To
Mirei Endara, Environment Minister of the Republic of Panama

CC
Juan Carlos Varela Rodríguez, President of the Republic of Panama
Isabel de Saint Malo de Alvarado, Vice President and Minister of Foreign Affairs of the Republic of Panama
Eduardo Calvo, Chair of the Clean Development Mechanism Board
John Knox, UN Special Rapporteur on human rights and the environment
Victoria Tauli-Corpuz, UN Special Rapporteur on the Rights of Indigenous Peoples

September 7, 2016

RE: Withdrawal of Barro Blanco’s registration under the Clean Development Mechanism

Dear Minister Endara,

We, the undersigned, urge you to withdraw Panama’s letter of approval for the Barro Blanco hydroelectric project to be registered under the Clean Development Mechanism (CDM), in light of the severe environmental and human harms it is causing. As adopted by the CDM Executive Board at its 76th meeting, the procedure for withdrawing approval of a CDM project activity is set forth in Doc. CDM-EB76-A12-PROC.

The affected communities are currently threatened by a flooding, that started on August 19 without prior notification, and has already put first houses under water. Communities are now on high alert as they will be forced to abandon their sacred lands in the coming days.

Panama has been on notice of the negative social and environmental impacts associated with this project for several years. According to a fact finding mission led

---

1 As per arts. 11-12 of Doc. CDM-EB76-A12-PROC, the withdrawal letter of the DNA should: (a) Be addressed to the Executive Board of the clean development mechanism; (b) Be sent by the DNA for the Host Party to the secretariat; (c) Specify the Effective Date; (d) Be dated and duly signed or stamped; (e) Identify the Affected project participants (namely, the project participant(s) to which the Withdrawal Letter applies); (f) Identify the project activity(ies) or PoA to which the Withdrawal Letter applies (Affected project activity(ies) and Affected PoA/Affected CPAs); (g) State the date of the original Letter of Approval; (h) Set out the implications of the withdrawal; (i) Include the reasons for the withdrawal of the approval/authorization by the Party involved; (j) Contain all other relevant information considered necessary by the DNA; and (k) be copied to all other project participants currently participating in the project activity. The letter should be sent by registered post to the CDM Registry at the secretariat, with a copy sent by email to cdmregistry@unfccc.int.

2 Please watch this testimony for more information: https://twitter.com/CarbonMrktWatch/status/769147976107384832
by the United Nations Development Programme in 2012, the Barro Blanco hydroelectric project will have direct impacts on the Ngäbe communities of Kiad, Nuevo Palomar and Quebrada Caña. The dam will flood at least 6 hectares + 9816.86 m² of their land, their only means of subsistence, including homes and sacred petroglyphs.

As indicated in two letters sent to the CDM Board in 2011 and as confirmed by then UN Special Rapporteur James Anaya, the local affected Ngäbe Bugle communities were not adequately consulted and have never given their consent to the Barro Blanco project. Furthermore, in August 2015, the Panamanian Environment Minister found that the project developer, GENISA, had not reached agreement with the Ngäbe Bugle Comarca and sanctioned the company with a fine. In spite of this finding, the Panama’s National Authority for Public Services granted permission to “test flood” Barro Blanco in May 2016, without notifying or consulting the affected communities, as confirmed by Milton Henriquez, Minister of Internal Affairs.

These findings, as well as the reality that the Ngabe people are facing, demonstrate a violation of international human rights standards, which stipulate that indigenous peoples have the right to consultation and free, prior and informed consent. As derived from the right to property protected under the American Convention on Human Rights and other agreements, indigenous peoples also have the right to adequate housing, to possess, use, and “freely enjoy” their traditional lands and territories, and to “not be forcibly removed” from them.

The CDM has a dual mandate: to support sustainable development in developing countries and to help industrialized countries partner with developing countries to cheaply reduce emissions. Barro Blanco, however, due to its violation of indigenous rights, has proven to be unsustainable.

For this reason, we call you to withdraw Panama’s letter of approval to Barro Blanco’s CDM registration, in order to respect both Panama’s national and international commitments and follow the spirit of newly approved Law 37 on the right to free, prior and informed consent of indigenous peoples.

