



To  
Mirei Endara, Environment Minister of the Republic of Panama

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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<sup>1</sup>.

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<sup>2</sup>. 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

<sup>1</sup> 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](mailto:cdmregistry@unfccc.int).

<sup>2</sup> Please watch this testimony for more information:  
<https://twitter.com/CarbonMrktWatch/status/769147976107384832>

by the United Nations Development Programme in 2012<sup>3</sup>, 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 m<sup>2</sup> 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<sup>4</sup> and as confirmed by then UN Special Rapporteur James Anaya<sup>5</sup>, 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<sup>6</sup>. 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<sup>7</sup>.

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<sup>8</sup>.

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-

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

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<sup>3</sup> <http://canal-empresarias.ciudadelsaber.org/wp-content/uploads/2015/09/0-informe-mision-verificacion-final-20121219.pdf>

<sup>4</sup> <http://carbonmarketwatch.org/cdm-project-application-3237-barro-blanco-hydroelectric-project/>

<sup>5</sup> <http://unsr.jamesanaya.org/statements/declaracion-del-relator-especial-sobre-los-derechos-de-los-pueblos-indigenas-al-concluir-su-visita-oficial-a-panama>

<sup>6</sup> 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](http://carbonmarketwatch.org/wp-content/uploads/2016/04/ANNEX-1_ANAMs-sanction-decision.pdf)

<sup>7</sup> <http://www.mingob.gob.pa/mingob/inside.php?artID=3246>

<sup>8</sup> For more information, please see

[http://www.ciel.org/Publications/BarroBlanco\\_Appeal\\_18Feb2014.pdf](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 –AMEDD-

**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 Lomapieta

Riosucio Caldas Colombia

**Costa Rica:** Comunidades Ecologistas la Ceiba -

Amigos de la Tierra Costa Rica –COECOCEIBA-

Federación ecologista

Ríos Vivos Costa Rica

**Ecuador:** Corporación De Gestión Y Derecho

Ambiental -ECOLEX-

**Guatemala:** Colectivo Madre Selva

Centro Mesoamericano de Estudios sobre

Tecnología Apropriada -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 Resaerch and

Developmnet-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:** Almaciga

Salva la Selva /Rainforest Rescue