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Negotiations on Barro Blanco Hydroelectric Dam Reach Consensus

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A new round of negotiations will begin on March 27 on Panama’s US$225 million Barro Blanco hydroelectric project—now 95% complete but the source of a long-standing feud between Generadora del Istmo S.A. (GENISA), the contractor for the dam, and the Ngäbe Buglé indigenous group, which is vehemently opposed to the project because of environmental concerns.

After a wave of local protests stalled construction work on Feb. 9, the Panamanian government launched negotiations with GENISA and indigenous communities on Feb. 21. The government has since agreed to investigate alleged environmental violations by GENISA, including the mismanagement of solid and hazardous waste and failure to coordinate the use of explosives and flammable substances with the fire department.

GENISA is a Panamanian company created specifically for the construction of the Barro Blanco dam. The project has been financed through equity capital as well as loans provided by the German Investment Corporation (DEG), the Netherlands Development Finance Company (FMO), and the Central American Bank for Economic Integration (CABEI).

Similar protests to the ones held in February had previously halted construction of the dam in May 2012, when locals occupied the site and an inspection team led by the UN Development Programme (UNDP) visited the area (NotiCen, Feb. 23, 2012, and Feb. 21, 2013). The inspectors presented their report in December 2012 and recommended a water-flow simulation to understand the impact of sudden floods as well as better consultation mechanisms with local communities.

In March 2013, indigenous leader Onesimo Rodriguez was killed by four masked assailants after attending a protest against the dam in Cerro Punta, Bugaba, and his body was thrown into a nearby stream. The Movimiento 10 de Abril indigenous protest movement issued a statement saying that it held the DEG and other financial institutions responsible for "the social and environmental impacts" of the project as well as the "repression" that local communities were suffering at the hands of the state.

The current talks are being led by a high-level committee headed by Panamanian Vice President and Foreign Minister Isabel de Saint Malo de Alvarado and facilitated by the UN in the district of Tolé, 400 km west of Panama City. Other committee members include Security Minister Rodolfo Aguilera, Interior Minister Milton Henríquez, Labor Minister Luis Ernesto Carles, and Environment Minister Mirei Endara.

Ngäbe Buglé community divided

However, the president of the regional congress of the Ngäbe Buglé indigenous group Toribio García announced in late February that he would not join the talks and said that the community’s opposition to the dam was "not negotiable."
"Some comrades who are being manipulated and who agree with the negotiations [will participate], but they do not represent the majority of the Ngäbe Buglé people," said García.

Panamanian newspaper La Estrella has reported that the Ngäbe Buglé community is divided between those willing to reach a compromise with the government and with GENISA and a more radical faction led by García that is unwilling to negotiate unless construction of the dam is suspended once and for all on the grounds that there was no prior consultation with indigenous communities in compliance with International Labor Organization (ILO) Convention 169 on Indigenous and Tribal Peoples. Panama ratified the convention in 2011.

The convention clearly states, among other things, that indigenous communities must be consulted before any infrastructure projects such as hydroelectric dams, oil drills, and mining projects are launched on their territory or in nearby areas.

Failure to comply with the convention has been a recurrent source of friction between the government and indigenous communities in Panama and throughout the entire region.

**Flooding concerns**

While the dam itself is not on indigenous land, it could flood 2.27 hectares of the Ngäbe Buglé autonomous territory or comarca during the rainy season, endangering the livelihoods of some 5,000 campesinos who rely on the river for potable water, agriculture, and fishing, critics say. Environmentalists are also concerned that primary forest will be cut down, destroying the habitat of the endangered Tabasará rain frog.

The Ngäbe Buglé people also object because a pre-Columbian petroglyph on the Tabasará riverbed will be flooded. The petroglyph is listed as a protected archaeological site and is sacred to the syncretic Mama Tadta church that many members of the community belong to.

Five rounds of talks regarding the dam have already taken place, despite the Ngäbe Buglé leaders’ absence from the negotiations. On March 13, the Autoridad Nacional del Ambiente (ANAM) recommended that an inspection should be carried out and that GENISA should take appropriate measures to prevent flooding and pollution of the Tabasará River.

All parties taking part in the negotiations also agreed that experts from the Instituto Nacional de Cultura (INAC) and the Comision Indígena y Campesina would carry out a study to assess the impact of the project on pre-Columbian archaeological sites. They also agreed that local communities’ ancestral forms of government, religious organization, and language should be respected, that all written agreements would be disseminated in Spanish and Ngäbere, and that the communities affected by the dam would be consulted.

However, the high-level committee leading the talks has not provided details as to what kind of consultation would be carried out and whether the project—which is already 95% complete—would be scrapped if the community rejects it. Given that this clearly does not qualify as prior consultation, opposition to the project from the faction of the Ngäbe Buglé community led by García is likely to remain.

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