena, a youth member of the Community Council, said, “they [BCC] wanted to do a PC virtually when you know that here in Cañaverales, there is terrible service, there is no internet”. People in Cañaverales believed that having the process virtually meant going against the principles of prior consultation; it would not be free nor informed. Thus, they requested a deferral of the process until the pandemic restrictions were lifted.

During the PC meetings, the Cañaverales community has also perceived and expressed pressure from the Project Executor in terms of timing. “They [BCC] want everything to be fast. Many times, they want the community’s participation to be brief, little [...]. They want the PC to be carried out in two or three months [...]. This cannot be with the company’s times. Cañaverales is of the community. The community must say yes, we agree with the date and time [of reunion], not the company of the DANCP”, expressed Yolgida, a member of the Community Council. This unfolds both how the perspective of the Project Executor to rush the process hinders participative justice by deterring the community’s participation time during meetings and by disrespecting the community customs by imposing the times and dates for meetings.

Environmental and energy justice literature pays attention to the rules of decision-making processes and how they dictate who, what, where and when stakeholders are engaged in them (Ryder 2018). However, many participatory initiatives in environmental issues stick to the claim that adhering to correct procedures will steer group choices toward fairness and well-being, disregarding the interlinked dynamics of power and (in)justice of the mechanisms (Blue, Rosol, and Fast 2019). In the case of the PC in Colombia, this has been reflected in how certain project

executors have interpreted the guidelines of the mechanism at their convenience to accelerate the process. For example, if the pre-consultation stage has three main aims: 1) to present the law framework of the PC, 2) the project executor presents the project and receives questions from the community, and 3) the joint construction methodological route, the project executor and often the representatives of the DANCP push for each aim to occur in one meeting. Cañaverales was no exception to this situation. When talking to Orangel, a member of the Community Council, he mentioned, “when we entered the first meeting of the PC, at eleven in the morning, the company representative says, now methodological route. [...]. Can you imagine? In one meeting looking to settle the methodological route. That is how they did it in the other communities”. This shows the tensions found in the actual implementation of a participatory scheme like the PC. Although guidelines could serve the purpose of setting certain rules for participatory schemes, their interpretation and application of the scheme, usually in favour of powerful actors, reflect the power asymmetries involved in the process.

5.5 The Impartial Role of the State?

5.5.1 Role of the State in the PC

The PC mechanism is coordinated and directed by the DANCP (see Section 2.2.1) and has the objective of protecting the rights and cultural integrity of ethnic communities. I interviewed Sebastian, an advisor of companies in PC processes who previously worked with the DANCP and asked him what the role of the DANCP is in the process. He answered, “the DANCP is the guaranteeing entity of the fundamental right to the PC. But in practice, they have the role of a referee, that things are done well, but they do not consult directly; it is not the State consulting”. In the energy justice literature, a concern within the frames of procedural justice violations is how impartial or fair the institutions involved in the decision-making of energy systems are (B.K. Sovacool et al. 2016). Government actions in La Guajira prioritising natural resource exploitation have significantly decreased people’s trust in the State (Vega-Araújo and Heffron 2022). While talking to Dayelis, a youth member of the Cañaverales Community Council, she expressed several times in a frustrated manner how they have stopped trusting the DANCP. She said, “supposedly, the DANCP should protect the rights of communities. But what is happening? They are with the company [BCC]. Here, they substituted a man who represented the DANCP, who came to direct the process [PC]. He stood up and publicly said: I am partial to the company. That should not be like that.” This caused the community’s complete distrust of the governmental entity. Even before that public statement of partiality, they perceived a partial facilitation of the PC process, with the

DANCP acting as a regulator when the community voiced concerns in the meetings but only as an observer through the presentations of the Project Executor. Lorena, a youth member of the Community Council, told me, “when I asked questions [in the PC meetings], it was always the ministry [DANCP] who said no. Instead of the company [BCC], the ministry would take the microphone and tell me they could not answer that question. There, I realised they were with the company”.

Partiality of DANCP representatives could be rooted in individual contexts of vested interests. However, it could also be influenced by the vested interest of the institution. When the tensions of the Cañaverales PC space rose, caused by the issues described in the previous sections with lack of information, unbalanced negotiation, and a partial regulator, the DANCP summoned representatives of the Community Council to Bogotá - the capital of Colombia - to meet. When talking to Orangel, a member of the Community Council and one of the representatives in such meeting, about this, he said, “There they told us, the country needs to develop, and the country’s development goes with extracting coal here, from Cañaverales. I answered, sir, is it because of the country’s development that three thousand people who live in Cañaverales must disappear?”. The development model of certain institutions of the Colombian State, which bet on the extraction of coal as a means to economic prosperity, has affected the impartial role that the DANCP should take as a guarantor of the right to PC of ethnic communities. The developmental model advanced by the Project Executor and State institutions sees the territory of Cañaverales as an area for “strategic investment”, which has translated into taking a “balancing of the public-interest approach” (Hurlbert and Rayner 2018) through the application of the proportionality test to the PC of Cañaverales. The proportionality test, which depletes the right to participate in decision-making by the community, is further analysed in Section 5.7.

5.5.2 Abandonment of the State and corporate responsibility as the status quo

La Guajira is within Colombia's top 4 poorest departments, not only in monetary terms but also in multidimensional poverty (DANE 2023). Human rights defence organisations have called for attention to the infringement of constitutional rights in the region, such as access to health, drinking water and goods, or education, calling it an abandonment of the State in the region (Dejusticia 2018). When referring to the abandonment of the State, it is referring to the lack of institutional presence or public services, which generates serious problems for habitants in the region. The people in Cañaverales have perceived such abandonment, “unfortunately we are communities forgotten by the government”, said Ifener, a member of the Community Council. This situation leaves the community in a vulnerable situation when a natural resource extraction

project is presented. Interviewing Sebastian, an advisor of companies in PC processes who previously worked with the DANCP, he expressed, “what is the PC equation in the model that is currently approached in Colombia? Let us reach agreements [between the community and project executor] to generate investment plans that allow us to meet the access barriers to education, health, and housing. If you [the community] accept the project, in exchange, I grant you access to your rights. [...] It is a big paradox because communities, in one way or another, feel that accepting projects will help them meet their necessities”. As a contrasting view to the absence of the state argument, J. F. G. Salazar (2022) maintains that in La Guajira, the State has handed the governance role to corporations – particularly extractive ones, and the weak institutions and low regulations to extractive corporations are part of the purposed orientation of the State’s action.

This scenario parallels the Project Executor's development of activities in their ‘corporate social responsibility’ programs. From the Project Executor’s perspective, they aim to build trust with the community and to support local entrepreneurs and businesses through their activities, also to share with the community that the Mine Project will contribute, not destroy (Bravo 2024). People in Cañaverales who view the Mine Project positively view this as a benefit and something that shows the social interest of the Project Executor (Bravo 2024).

As a contrasting view, a common concern manifested by people I interviewed in Cañaverales was that the Project Executor was conditioning people when they received support from these corporate responsibility actions. An example of this was described by Ifener when he told me, “to the families that received the support [for productive projects], they were required to sign documents that allowed them [BCC] to place a sign in front of their houses with the logo of the company”. The pictures in Figure 8., show these signs. However, the figure also shows how one of the signs covered the BCC logo, which was a common sighting while walking in the Cañaverales community. People in Cañaverales voiced that these productive projects or other corporate responsibility actions were not continuous projects that meaningfully supported the families who received them. While talking to Dayelis, a youth member of the Community Council, she said, “these people are not in favour of the company [BCC]; they are only letting them play with their necessities and placing only a plaster to their necessities [superficial solutions]”. Several interviewed actors found it unfair that in a community where many people do not have their basic needs covered, the Project Executor promises to meet them. Mostly in a situation where the Mine Project has not been approved and a PC process developing.



Figure 8. Signs of the productive projects in Cañaverales supported by BCC and the National Service for Learning (SENA). Sign with the BCC logo uncovered (left) and the logo covered (right) (own images).

BCC's corporate activities have also contributed to the position of the discourse that mining is a synonym for progress and development through employment. Oscar, the legal representative of the Community Council, expressed, “the youth are an essential link to the company’s [BCC] chain. They think that all youth want it [the Mine Project] because they need a job.” As presented by Corral-Montoya and Puerto-Chaves (2022), despite the continuing discourse of the coal industry as a source of employment, many actors question this by stating that the real job opportunities from the industry in La Guajira are scarce, and many workers are temporal or from other regions. Based on the experiences of other communities in La Guajira, people I talked to in Cañaverales are aware that employment is an important issue in their community, mostly for the youth, and while many are concerned that the socio-economic impacts of the mine would be greater than the potential job opportunities they knew that people that are not opposing the Mine Project have high expectations in terms of employment opportunities.

5.6 (Mis)recognition of knowledge

Studies on public controversies around energy have argued that knowledge is socially constructed (Pandey and Sharma 2021). Participatory processes and the framings that inform them are sites of power and struggle, and the authority structures where they unveil support certain perspectives and values while delegitimising or ignoring others, especially those who conflict with incumbent regimes with vested interests (Blue, Rosol, and Fast 2019). Therefore, while governmental institutions provide mechanisms which aim to bring multiple points of view, scientific knowledge tends to be favoured with assumptions that are universalistic in nature (Tornel 2023). This scientific standardisation – categories, codes, and metrics – routinely marginalises, silences, and

can destroy local knowledges and practices, creating new imbalances of agency (Blue, Rosol, and Fast 2019).

The PC, defined as a negotiation space for the impacts generated by a project in a community, has turned into a process where the (de)valuation of knowledge has manifested. Omar Ivan from the DANCP talked to me about such challenges in the PC process. He mentioned, “when companies develop their environmental impact assessment, they develop it from the western point of view, without considering the socio-cultural impacts in virtue of the communities’ cosmovision or their traditions and customs, or their conception to their territorial use”. In this context, knowledge can be understood as “a complex interplay of values, experiences and practices that guide people’s actions and decisions. It means that “what counts as valid knowledge and ways of knowing (epistemology) is deeply rooted in worldviews and ways of seeing (ontologies)” (Pandey and Sharma 2021, p. 2). When the institutional structure, represented in this case with the development of environmental impact assessment, positions “western” or scientific knowledge as valid, it places it as dominant and creates asymmetrical agency in the determination of such impacts. While talking to Andrea, the representative of CINEP with a background in environmental engineering, she told me about the differences she had perceived between the knowledge of her professional background, the one positioned by the Project Executor, and the Cañaverales community:

Environmental engineering is based on a very fractioned knowledge. On one side, there is the physical, and even this is divided into abiotic and biotic. On the other side, there is the economic and the social. This logic is not only how the company [BCC] functions, but it is also how all environmental policy instruments in the country are framed. So let us say that the lack of knowledge and disconnection with the community’s knowledge is not only by the company [BCC], but also by the institutions. Then, when one arrives in Cañaverales, one arrives with secondary information - I mean official information provided by entities [governmental] or universities – something interesting happens in Cañaverales because they have a very integral knowledge of the territory. This is in terms of the relation with water, knowing the behaviour of the water spring and the connecting acequias [...]. When one talks about the impacts on the acequias, they make a connection with everything. Not only with the crops but with their social life surrounding them. (Andrea, representative of CINEP)

Based on the previous, it is evidenced that there are different and disputing cosmo-epistemologies in the Cañaverales case when assessing the potential impacts of the Mine Project. On the one side, from a fractioned perspective posed by the institutions and the Project Executor and a more relational lens proposed by the Cañaverales community. When conducting the interviews, several members of the community mentioned that during the PC meetings, there were disputes regarding matters of wind and water directions and flows. Topics which are fundamental to determine the socio-environmental impacts of the Mine Project.

