

# Legitimacy in the Energy Transition

## Shared Pathways Between Companies and the Wayúu People

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## **Legitimacy in the Energy Transition: Shared Pathways Between Companies and the Wayúu People**

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### **Executive Summary**

The energy transition refers to the global shift toward more sustainable energy systems. This transition presents an opportunity for sustainable development, but it also gives rise to social, cultural, and environmental tensions. A development project is considered legitimate when it is perceived as fair, respectful, and aligned with the values, rights, and ways of life of those who inhabit the territory. In La Guajira, Colombia, companies investing in the energy transition tend to seek legitimacy through permits, consultations, and social programs, whereas the Indigenous Wayúu communities assess it based on respect for territory, spirituality, and traditional forms of governance—perspectives that do not always align. This Policy Brief therefore aims to strengthen dialogue among companies, Wayúu communities, and the Colombian government, thereby fostering a more just and sustainable energy transition. The analysis is based on a collaborative study that examined the tensions, challenges, and opportunities generated by the energy transition in La Guajira. We provide recommendations to government and academia, companies, and Wayúu people for strengthening legitimacy in La Guajira's energy transition in the context of five key challenges: (1) Lack of cultural understanding, (2) Distrust among actors, (3) Limited participation in formal consultation process, (4) Inadequate material compensation with no lasting impact, and (5) Symbolic inclusion.

### **Key Findings on Legitimacy**

- As well as compliance with the law, the legitimacy of energy-transition projects also depends on the capacity of institutions and companies to listen to, acknowledge, and collaborate respectfully with communities.
- Legitimacy is not solely the responsibility of companies; rather, it is a multi-actor process that involves Indigenous communities and their internal dynamics, as well as the government operating within the framework of the law.
- Legitimacy is an ongoing, relational, and dynamic process; it can be gained, sustained, or lost depending on how relationships, commitments, and mutual respect among companies, governments, and Indigenous peoples are managed.
- Participation of Indigenous communities should not be limited to compensation or material

benefits; it must also include respect for traditions, customary authorities, and community-based leadership.

- Formal processes to institutionalize lessons learned are necessary to foster legitimacy among companies, governments, and Indigenous communities in large-scale projects.

### **Key Actions for Strengthening Dialogue**

- Provide training, technical support, and ongoing assistance to strengthen the capacity of communities.
- Bring spaces for consultation, dialogue, and participation closer to local communities to make them more accessible. Also create spaces for free expression without pressure, while acknowledging the power imbalance among companies, the government, Indigenous communities, and advisors.

- Build trust through continuous processes, taking into account generational change within Indigenous communities.
- Link dialogue to decision-making, ensuring that projects have tangible and meaningful impacts on communities.
- Promote responsible use of language in spaces of dialogue and participation, recognizing that prejudices and discriminatory practices can be reproduced in bidirectional or multidirectional ways, thereby affecting trust and legitimacy.

## Policy Brief Approach

This report is based on a collaborative study conducted by Copenhagen Business School (CBS), the Universidad Pontificia Bolivariana (UPB), and the University of Exeter Business School. The study focused on examining the tensions, challenges, and opportunities generated by the energy transition in La Guajira, Colombia.

The aim of this report is to strengthen dialogue among companies, Wayúu communities, and governments in Europe and Latin America, thereby fostering a more just and sustainable energy transition.

The analysis was based on longitudinal research (2019–2025) including 140 interviews with leaders of Wayúu communities, managers of multinational companies, and public officials in Colombia (Riohacha, Cabo de la Vela, Uribia, Bogotá, and Medellín), and Denmark (Copenhagen); observational fieldwork in La Guajira in 2019, 2023, and 2024; and the analysis of secondary sources (e.g., government reports and legislation from Colombia and Denmark and legal texts from Colombia’s Ministry of Mines and Energy and Ministry of the Interior).

The reflections presented here are especially relevant given the context of Colombia’s ambitious energy-transition roadmap<sup>1</sup>, as well the ongoing debates surrounding prior consultation<sup>2</sup>.

## What Is the Energy Transition?

The energy transition refers to the global shift from traditional energy systems, which rely predominantly on fossil fuels, toward more sustainable systems based on renewable sources such as wind, solar, and hydropower<sup>3</sup>. This transition is driven by the need to reduce greenhouse gas emissions, mitigate climate change, and address environmental degradation, while also seeking to ensure energy security and economic stability.

