



Mexico City, January 10<sup>th</sup>, 2021.

## CONCEPT NOTE

### Lecture on Unión Hidalgo case

*The present document is a Proyecto de Derechos Económicos, Sociales y Culturales, A.C. (ProDESC) and the Berlin-based European Center for Constitutional and Human Rights (ECCHR) proposal to present the Unión Hidalgo case in the University of Paris Nanterre.*

#### Context: Unión Hidalgo case

Indigenous communities in Mexico are often discriminated and deprived of their rights. Under international and Mexican Law, they are granted the right to be consulted if a project is planned on their land. It is important that those responsible – the state or the companies concerned – ensure that consultation processes are fair and free from undue pressure and manipulation.

Since 2015, the energy giant Electricité de France (EDF) plans to build the Gunaa Sicarú wind park on the land of the Mexican indigenous community of Unión Hidalgo. However, until now, EDF has failed to properly investigate the possible human rights risks of its operations in Unión Hidalgo's area and has not implemented measures to protect the rights of the indigenous people, especially their right to be consulted on the proceedings as guaranteed according to the fundamental right to free, prior, and informed consent.

That is why, on October 13<sup>th</sup> 2020, representatives of Unión Hidalgo, ProDESC and the ECCHR filed a civil lawsuit in Paris urging EDF to respect Unión Hidalgo's rights and suspend the Gunaa Sicarú wind park project until the company complies with its vigilance obligation. Indeed, under French law as well as according to international standards by the UN and the OECD, companies have an obligation to respect human rights in their global operations and along the supply chain. This also includes their subcontractors or suppliers. Therefore, EDF should take its responsibilities for the violations committed, according to the French *loi de vigilance* (2017).

#### Lecture Goals

ProDESC is willing to organize discussion lectures with national and foreign universities to position Unión Hidalgo case towards EDF in aim of illustrating good practices of due diligence for the European law on due diligence, as well as for the United Nation binding agreement on business and human rights. Our specific goals are to:

- 1) Highlight the importance of national and international law on duty of vigilance.
- 2) Make visible the context and situations lived by the people of Unión Hidalgo.
- 3) Provide information on the legal strategies led by ProDESC concerning this case.
- 4) Sensitize the students and the academia on the duty of vigilance law (outputs and outcomes).

Until now, we have confirmed lectures with the University of Paris Nanterre (France); University of Nuremberg (Germany); Essex University (United Kingdom); and Oxford University (United Kingdom).



University	Date	Time
University Paris Nanterre France	March 22 <sup>nd</sup> , 2021	15:00 – 16:30 GMT+1 08:00 – 09:30 GMT-6

### Speakers:

- Alejandra Ancheita, Executive Director at ProDESC.
- Miriam Saage Maass, Program Director Business and Human Rights at ECCHR.
- Laurence Sinopoli, International Private Law Professor at Paris Nanterre.
- Paul Mougeolle, PHD candidate at Paris Nanterre.
- Juliette Camy, Due diligence expert at Paris Nanterre.
- Chairperson: Véronique Champeil-Desplats, Research Vice-president at Paris Nanterre.

### Lecture scheme:

- **Presentations and introduction:** Presentation of participants with a short biography and introduction to the topic. The floor will be given by Véronique Champeil to each participant. 5 minutes
- **Context of Unión Hidalgo and justiciability:** Alejandra Ancheita & Miriam Saage Maass talk on Unión Hidalgo context; legal actions undertaken in Mexico and challenges in the justiciability; and the conception and follow of a transnational strategy (OECD / France). 30 minutes
- **Introduction to the broader debate on mandatory human rights due diligence with the following topics:**  
General basis on business responsibilities abroad by Juliette Camy (10 minutes); French Law of due diligence by Laurence Sinopoli (10 minutes); and the lawsuit under climate claim (Total) by Paul Mougeolle (10 minutes). 30 minutes
- **Q&A with audience** 25 minutes