As mentioned, when there is a ‘deficit’ view that creates a hegemony of one form of knowledge, it

frames non-conventional expertise and knowledge as ‘others’, often labelling those with differing visions as homogeneous as “ignorant” or “uneducated” (Pandey and Sharma 2021). This stigmatisation of a differing point of view has been perceived by people in Cañaverale during the PC meetings. Lorena, a Community Council youth member, said, “I feel like they want to minimise our knowledge. The farmers, even though they have not studied, with their empirical knowledge, they know that the water spring will dry; they know that there will be environmental problems here in Cañaverale. But they [BCC and the institutions] do not see it that way”. Throughout my talks with other community members, the perception of being silenced or stigmatised as ignorant or unknowing by both the Project Executor and the DANCP was a recurring theme. In his thesis exploring the case of Cañaverale and territorial disputes through mining projection, J. F. G. Salazar (2022) presents that in a PC meeting he attended, the lack of capacity of the DANCP to balance the epistemic and political asymmetries resulted in a meeting with the protagonism of ‘expert’ or scientific voices.

Aware of this unbalanced scheme, the Community Council has sought support from ‘scientific experts’ to sustain their arguments on the impact of the Mine Project on their community. As described in Section 5.3, they requested Terrae, a geoenvironmental firm, to revise BCC’s environmental impact assessment, which led to findings that modified the Project Executor’s presentation of the Mine Project’s potential impacts on Cañaverale water spring. As Geania, a Community Council member, told me, “in their [BCC’s] environmental impact study, there are plenty of inconsistencies, and we have been able to ascertain those inconsistencies with technical, professional and scientific knowledge, but also with ancestral knowledge which we should never leave on the side. We always take those hand in hand [scientific and empirical/ancestral knowledge], to build a solid case to defend our territory”. This showcases how the sharp devaluation of empirical knowledge makes it necessary to strengthen any argument with techno-scientific results.

5.7 The proportionality test and the demand for the right to consent

When I conducted fieldwork in Cañaverale in March 2024, the PC process had stopped due to the possibility that the proportionality test (PT) was going to be applied to their case. The proportionality test (PT) is a procedure that can be applied to a PC (as per Presidential Directive 10 of 2013 and 08 of 2020) when agreements are not reached through the PC process between ethnic communities and the project executor. As described in Section 2.2.1, the directives define that with the PT, the DANCP should determine the management measures to prevent, correct or mitigate the impacts of the project based on criteria or reasonableness, proportionality and

objectivity and be devoid of arbitrariness. The regulations on its use for a PC are meagre which generates doubts about its applicability (J. F. G. Salazar 2022), and it provides the DANCP a role beyond its capacities as the partial regulator of the PC (Bastidas Reyes 2022). The basis of a proportionality principle is a studied issue in the theory of law as it is a doctrinal framework used in many jurisdictions to determine whether a particular restriction on a fundamental right adopted by the government is justified in light of the constitution (Comella 2020). In brief, in the case of a PC, what the PT does is close the consultation mechanism, restricting the ethnic communities' fundamental right to be consulted on the basis that there has been an impossibility of reaching agreements between the parties. The scope of this thesis does not delve into detail on the law principle this procedure has, but on how it has been used and the impact it has had on the case of the PC of Cañaverales, and how this relates to issues of energy justice.

When I interviewed Orangel from the Community Council board of Cañaverales, he stated, “our freedom has been captured; we have not been able to be free. I do not know if you are aware that, at this moment, they are applying us a proportionality test. This is a thing that violates people’s rights. Why? Because they take speech away, they take the opportunity to opine away, of saying how we view what is coming our way. Practically they take the decisions for us”. The interview with Orangel, like all the interviews conducted for this thesis, was in 2024. However, this was not the first time that the PT tried to be applied to Cañaverales’ PC.

As described in section 2.3.2, in 2022, the Project Executor, supported by the DANCP, decided to appeal for the application of the proportionality test to the PC. BCC argues that the Community Council is delaying the progress of the PC and does not want to be consulted (Bravo 2024). It is worth mentioning that according to the guidelines of the PT in PCs, other institutions are invited to represent different points of view. In the case of Cañaverales, the Colombian Institute of History and Anthropology abstained from validating the impacts and measurements proposed by BCC to advance the PR; despite this, the mechanism was protocolised in 2022. After the Cañaverales Community Council took legal action against the argued causalities of the PT, the Regional Court found in favour of the Community Council in November 2022 and stated that the PC process should continue. Currently, the PT continues to create a scenario of uncertainty in Cañaverales. Even after the Regional Court appealed for the restart of the PC process in 2022, after several pre-consultation meetings held in 2023, BCC has continued to aim to apply the PT. While I was in Cañaverales in March 2024, Ifener, a member of the Community Council, told me, “Up to now, the test [PT] is speculation to us because people say they protocolised it again, and nobody has told us. However, we requested information a couple of days ago, but as of now, March 16 2024, we still do not have an answer from the Ministry of the Interior”. When talking to

Cindy, a lawyer representing CAJAR, she said that since February 2024, people in the community had been unofficially informed about the renewed protocolisation of the PT. Regarding this, she stated, “Who should be informed, and who has the right to know about this is the community council. In the end, they are the beneficiaries of the legal actions that decree the protection of their fundamental right to a prior consultation”.

Oscar, the legal representative of the Community Council, perceives that because they have demanded their rights to receive full disclosure of the Mine Project’s information, they have been penalised with the application of the PT. “Now we know much more [about the Mine Project], but because we have forced them [BCC. However, having forced them has caused the application of the proportionality test to us”. The perception is that the Project Executor has leveraged the PT, often supported by governmental institutions like the DANCP, to advance their interests and undermine the PC process.

When a PT is applied, the DANCP must determine the management measures to prevent, correct or mitigate the impacts of the project. One of the principles to determine such measures is proportionality, which means balancing or weighting that the benefits of a measure must be proportionate to its adverse effects, but for this, often governmental entities take the “common interest” approach (Comella 2020). Relating to this, Blue, Rosol, and Fast (2019) argue that this approach can contribute to the challenges that disadvantaged communities are already dealing with since what is good for the whole is not necessarily good for marginalised groups. In a practical setting, (Hurlbert and Rayner 2018) analysed the case of a Canadian oil and gas pipeline consultation of the Chippewas First Nation (Canadian Indigenous group). One of their findings was that through a method of balancing competing societal interests with the Aboriginal rights by the Constitutional Court, and that through such approach of ‘balance’, there is a misrecognition of the Chippewas interests by understanding recognition under the subjective ‘common interest’ concept.

The PC is a deliberative and dialogic approach to ethnic groups' participation because the procedure has a small scope in influencing the outcomes of what is being consulted (Suboticki et al. 2023), i.e. it does imply the right to consent or not to the projects or measures. Resisting such a limited scope of influence, people in Cañaverale argue that through the PC, they can demonstrate the unfeasibility of the Mine Project.

I can dare to say that with the prior consultation of Cañaverale, they are scared because they have not been able to do what they have been historically doing in the country with the prior consultations. I mean, since we read Agreement 169 of the ILO, we know that with a prior consultation, we can demonstrate that the

project is unviable, and basically, that is what we are doing here in Cañaverales. (Hugues, Community Council member)

This view was supported by Geania, also a member of the Community Council, who said, “after the prior consultation process, what we want to reach is a prior, free, and informed *consensus*. There are no established models for it, but we know that there are laws to appeal that it can be implemented”. The unified sentence SU123 (see Section 2.2.1) defined the prior, free, and informed consensus as a possibility in the case that the project means resettlement, storage or deposit of hazardous materials in territories or measures that imply a high social, cultural, and environmental impact that risks the ethnic communities' subsistence. As Geania stated, there is a lack of regulations for the applicability of this procedure. Machado et al. (2017) pointed out in this regard that it is a state tactic that highlights a superficial approach to prior consultation instead of a stronger standard of free, prior, and informed consensus. This reinforces the argument that the State benefits from consultations with a limited scope of influence and engagement for ethnic communities instead of a free, prior, and informed *consensus*, where there is influence on the decision-making and the outcome of the issue at stake.

5.8 Mobilisation of identity as Cañaveraleños and reframing the Prior Consultation

In Cañaverales, the Community Council mobilises their identity – closely linked with its territory - to render visible the potential impacts of the Mine Project on its territory, defend it, and advance its visions for its community's future. They have mobilised this vision through the PC space, as well as through other political actions in their community.

J. F. G. Salazar (2022) states that in Cañaverales, two counterposing and conflicting development models of the territory are emerging and mobilising: the one viewing territory as a coal extraction zone and the disputing one relating territoriality with farming and ethnic identity as afro-descendent. The territorial model of the Mine Project has already generated impacts on the livelihoods of people inhabiting the territory despite the physical construction has not begun. These impacts are reflected in the uncertainty felt by the community due to the possibility of the Mine Project. While talking to Ifener from the Community Council, he emphasised such psychological impacts the uncertainty has had for more than 10 years. He told me: “Around 2009, when the machinery started to arrive to our territory, we cannot deny that there was a change, an aggravating social impact. Because both the young, the children, and our elderly began to feel fear [...]. From that moment, a disastrous situation of psychological type began in Cañaverales.” The uncertainty is growing with the knowledge that more than one mining company has tried to extract

coal from their territory. Lorena, a youth member of the Community Council, stated, “the only way that mining stops is disappearing the mining permit. Because if the company [BCC] leaves, we remain threatened that another one arrives”. In other words, even if the environmental license is not granted to BCC, the mining permit continues to be active, and other companies could purchase it and request the environmental license again. “This uncertainty of not knowing what will happen is a heavy burden”, said Eduar, also a member of the Community Council. The vision of the future of people in Cañaverales has been impacted by the threat of their territoriality by the Mine Project. This has been reflected in the young people of Cañaverales or other towns in the influence area of the project deciding to study courses related to mining and on the disincentivising of investment in farming or other productive projects.

As a response to these impacts and the threat to their present and future livelihoods, the Cañaverales Community Council has taken action to mobilise their identity and contest the Mine Project. Benjamin K. Sovacool et al. (2017) calls for acknowledging resistance to injustices and their social and political movements to understand and respond to energy (in)justices. The Community Council has resisted injustices of the Mine Project within the PC process through various actions, like demanding full information about the project and contesting disinformation (see section 5.2) and advancing their local knowledge (see Section 5.6). To people in Cañaverales, their territoriality – their relationship with the territory - is not a strategy to assert power, but it is essential for their existence, and thus their movement becomes socio-territorial (Mançano 2005). People in Cañaverales who are in this movement are re-appropriating their territory through their history and their relationship with water and land (See Figure 9), represented by their holistic valuation of the water spring and their farming/peasant identity.



Figure 9. Mural in the Cañaverales community stating love for the water spring and creating awareness of the need to act to protect it (own image).

We are what the water spring wants us to be. And that is the water spring environment, to be crystalline, to be transparent, and to be direct. That is what we reflect on, because we come from the water spring. The water spring, for us, is the heart of everything. (Geania, Community Council member)

The Community Council attempted to render their interlinked vision of their territory visible, interconnecting ecological and cultural processes, through their proposed methodological route in the PC. Their aim was to convey their conception of how to measure the impacts of the Mine Project from this territorial interrelated approach. Lorena, a youth member of the Community Council, said on this issue, “our methodological route was based on our relationship to water. Because everything in Cañaverales is related to water. You can imagine how theirs [BCC’s methodological route] was. Everything was numbers, money, money”. In the Community Council’s proposed methodological route, they deemed it necessary to measure the impacts in various areas. To name a few: the sociocultural connectivity with water (acequias and water springs), physical and mental health impacts, biodiversity, and farming practices. Moreover, they demand that their local empirical knowledge be considered in such studies and integrated with scientific and technical data. There was a stark difference in the measurement of impacts by the Project Executor, who viewed the environment as one of the impact variables and did not take into account the cultural, social or psychological impacts of the Mine Project. Machado et al. (2017) found a similar situation in a different PC process in Colombia, where the impacts of the consulted project posed by the institutions and companies were fractioned and disconnected, while a territorial and relational emphasis on the impacts was posed by the ethnic communities.