Colombia’s energy system depends largely on hydroelectric and thermal energy. Hydroelectric plants supply around 68% of the country’s electricity<sup>4</sup>, while “non-conventional” renewable energy (from wind, solar, biomass and waste, tidal, and geothermal sources<sup>5</sup>) accounts for only 1%. This percentage must be understood in light of the historical predominance of hydroelectric power within Colombia’s energy matrix<sup>6</sup>.

According to Colombia’s Mining and Energy Planning Unit (UPME), as well as contributing to the decarbonization of Colombia’s energy system, investment in non-conventional renewable energy also represents a significant opportunity for job creation and regional development, particularly in La Guajira and Cesar, where the country’s main wind and solar projects are concentrated<sup>7</sup>.

However, non-conventional renewable energy projects also give rise to social, cultural, and environmental tensions<sup>8</sup>. Accordingly, the energy transition should be understood not only as a technological shift, but also as a social process that directly affects territories and community life. Therefore, to achieve a more just and sustainable energy transition, energy projects must be aligned with Indigenous communities’ rights to territory and autonomy, including respect for their collective reserve territories (*resguardos indígenas*), in accordance with Colombia’s legal framework<sup>9</sup>.

In this policy brief, the energy transition in La Guajira is examined through the lens of legitimacy,

<sup>1</sup> (Ministerio de Minas y Energía, 2022; UPME, 2025)

<sup>2</sup> (EPM, 2023a; UPME, 2023)

<sup>3</sup> (IEA, 2023)

<sup>4</sup> (Acolgen, 2024; Low-Carbon Power, 2025)

<sup>5</sup> (UPME, 2015)

<sup>6</sup> (Ramírez et al., 2022; UPME, 2025)

<sup>7</sup> (UPME, 2025)

<sup>8</sup> (Ramírez et al., 2023)

<sup>9</sup> (EPM, 2019)

understood as a key factor for the viability and sustainability of energy-transition projects.

## What Do We Mean by Legitimacy?

Legitimacy refers to the trust and social acceptance granted to an action, project, or organization by the people and communities with which it interacts<sup>10</sup>. A project is considered legitimate when it is perceived as fair, respectful, and aligned with the values, rights, and ways of life of those it affects.

Based on the results of our study, we understand legitimacy as a relational, dynamic, and fragile process, shaped by histories of inequality, memories of conflict, and diverse ways of understanding the world<sup>11</sup>. Therefore, legitimacy is not solely the responsibility of companies; rather, it is a shared process that emerges from interactions among multiple actors. This includes, across the different stages of non-conventional renewable energy projects, consideration of internal community dynamics—such as generational change—as well as the role of the state in recognizing and effectively implementing the legal framework.

Legitimacy cannot be achieved by simply complying with laws and regulations. Instead, it requires institutions and companies to listen to, acknowledge, and collaborate respectfully with communities. Legitimacy can be gained, sustained, or lost depending on how relationships, commitments, and mutual respect among companies, governments, and Indigenous peoples are managed.

In this light, we propose that three important questions should be asked when formulating and implementing public policies:

- What aspects of energy-transition projects have direct effects on territories and communities, and how can these effects be mitigated?
- What activities and transformations does the energy transition entail?
- Who are the key actors involved in energy-transition processes and in the construction and maintenance of legitimacy?

## Main Findings

### 1. Legitimacy as a relational, dynamic, and shared process

While companies tend to seek legitimacy through permits, consultations, and social programs, Wayúu communities assess it based on respect for territory, spirituality, and their own forms of governance—perspectives that do not always align<sup>12</sup>. Legitimacy, therefore, is not a fixed state but a process of shared responsibility among actors, continuously negotiated across different worldviews.

### 2. Deficit of genuine dialogue

Many Indigenous communities perceive consultation processes and formal meetings as procedures whose outcomes have already been predetermined by companies or authorities. This perception fuels distrust and generates resistance, weakening prospects for genuine cooperation.

### 3. Legal compliance is not sufficient

As well as legal compliance, legitimacy also requires listening to, acknowledging, and valuing different ways of understanding the world and territory. The participation of Indigenous communities cannot be limited to material compensation or benefits; it must also include respect for traditions, customary authorities, and community leadership.

