

# EDF IN MEXICO

→ Formal notice served

3 OCTOBER 2019

→ Civil lawsuit filed

13 OCTOBER 2020

## THE ISSUE

Energy giant Électricité de France (EDF) is planning to build a wind farm on the lands of the indigenous Mexican community of Unión Hidalgo, located in the state of Oaxaca. So far, the community's right to give its consent to this project has not been respected, leading to significant polarisation and escalating violence against human rights defenders. On 13 October 2020, EDF was summoned to appear before the Paris civil court. The company is asked to respect the rights of the Unión Hidalgo community and to suspend the wind farm project until it complies with its duty of vigilance as established under the law on the duty of vigilance adopted in 2017.

## ACTORS

The lawsuit against EDF has been filed by representatives of Unión Hidalgo, the Mexican human rights organisation ProDESC and the European Centre for Constitutional and Human Rights (ECCHR), supported by a number of French and European NGOs.



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Further reading 

[prodesc.org.mx/union-hidalgo/](https://prodesc.org.mx/union-hidalgo/)

*Civil society space in renewable energy projects: A case study of the Unión Hidalgo community in Mexico,*

ECCHR, Policy paper, 2019

## CASE DESCRIPTION

*"Our ancestral land belongs to us, and as a community we have the right to decide how it is used. EDF has interfered in our community's decision-making. This intrusion by EDF has even led to violent divisions and conflicts within the community. People who have criticised the project – human rights and land rights activists – have been threatened, attacked, and criminalised. We call on EDF to suspend the project until free and prior consultation has taken place and we have – or have not – given our consent to the project,"* says Ms Guadalupe Ramírez, representative of the Unión Hidalgo community.

Large-scale infrastructure projects in indigenous territories must respect human rights, particularly the right to free, prior and informed consent (FPIC). Indigenous communities are often discriminated against and denied their rights. Under the Mexican constitution and international law, they are guaranteed the right to be consulted when a project is planned on their lands. Therefore, those in charge of the project – the State and the companies involved – must ensure that consultation processes are fair and free from undue pressure or manipulation. This also means ensuring that those who participate in these consultations, and rights defenders in particular, are protected against intimidation, harassment or violence.

*"The French law on the duty of diligence requires companies to identify the risks of human rights violations arising from their business activities. If such risks are identified, they must take measures to mitigate these risks and prevent serious human rights abuses. EDF continues to plan its Gunaa Sicarú project even though it has resulted in serious human rights abuses in Unión Hidalgo. EDF must now comply with its duty of vigilance. If it is unable to mitigate these risks, the Gunaa Sicarú project should be cancelled,"* says Cannelle Lavite, a litigation lawyer at ECCHR.

Guillermo Torres, a senior lawyer at ProDESC, adds, *"It is important that the company stops negotiating land usufruct agreements and electricity generation permits for the purposes of its project without the FPIC of the community. By interfering with the free consultation process and offering individual benefits only to those who support the project, EDF and its Mexican subsidiaries have caused the violence to escalate in Unión Hidalgo. As a result, attacks and threats against human rights and land rights defenders are increasing."*

*"The Mexican government must guarantee the rights of indigenous peoples. As a company subject to the French law on the duty of vigilance, EDF is required to ensure that these rights are respected in all the operations it carries out through its subsidiaries and business partners. Putting up wind turbines does not make it exempt from respecting human rights,"* states Swann Bommier, Advocacy Officer for Corporate Regulation at CCFD-Terre Solidaire.

