

# 5 PRINCIPLES FOR THE DEMOCRATIZATION OF THE JUST ENERGY TRANSITION IN COLOMBIA

Case of Cesar and Magdalena



March 2025

## Just Energy Transition in Coal Regions



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TIERRA DIGNA is a Colombian environmental and human rights organization, with more than 12 years of experience, that defends life, territory and ancestral spirituality throughout Colombia and specifically in the regions of: Cesar, Magdalena, Chocó, Amazonia and Huila in peasant areas, indigenous and Afro-descendant communities. We are the pioneer organization of the declaration of the first river subject to rights in Colombia and Latin America in 2016. Currently, we are carrying out a process of construction of a public policy, legal instruments and own economies, in the framework of the Just Transition in Cesar and Magdalena in the framework of the first closure of open-pit coal mines, being the first pilot of mining-energy transition in Colombia.

5 PRINCIPLES FOR THE DEMOCRATIZATION OF THE JUST ENERGY TRANSITION IN COLOMBIA. Case of Cesar and Magdalena)

Authors: Andrea del Rocío Torres Bobadilla, Kerstin Mohr.  
Research Team: Diana Álvarez Rojas and Elizabeth Gallego Herrera.

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# Table of Contents

Table of Contents	4
List of Figures	5
List of Tables and Charts	5
Acronyms	5
Executive Summary	6
Introduction	7
What motivated the writing of this report?	7
Methodological Approach	8
Chapter 1: The Energy Transition in Colombia	9
1.1    International experience of countries in the energy transition	9
1.2    Background on the energy transition policy in Colombia	11
1.3    The government’s new Energy Transition Policy	13
Chapter 2: Conflict status in the framework of Just Transition	15
2.1    The case of Cesar and Magdalena: first pilot of Just Energy Transition and coal mine closure	15
2.2    Key stakeholders and conflicts in the framework of a just energy transition in mining zones	18
Chapter 3: Proposal for Democratizing the Just Energy Transition	20
3.1    Five Principles for Democratizing the Just Energy Transition	22
Chapter 4: Conclusions and recommendations	25
Bibliography	28

## List of Figures

Figure 1. Figure on the energy model in Colombia, access to energy by region and type of energy conflict	14
Figure 2. Timeline on mine closure and JET policies in Cesar and Magdalena	16
Figure 3. Infographic on coal exploitation, closure and liabilities in Cesar	17
Figure 4. Map of the 4 central actors in the process of implementing JET and mine closures	18
Figure 5. Infographic from the communities on the JET conflicts in Cesar and Magdalena	18

## List of Tables

Table 1. Three relevant experiences of JET worldwide in coal mining producing countries	10
Table 2. Central instruments of public policy and legal frameworks on JET issues	12
Table 3. Fundamental rights that must be guaranteed for the democratization of JET policies	20
Table 4. Recommendations to ensure the democratization of JET policies	26

## List of Charts

Chart 1. Participatory Action Research Approach	9
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## Acronyms

NCRES	Non-Conventional Renewable Energy Sources
JET	Just Energy Transition
PAR	Participatory Action Research
GHG	Greenhouse Gases
ANM	National Mining Agency
ANLA	National Environmental Licensing Agency
UPME	Mining and Energy Planning Unit
MME	Ministry of Mines and Energy
CONPES	National Council for Economic and Social Policy
CIADI	International Center for Settlement of Investment Disputes
CGR	General Comptroller of the Republic

## Executive Summary

This report analyzes the **energy transition policies that are beginning to be implemented in Colombia in mining areas**, assessing their scope, gaps and obstacles. There is no differential approach to energy transition policies for mining areas, mine closure and decarbonization within the national public policy instruments in comparison with those of other regions of the country that live other territorial realities. This is a serious regulatory and public policy gap that has become a major obstacle to the advancement of these processes.

**This report proposes the democratization of Just Energy Transition (JET) policies as a guarantee for their control, effectiveness and legitimacy.** To this end, a proposal is presented on what should be the basic rights on which the democratization policy of these policies should be based: effective participation, prior consultation, access to information and transparency.

Moreover, a basis for the agreements that must be reached for a democratization process to take place is developed, **synthesized in five principles that must be agreed upon and accepted by all actors in order to advance the process and overcome the conflict and polarization that is currently being experienced.** It is necessary to complement the application of these 5 principles with a democratic methodology where the construction of public and economic policies of just transition in mining areas with a territorial approach is promoted. These principles are:

- Principle 1: The Energy Transition in mining areas should be focused on an economic transition.
- Principle 2: The construction of the JET policy must be based on transparency throughout the process.
- Principle 3: Spaces and mechanisms for binding dialogues should be created from the local to the national level.
- Principle 4: Throughout the process there should be mechanisms for access to information for all stakeholders.
- Principle 5: Special support for vulnerable groups such as women, peasants, trade unions and ethnic peoples.

Finally, **a series of recommendations are presented to national and international actors on concrete policy ideas, mechanisms and actions to give substance to the proposal** to build mechanisms for democratic participation during the implementation of just energy transition policies in mining areas.

# Introduction

## WHAT MOTIVATED THE WRITING OF THIS REPORT?

The world is currently going through one of the most complex environmental crises it has experienced in its recent history, caused by the acceleration of climate change, where the use of fossil fuels - such as oil, coal, etc. - is a determining factor in bringing humanity to an environmental tipping point. However, and although the international community proposed under the Paris Agreement in 2015 to drastically reduce greenhouse gas emissions and quickly abandon the use of fossil fuels for energy generation, today 8 years later, no real progress is seen in that direction. On the contrary, the planet continues to increase its temperature and many ecosystems continue to disappear, leading humanity to fail to achieve the necessary energy transition that had been proposed.

These energy transition processes are generating new socio-environmental conflicts that affect relations between the countries of the global North and South. This is a warning to our democracies and economies to think and propose mechanisms to come together with several purposes: global peace, democratic development and create new economic and energy models to protect nature.

The objective of this report is to **propose mechanisms to guarantee the effective participation of the different actors in the processes of Just Transition that are taking place in Colombia** based on a more humane approach and respecting nature. This objective arises because it was recognized in previous studies<sup>1</sup> that one of the difficulties faced by the JET process in Colombia is precisely “Strengthening the participation of stakeholders” seeking with these proposals that there are mechanisms for effective participation, transparency and access to information that guarantee the rights of the communities that inhabit these territories and that for thousands of years have been their ancestral guardians. Today we believe that in order to be successful, Just Energy Transition ( from now on JET) policies must be based on: **democratization**.

We emphasize that this report derives **5 basic principles that aim to ensure adequate participation of all stakeholders within a Just Energy Transition process in mining areas in the process of decarbonization**. For this study, the particular case of the mining corridor destined for coal exploitation located in the departments of Cesar and Magdalena is used, given that currently in these territories there is a real process of energy transition that has been reached in an unplanned manner.