Their vocation as farmers and peasant identity is another crucial theme mobilised by people in Cañaverales as part of their relation to their territory - territoriality. Cañaverales has always been a community dedicated to farming; the types of crops have transformed over time, from sugar cane to tomato or cotton, but the vocation prevails and roots the people to the land. Knowing that their land is productive for crops, which are essential and a staple in the Colombian food pantry, and that La Guajira is a region suffering from food scarcity, the Community Council’s purpose is to continue developing and mobilising their farming vocation as a way to contest the projection of their territory as viable for coal extraction.

We want to maintain our autonomy, our food sovereignty, that unfortunately, in La Guajira department, very few have the possibility of food sovereignty. We have always said that the flagship of our defence is to tell the government we do not want you to provide to us. We are here so we collaborate, and we help our brothers in the north of La Guajira to alleviate the humanitarian crisis due to lack of food. (Geania, Community Council member)

The people in Cañaverales request for the national government to support their territoriality through the development of farming activities. Eduar, a youth member of the Community Council

and farmer, told me, “we have been in contact with the Ministry of Agriculture, and we are planning a general assembly with eight other municipalities to turn into an agricultural corridor.” Despite the shortcomings of the governmental institutions through the PC, the Community Council recognises their need for the support of other governmental institutions to advance the development of farming activities in their community.

The previous is to say that the Cañaverales community's conception of their participation in the decision-making of their territory is to be able to have a say on the development model that will impact their livelihoods, their identity, and their territoriality. When translating this into an institutional mechanism of participation, such as the PC, in order for such a procedure to advance *meaningful participation*, the participation space must be perceived as a true encounter among equals (Sierra-Camargo 2017). This implies that through the development of the PC, communities can propose topics of their genuine interest, such as their territoriality or the development model they support (Sierra-Camargo 2017).

CHAPTER 6. DISCUSSION

In this chapter, I delve into the themes that emerged from the results and analysis section, addressing the research questions of this thesis. I begin by examining the energy injustices in the Cañaverales community through their PC process (RQ1). To structure this section, I categorise the injustices into the normative framework of energy justice, focusing on the three pillars of distributive, recognition, and procedural justice. However, I also explore the interconnections between these pillars, aiming to provide a deeper analysis of the sources of the structural injustices and the power relations affecting the studied case (RQ 1a) drawing from the perspective of the radical energy justice framework. (LaBelle, Bucatã, and Stojilovska 2023). In addition, I use the concepts of *framing* and *overflowing* (Ureta 2017) to unpack how these injustices are embedded in the PC participative scheme.

In the second section of this discussion, I explore the second research question (RQ2), investigating how people in Cañaverales perceive their participation to be in a just decision-making process. To address this question, I again draw from the concepts of *framing* and *overflowing* (Ureta 2017), which are used to understand the contestations and power imbalances that arise in the participatory mechanism. This comprehensive perspective of its structural injustices has significant implications for the field of energy justice, as it deals with the issues of an actual implementation of a participative scheme, which is an identified gap in the literature on public participation in energy studies (Suboticki et al. 2023).

6.1 Energy injustice in the Cañaverales case

Energy injustices in the case of Cañaverales and its PC process are multiscale and are reflected in many issues within and outside the PC. The PC is a procedural mechanism with the objective of guaranteeing real, suitable and effective participation of ethnic communities in the adoption of measures or projects that affect them directly. However, the legislative guarantee for a right to participate as a semblance of ‘procedural justice’ has not truly achieved this tenet of justice nor full recognition of justice. The Cañaverales community case allows for a study of the implications of a participatory scheme that unfolds in a context of structural injustices and power asymmetries with multiscale vested interests.

6.1.1 Distributive justice

Distributive justice is one of the tenets that energy justice scholars aim to address. From the normative perspective of energy justice, this tenet is concerned with how the costs and benefits of the whole energy system are allocated, how they are experienced by different stakeholders, and

where the impacts are located (Heffron 2023). The distributional dimension of justice also calls to consider the context of uneven power relations in which this unequal allocation of harms and benefits occurs at different scales of space (local, national or global) and time (Tornel 2023). In the Cañaverales case, the Mine Project implies potential localised harm and socio-environmental impacts to the landscape. These impacts of the ‘extraction’ phase of the energy system life cycle are unequally distributed and harming the people of Cañaverales and other impacted communities disproportionately, while the economic benefits of this extraction go to corporate actors at the global coal supply chain level, as the owners of the Mine Project, the Turkish multinational Yildirim Holding (as described in Section 2.3.2). This perception of being disproportionately affected by a project that does not benefit them equally was a common theme in the interviews of people of the Cañaverales Community Council and one of the reasons why they dispute the Mine Project.

It is also key to note that the distributional injustice of this case does not only affect communities located geographically close to the Mine Project. The unbalanced distribution of harms has an impact on the global scale related to the greenhouse gas emissions generated during the ‘energy production’ stage of the energy system life cycle by the coal-fired power plants in Turkey. This impact is also a matter of intergenerational inequity, which was identified by Sovacool et al. (2016) as a principle within energy justice, as climate change can impact the lives of current and future generations. Moreover, local harms in the Turkish region where the coal-fired power plants are located are also important to highlight. In Çatalağzı, the Turkish region where major investments in such plants have been deployed and where the coal of the Mine Project would be exported, residents are already denouncing impacts on their health and environmental damage (Cardoso and Turhan 2018). Although these are not distributive injustices directly related to the decision-making of Cañaverales, I deem it important to highlight the multi-scalar impacts and actors throughout the energy supply chain, which are also crucial to understanding the sources of injustices.

Drawing from the radical energy justice framework, LaBelle, Bucată, and Stojilovska (2023, p. 150) call for the identification of the “sources and construction of the energy system to create domination and leverage over social groups”. Examining the case study through this lens, it is necessary to unfold the actors and interests in the political economy of coal in Colombia (see Section 2.1). In brief, the coal industry is highly relevant at the macroeconomic level of the country because most thermal coal is destined for exports. Several government political projects have favoured large industry actors’ interests through investment incentives, low regulation of industries, and restriction of social movements, and local actors have perceived a blurred division of interests between elite political spheres and coal corporate actors. The national government has

framed the coal industry as a contributor to ‘development’ and acted as a supporter instead of a regulator, creating a power structure in the coal sector where decision-making is centralised, powerful corporate actors are supported by governmental policy, and the creation of ‘sacrifice zones’ is normalised. This is evidenced by how infringements of distributional justice have been undermined in the department of La Guajira (commonly mobilised by human rights defender organisations as a ‘sacrifice zone’), where coal and other natural resources are extracted, but most of the population live in multidimensional poverty. Several interviewees expressed concern about their territory being transformed into the ‘sacrifice zone’ or a link in the country’s ‘mineral corridor’, and how actors in the government have undermined the potential local harms. Such power structure, also rooted at the intersection of issues of coloniality, race, and ethnicity, is reflected in the Cañaverales process and revealed through the development of the PC.

On the other hand, it is important to understand the vested interests of the Project Executor in the case of Cañaverales. As suggested by the radical energy justice paradigm (LaBelle, Bucată, and Stojilovska 2023), it is crucial to examine whose interests are served by injustice. In this case, understanding the stance of the company in advancing the Mine Project is paramount. Despite the global trend of decarbonisation and an apparent decrease in coal consumption in certain regions of the so-called Global North, Turkey has emerged as the main importer of coal from Colombia. This is largely due to the Turkish government's energy strategy focused on ensuring their energy security through domestic and imported coal (Cardoso and Turhan 2018). The potential uninterrupted coal demand from Turkish actors underscores how economic benefits are prioritised over potential unbalanced harms created by the Mine Project, raising serious concerns.

6.1.2 Procedural justice

The procedural dimension of energy justice focuses on how processes engage the public for inclusive decision-making in the energy system (Jenkins et al. 2016). This tenet is intuitively related to the case study studied in this thesis, as I am exploring injustices in a particular public engagement mechanism. It is relevant to highlight the strong interrelation between procedural justice and the other two tenets, as this dimension of justice is also concerned with how procedures include diverse groups (recognition justice) and how this can lead to a fair distribution of outcomes (distributional justice) (Suboticki et al., 2023, p. 8). In this section, I discuss the injustices that are more directly related to the shortcomings of the PC mechanism and how these relate to the structural injustices revealed by the interrelations with the other tenets of the three-dimensional framework and the issues of power related to the framing of the participatory scheme.

The same power structures that cause distributional injustices in the Cañaverales case are revealed in the infringements of procedural justice through the PC process. The process has developed within a number of power asymmetries that affect the meaningful participation of the Cañaverales community. Firstly, the PC mechanism does not require consent, and consultation is advanced to reach agreements on how to mitigate or compensate for the impacts of a project that will be executed regardless of the PC (Machado et al. 2017). This is a key shortcoming of the mechanism, as the level of engagement in the decision-making of the consulted community is low and does not significantly influence the outcome. Furthermore, during the development of the PC in Cañaverales, other situations have hindered procedural justice and unveiled the unbalanced power that unfolds in this participation scheme.

A lack of full information disclosure about the Mine Project and the perception of insufficient basis and impartiality in the environmental impact assessment studies on which the PC was to be based were among the main concerns and demands of the Cañaverales community reflected in the interviews. Impartial and full information disclosure is recognised as key to achieving procedural justice (Jenkins et al. 2016). Especially people affected by the project or measure that is being developed should receive complete and clear information to reach this tenet of justice (Hurlbert and Rayner 2018). Another situation highlighted in the interviews as a hindrance to justice in the PC was how the mechanism is complex, and they lacked sufficient knowledge of how to approach it when summoned to participate. Despite the community of Cañaverales requesting training and support to be prepared and aware of their rights in a PC process, this issue of the consulted ethnic communities' lack of knowledge on the PC mechanism had been identified in prior studies in Colombia (Vega-Araújo and Heffron 2022). These two situations create a participation forum where one of the parties, in this case, the Cañaverales community, could not have the information and capacity to stand equally during engagement in the PC.

Energy justice scholarship is also concerned with how power is distributed in decision-making forums (B.K. Sovacool et al. 2016). As described in the results section, the interviewed Community Council members perceived an unbalanced distribution of power generated by one of the vested parties, the Project Executor, trying to finance the PC process and financing the environmental impact assessments that were to be consulted to determine the impacts of the Mine Project in the PC (to agree on management measures for the extinction, mitigation, or compensation of such impacts). These underlying asymmetrical power structures of the PC were perceived by the interviewed people in Cañaverales by how the Project Executor has aimed to accelerate the consultation process, revealed how they developed an online and fast consultation with the other consulted Community Councils and limited the time of community participation in the PC forum.

The sources of these procedural justice infringements can be pinpointed by examining the Project Executor's *framing* of the PC and the power the actor who frames the participatory scheme acquires (Ureta 2017). Through the analysis of the case of Cañaverales PC, the Project Executor initially framed the PC space as a simple procedure to go through to receive the environmental license for the Mine Project. This is evidenced by how the PC was developed in the other Community Councils with limited participation and accelerated timing and how, initially, the Project Executor aimed to disclose very general information about the Project to the Cañaverales community. In this regard, the *framing* of a participatory scheme also involves the setting of boundaries of which kinds of evidence are admissible in the scheme and which are not (Ureta 2017). Through BCC's *framing* of the PC space, only a limited disclosure of their environmental impact studies was the necessary evidence to advance the consultation; the available evidence directly affects the potential agreements reached and, thus, the fair or unfair distribution of the outcomes. The reason why the Project Executor frames the PC in this way is complex to detect, however as found in other studies of PC processes, there is a possibility that the reason why project executors omit information is part of a strategy to decrease compensation payments or avoid further negotiation of measures (Vega-Araújo and Heffron 2022). This calls for a regulatory actor who frames the PC in a manner that advances the purpose of the participatory mechanism.