## Voices from the Territory

*These quotes from Wayúu women inform the recommendations and practices presented in the following section.*

*“The wind, the sea, and the silence are not resources: they are territory, memory, and spirit.”*

— Wayúu Leader, Cabo de la Vela (2020)

*“If the energy transition aims to be just, it must begin by listening to Indigenous peoples—not as obstacles, but as holders of knowledge.”*

— Human rights and environmental defender, Alta Guajira (2022)

*“We are not against development; we are against being excluded from it.”*

— Wayúu human rights defender (2022)

<sup>10</sup> (Suchman, 1995; Suddaby et al., 2017)

<sup>11</sup> (Siraz et al., 2023)

<sup>12</sup> (Clavijo Ortiz, 2023)

These voices show that, for the energy transition to be just, it must be built on dialogue and mutual respect.

## Recommendations for Strengthening Legitimacy in La Guajira's Energy Transition

### Challenge 1: Lack of Cultural Understanding

**Policy Objective:** Strengthen cultural recognition and intercultural governance in energy-transition projects involving Wayúu territories.

**Core Recommendation:** Recognize plural ways of understanding the world, territory, and nature, and systematically integrate Wayúu cultural and spiritual knowledge—including their traditional normative system—into project planning and implementation<sup>13</sup>.

**Actions – Government & Academia**

- Implement certified intercultural training programs and support community mediators in collaboration with the University of La Guajira, such as through the bachelor's program in Ethnoeducation and Interculturality.
- Provide scholarships and ongoing educational support for Wayúu youth.
- Conduct participatory cultural mapping of sacred and culturally significant sites before beginning technical project design.

**Actions – Companies**

- Design and implement energy production and transmission infrastructure in ways that respect sacred and culturally significant Wayúu sites<sup>14</sup>.
- Establish formal partnerships with the University of La Guajira to ensure participatory monitoring, cultural relevance, and continuity throughout project cycles.

**Actions – Wayúu People**

- Designate Wayúu representatives as cultural mediators, granting them institutional recognition and government support.
- Actively participate in cultural mapping processes and intercultural training initiatives.

### Expected Outcomes:

- Improved mutual understanding and trust among actors.
- Reduced socio-cultural conflicts during project implementation.
- Enhanced legitimacy and long-term sustainability of energy-transition projects in Wayúu territories.

<sup>13</sup> A system of conflict resolution and social governance of the Wayúu people, recognized in 2010 by UNESCO as part of the Representative List of the Intangible Cultural Heritage of Humanity (UNESCO, 2010)

<sup>14</sup> (AES Colombia, 2023; ENEL, 2021; EPM, 2019, 2023)

## Challenge 2: Distrust Among Actors

**Policy Objective:** Build trust and establish social legitimacy among the state, companies, and Wayúu communities throughout the energy transition process.

**Core Recommendation:** Strengthen the state's role in guaranteeing essential public services (water, health, and education) in accordance with Colombian law, while improving transparency, communication, and the continuity of engagement in the territory.

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| <b>Actions –<br/>Government &amp;<br/>Academia</b> | <ul style="list-style-type: none"> <li>• Implement participatory accountability mechanisms, including open meetings, and disseminate agreements and commitments in both Wayuunaiki and Spanish.</li> <li>• Regulate and certify the role of advisors according to criteria jointly agreed upon by the government, Wayúu communities, and the business sector.</li> <li>• Recognize, strengthen, and clarify the roles and responsibilities of ancestral and traditional authorities within consultation processes.</li> <li>• Maintain a continuous institutional presence in the territory to uphold public order and guarantee the provision of basic services.</li> </ul> |
| <b>Actions –<br/>Companies</b>                     | <ul style="list-style-type: none"> <li>• Identify, from the project proposal stage, the Wayúu territories and communities located within each project's area of influence.</li> <li>• Disseminate consultation activities, compensation agreements, and corporate commitments in both Wayuunaiki and Spanish.</li> </ul>   |
| <b>Actions –<br/>Wayúu People</b>                  | <ul style="list-style-type: none"> <li>• Actively participate in discussions, monitoring, and evaluations of commitments.</li> <li>• Accompany and oversee the implementation of agreements and the management of community projects.</li> </ul>   |

### Expected Outcomes:

- Increased transparency and accountability among actors.
- Strengthened trust and reduced conflict during project implementation.
- Enhanced social legitimacy and long-term sustainability of energy-transition projects in Wayúu territories.