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<sup>1</sup> See previous studies conducted in Colombia by the Wuppertal Institute: Mohr, K.; Johannes Thema, Maria Cecilia Bonet, Vasudha Vasudha (2023). Just Energy Transition in Colombia: Status Quo, Challenges and Opportunities An Assessment Focused on the Coal Regions of the Departments of Cesar and La Guajira. In: [https://www.jetknowledge.org/wp-content/uploads/2023/10/20231016\\_AF-Colombia\\_final\\_ES\\_v1.pdf](https://www.jetknowledge.org/wp-content/uploads/2023/10/20231016_AF-Colombia_final_ES_v1.pdf)

Below you will find 4 chapters:

(i) In the first chapter, we will make a balance of what is being the JET policy in coal producing countries at international level, analyzing the Colombian case from its legal and public policy frameworks; (ii) in the second chapter, we will analyze the case of Cesar and Magdalena identifying which are the central actors in this debate, challenges and needs where mines are being closed and at the same time promoting a JET policy; (iii) in the third chapter, we will analyze why it is necessary to democratize the Just Energy Transition and what elements this process should contain where we will present the 5 principles that we consider indispensable for democratization; and finally (iv) in the fourth chapter, we will make a series of recommendations to national and international policy actors to ensure that the JET policies are democratic and designed from and for the territories.

## METHODOLOGICAL APPROACH

The ideas presented in this report are the synthesis of listening to and speaking with many voices, thoughts, cultures, perspectives and knowledge of indigenous communities, peasants, Afro-descendants, mine workers, Colombian civil society organizations, mining companies, the Colombian state and international organizations. These are actors with whom Tierra Digna has dialogued and interacted in various ways over the last two years. In summary, **more than 10 meetings were held in the territory of Cesar and Magdalena that provided us with inputs on what the Just Energy Transition means in mining areas and mining closures based on a real and effective participation of all actors. More than 8 meetings were also held** with the national government, embassies, actors of the international community and civil society requesting the creation of these participation mechanisms within the framework of the Just Transition.

We emphasize that this dialogue process has been led by the Mesa para la *Transición Justa y la Defensa Territorial*, which brings together more than 13 indigenous, Afro-descendant and peasant communities; and the main unions affected by the first mine closure in Colombia and with whom we have undertaken a process of legal enforceability more than 2 years ago for the creation of these mechanisms of participation in processes of mine closures at the national level.

During this research process, we also systematised the institutional information on the state of transition policies in Colombia and other countries in tables, created maps of actors to understand the conflicts, and used as a visual resource for this report the illustrations and infographics resulting from the Forum for Just Transition in Mining Areas: **The Corridor of Life? Challenges and Obstacles for Just Transition in Cesar and Magdalena**, held in Bogotá on 2 November.

Finally, this report presents the systematization of this research experience based on an action-participatory research model where each of the proposals presented are the result of a process of co-creation with the communities and unions (see Chart 1) in the mining areas.

# Chapter 1: The Energy Transition in Colombia

## 1.1 INTERNATIONAL EXPERIENCE OF COUNTRIES IN THE ENERGY TRANSITION

### Chart 1. Participatory Action Research Approach

For this report we have used Participatory Action Research (PAR) which is an approach to human geography. It is research by, with, and for people affected by a particular problem, conducted in collaboration with academic researchers who bring relevant knowledge, skills, resources, and networks.

PAR seeks to democratize knowledge production and promote opportunities for empowerment of those who participate (Kindon et al., 2009). It is characterized by blurring the distinction between “researcher” and “researched”: researchers and community stakeholders work together to co-generate knowledge through ongoing communicative processes and joint implementation of findings (Fals Borda, 2001).

PAR prioritizes the experience of those who undergo a social problem and uses systematic research methods to generate new knowledge. It is a process for generating knowledge for action and knowledge through action in service of the goals and needs of specific communities (Cornish et al., 2023; Mackenzie et al., 2012).

PAR has interesting synergies with feminist, poststructural and postcolonial geographies. It represents a counter-hegemonic approach to knowledge production that recognizes the existence of a plurality of knowledge in a variety of institutions and places (Kindon et al., 2007).

PAR seeks to create a democratic work environment that allows communities to contribute equitably to research, focusing on collaboration, political engagement, and a commitment to social justice that is more likely to meet community needs.

PAR strives to ensure that research does not reproduce intersectional hierarchies of class, race, gender, and other axes of difference (George and Syrja-McNally, 2015), but rather empowers marginalized groups to generate knowledge and power through research activities.

In this sense, PAR can be beneficial for bottom-up approaches, helping to ensure community participation at all levels, but it is important to consider that in many cases PAR does not provide effective solutions to problems related to lack of participation due to structural circumstances, responsibilities and relationships among stakeholders (OECD, 2004).

The Energy Transition is a phenomenon that in recent decades is being experienced in several countries in both the global north and south. Countries such as South Africa, Indonesia, or Vietnam are developing different models and strategies to make these processes effective in their dissimilar contexts (Mohr, 2023).

In general terms, a profound difference is found between JET models that seek the transition from the fossil energy matrix to a renewable energy consumption matrix in countries that are predominantly fossil fuel consumers (as is the case in a large part of European countries) and the development and implementation of JET policies in countries where the extraction and export of fossil resources constitute crucial economic sectors. For example, at the macroeconomic level, in countries that are predominantly consumers of fossil resources, JET would mainly involve an adaptation of existing economic infrastructures so that they can operate based on renewable energy sources or carriers. In contrast, for countries that are predominantly exporters of fossil resources, the realization of JET would require profound changes in the national macroeconomic structure itself, in order to replace entire economic sectors with new productive activities (MME;2023b).

In the cases of coal-producing countries there are common characteristics:

- a. Low access to energy for a large part of the population;
- b. Lower energy consumption than in industrialized countries; or
- c. Hybrid energy matrix between fossil energy consumption and renewable energies, especially hydroelectric.

However, the factor that is generating the most problems is the high dependence of their economies on the export of raw materials for the production of fossil fuels. These are the cases of Colombia, South Africa, India and Indonesia (see Table 1) where there is a great similarity in the challenges generated by JET policies since they are large exporters and producers of coal (MME, 2021).

**Table 1. Three relevant experiences of JET worldwide in coal mining producing countries**

Country	Challenges in mining-energy contexts	Relevant policies during the JET experience
Indonesia	It is one of the largest exporters of thermal coal to Eastern countries (China, etc.). Energy matrix based on thermoelectric and hydroelectric plants	Creation of a master plan for new and renewable energies Development of infrastructure Promotion of renewable energies
South Africa	It is one of the largest exporters of coal to Europe Country with an internal armed conflict, currently going through a post-conflict. Its energy matrix is 78% based on coal consumption	Integrated Resource and Energy Planning Policy REIPPPP Program for the promotion of renewable energies

Country	Challenges in mining-energy contexts	Relevant policies during the JET experience
India	It is one of the largest coal exporters and coal consumers	National Renewable Energy Program National Rural Electrification Movement Promoting Solar Energy Programs

**Source: Own elaboration**

In the Colombian case, these challenges are presented, as it is also a fossil mineral (coal) producing country where **JET policies require a deep transition of economic models**. This is a determining component to guarantee the success not only of the JET policies but also of the decarbonization processes.