In this case, the DANCP is the governmental institution whose role is to coordinate and direct the consultation space and guarantee this fundamental right of ethnic communities to balance the negotiation stage. However, the interviews conducted with people of Cañaverales, and representatives of organisations reflected how they perceived a partial position of the representatives of the DANCP in the process, favouring the Project Executor. While within this study it is not possible to understand the roots of the individual impartiality of the DANCP actors, their position is influenced by the interests and *framings* of the institution they represent. Following the suggestion of the radical energy justice framework (LaBelle, Bucată, and Stojilovska 2023) it is imperative to look into whose interests the injustices suffice. The interviews reflected that the DANCP is betting on the extraction of coal as a means to 'development' towards economic prosperity. This has affected the impartial role that the DANCP should take as a guarantor of the right to PC of ethnic communities and allowed the *framing* power to lie on the Project Executor.

In defiance of such *framing*, the Cañaverales Community Council has mobilised to resist the infringements of justice described in the previous paragraphs and has *reframed* the PC. As argued by Ureta (2017), any actual participatory scheme is beset with *overflows* which confront the initial framings of the scheme. As expressed by the interviewed actors in Cañaverales, the Community Council, aware of the limitations of the PC to influence decision-making, viewed the space as one

where they could, at least, fully understand the impacts of the Mine Project. By demanding full information disclosure, third-party reviews of the Project Executor's environmental impact assessments, and denying BCC's financing of the PC, they *reframed* the initial set boundaries of the PC mechanism. This resulted in the addition of admissible evidence (changing the boundaries of the frame), hence the discovery of potential impacts that the Mine Project could have in Cañaverale, and the redistribution of agency in the consultation space, resulting in a more balanced participation position. Nevertheless, such redistribution of agency in the consultation space has not equalled redistribution of power in the overall political situation outside of the scheme. Additional infringements of justice have hampered procedural and recognition justice in the case of Cañaverale, as further discussed in the following sections.

6.1.3 Recognition justice

Within the normative perspective of the energy justice framework, recognition justice is concerned with how different groups, their needs, knowledge, discourses, and identities are recognised, particularly paying attention to marginalised and vulnerable groups (Jenkins et al. 2016; McCauley et al. 2019). The recognition dimension of justice in the energy justice literature argues for the acknowledgement that marginalised and vulnerable groups should have differentiated consideration and for the recognition of diverse perspectives rooted in social, cultural, ethnic, racial and gender differences which intersect (Benjamin K. Sovacool et al. 2017). Citing Nancy Fraser, McCauley et al. (2019) identify cultural domination, non-recognition, and disrespect as the three categories of misrecognition, further stating that cultural domination is a common theme in natural resource conflicts globally, particularly concerning relationships between extractive industries and indigenous groups. Here, I follow this categorisation of misrecognition to structure the discussion of this study's results and analysis in relation to this tenet of justice. Moreover, I draw from the radical energy framework paradigm, specifically when dealing with how "exclusion framing of injustices highlight areas of conflict and power relations" (LaBelle et al., 2023, p. 150).

Based on the 169 Agreement of the ILO, the PC mechanism's conceptual basis is aimed at addressing the recognition of ethnic communities' differentiated rights and autonomy (Hillón Vega 2014; Sañudo et al. 2016). Nevertheless, given its ambiguous and paradoxical basis partly caused by the two contrasting political projects of Colombia (the neoliberal economic model and the multicultural project), this mechanism has turned into a disputed space both in the legal framework and in its application (Machado et al. 2017; Hillón Vega 2014). In the case of Cañaverale, initially their identity as afro-descendant was not recognised and rendered invisible, thus not granting them the right to a PC. However, after taking legal action, the authorities recognised the 9 community

councils in the Mine Project area, meaning that a PC was required before the Project Executor could request the environmental license for coal exploitation. Although the granting of a right to a PC is a recognition of the ethnic communities' differentiated needs, this has not translated into full recognition justice for the Cañaverales community.

Based on this study's results, misrecognition has also been revealed by rendering technical and scientific types of knowledge as valid, while local knowledge is deemed insufficient. As a way of cultural domination and disrespect, energy justice scholarship is particularly concerned with cases where objections to technocratic solutions (such as renewable energy) are deemed irrational when technical arguments cannot support them (Jenkins et al. 2016). On the same line, Pandey and Sharma (2021) pose that when questioning who decides and whose knowledge counts to define priorities and needs, it is fundamental to understand mechanisms of exclusion and de-valuation when demanding recognition-based justice.

In Cañaverales, the results of the interviews show different manners in which the misrecognition of local knowledge has displayed and generated conflict. Firstly, several interviewees expressed the perception that their local empirical knowledge was not being acknowledged and, in many cases, they felt the stigmatisation of the other actors (BCC and DANCP) when they presented arguments based on such knowledge. Secondly, the interviews highlighted the asymmetrical agency in the determination of the impacts of the Mine Project through the existing institutional structure, represented by the environmental impact assessment methodologies. This was reflected by the conflicts between the methodological routes presented by the community in contrast to the one presented by the Project Executor. The *framing* of BCC was based on “Western” or scientific knowledge, which fractioned the potential impacts of the Mine Project (physical, economic, social, etc.). While the *framing* of the Community Council proposed a territorial approach to determining such impacts and highlighting the interrelations of not only their socio-economic but cultural activities with the land and water.

As mentioned, the PC is conceptually a participatory mechanism that recognises the differentiated rights of ethnic communities in Colombia (Sierra-Camargo 2017). However, when acknowledging the differences in epistemological positions in an unbalanced setting and the resultant agency asymmetries, a simple invitation to these groups to participate is not enough for meaningful involvement in decision-making (Pandey and Sharma 2021). Broadening the diversity of those recognised as peers in collective decision-making also requires widening the scope of the meanings and types of knowledge brought to the decision-making process (Blue, Rosol, and Fast 2019).

Therefore, as seen by the infringement in Cañaverales' case by this limitation of the PC, it is imperative that participatory schemes are open to acknowledging and considering non-scientific types of knowledge to advance recognition justice. On a more critical perspective on the energy justice scholarship, Tornel (2023) argues that situated knowledges, which emerge from the relation to land and the defence of territories against developmental projects' impositions of peasant and ethnic communities, must not only be considered in policy-making but ontologically *inform* the basis of energy justice to account for the persistence of colonial forms of power and knowledge in the Global South. On this line, it is key to mention that the inclusion of local knowledge should always redistribute decision-making power. The *framing* of local communities as local knowledge producers without redistributing agency and influence on outcomes would perpetuate the structural injustices in the energy system (Ureta 2017).

On the other hand, this thesis' results show the perception of the interviewees in Cañaverales of non-recognition of their community's vulnerable status when corporate social responsibility programs are developed. While the Project Executor frames their social responsibility activities as a way to build trust and support the Cañaverales community, given that many people in Cañaverales do not have their basic needs covered, the members of the Community Council (and supporting organisations) perceive that the development of such programs leverages these vulnerable contexts and interferes in the autonomy of people during the PC. If the powerful actors in the PC render invisible this vulnerability status of the consulted communities, as argued by Sierra-Camargo (2017), this mechanism can be used to legitimately persuade communities, many times fracturing them, to reach a non-genuine consensus on an already-made decision.

Finally, the people in Cañaverales have perceived that their right to be consulted has been infringed by the application of the proportionality test (PT) to the PC. Since this mechanism closes the consultation because of the impossibility of reaching agreements (or other potential causes described in Table 1), it infringes both procedural and recognition justice. This results in misrecognition of the needs and identity of the Cañaverales community and disrupts their participation in the energy system, which, even though the PC does not require consensus, allows for local concerns to be brought to the public space. This relates to arguments posed by scholars on the limited recognition of ethnic community rights to participate meaningfully. Hillón Vega (2014) presents that through the PC, the recognition of the rights of ethnic groups is not viewed as negative only in cases where it does not oppose or conflict with the status quo of the dominant developmental and governance model. On a similar line, Sierra-Camargo (2017) states that a leveraged use of the PC reveals the use of this procedure as a way of 'pacified domination' that

legitimises exclusion, where ethnic groups are recognised as subjects to the right to participate through a PC only when they do not trespass certain limits framed under the dominant political and economic rationale. In the case of Cañaverales, through the PC, the Community Council is conflicting with the dominant economic rationale of coal equals ‘progress’; they are trespassing the limits of their granted participation in a consultation mechanism. Thus, institutions have advanced to remove this right through the PT.

The PT advanced as an undue pressure tool, as it has been in the case study of this research, misrecognises Cañaverales’ right to be heard and converts the PC into a space that legitimises this exclusion. Furthermore, in the case that the PT is applied to the Cañaverales case, and the designated authorities are to determine the management measures to the impacts of the Mine Project, such authorities commonly take the “common interest approach”. This has the potential to misrecognise the differentiated needs of the Cañaverales community and perpetuate injustices. As Blue, Rosol, and Fast (2019) present, this approach can contribute to the challenges that disadvantaged communities are already dealing with since what is good for the whole is not necessarily good for marginalised groups.

6.1.4 Summary of energy justice findings

In the following table, I summarise the themes discussed in the previous sections. I continue structuring the analysis with the tenets of energy justice into distributive, procedural, and recognition justice. Moreover, I add to the table one column where I include the analysis related to the normative energy justice paradigm, identifying the causes of injustice, and another column where I add the discussions drawing from the radical paradigm, thus, focusing on the power relations, vested interests, and conflicting framing issues. It is key to mention that when addressing (in)justice issues, although categorisations and tables serve to convey research findings, it is crucial to acknowledge that these tenets and their basis are not all-encompassing or comprehensive. Hence, energy justice scholars must continue to be reflexive and consider diverse notions of justice from diverse ontologies to avoid reinforcing or reproducing the injustices they aim to address.

Table 2. Summary of the discussion on energy justice findings (own elaboration).

Tenets of Energy Justice	Findings drawing from the normative paradigm	Findings drawing from the radical paradigm and concepts of <i>framing</i> and <i>overflowing</i>
Distributive justice	<ul style="list-style-type: none"> The Mine Project implies potential localised harms and socio-environmental impacts on the landscape of Cañaverales. People in Cañaverales perceive being disproportionately 	<ul style="list-style-type: none"> The high relevance of the coal industry in Colombia’s macroeconomy is a partial cause for political actors favouring large industries through investment incentives, low

Tenets of Energy Justice	Findings drawing from the normative paradigm	Findings drawing from the radical paradigm and concepts of <i>framing</i> and <i>overflowing</i>
	<p>affected by a project that does not benefit them equally.</p> <ul style="list-style-type: none"> • The impacts of the Mine Project are also a matter of intergenerational inequity due to the greenhouse gas emissions generated during the energy production stage, affecting climate change. • The Turkish region where the coal of the Mine Project would be exported and used in coal-fired power plants would also be disproportionately affected by the project. Residents of the region are already denouncing impacts on their health and environmental damage. 	<p>regulation and restriction of social movements.</p> <ul style="list-style-type: none"> • The framing of the coal industry as a contributor to ‘development’ creates a power structure in the coal sector where decision-making is centralised and the creation of ‘sacrifice zones’ is normalised. This is also related to power structures rooted in intersecting issues of coloniality, race, and ethnicity. • The potential uninterrupted coal demand from Turkish actors due to their energy strategy focused on ensuring energy security with coal underscores how economic benefits are prioritised over potential unbalanced harms created by the Mine Project.
Procedural justice	<ul style="list-style-type: none"> • A key shortcoming of the PC is that it does not require consent. Consultation is advanced to reach agreements on how to mitigate or compensate for the impacts of a project that will be executed regardless of the outcomes. • Lack of full information on the Mine Project, its impacts on the territory, and the procedures and rights granted by the PC affected the participatory agency of Cañaverales community. • The community perceived a power imbalance if BCC were to finance the PC and resisted this. In addition, BCC’s financing of environmental impact studies, which the PC is based on, provided them with framing power • Acceleration of the PC with Cañaverales and other impacted community councils and the use of virtual mediums have hampered the PC space. • Cañaverales community perceived a partial role of the DANCP of the PC, generating further mistrust in the institution. 	<ul style="list-style-type: none"> • The same power structures that cause distributional injustices in the Cañaverales case are revealed in the infringements of procedural justice through the PC process. • The vested interests of the Project Executor and being an asymmetrically powerful actor in the PC allowed them to <i>frame</i> the scheme initially. Such framing was that the PC was a simple procedure to go through to receive the environmental license, generating procedural justice infringements. • By looking into whose interests the injustices suffice, it is reflected that the DANCP is betting on coal as a means to ‘development’, which influences their position as guarantor of the PC. Moreover, it is found that the Colombian State obscures the existence of free, prior, and informed <i>consent</i>, highlighting their interest in supporting low-influential participative mechanisms. • By demanding full information disclosure, third-party reviews of the Project Executor’s environmental impact assessments, and denying BCC’s financing of the PC, the Cañaverales community council <i>reframed</i> the initially set boundaries of the PC mechanism, resulting in a redistribution of agency in the consultation space.
Recognition justice	<ul style="list-style-type: none"> • The granting of a right to a PC is a recognition of the ethnic communities’ differentiated needs. However, this has not translated into full recognition justice for the Cañaverales community. • Misrecognition of local knowledge and conceptualisations of the environment and 	<ul style="list-style-type: none"> • Existence of asymmetrical agency in the determination of the impacts of the Mine Project through the existing institutional structure which only values techno-scientific knowledge. The <i>framing</i> of BCC based on scientific knowledge fractioned the impacts of the Mine Project was contested by the

