

Mexico | What you didn't know about renewable energies: the struggle of the Binnizá people of Unión Hidalgo

17.06.2021

Building back better requires new sustainable production systems. However, energy transition should not be encouraged at the expense of human rights or harm to local communities. The transition towards renewable energy sources has become a threat to human rights, with increasing attacks to human rights defenders.



Demand for natural resources is at an all-time high and continues to grow, while environmental degradation and loss of biodiversity advances. At this pace, if the global population continues to grow as predicted, [by 2050 we would require three planets](#) to provide the natural resources that currently sustain our way of living.

Moving towards a zero-carbon economy becomes indispensable. However, this transition should not be encouraged at the expense of human rights or harm to local communities. The [transition towards renewable energy sources is an opportunity to address serious socioeconomic](#) issues, but it has also become a threat to human rights, as abuses linked to renewable energy projects are becoming increasingly frequent.



Globally, 604 attacks on activists working on [business-related human rights issues](#) were recorded in 2020, despite or because of the vital work they are doing so that their communities can live on their land in a healthy, sustainable manner. The UN Special Rapporteur on the Situation of Human Rights Defenders, Mary Lawlor, notes in her [recent report](#) that Latin America is the most dangerous region for human rights defenders. Mexico, Honduras, Brazil, and Colombia lead in the number of murders. In Mexico, only in 2019, [39 aggressions](#) were registered against human rights defenders, 15 of which were killings. Oaxaca was the State with the highest number of cases.

The Binnizá people of [Unión Hidalgo](#), in the State of Oaxaca in Mexico, is culturally and historically enrooted in their territory. They are an agrarian society where land is communitarian, and decisions about the territory are discussed and taken at the local assembly. However, a [mega-infrastructure project from the wind energy industry](#) has destabilised life in the community. In 2004, the energy company [Demex](#), a Mexican subsidiary of the Spanish corporation [Renovalia Energy](#), built the Piedra Larga wind park, which is currently operational.

Binnizá people demand the cancellation of the contracts signed for the construction of Piedra Larga wind farm and the restoration of the land allocated to the project. The local community claims that the project was carried out without any consultation and at the expense of their human rights. This would contravene national and international legislation for the protection of Indigenous peoples on prior and informed consent. So far, Mexican courts have not yet issued judgment on these claims.

In 2017, the community started a new legal process against the French State-owned company [Electricité de France](#) (EDF) for a second project, the Gunaa Sicarú wind farm, prospected on the community's land, again without having obtained their consent. [In 2018](#), the Mexican judiciary ordered the suspension of the project until the community was consulted in accordance with international standards.

In the meantime, the community lives in a climate of tension, division, and violence against human rights defenders. [As documented by the United Nations in many other cases worldwide](#), [Demex](#) and [EDE](#), in collaboration with local partners, are accused of deploying a “divide and rule” strategy, allegedly and indirectly using coercive methods to create tensions that turn local communities and groups against the very people who are defending their rights. Companies usually achieve this by offering financial and other economic incentives, as well as promises of job security and economic well-being.

Private actors build a narrative where human rights defenders are the only obstacle for the community to achieve further socio-economic development. In the long run, these perverse strategies result in the gradual deterioration of the social fabric of entire communities.

Rosario Cuevas, member of the Committee of Indigenous Women in Defence of Life, affirms that *"companies practice the old strategy of 'divide and rule'. They point at us as if it were a sin to defend what is ours. It is worrying because when we come to carry out our traditions and we feel this distance from other people at the community [...] we know that the company continues to pressure for a fraudulent consultation"*.

Indigenous communities claim that they are structurally and repeatedly excluded from any meaningful participation. [“We are not against the wind project, we are against the way in which the consultation is being carried out. Our community is not informed. The consultation was reactivated with the same irregularities, aggressions, insults and threats from people paid to do it.”](#) says Guadalupe Ramírez, a defender of Unión Hidalgo territory.

Those defending the rights of the community face stigmatisation, harassment, and threats to their physical integrity and that of their family. International [civil society](#), [human rights organisations](#) and [experts](#) have called on governments and the companies involved to protect the defenders of Unión Hidalgo and to stop aggressions and any potential escalation. In the meantime, companies [state that they respect international best practices](#) and that local communities are duly consulted.

The case has become a landmark in the struggle of local communities against abuses linked to multinational corporations, as it reached international courts late last year. On 13 October 2020, together with representatives of Unión Hidalgo, the Mexican human rights organisation [ProDESC](#) and the [European Center for Constitutional and Human Rights](#) filed legal action in French courts, under the [so-called Loi de Vigilance](#), which obliges French companies, both parent and subsidiary companies, to carry out human rights due diligence. At the time of writing, the case continues as the European Union prepares its own [“Human Rights Due Diligence Legislation”](#) and expectations and pressure from global civil society mounts.



Often, affected communities do not find mechanisms where they can receive justice, reparation and accountability for those actors that violated their human rights. However, the community of Unión Hidalgo, and many communities in the Global South, continue to fight for an energy transition that is not based on human rights abuses.

"Why should I leave? I have learned that staying is the right thing to do. We were born here. No one can point a finger at us and say we are doing something wrong." - Guadalupe Ramírez

ProDESC and ISHR work together to ensure that local communities and human rights defenders have their voices heard and their rights respected.

Contact ProDesc: eduardo.villarreal@prodesc.org.mx

Contact ISHR: a.zaragoza@ishr.ch

Photos: Pro Desc Mexico / Windmills at Unión Hidalgo

At ISHR, we co-host the Business Network on Civic Freedoms and Human Rights Defenders, an informal network of companies, convened and facilitated together with The Business & Human Rights Resource Centre and the B Team. Founded in 2016, it explores the role of companies in helping to protect civic freedoms and human rights defenders, enables discussion and mutual learning, and is used flexibly to initiate individual or collective action around the world. [Contact us](#) for more information.

ISHR