## **1.2 BACKGROUND OF THE ENERGY TRANSITION POLICY IN COLOMBIA**

In Colombia, since Law 629 of 2000, which approved the Kyoto Protocol within the framework of the Framework Convention on Climate Change, the debate on the development of renewable energies began forcefully. Subsequently, regulations focused on promoting a new technological development in renewable energies were presented. However, from 2000 to 2019 the progress and development of these energies was too slow (Yaguas, 2022).

A decisive impulse for Energy Transition policies was given in 2019 when the first national congress on Energy Transition in Colombia was held within the Ministry of Mines and Energy. The predominant vision was for Colombia to transform its energy matrix by incorporating the use of renewable energies for its internal supply and possible exports in the coming decades (MME, 2021).

Following this, in terms of public policy on transition in Colombia, the Conpes (National Council for Economic and Social Policy) 475 of 2022 was created, which develops the first energy transition law No. 2029 of 2021 (CONPES, 2022).

Nevertheless, an undeniable reality was left aside in this debate on the energy transition and it is that **in the Colombian case, the economic model of exploitation and export of fossil fuels, which represents one of the most important items of the national economy, must be replaced**. This challenge does not have a well developed public and economic policy in the legal instruments, nor public policy in the debate on Energy Transition in Colombia as we can see in Table 2, which systematizes the rules and instruments of public policy to date issued by the national government.

**Table 2. Central instruments of public policy and legal frameworks on JET issues**

Standard or public policy instrument	Content	Relevance
Law 629 of 2000	Law that approved the Kyoto Protocol within the scope of the Framework Convention on Climate Change.	Law that promoted the debate on the need to develop renewable energies.
Law 697 of 2001	First Law in Colombia on energy efficiency and alternative energies.	Law that created space for the development of Renewable Energies proposals. Beginning of a policy of technological change.
Law 1715 of 2014	Promotes the integration of renewable energies into the national integrated energy system.	The law opened a space in national energy policy for renewables. Many obstacles were encountered for community energy visions.
Energy Transition Law No. 2029 of 2021 2014	First energy transition law, which indicated that the pillars under which the Energy Transition policy is structured are: 1. Security and reliability in energy supply; 2. Knowledge and innovation in energy transition; 3. Development and economic growth based on the opportunities offered by the energy transition; 4. Development of an energy system that contributes to reduce greenhouse gas emissions (GHG).	Law that focuses on a national energy transition, but does not take into account the mining decarbonization zones.
Conpes 475 of 2022	Energy transition policy under the same pillars of law 2029 of 2021.	Does not develop a policy in mining areas subject to decarbonization.

**Source: Own elaboration**

It is worth noting that the biggest challenge for Colombia to achieve a true just transition is in the areas of mineral production such as coal. In contrast, we can see that in terms of substitution of energy generation from fossil fuels (coal or oil) to renewable energy for domestic consumption, the challenge is smaller.

In 2020 the supply of electricity in Colombia came largely from large-scale hydroelectric plants, which represents 68.5% for internal use in the country. Meanwhile, thermal generation based on fossil fuels (coal, oil, etc.) represents about 30% (13.3% with natural gas, 7.8% with liquid fuels and 9.5% with coal). Finally, Non-Conventional Renewable Energy Sources (NCREP) (wind, solar, and biomass) have a very marginal contribution of approximately 1% (UPME, 2020).

### 1.3 THE GOVERNMENT'S NEW ENERGY TRANSITION POLICY PRODUCTORES DE CARBÓN

By 2022, the Colombian government set two goals in terms of energy transition. The first is that, within the framework of renewable energy production, **it was proposed that by the end of its term, 6 gigawatts (6,000 megawatts) would be achieved in production. It should be recalled that by 2019 Colombia only produced 50 megawatts, far from meeting this goal.** The second, in terms of decarbonization and abandonment of fossil fuels, it was proposed not to extend the delivery of mining titles and oil wells to ensure a rapid exit of Colombia from the production and export of fossil fuels, resulting in a great controversy at the national level regarding the sustainability and economic planning of its proposals (Government of Colombia, 2023).

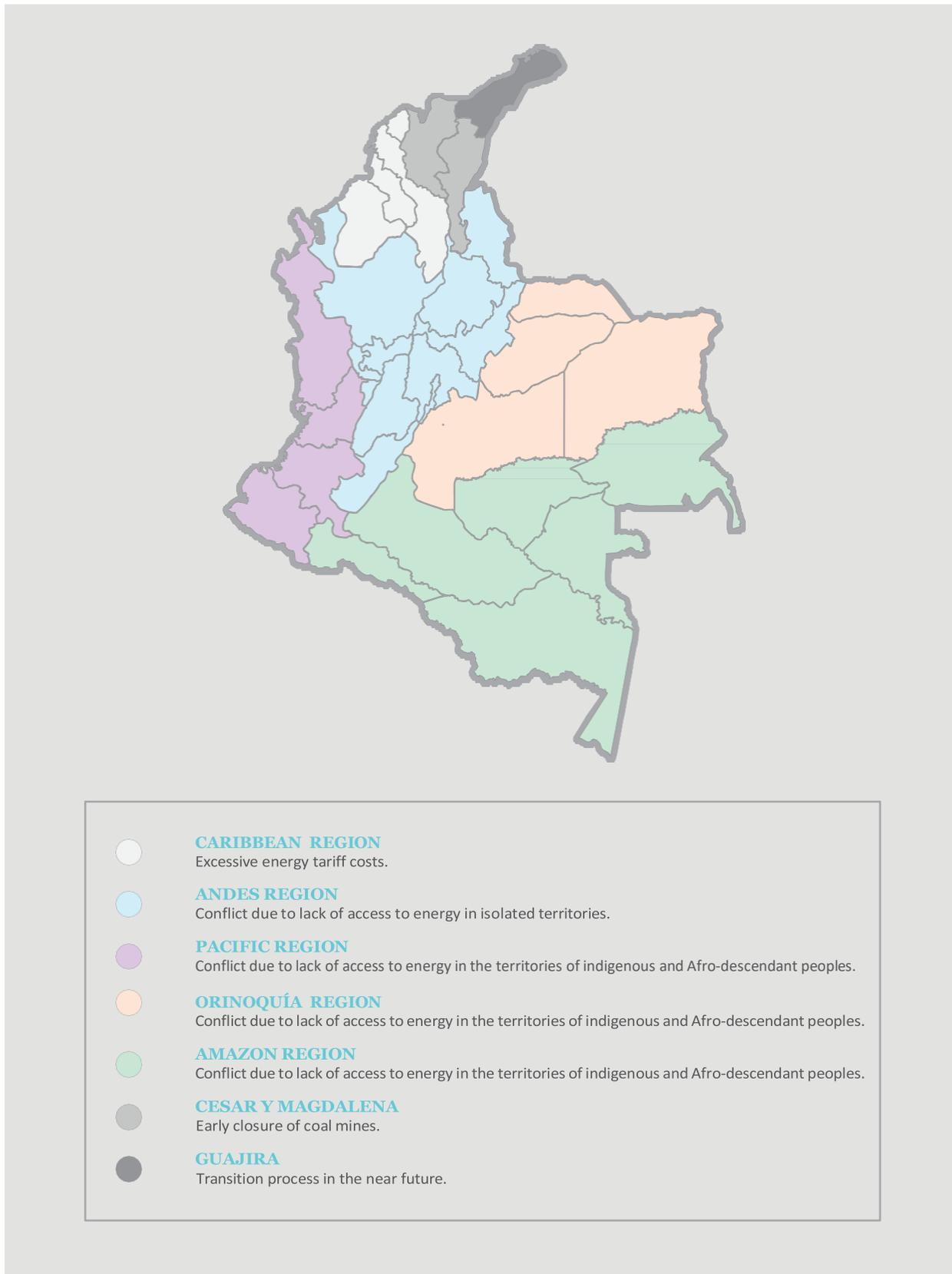
However, it should not be forgotten that also by 2022 Colombia was going through the first early abandonment of two large mines in Cesar and Magdalena by the Glencore company after 25 years of exploitation, which led the government to face the first unplanned closure of two coal mines and also defined this case as the first pilot of just energy transition in Colombia.

