



## **NGO's reply to EDF response to attack on Oaxaca wind farm opponent on the Business and Human Rights Research Centre [website](#)**

The organisations that have been accompanying the advocacy and legal actions of the community of Unión Hidalgo since 2015 thank the Business and Human Rights Research Centre for the opportunity to provide more information on its website about the serious situation of risk faced by defenders in the community, and to outline some reflections on the appropriate actions expected of companies to respect human rights in contexts of violence.

Although we welcome the company's communication of knowledge of the incident with the defender Edgar Martín Regalado, we would like to clarify that it is an insufficient response, as the company has not communicated whether and how it is concretely mitigating the potential negative impacts on human rights that result from the development of its Gunaa Sicaru project.

We would like to underline that the increase in violence about which the company expresses a delicate concern is connected to the presence of large-scale wind projects and foreign and national investment in the region, and has been a constant and growing dynamic that civil society organisations [stressed](#) time and again over the last years. Human rights organisations in Mexico, including the Human Rights Ombudsman of the People of Oaxaca, as well as FIDH and the World Organisation Against Torture have warned since 2018 and 2019 about several serious attacks and threats against human rights and land and territory defenders in Unión Hidalgo. Such attacks and threats took place during indigenous consultations on the project, but also in the public sphere, as well as through stigmatisation and incriminating discourse on social media and in the local press. Consequently, in 2018, the National Human Rights Commission granted precautionary measures and requested the Mexican authorities to immediately halt the consultation process.

Since 13 October 2020, representatives of Unión Hidalgo, together with the human rights organisations Project for Economic, Social and Cultural Rights,



(ProDESC) and the European Centre for Constitutional and Human Rights (ECCHR), [filed](#) a legal action under French duty of vigilance law with the aim of preventing further violations of the community's fundamental right to free, prior and informed consent, as well as serious risks to the physical integrity of its inhabitants in relation to EDF's wind project. While this legal action is still ongoing, the attack on defender Edgar Martin Regalado on 10 February 2022 further calls into question whether the measures the company claims to have taken are sufficient, adequate and implemented, according to its duty of vigilance.

In other words, local violence is not a phenomenon on the fringes, but rather a widespread and systematic situation observed around the development of windparks in the region. EDF has failed to prevent these serious violations of physical integrity and safety from happening in the development of its Gunaa Sicaru project: despite the context of polarisation around windparks and the obvious risks around its Gunaa Sicaru project, so far, the mitigation measures published by the company in its vigilance plan are inconcrete, highly insufficient. Furthermore, the company has not shown interest in effectively engaging with the community in the elaboration of the mentioned vigilance plan.

Finally we would like to reiterate that although the company maintains in its communication that its objective is to develop low-carbon energy projects for the benefit of local families in the Isthmus of Tehuantepec (which currently hosts 31 large-scale wind farms), the energy poverty of Unión Hidalgo and many Isthmian communities remains since local populations have not benefited from more affordable energy prices or access to reliable and sustainable sources of electricity. Hence, while over 50% of the population of Unión Hidalgo lives in poverty and 11% lives in extreme poverty, households and small businesses still have intermittent access to electricity as well as to technology and other electrical appliances.

In the same vein, we are aware of the company's public commitment to the [Sustainable Development Goals](#), as published on its website. However, we would like to point out that the targets set for the fulfilment of these goals include actions contrary to the company's practices in this particular case. For example, there is



information indicating that wind energy generated in the Isthmus region is intended for use by large private companies, rather than to provide energy access to the local population. Access to energy has even worsened due to the installation of wind farms, which limit people's access to traditional forms of energy such as firewood collection.

In light of the recent attacks, civil society organisations insist that the company must, according to its duty of vigilance, implement and report on the effectiveness of measures to mitigate the risks of adverse impacts of its activities on the lives of the population of Unión Hidalgo and to comply, without pretence, with sustainable development goals, leaving no one behind.