



Ngäbe Bugle Area

## **M10: MOVIMIENTO 10 DE ABRIL (April 10<sup>th</sup> Movement)**

*M10 is a community-based organization that has been impacted by the Barro Blanco Hydroelectric Project (BBHP) in the Republic of Panama.*

*We, the impacted community, with all due respect and by means of our organization M10, file this formal complaint to the Social and Environmental Compliance Unit (SECU) following UNDP's involvement in the development of the Barro Blanco Hydroelectric Power Plant Project.*

### **BRIEF HISTORY OF THE BBHP**

In May of 2007, the Barro Blanco Hydroelectric Power Plant Project was subject to a bidding process. On February 8<sup>th</sup>, the company held a public forum in the Tolé district of the Chiriquí Province. This area is not impacted by the BBHP whose works and projected dam in the area directly impacts the area inhabited by the indigenous communities on the banks of the Tabasará River, in the Province of Chiriquí. Following this public event, communities affected directly and indirectly heard of the project and began to mobilize against it because it affects their living spaces and territories constitutionally recognized by the Republic of Panamá.

### **LEGAL-CONSTITUTIONAL MATTERS**

1. Article 90. The State recognizes and respects the ethnic identity of national indigenous communities, and will carry out programs aimed at developing the material, social and spiritual values of each of its cultures. It will also create an institution for the study, conservation and dissemination of these cultures and their languages, as well as promote the integral development of such communities.
2. Article 127. The State will guarantee to indigenous communities the necessary lands and the collective property thereof for the attainment of their economic and social welfare. The law will regulate the procedures that must be followed to achieve this purpose and the conditions under which private appropriation of land is prohibited.

## SITUATION RESULTING FROM THE BARRO BLANCO HYDROELECTRIC POWER PLANT PROJECT (BBHP)

- a. Ladies and gentlemen at SECU, as you can see, this constitutional precept, as well as general human rights, are being violated by the development of the BBHP. The Environmental Impact Study (EIS) had denied our existence in the project's area of influence, and on this basis, thus began the violation of our rights and our cultural, archaeological, and spiritual identity. This resulted in the people mobilizing in protest in 2012 and in the establishment of a Dialogue Table that addressed two issues: 1) The Special Act; and 2) The BBHP. In both cases, UNDP was the facilitator, allowing a field visit and independent audit, which provided information that the indigenous community and its lifestyle would be directly and imminently impacted by the project. The National Government of the day refused the cancellation requested by affected stakeholders, knowing full well of the report and audit performed by UNDP. In 2015, the community continued to demand that their rights be respected. The community asked Juan Carlos Varela's Administration to cancel the project in question. On February 3, 2015, a Dialogue Table was opened up to the community with the purpose of defining the future of the project. The Government introduced UNDP as process facilitator to deal with the project's inconsistencies.
  
- b. The Dialogue Table was set up to discuss the environmental, social, cultural and economic issues that would define the future of the BBHP. After 10 sessions, the Indigenous Commission that was part of the Table concluded that the inconsistencies are incorrigible for the community and submitted to the Government a proposal to rescind the company's contract. This proposal was rejected by the Government, which suggested looking for another solution to the BBHP issue. This resulted in peaceful demonstrations that were suppressed by the Government on July 25, 2015, with more than 50 detainees and five injured, including one seriously injured person that ended up crippled by an ankle wound, all this in front of the UNDP coordinator. This situation caused a total breakdown of the Dialogue Table by the Government, which convened a new Technical Dialogue Table formed by decision-makers and supported by UNDP. On August 10, 2015, the Government and UNDP established this Table without the participation of the Indigenous Commission that was endorsed by the affected stakeholders. From that moment forward, affected stakeholders were

excluded from the process and were not informed about its decisions.