Consequently, both the current government's plans and the unplanned mine closures are leading to the development of an energy transition policy in Colombia that will face two major challenges:

1. Change of the energy matrix in the different regions of Colombia where renewable energies must be promoted with differential approaches to achieve the production goal proposed by the government.
2. To carry out the first pilot of mine closure, energy transition and economic decarbonization in areas of high dependence on the exploitation of minerals such as coal.

However, in Colombia as in other countries of the Global South we must consider that these are territories with undeniable realities: their ecosystems are different, their cultures as well, and in some areas of the country, there is no access to electricity. This situation, both geographic and cultural, poses a major challenge for the implementation of renewable energy sources. In the following figure (See Figure 2), we highlight each of the Colombian regions, showing their various challenges in the process of implementing renewable energies and the type of energy-related conflict relevant in each case.

**Figure 1. Figure on the energy model in Colombia, access to energy by region and type of energy conflict**



**Source: Own elaboration**

Public policy has so far managed to identify the different visions, conflicts and contexts, however, so far **there is a regulatory and public policy gap on what are the democratic mechanisms to build JET policies from the territories, with differential approaches according to each type of energy conflict, region, culture and ecosystem.** In the specific case of mining production areas, there is a greater challenge given that the economic transition takes on greater relevance to ensure a just energy transition in these contexts, which we want to deepen in our study.

## Chapter 2: Conflict status in the framework of Just Transition

In order to understand the challenges of just transition processes in mining areas in Colombia, we have decided to analyze the case of the coal mining corridor located in the departments of Cesar and Magdalena. Following, we will describe the context in which this case has taken place and the different conflicts between the relevant actors in JET processes.

### 2.1 THE CASE OF CESAR AND MAGDALENA: FIRST PILOT OF JUST ENERGY TRANSITION AND COAL MINE CLOSURE

Open pit coal mining in Colombia began more than 40 years ago at the end of the 70s and beginning of the 80s with the first mine called: El Cerrejón in La Guajira. Then in the mid 80's the mining district of La Jagua was created in the departments of Cesar and Magdalena. This exploitation area has more than 12 thousand hectares with 8 large-scale open-pit coal mines operated by different multinationals (Drummond, Glencore and Colombian Natural Resources) (Tierra Digna, 2014).

This mining area also has rail and port infrastructure that transports coal from La Jagua de Ibirico (Cesar) to the ports of Santa Marta and Ciénaga (Magdalena), with an average annual export of more than 45 million tons until 2020, although these exports dropped to 19 million tons per year in 2021 and 2022 (UPME, 2023).

**Large-scale coal mining has become the main source of economic income in this region in the last 30 years,** while at the same time causing major environmental and social impacts as a result of the territorial transformations caused by large-scale mining. Before the arrival of coal in the 1980s, this region was dedicated to agriculture (cotton, corn, livestock, etc.). It has been inhabited for millennia by peasant, Afro-descendant and indigenous peoples who lived in harmony with nature in an ancestral way (Kalmanovitz, 2017).

The company Glencore with its business group Prodeco C.I. has operated in Colombia exploiting the Calenturitas and La Jagua mines in this area for more than 25 years. Unexpectedly this business group delivered and returned the two mining titles, La Jagua and Calenturitas, to the Colombian State in June 2020, approximately 10 years before their definitive closure. For this reason, we present below the timeline of the most relevant events of the closure process of the first two coal mines in Colombia (El Espectador, 2022).

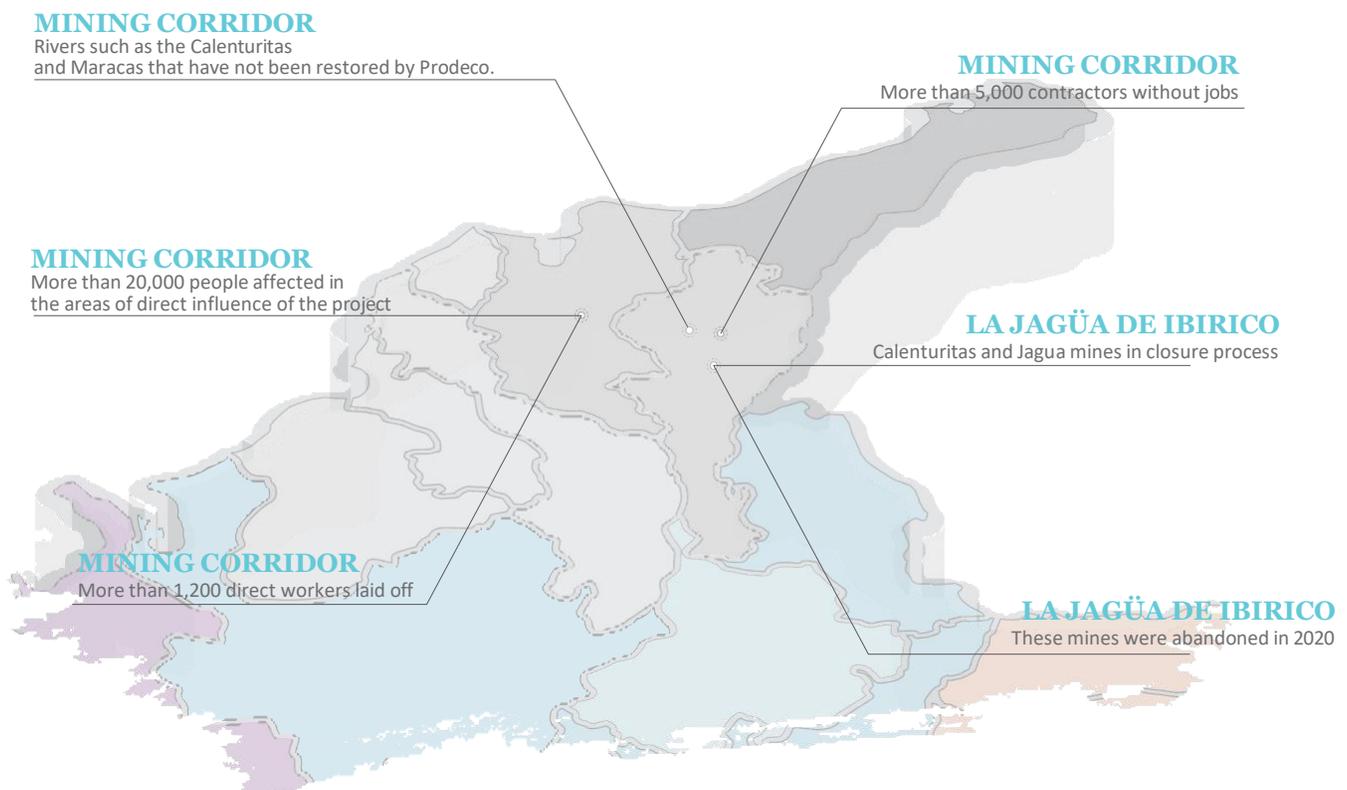
**Figure 2. Timeline on mine closure and JET policies in Cesar and Magdalena**