### Challenge 3: Limited Participation in Formal Consultation Processes

**Policy Objective:** Ensure consultation processes are culturally appropriate, inclusive, and effective to enable the meaningful participation of Wayúu communities throughout energy-transition projects.

**Core Recommendation:** Promote genuine dialogue and culturally relevant consultation processes, without imposed timelines or rigid formats, in order to guarantee effective and informed community participation in accordance with Wayúu customs and Colombian law.

#### Actions – Government & Academia

- Develop flexible and inclusive consultation processes that incorporate periods for internal deliberation, respecting Wayúu cultural norms and complying with Colombia's legal framework.
- Involve regional universities and academic centers in training and consultation processes to strengthen intercultural mediation and promote transparency.
- Guarantee the availability of clear, timely, and culturally adapted information in both Wayuunaiki and Spanish before and during consultation processes.

#### Actions – Companies

- Provide logistical, financial, and technical support to ensure informed participation on an equal footing.
- Respect the Wayúu communities' timelines, spaces for dialogue, and processes of internal deliberation.
- Ensure that community liaison teams are present continuously throughout project cycles.

#### Actions – Wayúu People

- Determine, in collaboration with traditional Wayúu authorities, which actors should be recognized as legitimate and who should represent communities in consultation processes.
- Strengthen organizational, legal, and technical capacities to ensure autonomous and effective participation.

#### Expected Outcomes:

- More inclusive and culturally grounded consultation processes.
- Improved quality and legitimacy of participation and decision-making.
- Reduced conflict and greater trust among actors involved in energy-transition projects.

### Challenge 4: Inadequate Material Compensation with No Lasting Impact

**Policy Objective:** Ensure that corporate compensation mechanisms promote long-term sustainable development and strengthen local capacities in Wayúu territories.

**Core Recommendation:** Establish clear and realistic agreements regarding the scope of corporate investments in water, health, education, and culture, and implement long-term, sustainable initiatives that include provisions for post-investment operation, maintenance, and financial sustainability.

#### Actions – Government & Academia

- Develop co-financing, monitoring, and evaluation mechanisms for social projects in coordination with local authorities, communities, and companies.
- Design public policy that incorporates guidelines for the long-term financial and operational sustainability of social investments.
- Encourage universities and research centers to participate in assessments of the social and cultural impacts of compensation measures.

#### Actions – Companies

- Incorporate sustainability and maintenance clauses into social investment contracts.
- Co-create and continuously evaluate social development programs in collaboration with communities and local authorities.
- Integrate social, cultural, and environmental indicators to qualitatively and quantitatively assess the real impact and relevance of compensation measures.

#### Actions – Wayúu People

- Actively participate in the co-management and monitoring of social projects through public–community partnerships.
- Strengthen technical, organizational, and financial capacities to enable autonomous management of sustainable projects.
- Promote community ownership of infrastructure and programs developed in the territory.

#### Expected Outcomes:

- More effective and sustainable social investments.
- Strengthened local capacities and long-term benefits for communities.
- Increased legitimacy and trust in energy-transition projects.

## Challenge 5: Symbolic Inclusion

**Policy Objective:** Ensure the meaningful and active participation of Wayúu communities in strategic decision-making processes related to energy-transition projects.

**Core Recommendation:** Guarantee meaningful community participation that goes beyond formal representation, avoiding symbolic inclusion that lacks genuine voice or real influence over outcomes.

**Actions – Government & Academia**

- Create institutional mechanisms to ensure that community proposals are incorporated into final decisions.
- Include indicators that reflect meaningful participation and real influence within project evaluation and monitoring systems.
- Promote training programs in political, technical, and intercultural leadership through partnerships with regional universities and community centers.

**Actions – Companies**

- Ensure the direct and continuous participation of Wayúu representatives across all project stages, including planning, implementation, monitoring, and evaluation.
- Integrate community priorities and proposals into corporate social and environmental investment plans.
- Support technical, legal, and leadership training programs that strengthen communities' capacity for influence.

**Actions – Wayúu People**

- Participate actively and in an informed manner in project planning, monitoring, and evaluation.
- Strengthen collective representation, coordination among traditional authorities, and the participation of women and youth in decision-making spaces.
- Promote community leadership that integrates Wayúu cultural perspectives into development processes.