Tenets of Energy Justice	Findings drawing from the normative paradigm	Findings drawing from the radical paradigm and concepts of <i>framing</i> and <i>overflowing</i>
	<p>development of people in Cañaverales, leading to exclusion from the PC of their vision and perception of stigmatisation from the other involved parties.</p> <ul style="list-style-type: none"> • Non-recognition of their community's vulnerable status when corporate social responsibility programs are developed. • Limited recognition of the community to participate by the application of the PT, also infringing procedural justice. Moreover, by the "common interest" approach taken when executing the test, there is potential for misrecognition of the differentiated needs of marginalised communities. 	<p>Community Council's <i>framing</i> of determining the impacts with a territorial approach.</p> <ul style="list-style-type: none"> • BCC <i>frames</i> its social responsibility activities to build trust. However, the perception of Cañaverales is they leverage the vulnerable context of the community and interfere with the autonomy of people in the PC. • The PC, leveraged only to allow a performative participation that does not conflict with the status quo, is a mechanism that legitimises misrecognition and exclusion. The PT in Cañaverales is being advanced as an undue pressure tool that depletes local participation when the community trespasses the 'limits' by contesting the dominant rationale.

6.2 Reframing local participation for energy justice

As discussed in the previous sections, the PC recognised the right of Cañaverales, being an Afro-descendant ethnic community, to be consulted for the Mine Project. Despite this, based on the results of this study, the PC in Cañaverales has been a space filled with tensions and power asymmetries that significantly affect the process and (re)produce the injustice structures.

One of the main issues of the PC is that it is a deliberative and dialogic approach to ethnic groups' participation because the procedure has a small scope in influencing the outcomes of what is being consulted (Suboticki et al. 2023), i.e. it does imply the right to consent or not to the projects or measures. Deliberative and dialogic approaches can potentially promote a technocratic and managerial perspective (Blue, Rosol, and Fast 2019), which advances performative participation and merely seeks social acceptance of a predefined outcome. In Colombia, governmental institutions *frame* the PC in a way that advances such *performative participation* by only requiring the consideration of how to mitigate impacts and compensate the affected community for a project that moves forward despite the consultation process (Machado et al. 2017). From a justice lens, participation with predefined outcomes raises interlinked concerns on distributive and procedural justice, such as the true influence of the publics on redefining *what* is accepted and *how* it is decided (Suboticki et al. 2023).

In Cañaverales, the PC has turned into a space of contestation and contrasting conceptions of the environment and development. The initial *framing* of the PC by the governmental institutions and the Project Executor set the scheme's boundaries to advance only performative participation,

which perpetuated the existing structural injustices of the energy/coal landscape. However, through their mobilisation, the Cañaverales Community Council has intended to *reframe* the PC. To *reframe* it by widening the boundaries of the scheme to new evidence based on different sources and types of knowledge, but also by extending the ‘issue of concern’ set to be negotiated in the PC beyond only the impacts of the Mine Project. They *reframed* the participation scheme to propose topics and concerns of their interest, such as the development model they support for their community, which is to develop through their farming vocation. As suggested by Ureta (2017), any institutional participatory scheme must acknowledge that the matters of concern of the particular scheme are seldom limited to the prescribed issue to be discussed as such schemes are not isolated from the political situation of ongoing debates and disputes. However, it is crucial to state that overflowings to the initial framings are not negative, as they can propose positive alternatives to conceptualise or deal with the issues of concern (Ureta 2017).

From a top-down and techno-managerial perspective, the overflowings of the PC of Cañaverales, which have reframed the space, could deem the scheme unsuccessful. Nevertheless, it is necessary “to change the notions of what a “successful” public participation scheme is” (Ureta, 2017, p. 133). If there is the willingness to enact a participative turn in energy policy, this will entail opening up to influential redefinition of the policies or projects through *meaningful participation* of the public, and not only to open the space for *performative participation* that does not allow for contestation, leads to predefined outcomes, and does not conflict with the status quo.

When proposing the radical energy justice paradigm, LaBelle, Bucată, and Stojilovska (2023) call from expanding the normative paradigm of only examining “how justice can be served through implementing policies guided by specific justice concepts” to “show how institutional and social practices within the energy system should change to enhance everyday life” (LaBelle et al., 2023, p. 150). When addressing this thesis’ case only through the normative lens, one could only conclude that the PC could serve justice by specific procedural modifications. However, the radical paradigm perspective highlights the need to question and address the foundations of participatory schemes’ meaning and what successful participation entails to meaningfully engage and recognise how individuals or groups, like Cañaverales, can add to alternative conceptualisations and projects that transform a more just energy system.

CHAPTER 7. CONCLUSION

The need for a transition to a low-carbon energy system is urgent to limit the harmful effects of climate change. In a context where the energy sector is deeply intertwined with social aspects and generates multiscale socio-environmental impacts and conflicts, the issue of how to transform the energy system to one that addresses injustices is imperative. To mitigate unequal and unjust consequences of energy systems and their transition, the need for higher degrees of public engagement has appeared as an important cornerstone for more sustainable and fair processes and outcomes. However, as this research has found, public engagement does not necessarily equal or lead to energy justice.

Public engagement can often be used to maintain the status quo and, thus, the unequal distribution of burdens and benefits of energy systems. Against energy justice literature that affirmatively links public participation with advanced justice, this thesis questioned the injustices and power structures that are unveiled in and affect participative schemes. Through exploring the case of the Cañaverales community PC for the projection of the Mine Project, this thesis found the challenges the local community has encountered to actively participate. The results of this research show that members of Cañaverales Community Council have perceived injustices that can be categorised within the distributive, procedural and recognition dimensions proposed by the energy justice framework. The PC has evidenced the power asymmetries between the parties and a perception by the Cañaverales community of a lack of influence and exclusion from the scheme. Such exclusion materialised in the misrecognition and invalidation of local knowledge for the assessment of the Mine Project's impacts and the needs and local harms of the community deemed minor by the governmental institutions, building mistrust for the institutions in the community.

The studied PC process has exhibited that this mechanism, at least in this case, has not advanced justice. The vested interests of powerful actors -both at the global energy supply chain and national levels- have manifested through the structural injustices affecting the participative scheme. However, other than examining the perception of such injustices by the Cañaverales community, this research focused on the actions they mobilised to demand their participation rights. This thesis shows that through the PC process, the Community Council managed to *reframe* the boundaries of the participatory scheme and to bring their conceptualisations of the environment and their community's development to the public space. At the same time, and paradoxically, the PC, although impacting the community in many ways, has served to strengthen their local organisation and has stemmed the re-appropriation of their territory through their relationship with water and land.

While the concrete outcome of the consultation is unclear at the time of writing this thesis, the obtained knowledge and the strengthened local organisation, can be deemed as gains of the PC for the community. On the other hand, the lack of real intercultural dialogue between the parties shows that the ‘official’ objective of the PC was not met. This has demonstrated that, as suggested by Ureta (2017), the actual implementation of participatory schemes, especially when they concern conflictive issues such as new energy infrastructure, seldom sticks to the boundaries of the initial framings by policymakers/institutions. However, this leads to a key outcome of this thesis.

In contexts like the one of La Guajira, where the energy sector, supported by governmental institutions, historically has harmed local communities and generated mistrust towards the existent participative mechanisms, there needs to be a reconceptualisation of what participatory mechanisms are. It is necessary to rethink how the schemes are implemented to address the procedural failures. Still, and most importantly, I emphasise the need to reframe and be reflective on what *meaningful participation* is or what a *successful participation* scheme entails. Although I do not present a general answer, for the Community Council of Cañaverales, *meaningful participation* would entail that their concerns and territorial conceptualisations are valid and that their participation influences outcomes. This demonstrates the need for policymakers and scholars to envision participatory schemes that recognise that the boundaries of the initial framing will change and that opening for participation should involve the willingness to redefine projects or policies of concern. Moreover, they need to recognise that contestation of the public is not necessarily negative and consider it a success when reframings bring new ways of viewing the matters of concern, resulting in the change of perspective of some participants and ideally reaching mutual understanding.

7.1 Future research

The energy justice framework (Jenkins et al. 2016; McCauley et al. 2019; Heffron 2023) has proved useful for examining the challenges in the studied case. However, the analysis demonstrated how the normative paradigm of the framework could be complemented by a more radical perspective of energy justice (LaBelle, Bucată, and Stojilovska 2023) to comprehensively examine and understand the structural injustices, power relations, and vested interests that manifested in the studied PC. Moreover, this research found limited literature relating to public engagement and issues of justice in energy studies. This thesis adds to this gap and proposes the use of the concepts of *framing* and *overflowing* to examine the implementation of participative schemes, as proposed by Ureta (2017). However, further research is needed in this line to understand the challenges, opportunities, and proposed solutions to design, implement, and evaluate engagement mechanisms that involve publics and local communities meaningfully in energy systems.

In this sense, further research that conducts empirical studies on the implementation of other participation mechanisms (beyond consultations) within energy systems in Colombia, e.g., energy communities or collaborative co-design, would be relevant for understanding the challenges and opportunities of other mechanisms to address structural injustices, as well as for gathering perspectives on what meaningful participation entails in different contexts; comparative studies or multi-sited case studies are recommended for such studies. Moreover, future research should focus on other notions that can inform energy justice, especially to acknowledge conceptions of justice from the Global South. An example is taking a de-colonial perspective based on the sense of place and the communities' relationship with land to inform the framework's justice notions, as Tornel (2023) proposed. I deem this has key relevance when researching energy justice issues in Global South contexts since basing the analysis on universalised conceptions of justice can reproduce rather than transform incumbent power relations.