**Source: Own elaboration**

This process has generated a serious economic and environmental crisis in the mining areas of the Jagua de Ibirico district (see Figure 3). Given this anticipated return, it is not known whether a true ecological restoration of the exploited areas will be developed, the recovery of diverted rivers, the mitigation of the effects of pollution produced in terms of health by coal dust (CGR, 2018). In addition, a comprehensive plan of economic measures will not be developed to achieve a real labor and productive reconversion of the more than 1,200 direct workers laid off early between 2020-2022 and the more than 5,000 contractors (indirect workers) who have become unemployed. This leaves the mining corridor in a serious environmental, social, economic and violent crisis, and does not promote a true just transition in mining areas in the process of decarbonization (El Espectador, 2023).

**Figure 3. Infographic on coal exploitation, closure and liabilities in Cesar**



**Source: Own elaboration**

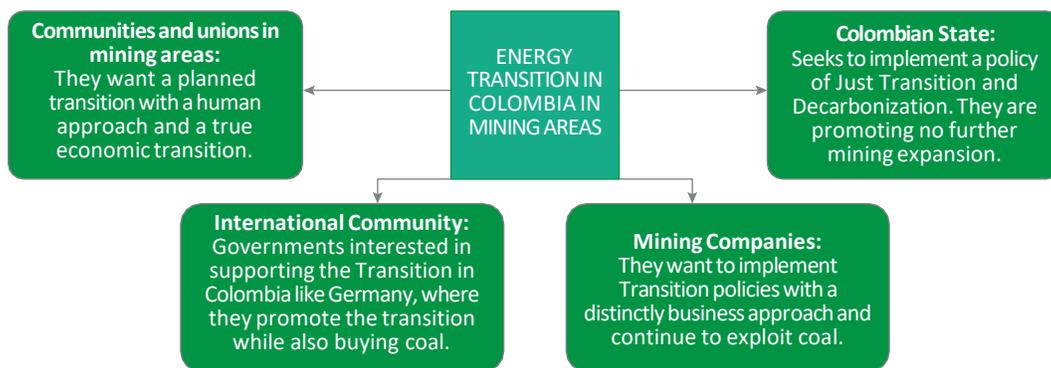
The State has recently signaled its transitional project by informing that the mining corridor will now be called “The Corridor of Life” (Government of Colombia, 2023)

## 2.2 KEY STAKEHOLDERS AND CONFLICTS IN THE FRAMEWORK OF A JUST ENERGY TRANSITION IN MINING AREAS

The case of Cesar and Magdalena as the first pilot of Just Energy Transition in mining areas, is becoming a **scenario of high conflict between the different actors**, due to the diverse interests that exist between communities, mine workers, civil society, mining companies, Colombian state, local governments and international actors on the prospects of coal mining, what a just energy transition consists of and how a mine closure process should be carried out. **This creates a scenario conducive to increased violence and conflict if a coordinated process with all stakeholders on JET policies and coal mine closures is not achieved** (El País, 2023).

Therefore, the first thing we need to do is to identify, in a conceptual map (see Figure 4), which actors are present in the territory, which actors are outside the territory, and what interests have been expressed from the perspective of each of them.

**Figure 4. Map of the 4 central actors in the process of implementing JET and mine closures**



**Source: Own elaboration**

This map clearly shows us that we are faced with different interests and visions in the JET processes, which we must prevent from becoming unsolvable conflicts. Two of the conflicts that we identified as relevant are presented in greater detail below:

### a. **Glencore vs. Colombian State conflict over mine closures and its impact on JET policies.**

Currently, one of the most complex legal and economic conflicts faced by the current government is the early return of the Jagua and Calenturitas mines in the department of Cesar. This conflict has escalated with the filing of a fourth international lawsuit by Glencore against Colombia in international arbitration tribunals such as ICSID (International Centre for Settlement of Investment Disputes) (CIAR, 2023).

Regarding this conflict, it is important to begin by recognizing the need to require all actors to carry out proper mine closure processes within Just Energy Transition (JET) and decarbonization efforts in mining areas. **One of the key steps that must be implemented in these territories to advance toward JET economies is the restoration of natural resources (water, air, soil) affected by decades of mining activities.** This is essential in order to initiate new environmentally sustainable economies

(such as photovoltaic agroecology, self-sufficient energy communities, water access projects, etc.) that are sustainable over time and can replace the large-scale economies built on fossil fuel extraction, as is the case with coal mining.

**b. Conflict between decisions of national authorities, local authorities, communities and unions on JET policies.**

Another of the central conflicts that we are registering in these mining areas in JET processes is the lack of articulation mechanisms, open dialogue, consensus and control between the different central and local authorities in the creation of JET policies. This has meant that the decision to implement the first fair energy transition pilot in the mining corridor of Cesar and Magdalena in terms of JET in mining areas has faced many obstacles to achieve consensus among the different interests as identified by the different actors that took part in this study (See Figure 5).

In Colombia, decisions about large-scale mining are made at the national level. This means that the central actors for decision-making, control and implementation are the national authorities (Ministry of Mines, Ministry of Environment, etc.) and not the local authorities. Over the years, this centralization of economic decisions in the territories has led to a series of political and legal conflicts between national governments, local governments and communities over decisions made at the national level on mining issues and large-scale economic development projects (CGR, 2014).

