

EDF Renewables answer to HRBC – La Guajira

30/06/2023

Invitation to EDF Renewables to respond to the review “Por el mar y la tierra guajiros vuela el viento Wayuu: En alerta la Püloui y Waneetu’unai, por el asedio de las multinacionales eólicas en territorio Wayuu” on the BHRC newsletter and site

EDF group is fully committed to respect human rights in all its dimensions when conducting its activities worldwide, informing and consulting local communities about its projects in accordance with both local regulation and processes and international human rights standards.

In that respect, EDF group has published (i) a vigilance plan [[edf.fr/sites/groupe/files/2023-05/edfgroup_rse_stand-alone-vigilance-plan_2022_en.pdf](https://www.edf.fr/sites/groupe/files/2023-05/edfgroup_rse_stand-alone-vigilance-plan_2022_en.pdf)], and (ii) specific group commitments and requirements which address the rights of local communities [https://www.edf.fr/sites/groupe/files/2023-02/edfgroup_rse_referentiel-ddv-2021_en.pdf].

Concerning rights of local communities and indigenous populations, EDF group is committed to never impairing the rights of the communities living around its operations and to organizing transparent two-way dialogue and consultation about all new projects worldwide.

EDF group is also committed to respecting the rights and distinctive features of indigenous populations as defined in the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) and ILO Convention 169. The UNDRIP in particular stipulates that “Indigenous peoples shall not be forcibly removed from their lands or territories. No relocation shall take place without the free, prior and informed consent (FPIC) of the indigenous peoples concerned and after agreement on just and fair compensation.”

The developments of EDF Renewables (EDFR) projects in Colombia are being carried out within the framework of Colombian regulations and international agreements and with respect for the human rights of the communities.

It is worth noting that EDFR recently signed the "Pact for a fair energy transition in Guajira" [[Comunidades Wayuu, empresas del sector energético y el Gobierno del Cambio firman pacto por la Transición Energética Justa en La Guajira \(minenergia.gov.co\)](https://www.minenergia.gov.co)] proposed by the national government. The pact brings together Wayuu authorities, social leaders, renewable energy developers, and the government. The pact aims to ensure a just transition that respects the rights of indigenous communities, fosters inclusivity, and promotes sustainable development.

In reference to the report titled "*Por el mar y la tierra guajiros vuela el viento Wayuu: En alerta la Püloui y Waneetu’unai, por el asedio de las multinacionales eólicas en territorio Wayuu*" it is important to highlight that the report contains various inaccuracies and misinformation related to EDF Renewables projects. The following points outline the main discrepancies found within the report:

1. **EDFR has 2 projects under its control in Colombia and not 4 as shown on page 76.** Those two projects, currently in the development phase, are:
 - i. Desarrollos Eólicos de Uribe S.A.S, controlled by EDF Renouvelables International S.A.S. It is a project of approximately 400 MW developed by the association of companies AMDA and IC Asesoria.
 - ii. Jouttalein S.A.S., controlled by EDF Renouvelables International S.A.S. It is a project of approximately 150 MW developed by the company D&G Proyectos.

2. The report presents the Joüttalein wind project on page 81, mentioning "*conflicts detected in the area of influence and the communities' accusation of the company not consulting with the correct authorities (ancestral vs. traditional) and confusion regarding information about the areas of influence.*"
 - i. **To the best of our knowledge, there have been no conflicts among the communities within the area of influence of Joüttalein Park. Upon reviewing the report, we have not found any evidence supporting the occurrence of such conflicts.**
 - ii. **The claim that the communities accuse the company of failing to consult with the appropriate authorities (ancestral or traditional) is unsupported by any primary sources from the communities.** The previous Human Rights Due Diligence activity, conducted over a year prior to the consultation process, enabled the developer to gain a comprehensive understanding of the territory and the social dynamics of the communities residing there.
 - iii. The different activities related to human rights due diligence and the consultative process are documented through approved minutes prepared with the communities, as well as photographic and video evidence
 - iv. Problems arising in the Joüttalein project have been addressed through timely dialogue and agreements in accordance with Wayuu customs. The project is currently in an advanced stage of development, with no conflicts impeding its continuation or threatening legal and social stability. The consultative process that ended successfully with the eight communities followed international standards of free, prior and informed consent (FPIC), enabling active participation from community members in various stages of the process.

3. In relation to the claims made on page 72 of the report:
 - i. **The report alleges that EDF Renewables did not adhere to the international standards set by the International Labor Organization (ILO) during the development of the Gunaa Sicaru project in Mexico. We strongly disagree with this information and maintain that EDF Renewables has consistently acted in accordance with all international standards,** including the ones referred above, in accordance with EDF group vigilance plan. It is worth noting that there is an ongoing legal proceeding in France to address this matter.

Please also note that on 12 July 2022, the French OECD National Contact Point (NCP) published a press release noting the bolstering of EDF's corporate policy and the work done on human rights, as well as engagement with stakeholders. As these measures met NCP recommendations concerning the Gunaa Sicaru project, the NCP accordingly ended its monitoring

<https://www.tresor.economie.gouv.fr/Articles/591a8ff6-0ec5-4aaf-a1dc-5a6644f95999/files/092fce22-a175-4bbc-a80b-e49e97824c23>).

- ii. **The report inaccurately states that the EDF Renewables Gunaa Sicaru project in Mexico has been canceled.** The correct information is that the consultation process overseen by SENER (Mexican Secretariat of Energy) is currently on hold.