BIBLIOGRAPHY

- Arnstein, Sherry R. 1969. "A Ladder Of Citizen Participation." *Journal of the American Institute of Planners* 35 (4): 216–24. <https://doi.org/10.1080/01944366908977225>.
- Bastidas Reyes, Luis Fernando. 2022. "Test de Proporcionalidad en la Consulta Previa de Proyectos Mineros y Energéticos." *Blog del Sector Minero - Energético*, 2022. <https://boletinmineroenergetico.uxternado.edu.co/test-de-proporcionalidad-en-la-consulta-previa-de-proyectos-mineros-y-energeticos/>.
- Blue, Gwendolyn, Marit Rosol, and Victoria Fast. 2019. "Justice as Parity of Participation: Enhancing Arnstein's Ladder Through Fraser's Justice Framework." *Journal of the American Planning Association* 85 (July):1–14. <https://doi.org/10.1080/01944363.2019.1619476>.
- Bourke, Brian. 2014. "Positionality: Reflecting on the Research Process." *The Qualitative Report*, October. <https://doi.org/10.46743/2160-3715/2014.1026>.
- Bravo, Nicole. 2024. "El Congreso y el Gobierno tienen en la mira al proyecto minero de BCC en Cañaverale" *Consonante*, April 1, 2024. <https://consonante.org/noticia/el-congreso-y-el-gobierno-tienen-en-la-mira-al-proyecto-minero-de-bcc-en-canaverale/>.
- Bustamante, Pilinio Enrique, Rafael Eduardo García, Oswald Maya, Juan Felipe Rodríguez, and Tatiana Aguilar. 2020. "Minería de Carbón En Colombia: Transformando El Futuro de La Industria." Colombia: Ministerio de Minas y Energía Colombia. <https://www.minenergia.gov.co/static/mineriaco/src/document/documento%20carbón.pdf>.
- CAJAR, PRENSA. 2023. "Comunidad de Cañaverale exige rectificación y garantías en proceso de preconsulta de proyecto minero." *CAJAR* (blog). November 24, 2023. <https://www.colectivodeabogados.org/comunidad-de-canaverale-exige-rectificacion-y-garantias-en-proceso-de-pre-consulta-de-proyecto-minero/>.
- Cardoso, Andrea, and Ethemcan Turhan. 2018. "Examining New Geographies of Coal: Dissenting Energyscapes in Colombia and Turkey." *Applied Energy* 224 (August):398–408. <https://doi.org/10.1016/j.apenergy.2018.04.096>.
- Castán Broto, Vanesa, Idalina Baptista, Joshua Kirshner, Shaun Smith, and Susana Neves Alves. 2018. "Energy Justice and Sustainability Transitions in Mozambique." *Applied Energy* 228 (October):645–55. <https://doi.org/10.1016/j.apenergy.2018.06.057>.
- Castro, Azucena, Alejandro Ponce de León, Ana Laura Cantera, Veronica Olofsson, and Juan David Reina-Rozo. 2024. "Energy Sovereignty Storytelling: Art Practices, Community-Led Transitions, and Territorial Futures in Latin America." *Tapuya: Latin American Science, Technology and Society* 7 (1): 2309046. <https://doi.org/10.1080/25729861.2024.2309046>.
- Chilvers, Jason, and Matthew Kearnes. 2020. "Remaking Participation in Science and Democracy." *Science, Technology, & Human Values* 45 (3): 347–80. <https://doi.org/10.1177/0162243919850885>.
- Comella, Víctor Ferreres. 2020. "Más allá del principio de proporcionalidad." *Revista Derecho del Estado*, no. 46 (April), 161–88. <https://doi.org/10.18601/01229893.n46.07>.
- Corral-Montoya, Lina María, and Felipe Puerto-Chaves. 2022. "The Political Economy of Coal in Light of Climate and Mineral-Energy Policies: A Case Study from Colombia." In *The Political Economy of Coal*. Routledge.
- Creswell, J.W., and J.D. Creswell. 2018. *Research Design: Qualitative, Quantitative, and Mixed Methods Approaches*. 5th ed. Los Angeles: Sage.

- DANE, Departamento Administrativo Nacional de Estadística. 2023. “Indicadores de Pobreza Multidimensional 2018-2023.” <https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fwww.dane.gov.co%2Ffiles%2Foperaciones%2FPM%2Fanex-PMultidimensional-2023.xlsx&wdOrigin=BROWSELINK>.
- Darwin Holmes, Andrew Gary. 2020. “Researcher Positionality - A Consideration of Its Influence and Place in Qualitative Research - A New Researcher Guide.” *Shanlax International Journal of Education* 8 (4): 1–10. <https://doi.org/10.34293/education.v8i4.3232>.
- Dejusticia. 2018. “Entregamos al Estado una radiografía sobre el abandono estatal de los wayúu de la Alta Guajira.” *Dejusticia* (blog). September 3, 2018. <https://www.dejusticia.org/entregamos-al-estado-una-radiografia-sobre-el-abandono-estatal-de-los-wayuu-de-la-alta-guajira/>.
- Dejusticia. 2023. “Proponemos una fórmula constitucional para enfrentar la crisis en La Guajira.” *Dejusticia* (blog). 2023. <https://www.dejusticia.org/litigation/crisis-la-guajira-decreto/>.
- EJatlas. 2022. “Colombia In: Atlas of Environmental Justice.” EJatlas. 2022. <http://ejatlas.org/country/colombia>.
- Heffron, Raphael J. 2023. “Energy Justice – the Triumvirate of Tenets Revisited and Revised.” *Journal of Energy & Natural Resources Law* 0 (0): 1–7. <https://doi.org/10.1080/02646811.2023.2256593>.
- Hillón Vega, Yulieth Teresa. 2014. “La consulta previa en la solución de conflictos socio-ambientales.” *Revista de Derecho*, no. 41 (January), 83–111.
- Howland, Todd, Margarita Uprimi, and Paola Barsanti. 2013. “Voces y Palabras Mayores de los pueblos étnicos de Colombia sobre el derecho a la consulta y al consentimiento previo, libre e informado.” UN Human Rights High Commissioners office - Colombia.
- Hurlbert, Margot, and Jeremy Rayner. 2018. “Reconciling Power, Relations, and Processes: The Role of Recognition in the Achievement of Energy Justice for Aboriginal People.” *Applied Energy* 228 (October):1320–27. <https://doi.org/10.1016/j.apenergy.2018.06.054>.
- IEA. 2023a. “Latin America Energy Outlook 2023 - Overview: Colombia.” Paris: IEA. <https://iea.blob.core.windows.net/assets/68c62390-b712-4887-a40d-7f4caa57158b/ColombiaenergyprofileEN.pdf>.
- IEA. 2023b. “World Energy Outlook 2023.” Paris: IEA. <https://www.iea.org/reports/world-energy-outlook-2023>.
- IPCC. 2023. “Summary for Policymakers. In: Climate Change 2023: Synthesis Report.” Contribution of Working Groups I, II and III to the Sixth Assessment Report of the Intergovernmental Panel on Climate Change. Geneva, Switzerland: IPCC. 10.59327/IPCC/AR6-9789291691647.001.
- Jenkins, Kirsten. 2018. “Setting Energy Justice Apart from the Crowd: Lessons from Environmental and Climate Justice.” *Energy Research & Social Science* 39 (May):117–21. <https://doi.org/10.1016/j.erss.2017.11.015>.
- Jenkins, Kirsten, Darren McCauley, Raphael Heffron, Hannes Stephan, and Robert Rehner. 2016. “Energy Justice: A Conceptual Review.” *Energy Research & Social Science* 11 (January):174–82. <https://doi.org/10.1016/j.erss.2015.10.004>.
- Khalil, Salwa. 2014. “The Art of Coding and Thematic Exploration in Qualitative Research.” *The Psychiatric Bulletin* 38 (2): 86–86. <https://doi.org/10.1192/pb.38.2.86b>.

- LaBelle, Michael Carnegie, Roxana Bucată, and Ana Stojilovska. 2023. "Radical Energy Justice: A Green Deal for Romanian Coal Miners?" *Journal of Environmental Policy & Planning* 25 (2): 142–54. <https://doi.org/10.1080/1523908X.2021.1992266>.
- Lacey-Barnacle, M., R. Robison, and C. Foulds. 2020. "Energy Justice in the Developing World: A Review of Theoretical Frameworks, Key Research Themes and Policy Implications." *Energy for Sustainable Development* 55 (April):122–38. <https://doi.org/10.1016/j.esd.2020.01.010>.
- Lee, Don, Chelsea Schelly, Valoree S. Gagnon, Sarah Smith, and Shardul Tiwari. 2023. "Preferences and Perceived Barriers to Pursuing Energy Sovereignty and Renewable Energy: A Tribal Nations Perspective." *Energy Research & Social Science* 97 (March):102967. <https://doi.org/10.1016/j.erss.2023.102967>.
- Machado, Marilyn, David López Matta, María Mercedes Campo, Arturo Escobar, and Viviane Weitzner. 2017. "Weaving Hope in Ancestral Black Territories in Colombia: The Reach and Limitations of Free, Prior, and Informed Consultation and Consent." *Third World Quarterly* 38 (5): 1075–91. <https://doi.org/10.1080/01436597.2017.1278686>.
- Magnusson, Eva, and Jeanne Marecek. 2015. *Doing Interview-Based Qualitative Research: A Learner's Guide*. Cambridge: Cambridge University Press. <https://doi.org/10.1017/CBO9781107449893>.
- Mançano, Bernardo. 2005. "Movimientos socioterritoriales y movimientos socioespaciales." *OSAL, Observatorio Social de América Latina* 16. <https://biblioteca.clacso.edu.ar/clacso/osal/20110312111042/34MFernandes.pdf>.
- McCauley, Darren, Vasna Ramasar, Raphael J. Heffron, Benjamin K. Sovacool, Desta Mebratu, and Luis Mundaca. 2019. "Energy Justice in the Transition to Low Carbon Energy Systems: Exploring Key Themes in Interdisciplinary Research." *Applied Energy* 233–234 (January):916–21. <https://doi.org/10.1016/j.apenergy.2018.10.005>.
- Mejía-Montero, Adolfo, Mathew Lane, Dan van der Horst, and Kirsten E. H. Jenkins. 2021. "Grounding the Energy Justice Lifecycle Framework: An Exploration of Utility-Scale Wind Power in Oaxaca, Mexico." *Energy Research & Social Science* 75 (May):102017. <https://doi.org/10.1016/j.erss.2021.102017>.
- Mundaca, Luis, Henner Busch, and Sophie Schwer. 2018. "'Successful' Low-Carbon Energy Transitions at the Community Level? An Energy Justice Perspective." *Applied Energy* 218 (May):292–303. <https://doi.org/10.1016/j.apenergy.2018.02.146>.
- Padilla, María Fernanda. 2023. "'Es imposible que el proyecto minero en Cañaverales no se parezca al del Cerrejón'» Consonante." *Consonante*. January 16, 2023. <https://consonante.org/noticia/es-imposible-que-el-proyecto-minero-en-canaverales-no-se-parezca-al-del-cerrejon/>.
- Pandey, Poonam, and Aviram Sharma. 2021. "Knowledge Politics, Vulnerability and Recognition-Based Justice: Public Participation in Renewable Energy Transitions in India." *Energy Research & Social Science* 71 (January):101824. <https://doi.org/10.1016/j.erss.2020.101824>.
- Parra, Paola Yanguas, Elisa Arond, Claudia Strambo, and José Vega Araújo. 2021. "El ocaso del carbón y la necesidad de una transición justa en Colombia." Stockholm Environment Institute.
- Patton, Michael. 2002. *Qualitative Research & Evaluation Methods*. 3rd ed. Sage Publications. <https://aulasvirtuales.wordpress.com/wp-content/uploads/2014/02/qualitative-research-evaluation-methods-by-michael-patton.pdf>.