Sincerely,

International
Asociación Interamericana para la Defensa del Ambiente –AIDA-
International Rivers

Africa
Burundi : Association pour l'Intégration et le Développement Durable au Burundi -AIDB-

United States
International Rivers

Coalition pour le développement et la réhabilitation sociale –CODR UBUNTU-
Cameroun: Green Horizon Education for all –EFACAM-
Côte d’Ivoire: ONG ADDY
Democratic Republic of Congo: Alternatives Observatoire d’Etudes et d’Appui à la Responsabilité Sociale et Environnementale
Ethiopia: ICUAS

4 http://carbonmarketwatch.org/cdm-project-application-3237-barro-blanco-hydroelectric-project/
5 http://unsr.jamesanaya.org/statements/declaracion-del-reator-especial-sobre-los-derechos-de-los-pueblos-indigenas-al-concluir-su-visita-oficial-a-panama
6 Please see the sanction decision, especially page 10, para 3 & 4: http://carbonmarketwatch.org/wp-content/uploads/2016/04/ANNEX-1_ANAMs-sanction-decision.pdf
8 For more information, please see http://www.ciel.org/Publications/BarroBlanco_Appeal_18Feb2014.pdf
Ghana: Abibiman Foundation
Greenglobe GH.
Guinea: Association Guinée pour la promotion des énergies renouvelables -AGUIPER-
Kenya: Laikipia Wildlife Forum
Women Empowerment Society
Mali: Action pour le développement Durable Association Malienne d’éveil au
Développement Durable –AMEDDD-
Nigeria: Climate Change Network Nigeria
Tanzania: Enguserosambu Community Forest Conservation Trust
SWEAT Development Programme
Uganda: Dodoth Agro-pastoralist
Development Organization –DADO-
Friends with Environment in Development

Americas
Chile: Coordinadora Aymara de defensa de los
Recursos Naturales
Colombia: Asociación Ambiente y Sociedad
Movimiento Social en Defensa del Río
Sogamoso
Resguardo Indígena Cañamomo Lomaprieta
Riosucio Caldas Colombia
Costa Rica: Comunidades Ecologistas la Ceiba -
Amigos de la Tierra Costa Rica –COECOCEIBA-
Federación ecológista
Ríos Vivos Costa Rica
Ecuador: Corporación De Gestión Y Derecho
Ambiental -ECOLEX-
Guatemala: Colectivo Madre Selva
Centro Mesoamericano de Estudios sobre
Tecnología Apropiada -CEMAT-
Honduras: Asociación Nacional para el
Fomento de la Agricultura Ecológica -ANAFAE-
Coalición Nacional de Redes Ambientales -
CONROA-
Organización Fraternal Negra Hondureña –
OFRANEH-
Mexico: Comité Nacional para la Defensa y
Conservación de Los Chimalapas
Maderas del Pueblo del Sureste, AC
Servicios para una Educación Alternativa A.C
Panama: Alianza para la Conservación y el
Desarrollo –ACD-
Asociación ambientalista de Chiriqui
Movimiento Victoriano Lorenzo
Centro de Incidencia Ambiental –CIAM-
USA: Native Future

Australia and Oceania
New Zealand: Human Rights Foundation of
Aotearoa New Zealand
Papua New Guinea: Oro Communities
Environmental Advocacy Network - OCEAN INC.

Asia
Bangladesh: Angikar Bangladesh
Center for Participatory Reserach and
Development-CPRD
Cambodia: Vishnu Law Group
India: Association for promotion sustainable
development. Hisar
Bhartiya Jan Sewa Ashram
Beyond Copenhagen Collective
Bharat Munda Samaj,Jamshedpur
Chumthang Media
Gujarat Forum on CDM
Gram Bharati Samiti (GBS)
Manipur Nature Society
ParyavaranMitra
Regional Centre for Development Cooperation
United NGOs Mission Manipur
Zeliangrong Baudi
Mongolia: JASIL
Nepal: Abhiyan Nepal
Forum for Nature Protection
Global South Initiative
Philippines: Kaisahan
Thailand: Asia Indigenous Peoples Pact
Taiwan: Central Taiwan Ping-Pu Indigenous
Groups Youth Alliance
Papora Indigenous Youth Council
Taiwan Environmental Protection Union

Europe
Austria: Finance & Trade Watch
Belgium: Carbon Market Watch
Germany: Berliner Wassertisch
Climate concept foundation
German NGO Forum Environment &
Development
WECF - Women in Europe for a Common
Future (WICF) Forum for Environment
Wasser in Bürgerhand WIB
Spain: Almáciga
Salva la Selva /Rainforest Rescue