



Cleansing Unsustainable Development: The Barro Blanco Dam in Panama

Osvaldo Jordán Ramos, Ph. D.

Alianza para la conservación y el desarrollo (ACD)

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THE TABASARA DAMS

- ▶ In the 1970s the military government proposed the creation of two large dams on the Tabasara River affecting the Ngäbe indigenous territory (possibly linked with the Cerro Colorado mining complex).
- ▶ Both nonindigenous peasants and Ngäbe people expressed opposition to these dams, and possibly met personally with General Omar Torrijos Herrera.

In the 1980s the hydroelectric projects were stalled during political crisis after the death of General Torrijos and before the US invasion.



ECONOMIC REFORM AND PRIVATIZATION

- ▶ In the 1990s Panama approved an economic reform involving privatization of the national energy public utility (IRHE).
- ▶ Consorcio Tabasará, S. A., gained the two generation concessions, and obtained the approval of the environmental impact assessments (EIAs) for the Tabasara I and Tabasara II power dams.
- ▶ Grassroots peasant and indigenous communities mobilized to oppose the projects, and in 2000 created the **April 10 Movement for the Defense of the Tabasara River (M10)**.
- ▶ In 2000 the Supreme Court of Panama temporarily suspended the EIA for Tabasara II; and in 2003 construction work stopped in both projects following M10 demonstrations that were violently repressed.

CLEANSING THE TABASARA DAMS

- ▶ In 2006 the Tabasara I concession was cancelled, and a new concession was awarded to GENISA for the construction of the Barro Blanco dam (**a reduced versión of Tabasara I**).
- ▶ Early in the process GENISA sought for CDM validation and financing from European banks.
- ▶ In 2008, Spanish validator AENOR received comments from ACD; but comments were never rolled-over when a new validation process began in 2009 after changes in design for project expansión).

EUROPEAN FINANCING AND ACCOUNTABILITY

- ▶ In 2009 the European Bank of Investment (EBI) sent mission to Panama to meet with stakeholders, and in 2010 initiated an Ombudsman investigation.
- ▶ The investigation was suddenly stopped after GENISA cancelled the request for financing. In 2011, FMO (The Netherlands) and DEG (Germany) decided to finance the project and outsourced the social and environmental assessment.
- ▶ M10 organized a protest camp against Barro Blanco in the entrance of the Project. No due diligence visit by FMO and DEG.
- ▶ In 2011 Barro Blanco also registered for CERs despite opposition from stakeholders.

National Indigenous Mobilization (2011-2012)





TRACTED DIALOGUE AND CONFLICT

Ngäbe mobilizations against mining and hydroelectric development in

dialogue about Barro Blanco between 2012-2013.

- Special Rapporteur James Anaya visit to Panama in August 2013.

Weni Bagama, Panama,
said Barro Blanco Project
violates the human rights
of the three Ngäbe-Buglé
communities.



PROTRACTED DIALOGUE AND CONFLICT

- ▶ Government of Panama approved forceful easement and Ngäbe clashes with police at the construction site in early 2014.
- ▶ New President of Panama sponsors UN mediated dialogue and temporary suspension of the EIA in early 2015.
- ▶ In May 2015, the new FMO (DEG) International Complaints Mechanism (ICM) conceded failures in the assessment of the Project. Leaked letter from the Banks towards the Government of Panama.
- ▶ Without a convened agreement, UN mediation continued closed doors without the participation of the people directly affected by the Project, including M10.

A FORCEFUL DIALOGUE?



FAILED AGREEMENT AND FORCEFUL FLOODING

- ▶ Flooding begins in May 2016 without any agreement and acquiescence from the people directly affected.
- ▶ Flooding temporarily suspended in June; continued closed doors negotiations with UN backing.
- ▶ In August, flooding resumes before the signing of the draft agreement. Ngäbe clashes with National Police, including violent repression of Mama Tata.



FAILED AGREEMENT AND FORCEFUL FLOODING

- ▶ Draft agreement rejected by Ngäbe-Bugle General Congress in September 2016 after most of the flooding had already been completed.
- ▶ Continued resistance of the Ngäbe communities who still refuse to accept any money for sacred lands.
- ▶ Last month the new UNDP Social and Environmental Compliance Unit (SECU) issued a draft report confirming that Panama UNDP projects did not follow internal social and environmental standards.

BURNING QUESTIONS

- ▶ Why information about the Tabasara dams conflict was never incorporated into the assessment of Barro Blanco by CDM and financial institutions?
- ▶ Why the public input procedure only presented documents in English to be accessed electronically (absence of an appropriate due diligence)?
- ▶ Why comments were not rolled over by the CDM validator in 2009 despite being the same project submitted in 2008?
- ▶ Why FMO (The Netherlands) and DEG (Germany) did not consider the assessment of EBI or organized their own country visit?

BURNING QUESTIONS

- ▶ Why the CDM never created its own complain mechanism?
- ▶ Why the Banks never considered a clause for redress if the Project violated human rights or led to serious social conflict?
- ▶ Why the UN did not follow international human rights standards in approval of CER registration (2011) and later mediation of agreement (2016)?

A SPECIAL INVESTIGATION IS URGENTLY NEEDED FROM UN SPECIAL RAPORTEURS TO DRAW LESSONS LEARNED (2008-2018) AND AVOID CONTINUED VIOLATION OF HUMAN RIGHTS FOR THE NGÄBE COMMUNITIES IN PANAMA.