- Righettini, Maria Stella, and Giulia Vicentini. 2023. "Assessing and Comparing Participatory Governance in Energy Transition: Evidence from the 27 European Union Member States." *Journal of Comparative Policy Analysis: Research and Practice* 0 (0): 1–20. <https://doi.org/10.1080/13876988.2023.2260994>.
- Rodriguez, Gloria Amparo. 2021. *Yo Participo, Tú Participas, Otros Deciden*. Foro Nacional Ambiental. <https://foronacionalambiental.org.co/wp-content/uploads/2023/03/LibroGARodriguezparticipacion.pdf>.
- Ryder, Stacia S. 2018. "Developing an Intersectionally-Informed, Multi-Sited, Critical Policy Ethnography to Examine Power and Procedural Justice in Multiscalar Energy and Climate Change Decisionmaking Processes." *Energy Research & Social Science*, Special Issue on the Problems of Methods in Climate and Energy Research, 45 (November):266–75. <https://doi.org/10.1016/j.erss.2018.08.005>.
- Salazar, Federico Giraldo. 2022. "Disputas territoriales a partir de la proyección de minería de carbón en Cañaverales, La Guajira." *REVISTA CONTROVERSLA*, no. 219 (October), 333–78. <https://doi.org/10.54118/controver.vi219.1272>.
- Salazar, Juan Federico Giraldo. 2022. "Disputas socioespaciales a partir de la proyección de explotación de carbón en la Guajira: Estudio de caso de la comunidad asentada en el corregimiento de Cañaverales -San Juan del Cesar-." Colombia: Universidad Pedagógica y Tecnológica de Colombia.
- Sañudo, María Fernanda, Aída Julieta Quiñones, Juan David Copete, Juan Ricardo Díaz, Nicolás Vargas, and Alirio Cáceres. 2016. "Extractivismo, conflictos y defensa del territorio: el caso del corregimiento de La Toma (Cauca, Colombia)." *Desafíos* 28 (2): 367–409. <https://doi.org/10.12804/desafios28.2.2016.10>.
- Sierra-Camargo, Jimena. 2017. "La importancia de decolonizar el derecho internacional de los derechos humanos: el caso de la consulta previa en Colombia." *Revista Derecho del Estado*, no. 39 (December), 137–86. <https://doi.org/10.18601/01229893.n39.07>.
- Sovacool, Benjamin K., Shannon Elizabeth Bell, Cara Daggett, Christine Labuski, Myles Lennon, Lindsay Naylor, Julie Klinger, Kelsey Leonard, and Jeremy Firestone. 2023. "Pluralizing Energy Justice: Incorporating Feminist, Anti-Racist, Indigenous, and Postcolonial Perspectives." *Energy Research & Social Science* 97 (March):102996. <https://doi.org/10.1016/j.erss.2023.102996>.
- Sovacool, Benjamin K., Matthew Burke, Lucy Baker, Chaitanya Kumar Kotikalapudi, and Holle Wlokas. 2017. "New Frontiers and Conceptual Frameworks for Energy Justice." *Energy Policy* 105 (June):677–91. <https://doi.org/10.1016/j.enpol.2017.03.005>.
- Sovacool, Benjamin K., Mari Martiskainen, Andrew Hook, and Lucy Baker. 2019. "Decarbonization and Its Discontents: A Critical Energy Justice Perspective on Four Low-Carbon Transitions." *Climatic Change* 155 (4): 581–619. <https://doi.org/10.1007/s10584-019-02521-7>.
- Sovacool, B.K., R.J. Heffron, D. McCauley, and A. Goldthau. 2016. "Energy Decisions Reframed as Justice and Ethical Concerns." *Nature Energy* 1. <https://doi.org/10.1038/nenergy.2016.24>.
- Suboticki, Ivana, Sara Heidenreich, Marianne Ryghaug, and Tomas Moe Skjølsvold. 2023. "Fostering Justice through Engagement: A Literature Review of Public Engagement in Energy Transitions." *Energy Research & Social Science* 99 (May):103053. <https://doi.org/10.1016/j.erss.2023.103053>.

- Tornel, Carlos. 2023. "Decolonizing Energy Justice from the Ground up: Political Ecology, Ontology, and Energy Landscapes." *Progress in Human Geography* 47 (1): 43–65. <https://doi.org/10.1177/03091325221132561>.
- Ulloa, Astrid. 2023. "Aesthetics of Green Dispossession: From Coal to Wind Extraction in La Guajira, Colombia." *Journal of Political Ecology* 30 (July). <https://doi.org/10.2458/jpe.5475>.
- Ureta, Sebastián. 2017. "A Very Public Mess: Problematizing the 'Participative Turn' in Energy Policy in Chile." *Energy Research & Social Science* 29 (July):127–34. <https://doi.org/10.1016/j.erss.2017.04.009>.
- Vega-Araújo, José, and Raphael J. Heffron. 2022. "Assessing Elements of Energy Justice in Colombia: A Case Study on Transmission Infrastructure in La Guajira." *Energy Research & Social Science* 91 (September):102688. <https://doi.org/10.1016/j.erss.2022.102688>.
- Vega-Araújo, José, Juliana Peña Niño, Elisa Arond, and Fernando Patzy. 2023. "Navigating a Just Energy Transition from Coal in the Colombian Caribbean." Stockholm Environment Institute. <https://doi.org/10.51414/sei2023.063>.
- Yin, Robert K. 2009. *Case Study Research: Design and Methods*. SAGE.

APPENDIX A

List of reviewed policy documents and news articles

Policy and Legal documents

1. [Social dialogue to define the “Just Energy Transition” roadmap in Colombia - *Diálogo social para definir la hoja de ruta de la Transición Energética Justa en Colombia*](#)
2. Directives defining the guidelines of the prior consultation in Colombia
 - o [Presidential Directive 10, issued on November 7, 2013 – Guidelines for the execution of the prior consultation](#)
 - o [Presidential Directive 08, issued on September 9, 2020 – Amendment to the Guidelines for the execution of the prior consultation](#)
3. [Unified Sentence 123 of the Constitutional Court, issued on November 15, 2018 – Colombia’s Court Sentence, which unifies the jurisprudence related to the prior consultation aspects of the two previous decades.](#)

News Articles

1. Bravo, Nicole. 2024. “Congress and the Government have the mining Project of BCC in Cañaverales on their sight - El Congreso y el Gobierno tienen en la mira al proyecto minero de BCC en Cañaverales.” *Consonante*, April 1, 2024. <https://consonante.org/noticia/el-congreso-y-el-gobierno-tienen-en-la-mira-al-proyecto-minero-de-bcc-en-canaverales/>.
2. Bravo, Nicole. 2023. “With job offers and social activities, BCC continues with their plan to exploit coal in La Guajira - Con ofertas de empleo y obras sociales, BCC continúa su plan de explotar carbón en La Guajira.” *Consonante*, December 11, 2023. <https://consonante.org/noticia/con-ofertas-de-empleo-y-obras-sociales-bcc-continua-su-plan-de-explotar-carbon-en-la-guajira/>.
3. CAJAR, Prensa. 2021. “We denounce irregularities in the prior Consultation of the carbon Project of Cañaverales - Denunciamos irregularidades en consulta previa de proyecto de carbonífero en zona del manantial de Cañaverales.”. *CAJAR* (blog). November 19, 2021. <https://www.colectivodeabogados.org/denunciamos-irregularidades-en-consulta-previa-de-proyecto-de-carbonifero-en-zona-del-manantial-de-canaverales/>.
4. Padilla, María Fernanda. 2023. “Cañaverales prior Consultation: two years of failed tries - Consulta previa en Cañaverales: dos años de intentos fallidos y una comunidad dividida.” *Consonante*. May 30, 2023. <https://consonante.org/noticia/consulta-previa-en-canaverales-dos-anos-de-intentos-fallidos-y-una-comunidad-dividida/>.
5. News, Guajira. 2023. “The proposition to create an especial committee for the prior Consultation in Cañaverales is approved -Aprobada proposición para la creación de Comisión Accidental Especial para consulta previa a realizarse en Cañaverales, sur de La Guajira.” *Guajira News*, December 6, 2023. <https://www.guajiranews.com/sin-categoria/aprobada-proposicion-para-la-creacion-de-comision-accidental-especial-para-consulta-previa-a-realizarse-en-canaverales-sur-de-la-guajira/>.

APPENDIX B

Table 3. List of interviewees and their demographic characteristics.

Interviewee	Gender	Age range	Organisation
Lorena Fuentes Jusayú	Female	20-35	Cañaverales Community Council
Dayelis Gámez Bula	Female	20-35	
Maritsa Gámez	Female	>60	
Hugues Martínez	Male	35-60	
Eduar Fragozo	Male	20-35	
Elit Gámez Granadillo	Male	35-60	
Geania Gámez Moscoto	Female	35-60	
Luna Gámez Bayona	Female	20-35	
Orangel Moya Ariza	Male	35-60	
Oscar Gámez	Male	35-60	
Ifener Mendoza	Male	35-60	
Chavelena Gámez	Female	>60	
Yolgica Gámez Gámez	Female	35-60	
Andrea Diaz	Female	-	CINEP
Cindy Forero	Female	-	CAJAR
Omar Iván	Male	-	DANCP
Sebastián Vargas	Male	-	Prior Consultation Consultancy - previously working in DANCP

APPENDIX C

Interview questions for people of Cañaverale Community - *Preguntas de entrevista para personas de la Comunidad de Cañaverale*

Opening questions - Preguntas iniciales

- Can you tell me how long have you lived here in Cañaverale?
¿Podría contarme cuánto tiempo lleva viviendo en Cañaverale?
- I would like to know about the mine project of Cañaverale. What do you know about it?
Me gustaría saber sobre el proyecto de la mina de carbón que se está desarrollando cerca de Cañaverale. ¿Qué sabe al respecto?

Background on the prior Consultation - Contexto general sobre el proceso de consulta previa

- Have you participated in the prior consultation meetings for the mine project?
¿Ha participado en las reuniones preparatorias de la consulta previa para la mina de carbón?
- In your opinion, how have these meetings evolved?
En su opinión, ¿Cómo han evolucionado las reuniones a lo largo del tiempo?

Who participates and how in the PC process - Quién participa y es escuchado en el proceso de consulta previa e informada

- Generally who attends the PC meetings?
Por lo general, ¿Quién asiste a estas reuniones?
- Can you tell me who speaks in these meetings and how?
¿Me podría decir quiénes son los que hablan en estas reuniones?
- I would like to know how is the process when a representative of Cañaverale raises a concern or question in these meetings.
¿Me gustaría saber sobre cómo es el proceso cuando alguien de la comunidad de Cañaverale plantea alguna inquietud en estas reuniones?

Follow-up questions - Posibles preguntas de seguimiento

- How have you perceived the answer of external actors to the concerns of Cañaverale community?
¿Cómo ha percibido la respuesta de actores externos a la comunidad de Cañaverale ante la inquietud planteada?

Access to information and recognised knowledge - Acceso a la información y tipos de conocimiento/saberes que se reconocen

- I would like to know which type of information has been shared with you before the PC meetings.
Me gustaría saber ¿qué tipo de información ha sido compartida con ustedes antes de las reuniones preparatorias a la consulta previa?
- Which type of information has been shared during the PC meetings?
¿Qué tipo de información han compartido los actores externos a Cañaverale durante las reuniones?
- Has there been a time where you, or a representative of Cañaverale community has proposed a different perspective than the one presented by external actors? Can you tell me about this?
¿Ha habido alguna ocasión en la que usted, o alguien de Cañaverale, haya propuesto una visión diferente a la que es compartida por los actores externos? ¿Podría comentarme un poco más al respecto?

Follow-up questions - *Posibles preguntas de seguimiento*

- How has the response been to the different point of view?
¿Cómo han respondido los otros participantes de la reunión al punto de vista diferente?

Community participation collectives - *Colectivos de participación en la comunidad*

- Besides the PC, which other forms of participation have you seen that have started in the Cañaverales community?
Aparte de la consulta previa, desde el inicio de este proceso con la mina de carbón, ¿qué otras formas de participación ha visto que hayan iniciado en la comunidad de Cañaverales?
- Who is involved in this forms of participation?
¿Quiénes están involucrados en esto?

If they are not involved - *Si no está involucrado con dicho grupo*

- What do you think about this activities?
¿Qué opina de las actividades que han generado?

If they are involved - *Si sí está involucrado*

- I would like to know which type of activities have happened.
Me gustaría saber más sobre qué tipo de actividades han generado como parte de este colectivo

Which voices and knowledge are considered in such participation collectives - *Qué voces y conocimiento/saberes son considerados en esos colectivos de participación*

- Have more people gotten involved in these activities since the beginning?
¿Han habido personas que se han involucrado con las actividades después de sus inicio?
- When you take decisions on the group activities, who proposes and how are decisions taken?
¿Cuándo se han tomado decisiones sobre qué actividades se harán, quién las ha propuesto y cómo se han decidido?
- What have you learned from this process?
¿Qué considera que ha aprendido en este proceso?
- How do you think that these activities will continue?
¿Cómo considera que las actividades de este grupo continuarán?

