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UN Representative on Indigenous Peoples Asked to Investigate Human Rights Violations Caused by Panama's Barro Blanco Dam

Washington, DC – On Friday, 12 civil society organizations urged the United Nations (UN) Special Rapporteur on the Rights of Indigenous Peoples, James Anaya, to conduct a formal investigation into the human rights impacts of the Barro Blanco dam located on the Tabasará River in Panama. The Panamanian and international organizations also [asked Mr. Anaya](#) to call on the government of Panama to immediately halt the dam's construction until the threats to the rights of the indigenous Ngäbe people affected by the project have been fully addressed. The Barro Blanco controversy received special attention at the UN climate talks held last week in Bonn, Germany, because the project is registered under the Clean Development Mechanism (CDM), a carbon offsetting scheme established under the Kyoto Protocol.

“The Barro Blanco dam will directly affect Ngäbe people, yet we were not even consulted about the project before it was approved,” said Weni Bagama, an indigenous Ngäbe leader of the Movimiento 10 de Abril, a community-based movement defending the Tabasará River from development projects. In September 2012, the UN Development Programme (UNDP) conducted a fact-finding mission at the project site and interviewed Ngäbe community members about projected impacts. UNDP's assessment report confirmed that the dam will flood homes and religious, historical and cultural sites in the Ngäbe-Buglé territory. The report further documented the project's impacts, including that the dam will convert the flowing Tabasará River into a stagnant lake ecosystem, affecting the Ngäbe's diet and means of subsistence.

“Despite proof that the dam will have grave impacts on the Ngäbe way of life and cultural heritage, the construction of the dam continues,” added Ms. Bagama. “We urge Mr. Anaya to investigate the situation and do all he can to protect the rights of the indigenous peoples affected by this project.”

“The public forum where the project was discussed was held as a community meeting without a clear notification of its true objective, and there was no representation from the affected indigenous communities,” said Tania Arosemena, Legal Director of the Environmental Advocacy Center, Panama (CIAM by its Spanish initials). “The consultation process did not comply with the minimum standards demanded by national and international law on this matter.” CIAM filed a lawsuit in 2011 on behalf of members of the Ngäbe communities, who challenge the approval of the project's environmental impact assessment. That suit is pending.

Several of the organizations that wrote to Mr. Anaya also raised the Barro Blanco case at the UN climate talks in Bonn last week. “The Barro Blanco project illustrates an urgent need for reform within the CDM,” said Alyssa Johl, senior attorney at the Center for International Environmental Law (CIEL). “Once a project has been registered under the CDM, affected communities have no means to voice their concerns regarding the project's social and environmental impacts. The UN climate regime must establish a process that allows communities to seek recourse for the harms associated with CDM projects,

as well as a process to deregister projects where there are clear violations of CDM rules as in the case of Barro Blanco.”

“Given the CDM’s lack of a complaint procedure and the Panamanian government’s failure to protect the Ngäbe’s rights, the communities need Mr. Anaya’s support,” said Abby Rubinson, associate attorney in Earthjustice’s International Program. “We appreciate Mr. Anaya’s past efforts to engage the Panamanian government to respond to the Ngäbe’s concerns, and we ask him to continue to play this much-needed role to prevent further violations.”

The Panamanian non-governmental organizations (NGOs) that signed [the letter to Mr. Anaya](#) were CIAM, Movimiento 10 de Abril, and Asociación Ambientalista de Chiriquí. CIEL, Earthjustice, Inter-American Association for Environmental Defense (AIDA), International Rivers, Carbon Market Watch, Both ENDS, Collective Voices for Peace, Salva la Selva and Marin Interfaith Task Force on the Americas comprised the international groups that signed the letter to Mr. Anaya.

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