**Figure 5. Infographic from the communities on the JET conflicts in Cesar and Magdalena**



**Source: Notes from the Seminar on Just Transition and Mining Closures held by Tierra Digna and La Mesa in Bogotá on November 2, 2023.**

## Chapter 3: Proposal for Democratizing the Just Energy Transition

When we find ourselves in a context where there are several actors with different visions, where there is little will and a lack of trust due to legal or economic conflicts in force, and where States lack institutional guarantors to carry out real and binding dialogues for decision making, **it is essential to start a process of mediation and agreement between the most opposing actors**, with the aim of creating these mechanisms, institutionalizing them to make them binding, and thus building democratic solutions that can achieve what in political negotiation theory we call "win-win": Win/Win.

The recent history of Colombia has shown how the serious socio-environmental conflicts caused by the implementation of mining and extractive projects in Colombia **have generated a great debate on the democratization of economic decisions that directly affect territories in the last 15 years** (CGR, 2014). These processes teach us that in the JET processes, which are still being designed and implemented, it is necessary to guarantee democratization, where it is understood that we are facing a change in economic models, the transformation of territories and deep cultural changes of thousands of people, no longer a debate between the State and companies, but a debate that involves the participation of all citizens.

Consequently, **it is the duty of the Colombian State to guarantee standards of participation, access to information and transparency**, both in the processes of closing mines and in the various processes of implementing the JET policy.

Below, as a proposal, and as a result of two years of research and legal advocacy work, we present a synthesis of what we consider and recommend to be the main rights that should be guaranteed during the implementation of JET policies and mine closures (see Table 3).

**Table 3. Fundamental rights that must be guaranteed for the democratization of JET policies**

Right	Definition and scope	Environmental legal framework
Effective participation	Citizen participation is a fundamental right and a constitutional principle that implies obligations on the part of the State to ensure that all citizens can participate in the decision-making that concerns them. These obligations are both those of guaranteeing and those of not obstructing.	Articles 79, 40, 23 and 2 of the Colombian Constitution. Principle 10 of the Rio Declaration. Escazú Agreement approved by law 2273 of 2022.
Prior consultation	Prior consultation is a right of ethnic communities to participate in decisions that affect them, guaranteeing their free, prior and informed consent. It protects their cultural, social and economic integrity, territory, self-determination and collective survival.	ILO Convention 169, Law 21 of 1991, and Auto 005 and 004 of 2009 in follow-up to Judgment T-025 of 2004.

Right	Definition and scope	Environmental legal framework
Access to information and transparency	It is the right of every person to know and have access to public information and, in some cases, to private information that is in the possession or under the control of obligated persons by virtue of the activities they perform. Access to information may be restricted only in exceptional cases. Exceptions shall be limited and proportionate, provided for by law or the Constitution and in accordance with the principles of a democratic society.	Article 13 of the American Convention on Human Rights and Article 19 of the International Convention on Civil and Political Rights. At the legal level, Law 1712 of 2014, “whereby the Law on Transparency and the Right of Access to National Public Information is created.” Escazú Agreement approved by Law 2273 of 2022.

**Source: Own elaboration**

These rights - **effective participation, prior consultation, transparency and access to information** - are the basis for democratizing JET policy in Colombia.

Thus, **the democratization of the JET is one of the fundamental foundations of a just transition.** In democratic states, the most important thing is that citizens have real and effective mechanisms for participation, where their views are taken into account and they can influence the decisions that affect them.

Our dialogue with different actors in the mining corridor of Cesar and Magdalena during these two years has also allowed us to identify 5 central elements that we present as principles for the processes of JET to be carried out in a fair and democratic way in these territories. These are designed for a transitional context in mining areas undergoing decarbonization, but can serve as an example for other regions of the country in their processes of implementing JET policies in their different environmental, cultural and social contexts.

### 3.1 FIVE PRINCIPLES FOR DEMOCRATIZING THE JUST ENERGY TRANSITION

#### PRINCIPLE 1: The Energy Transition in mining areas should be focused on an economic transition.



One of the issues most demanded by communities, local authorities, unions and society in general in mining areas is that the processes of both mine closure and the creation of JET policies should be based on ensuring social, economic and environmental justice.

This implies that **the vision to be built for the JET policy in these territories must include an approach of energy transition and economic transition at the same time.** Currently, there are many proposals and ideas from the territories for JET projects based on the use of renewable energies, which generate economic diversification and income for the sectors affected by mine closures. However, the JET category is constraining because it is understood only as a change in the energy matrix to renewable energies, which limits the needs of territories dependent on an economy such as coal. This also limits and reduces the vision and commitments of States and companies in the decarbonization processes to invest in economic diversification projects as a priority.

#### PRINCIPLE 2: The construction of the JET policy must be based on transparency throughout the process.



Transparency in the process of both mine closure and the creation and implementation of JET policies is fundamental at the community, local, national and international levels. **Transparency in these processes implies a strong process of accountability and control at the level of decisions, policies and economic resources.**

There is an urgent demand from the territories for citizen oversight and accountability mechanisms for all actors involved in the JET processes, whether public, private, community or international. The basis of this process should be transparency under the motto: **"We all contribute, we all build and we are all accountable"**.

### **PRINCIPLE 3: Spaces and mechanisms for binding dialogues should be created from the local to the national level.**



The policy of closing down mines and the JET policy lack effective mechanisms to implement renewable energies and at the same time create a new economic model of transition in these territories in a participatory way. For this reason, it is imperative and indispensable to have this type of mechanism in place so that the transition visions of all actors are brought into dialogue, processes are agreed upon in a concerted manner, and everyone's ideas are systematically taken into account. **It is essential to have a formal, institutional and democratic mechanism for decision-making on JET policies.**

## PRINCIPLE 4: Throughout the process there should be mechanisms for access to information for all stakeholders.



Access to information is a fundamental right for all stakeholders to be able to dialogue, participate and make decisions in the implementation of a JET policies. Therefore, a fundamental principle is the **existence of virtual, face-to-face, educational and communicative mechanisms that guarantee access to information in these processes**. This implies the creation of platforms and systems adapted to the different communities, languages and actors, where the relevant information in these processes is known, so that effective participation can be guaranteed.

## PRINCIPLE 5: Special support for vulnerable groups such as women, peasants, trade unions and ethnic peoples.



Colombia, unlike other countries, has a diverse ecosystem inhabited by ancestral cultures and millennia-old guardians of the territories. This means that in some of the areas where JET policies and mine closures are being implemented, there are indigenous peoples, Afro-descendants and peasants who have different visions of the territory and nature, their own decision-making systems and a vision of the economic models of each culture affected. **It is therefore essential to provide special support for these vulnerable groups in the face of mine closures during transition processes, with an ethnically differentiated approach.**

On the other hand, women's experience of coal mining is different. Not only its impacts are different, but so is their vision of economic models, so **it is essential that the gender approach is also taken into account in this process and that women are considered as a vulnerable and priority group in this process.**

## Chapter 4: Conclusions and recommendations

The first thing we can assert is that **Colombia is a country where energy transition policies must have a differentiated approach according to the cultural, geographical and environmental reality of each of the areas where they are implemented.** For this reason, it is urgent and necessary to develop JET policies for mining areas in decarbonisation processes and mine closures, where the reality and needs are different from those of areas where there has been no mining.