### Expected Outcomes:

- Increased substantive participation and greater community influence in decision-making.
- Reduced tokenism and greater procedural justice.
- Strengthened legitimacy and sustainability of energy-transition projects.

## Final Recommendations and Reflections for Strengthening Legitimacy in La Guajira's Energy Transition

### 1. Having a seat at the table does not guarantee having a voice or decision-making power<sup>15</sup>

Formal participation in consultation processes does not, by itself, ensure real influence. What matters is not only “including” actors, but also designing participation processes that allow communities’ voices to be heard and their contributions to be translated into concrete decisions.

### 2. The energy transition can serve as a platform for reconciliation and consent

La Guajira has a long history of large-scale investment projects, including mining, oil, and gas, that have shaped local communities’ commitment to protecting their territory. In this context, the energy transition presents an opportunity for fostering reconciliation among the different actors involved: the government, firms, and local communities. It can create opportunities for strengthening the voice of local communities and for developing processes of conciliation and consent regarding the future development of the region.

### 3. Legitimacy is a shared responsibility

Legitimacy is a shared responsibility among all actors involved: the government, firms, and the Wayúu people. This means that legitimacy must be cultivated both within and by local communities, while also being supported by institutional and corporate practices. All actors should assume equal responsibility for developing and maintaining legitimacy, and its assessment should be grounded in equitable criteria that reflect the capacities, resources, and trajectories of each actor.

### 4. Power imbalances must be addressed proactively

More powerful actors often retain control even within spaces described as “inclusive.” It is essential to design mechanisms that help balance power asymmetries so that communities can demand

accountability and participate in ways that are meaningful rather than merely symbolic.

### 5. Assess outcomes, not just processes

Measuring only the number of meetings or participants is insufficient. It is important to also evaluate substantive outcomes, such as whether communities feel they have genuine influence, whether participation spaces are equitable, and whether changes are reflected tangibly in decisions and the distribution of power.

### 6. Foster alliances and collective action

Forums are more effective when communities can build networks and form alliances with other groups, such as social organizations, universities, or public institutions. Supporting community organization beyond consultation processes is essential for strengthening long-term collaboration.

### 7. Political and institutional context matters

The success of consultation processes depends heavily on the commitment of the state, local histories of participation, and prevailing social and cultural norms. For this reason, such processes must be adapted to the specific political, social, and territorial context in which they unfold, avoiding the application of generic or externally imposed models.

### 8. Institutionalize the exchange of lessons learned

Establish formal mechanisms for companies, government, and Indigenous communities to exchange lessons learned, thereby integrating local knowledge into project planning and improving decision-making.

### 9. Promote the responsible use of language and intercultural competency

The responsible use of language can be promoted by adopting intercultural guidance for spoken, written, and nonverbal communication in spaces of dialogue. This includes incorporating certified intercultural training and competencies within the teams of companies, public entities, and advisors, with the aim of preventing the reproduction of prejudices and discriminatory practices, and strengthening interactions grounded in respect and trust.

<sup>15</sup> (Larson et al., 2022)

## Reflections for Businesses and the State

Legitimacy in the context of the energy transition is not about being right; it is about building relationships that endure over time. When companies and governments recognize the diverse ways people live in and understand the territory, as well as the unequal power dynamics among different actors, meaningful dialogue becomes possible.

- A truly just energy transition in La Guajira requires humility, active listening, and a willingness to share decision-making power.
- Governments may hold legal authority, but their legitimacy weakens when they fail to fulfill their promises.
- Companies that fail to build relationships grounded in respect, coherence, and continuous dialogue often lack legitimacy, even if they comply with all necessary technical and regulatory requirements.
- Wayúu communities defend their dignity and territory based on values of reciprocity, memory, and justice.
- Dialogue among the state, companies, and communities is necessary to co-generate territorial knowledge. Companies' direct experience with communities can provide practical insights that the government should actively incorporate into public policy design, thereby strengthening a more just and legitimate energy transition grounded in shared knowledge.
- Legitimacy should be understood as an ongoing process of co-governance and as a pathway to short-, medium-, and long-term development—one built on respect, shared responsibility, and mutual learning.

### Note

This document is based on the findings and reflections of an academic article currently under review by *Management Studies*, titled:

***Legitimacy in the Pluriverse: Ontological Conflict and Delegitimation in Green Energy Investments in the Global South.***

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