Closing questions - *Preguntas finales*

- To finalise, is there anything else you want to share with me? Are there any additional questions you expect me to ask?
Para finalizar, ¿hay algo adicional que le gustaría compartir conmigo? ¿O hay alguna cuestión adicional que esperaba que le preguntara?
- Could you recommend me to talk to somebody else in Cañaverales who has been involved in the PC process?
¿Podría recomendarme que hable con alguien más en Cañaverales?

Demographics - *Demográficos*

- Gender
Género
- Age group
Grupo de edad

Interview questions for supporting organisations - *Preguntas de entrevista para organizaciones*

Opening questions - Preguntas iniciales

- What is your role in the organisation?
¿Cuál es tu rol en la organización?
- What is the role of the organisation?
¿Cuál es el papel de la organización?
- Can you tell me how has the process of accompanying Cañaverales community has been?
¿Me podrías contar cómo ha sido el proceso de acompañamiento con Cañaverales desde Cinep?
- Have you accompanied Cañaverales in the PC meetings?
¿Han acompañado a Cañaverales en las reuniones de preconsulta?

Background on the PC – Contexto de la CP

- Which actors are relevant in the PC process?
*¿Qué **actores** son relevantes en el proceso de consulta previa?*
- During a PC meeting, what is the procedure for the different parties to speak?
*Durante una reunión de preconsulta o consulta, ¿Cuál es el **procedimiento** para que las diferentes partes **hablen**?*
- How has it been when community representatives expose their concerns or different perspectives about the mine project?
¿Cómo ha sido el proceso cuando las personas de la comunidad exponen inquietudes o diferentes perspectivas sobre el proyecto?
- Which are the main challenges you have identified during the PC process?
*¿Cuáles son los principales **desafíos** que has identificado en el proceso de consulta previa?*
- Which do you think are the main opportunities that this process has advanced in Cañaverales?
¿Cuáles consideras que son las principales oportunidades que consideras ha avanzado este proceso en Cañaverales?

Information and knowledge - Información y conocimiento

- What is the information that the community has received about the mine project?
*¿Cuál es la **información** que se le ha compartido a la comunidad sobre el proyecto de la mina?*
- Do you think that the communities knowledge has been considered during the PC process?
*¿Consideras que se ha tomado en cuenta el **conocimiento** de la comunidad en algún momento?*

Proportionality test - Test de proporcionalidad

- Can you tell me about the proportionality test that has been applied to Cañaverales?
¿Me podrías contar un poco sobre lo que sabes del test de proporcionalidad en Cañaverales?

Community participation collectives - Colectivos de participación en la comunidad

- Which other forms of participation have you seen in Cañaverales community? What has been the role of your organization in them?
¿Cuáles otras formas de participación o colectividad has visto en Cañaverales? ¿Cuál es el rol de tu organización en estas?

- How do you think the process of PC has influenced this other forms of participation?
¿Cómo consideras que ha influenciado al proceso de CP estas otras formas de participación/colectividad?
- How do you visualise that the accompanying of Cañaverales community will continue?
¿cómo visualizas que continúe el proceso de acompañamiento a Cañaverales desde tu organización?

Closing questions - Preguntas finales

- What have you learned from the accompanying process of Cañaverales community?
*¿Qué has **aprendido** del proceso de acompañamiento a Cañaverales?*
- To finalise, is there anything else you want to share with me? Are there any additional questions you expect me to ask?
Para finalizar, ¿hay algo adicional que le gustaría compartir conmigo? ¿O hay alguna cuestión adicional que esperaba que le preguntara?
- Could you recommend me to talk to somebody else with experience in PC processes and energy justice?
*¿Podrías **recomendarme** que hable con alguien que consideres con experiencia en el tema de consulta previa y energy ambiental?*

Demographics - Demográficos

- Gender
Género
- Age group
Grupo de edad

Interview questions for professionals with experience in prior consultation mechanisms from the perspective of the governmental institutions - *Preguntas de entrevista para profesionales en la CP desde la perspectiva de las instituciones gubernamentales*

Opening questions - Preguntas iniciales

- What has your role been in relation to PC processes?
*¿Cuál es ha sido tu **rol** relacionado a las consultas previas?*
- According to your experience, what is the role of the DANCP in a PC?
*¿De acuerdo con tu experiencia, cuál es el **papel** de la DANCP en la consulta previa?*

Background on the PC – Contexto de la CP

- What is the aim of a PC process?
*¿Cuál es la **finalidad** de la consulta previa?*
- What are the main challenges you have identified in PC processes?
¿Cuáles son los principales desafíos que has identificado en los procesos de consulta previa?
- What are the main opportunities that these processes advance?
¿Cuáles son las principales oportunidades o beneficios que avanzan estos procesos?
- During a PC meeting, what is the procedure for different parties to speak?
Durante una reunión de preconsulta o consulta, ¿Cuál es el procedimiento para que las diferentes partes hablen?
- In your experience, how has it been when community representatives expose their concerns or different perspectives about the mine project?
¿Cómo ha sido el proceso cuando las personas de la comunidad exponen inquietudes o diferentes perspectivas sobre el proyecto?

Information and knowledge – Información y conocimiento

- What do you think it is the best way that project executors can share the project's information to communities?
¿Cuál crees que sea la mejor forma en la que los ejecutores comparten la información sobre el proyecto a las comunidades?
- Have you been in a PC where the knowledge of the community is considered to modify the project?
¿Has estado en una CP donde se toma en cuenta el conocimiento de la comunidad para modificar el proyecto?

Proportionality test - Test de proporcionalidad

- Can you tell me about the proportionality test and your opinion about it?
¿Me podrías comentar sobre el test de proporcionalidad y tu opinión sobre este?

Closing questions - Preguntas finales

- To finalise, is there anything else you want to share with me? Are there any additional questions you expect me to ask?
Para finalizar, ¿hay algo adicional que le gustaría compartir conmigo? ¿O hay alguna cuestión adicional que esperaba que le preguntara?
- Could you recommend I talk to somebody else with experience in PC processes and energy justice?
¿Podrías recomendarme que hable con alguien que consideres con experiencia en el tema de consulta previa y energy ambiental?

APPENDIX D

CONSENT FOR THE INTERVIEW- *CONSENTIMIENTO PARA LA ENTREVISTA*

Exploring local participation and local justice in Cañaverales Community - *Explorando participación local y justicia energética en Cañaverales*

Name and position - *Nombre y cargo:*

- This research has been explained to the participant and they have been given the chance to make clarifying questions. The participant accepts that they understand what the research is about.
Esta investigación se le ha explicado al participante y se le ha dado oportunidad de hacer preguntas aclaratorias. El/La participante acepta que entiende de qué trata este estudio.

YES - *SÍ*

NO

- The participant understands that their participation in this research is voluntary.
El/La participante entiende que su participación en esta investigación es voluntaria.

YES - *SÍ*

NO

- The participant accepts that their name and any information that they share can be used in a research report.
El/La participante acepta que su nombre y cualquier información que compartan pueda utilizarse en un informe de investigación

YES - *SÍ*

NO

PARTIALLY - PARCIALMENTE

- If they selected partially:
Si seleccionó parcialmente:
 - ☐ The participant wishes that the study refers to them through a pseudonym or a general descriptor.
El/La participante desea que se haga referencia a él/ella mediante un seudónimo o un descriptor general.
 - ☐ The participant wishes that they are not refer to, but agrees that their information is shared.
El/La participante desea que no se haga referencia a él/ella en absoluto, pero está de acuerdo en que se comparta su información.
- The participant accepts that this interview can be recorded
El/La participante acepta que esta entrevista pueda ser grabada

YES - *SÍ*

NO

Firma:

Fecha:

Dear Sir/Madam

My name is Florencia Azar Sales. I am a student of the Master in Environmental Science, Management and Policy at the Central European University, and as part of my thesis I am collaborating with the Universidad de los Andes. I am interested in exploring citizen participation collectives in relation to energy projects and the energy (in)justice of these processes.

The purpose of my study is to explore the case of the community of Cañaverales in the face of the possible opening of an open-pit coal mine that would directly affect the community. Exploring the experience of the community members in different participation groups. Understanding, on the one hand, how they have perceived the process of prior and informed consultation, and on the other hand, which are the alternative participation collectives that the community has generated as part of the resistance to the coal mine and what are the perspectives of these collectives for the future of their community.

In order to learn about your perspective and experience, I would like to invite you to participate in an interview. If you choose to participate, the interview will last approximately one hour. With your permission, I would like to record the interview so that I can review what we discuss later. This data will be stored on my computer equipment, only I will have access to it, and the audio files will be deleted when my research is completed in June of this year.

The conversation will be confidential and anonymous unless otherwise agreed. Your participation is voluntary and you may stop participating in the research at any time. Participating in this research study will not cost you anything and you will not get any direct benefit if you decide to participate in this research study.

The risks of this research study are no more than those of everyday life. Do not feel obligated to answer if any of the questions make you uncomfortable. Please let me know, and we will move on or stop the interview with the option to resume at another time.

The results of this research will be used to write a master's thesis, and I will write a summary report of findings, which may be available to you after June of this year.

If at any time you have questions about this research, please do not hesitate to contact me.

Sincerely yours,

Florencia Azar Sales

Phone: +52 9811603396

Email: florencia.azar@mespom.eu

Estimado Sr./Sra.

Me llamo Florencia Azar Sales. Soy estudiante del Máster en Ciencias, Gestión y Política Ambiental de la Universidad Centroeuropea, y como parte de mi tesis colaboro con la Universidad de los Andes. Me interesa explorar los colectivos de participación ciudadana en relación con los proyectos energéticos y la (in)justicia energética de estos procesos.

El propósito de mi estudio es explorar el caso de la comunidad de Cañaverales ante la posible apertura de una mina de explotación de carbón a cielo abierto que afectaría directamente a la comunidad. Explorando cómo ha sido la experiencia de los miembros de la comunidad en diferentes colectivos de participación. Entendiendo por una parte cómo han percibido el proceso

de consulta previa e informada, y por otro, cuáles son los colectivos de participación alternativos que ha generado la comunidad como parte de la resistencia hacia la mina de carbón y cuáles son las perspectivas de estos colectivos para el futuro de su comunidad.

Con el motivo de conocer su perspectiva y experiencia, me gustaría invitarle a participar en una entrevista. Si decide participar, la entrevista duraría aproximadamente una hora. Con su permiso, me gustaría grabar la entrevista para poder repasar lo que hablemos más adelante. Estos datos se guardarán en mi equipo de cómputo, sólo yo tendré acceso a ellos, y los archivos de audio se borrarán cuando termine mi investigación en junio de este año.

La conversación será confidencial y anónima a menos que se acuerde lo contrario. Su participación es voluntaria y puede dejar de participar en la investigación en cualquier momento. Participar en este estudio de investigación no le costará nada y no obtendrá ningún beneficio directo si decide participar en este.

Los riesgos de este estudio de investigación no son más que los de la vida cotidiana. Si alguna de las preguntas le hace sentirse incómodo, no se sienta obligado a contestar. Por favor, hágamelo saber, pasaremos del tema o interrumpiremos la entrevista con opción de retomarla en otro momento.

Los resultados de esta investigación se utilizarán para escribir una tesis de máster y redactaré un informe resumido de conclusiones, que podrá estar a su disposición después de junio de este año.

Si en algún momento tiene dudas sobre esta investigación, no dude en ponerse en contacto conmigo.

Atentamente,

Florencia Azar Sales

Teléfono: +52 9811603396

Correo electrónico: florencia.azar@mespom.eu