Second, the proposal we are presenting for the democratization of energy transition policies in mining areas in Colombia is an urgent need. Communities, unions, local actors and civil society are demanding that **the concept of just energy transition be built from the territories and be a democratic process.**

Third, this process of **democratization in mining areas must be based on respect for the rights to effective participation, prior consultation, access to information and transparency** throughout the process.

Fourth, not only must these rights be guaranteed during the process, but in the mining areas there **must be a basic agreement between all the actors who will implement projects and JET policies on 5 principles of action**, which are:

- Principle 1: The Energy Transition in mining areas should be focused on an economic transition.
- Principle 2: The construction of the JET policy must be based on transparency throughout the process.
- Principle 3: Spaces and mechanisms for binding dialogues should be created from the local to the national level.
- Principle 4: Throughout the process there should be mechanisms for access to information for all stakeholders.
- Principle 5: Special support for vulnerable groups such as women, peasants, trade unions and ethnic peoples.

Fifth, in order to achieve this democratization process, we would like to present in the table below some **recommendations and concrete proposals** that we have systematised from the work carried out in various spaces of dialogue with communities, unions, local authorities, civil society, etc. We believe that they are relevant to the implementation of these JET policies in areas facing or affected by mining closures.

**Table 4. Recommendations to ensure the democratization of TEJ policies**

Right	Recommendations	Type of actor
Effective participation	Establish a multi-sectoral dialogue table to develop a specific policy for just transition in Cesar and Magdalena in the context of mine closures.	State
	Respect and promote the creation of participation protocols for each community, according to their culture and gender or ethnic approach.	State and international cooperation
	Develop a territorial project bank to promote a process of collective creation of ideas for a just transition that is transparent, democratic and respects the copyright of each company.	State
	Promote the diversification of resources to support JET processes in all sectors, in order to democratize access to financial resources.	State and international cooperation
	Create a Just Transition Law in mining areas specialised in economic transition, with a differentiated focus on gender and ethnic issues, promoting the legal creation of participation mechanisms for JET processes.	Congress of the Republic
	Create spaces for the integration of academic, civil society and technological issues related to renewable energy and economic diversification proposals based on the actual state of natural resources in mining areas.	Civil society, international cooperation and academia
	In order to guarantee the creation of JET projects, the Colombian State must carry out a comprehensive analysis of the state of natural resources (water, air, soil, etc.) in order to know the current and future vocation of the territories for JET projects.	State and international cooperation
Demand that, within the JET projects, there be dialogue between all actors (state, companies, communities, unions, national and international civil society) in order to promote democratic construction.	International cooperation	
Prior consultation	Create spaces for participation and consultation based on the models of self-government, culture and spirituality of each of the indigenous and Afro-descendant communities.	State
Access to information and transparency	Establish a system or platform for real-time access to relevant information on JET processes.	State and international cooperation
	Creation of monitoring bodies for the Just Transition funds.	International cooperation
	Create a system of replication at the level of community radio, social networks and media of the process being carried out in mining areas on the closure process and the JET implementation process, with a pedagogical approach to society in general.	State and international cooperation
	Create an accountability system for Just Transition policy and resources aimed at the territories where they are being implemented.	State and international cooperation

**Source: Own Elaboration**

In conclusion, we believe that it is **important and a priority** within the framework of the Just Energy Transition Policy in Colombia, **to create mechanisms for participation, access to information and transparency, institutional and binding for all actors**, since it will be the basis for a process or creation of an energy and economic policy that is legitimate and effective.

With this report we also wanted to show that **communities, local actors, workers, academia and civil society have many proposals from the territories**, and that there is an urgent need to create a system to listen and dialogue on these ideas among all, even if stakeholders have conflicting views on what a just energy transition and future economies for the territories would look like.

Finally, we believe that the only way to achieve territorial peace, the healing and protection of nature, the protection of ancestral cultures, and economic prosperity in territories undergoing mining and energy transition, such as Cesar and Magdalena, is to **build a real democracy to ensure that this process is fair**. The construction of this policy is just beginning, and now is the time to do it.

We must not forget that the most important thing in the construction of a public policy is not only to express great ideas in it, but also to **have democratic mechanisms that guarantee its realistic nature, its territorial validation, its control, its supervision and its effectiveness in the territories where it is to be applied**.

## Bibliography

Agencia Nacional Minera (ANM). (2023). Datos del Boletín de Mayo. Información de los pagos de regalías asociadas a la explotación de minerales. Obtenido de: [https://mineriaencolombia.anm.gov.co/sites/default/files/documentacion/Colombia%20Miner%C3%ADa%20para%20la%20VIDA%20-%20Mayo%2C%202023\\_compressed.pdf](https://mineriaencolombia.anm.gov.co/sites/default/files/documentacion/Colombia%20Miner%C3%ADa%20para%20la%20VIDA%20-%20Mayo%2C%202023_compressed.pdf)

Banco de la República. (2023). Datos del Departamento Administrativo Nacional de Estadística – DANE 15/02/2023, Standard & Poor's, Fitch Ratings, Moody's. Obtenida de: <https://www.banrep.gov.co/economia/pli/bie.pdf>

Contraloría General de la República de Colombia (CGR). (2018). Informe de auditoría de Carbón en Cesar. Obtenido de: <https://www.minambiente.gov.co/wp-content/uploads/2021/10/Auditoria-Mineria-de-Carbon-Depto-Cesar.pdf>

Contraloría General de la República de Colombia (CGR). (2014). Informe sobre minería, Institucionalidad, Paradojas y Conflictos. Obtenido de: <https://observatoriofiscal.contraloria.gov.co/Publicaciones/-Miner%C3%ADa%20en%20Colombia%20Institucionalidad%20y%20territorio,%20paradojas%20y%20conflictos.pdf>

CONPES 4075. (2022). Documento Conpes 4075. Política De Transición Energética. Consejo Nacional De Política Económica Y Social, República De Colombia, Departamento Nacional De Planeación. <https://colaboracion.dnp.gov.co/CDT/Conpes/Econ%c3%b3micos/4075.pdf>

CIAR. (2023, 20 de noviembre de 2023). Cuarto arbitraje de inversiones de glencore contra Colombia en Ciadi. Ver: <https://ciarglobal.com/cuarto-arbitraje-de-inversiones-de-glencore-contra-colombia-en-ciad>

Cornish, F., Breton, N., Moreno-Tabarez, U. et al. (2023). Participatory action research. *Nat Rev Methods Primers* 3, 34. <https://doi.org/10.1038/s43586-023-00214-1>

Dalabajan D., Mayne R. (2022) Hacia Una Transición Energética Justa. Implicaciones para las comunidades de los países de renta media y baja. Publicado por Oxfam GB con el ISBN 978-1-78748-993-6 en diciembre de 2022. Ver: <https://oxfamilibrary.openrepository.com/bitstream/handle/10546/621455/rr-just-energy-transition-071222-es.pdf;jsessionid=635A20FCB39A9D49603BD90DB8A6FDA7?sequence=12>