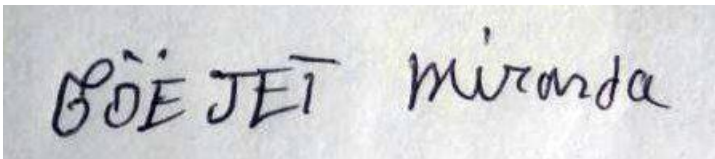
- c. Without consulting affected stakeholders, the Government and the UNDP promoted the agreement with a traditional decision-maker on the problematic Barro Blanco Hydroelectric Power Plant Project. This decision violates Act 10 dated March 7, 1997, and Executive Decree 194 dated March 25, 1999, based on which traditional decision-makers (Caciques) lack competences to enter into agreements with the Government or transnational corporations. Being fully aware of this fact, from August 1<sup>st</sup> UNDP carried out two activities in the area in support of the agreement. One activity was carried out in the community of Chichica, head of the district of Múna, while the second activity took place in the community of Piro, Ñûrun District. Both places are located more than 50 km from the affected area. UNDP also used RADIO and TELEVISION media, such as CHT in the Province of Chiriquí and TV station, TVN, to advocate on the project's behalf. In both cases, UNDP paid spots in support of the BBHP.
- d. At the outset, we had trusted UNDP's competence, given its standards for the protection of the Human Rights of Indigenous Peoples. However, it turned out that UNDP itself VIOLATES THE UNITED NATIONS DECLARATION on the Rights of Indigenous Peoples, and other international conventions on the right of indigenous peoples, such as Convention 169 of the ILO. In this way, the UNDP USES ITS FUNDS to promote an oppressive agreement by the Government that lacks applicable consultations. As a result of this, indigenous communities are currently undergoing food shortage. Men and women go hungry due to the filling of dams under the project which caused the flooding of crops, cemeteries, petroglyphs, and archaeological and cultural elements which are protected by United Nations Standards. These –and other relevant human rights standards– were not guaranteed by UNDP and at this point, a mosquito has spread causing several diseases to stakeholders in the area.
- e. For a whole year, UNDP supported the Government's imposition of the Barro Blanco agreement and has favored the Government and the company GENISA. Human rights violations continue. On August 22, 2016, UNDP's coordinator came together with Government decision-makers in Llano Tugri to sign the agreement, even facing the communities' opposition. Martin Santiago of UNDP noted that this was an "exemplary agreement" that relied on the full support of UNDP. With massive police presence, the agreement was signed. There were detainees, and police used pepper spray to repress people who opposed the activity.

- f. It should be noted that the participation of UNDP in the Dialogue Table on August 10, 2015, led directly to the violation of Human Rights by the BBHP. The company is still prosecuting community leaders. We hope that this will be investigated by the SECU for the well-being of the affected communities and the international standards of the United Nations concerning Human Rights protection.

#### MORE EVENTS RELATED TO THE BBHP

1. On this occasion, we would like to point out that the United Nations withdrew BBHP's CDM certificate through the Executive Board of the Clean Development Mechanism (now Sustainable Development Mechanism) under the UNFCCC (United Nations Framework Convention on Climate Change) for failing to meet international Human Rights standards, while UNDP was supporting this Human Rights violation of affected communities.
2. In view of the human rights violations caused by the GENISA company through the BBHP, supported by the Government and UNDP, the Human Rights Network makes it clear in its 28-page report that the State has actually violated Human Rights by backing the project, and by its violent repression in different parts of the country where the population protested against the BBHP. Similarly, the National Bar Association, in its second public statement, expressed the clear imposition of the national Government on the population affected by the project.

The Movement, with the firm determination to protect the social and cultural integrity of the population, submits this complaint to the SECU, hoping that our claim regarding Human Rights violations perpetrated by UNDP's Panama country office might be resolved.

A photograph of a handwritten signature in black ink on a light-colored surface. The signature reads "GÄEJET Miranda". The first part "GÄEJET" is in all caps with a tilde over the 'E', and "Miranda" is in a cursive script.

Gäejet Miranda  
President of M10 Organization

# HUMAN RIGHTS VIOLATIONS



**HOUSE FLOODED  
BY THE BBHP**

**CROPS FLOODED BY THE BBHP**



**VIOLENT  
REPRESSION IN  
GUALAQUITA  
BOCAS DE TORO**



## ANNEX 2



**HOUSE FLOODED BY THE  
BBHP**

## FLOODING



## ANNEX 3



**PETROGLYPH NOW BELOW WATER**

**VIOLENT REPRESSION IN  
LLANO TUGRI ON THE  
DAY OF THE SIGNING,  
WHERE UNDP WAS  
PRESENT IN SUPPORT OF  
THE AGREEMENT**