El Espectador. (2022, septiembre 1). Justicia ordena crear mesa para tratar plan de cierre de minas de Prodeco en Cesar. *el espectador.com* Últimas Noticias de Colombia y el Mundo. <https://www.elespectador.com/ambiente/justicia-ordena-crear-mesa-para-tratar-plan-de-cierre-de-minas-de-prodeco-en-cesar-noticias-hoy/>

El Espectador. (2023, Marzo 15). El otro “huevo” de las minas en Colombia: no se sabe cómo vamos a cerrarlas. <https://www.elespectador.com/ambiente/justicia-ordena-crear-mesa-para-tratar-plan-de-cierre-de-minas-de-prodeco-en-cesar-noticias-hoy/>

El País. (2023, Febrero 23). Denuncian amenazas por evitar que reabra una de las grandes minas de carbón en Colombia. <https://elpais.com/america-colombia/2023-02-23/denuncian-amenazas-por-evitar-que-reabra-una-de-las-grandes-minas-de-carbon-en-colombia.html>.

George, P. and Syrja-McNally D. (2015). Social Enquiry and Action Research for Social Work. International Encyclopedia of the Social & Behavioral Sciences (Second Edition).

Gobierno de Colombia. (2023). Colombia, Potencia mundial de la vida. Plan Nacional de Desarrollo 2022-2026. DNP Departamento Nacional de Planeación. Ver: <https://colaboracion.dnp.gov.co/CDT/portalDNP/P-ND-2023/2023-05-04-bases-plan-nacional-de-inversiones-2022-2026.pdf>

Kindon, S., Pain, R. and Kesby, M. (2007). Participatory Action Research: Origins, approaches and methods. Pages 1-10. ISBN 9780203933671, <https://doi.org/10.4324/9780203933671>

Kalmanovitz, S. (2017). Breve historia económica de Colombia / Salomón Kalmanovitz. Biblioteca Nacional de Colombia. Ver: [https://kimera.com/data/redlocal/ver\\_demos/RLBVF/VER-SION/RE-CURSOS/REFERENCIA%20ESCOLAR/2%20BIBLIOTECA%20BASICA%20COLOMBIANA/br eve%20historia%20economica%20de%20colombia%20bbcc\\_libro\\_pdf\\_090%20.pdf](https://kimera.com/data/redlocal/ver_demos/RLBVF/VER-SION/RE-CURSOS/REFERENCIA%20ESCOLAR/2%20BIBLIOTECA%20BASICA%20COLOMBIANA/br eve%20historia%20economica%20de%20colombia%20bbcc_libro_pdf_090%20.pdf)

Kindon, S., Pain, R. and Kesby, M. (2009). Participatory Action Research. International Encyclopedia of Human Geography, Elsevier. Pages 90-95. ISBN 9780080449104, <https://doi.org/10.1016/B978-008044910-4.00490-9>

Ministerio de Minas y Energía (2021). Transición energética: un legado para el presente y el futuro de Colombia. Ver en: [https://www.minenergia.gov.co/documents/5856/TRANSICION\\_ENERGETICA\\_COLOMBIA\\_BID-MINENERGIA-2403.pdf](https://www.minenergia.gov.co/documents/5856/TRANSICION_ENERGETICA_COLOMBIA_BID-MINENERGIA-2403.pdf)

Ministerio de Minas y Energía, República de Colombia (2022). Diálogo social para definir la hoja de ruta para la Transición Energética Justa en Colombia. <https://bit.ly/HojaRutaTransicionEnergeticaJustaCO>

Ministerio de Minas y Energía (2023a). Sistematización de Diálogos Vinculantes. Ver en: [https://www.minenergia.gov.co/documents/10438/1\\_Sistematizaci%C3%B3n\\_de\\_los\\_Di%C3%A1logos\\_Nacionales.pdf](https://www.minenergia.gov.co/documents/10438/1_Sistematizaci%C3%B3n_de_los_Di%C3%A1logos_Nacionales.pdf)

Ministerio de Minas y Energía (2023b). Diagnóstico base para la Transición Energética Justa. Ver en: [https://www.minenergia.gov.co/documents/10439/2\\_Diagn%C3%B3stico\\_base\\_para\\_la\\_TEJ.pdf](https://www.minenergia.gov.co/documents/10439/2_Diagn%C3%B3stico_base_para_la_TEJ.pdf)

Mackenzie, J., Tan, P., Hoverman, S. and Baldwin, C. (2012). The value and limitations of Participatory Action Research methodology, *Journal of Hydrology*, Volume 474, 2012, Pages 11-21, ISSN 0022-1694, <https://doi.org/10.1016/j.jhydrol.2012.09.008>

Mohr, K.; Johannes Thema, Maria Cecilia Bonet, Vasudha Vasudha. (2023). Transición Energética Justa en Colombia: Status Quo, Retos y Oportunidades Una evaluación centrada en las regiones carboníferas de los departamentos de Cesar y La Guajira. En: [https://www.jetknowledge.org/wp-content/uploads/2023/10/20231016\\_AF-Colombia\\_final\\_ES\\_v1.pdf](https://www.jetknowledge.org/wp-content/uploads/2023/10/20231016_AF-Colombia_final_ES_v1.pdf)

OMS. (2005). Guías de calidad del aire de la OMS relativas al material particulado, el ozono, el dióxido de nitrógeno y el dióxido de azufre. Obtenido en: [https://apps.who.int/iris/bitstream/handle/10665/69478/WHO\\_SDE\\_PHE\\_OEH\\_06.02\\_spa.pdf](https://apps.who.int/iris/bitstream/handle/10665/69478/WHO_SDE_PHE_OEH_06.02_spa.pdf)

OECD. (2004). Effectiveness of Participatory Approaches: Do the New Approaches Offer an Effective Solution to the Conventional Problems in Rural Development Projects? <https://www.oecd.org/derec/adb/35183500.pdf>

Tierra Digna. (2014). El carbón de Colombia ¿Quién gana, quién pierde? Minería, comercio global y cambio climático. Obtenido de: <https://www.rosalux.org.ec/el-carbon-de-colombia-quien-gana-quien-pierde-mineria-comercio-global-y-cambio-climatico/>

Yanguas, P., Cardoso, A., Corral, F., & Pardo, L. (2022). Por una transición amplia, sostenible y democrática. Heinrich Böll Stiftung. <https://co.boell.org/es/2022/05/06/por-una-transicion-amplia-sostenible-y-democratica>

UPME. (2020). Plan Energético Nacional 2020- 2050. Unidad de Planeación Minero Energética. [https://www1.upme.gov.co/DemandaEnergetica/PEN\\_documento\\_para\\_consulta.pdf](https://www1.upme.gov.co/DemandaEnergetica/PEN_documento_para_consulta.pdf)