

8-27-2012

# Will Brazil's Belo Monte dam get the green light?

Inter-American Dialogue's Latin American Energy Advisor

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## Recommended Citation

Inter-American Dialogue's Latin American Energy Advisor. "Will Brazil's Belo Monte dam get the green light?." (2012).  
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***Q and A: Will Brazil's Belo Monte Dam Get the Green Light?***

**Citation:** Inter-American Dialogue's Latin American Energy Advisor, August 27-31, 2012; pp. 1, 4, 6. Also online at [www.thedialogue.org](http://www.thedialogue.org).

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A Brazilian federal appeals court on Aug. 14 ordered a halt to construction on the controversial Belo Monte dam until indigenous groups are properly consulted, The Guardian reported. However, on Monday, the Supreme Court issued a preliminary ruling that allowed for work on the project to resume. How significant is the charge that the consultation process was not properly followed? Will local groups be able to reach an agreement with developers and the government, which argue that the project is necessary to meet the country's growing energy demand? How could the consultation processes be improved to avoid similar conflicts both in Brazil and other countries, including Peru, Ecuador and Bolivia?

**A: Philip M. Fearnside, research professor at the National Institute for Research in the Amazon (INPA) in Manaus:**

"Brazil is a signatory to ILO Convention 169 and this requirement of consultation with affected indigenous peoples before a decision is made on building a dam has been incorporated into Brazil's constitution. Belo Monte would divert 80 percent of the Xingu River's flow through a series of canals, leaving a 100-kilometer stretch of the river (including two indigenous areas) with very little water. These indigenous people were not consulted, and their claim has been endorsed by the Human Rights Commission of the Organization of American States and by the Public Ministry (a branch of Brazil's Ministry of Justice that was created by the 1988 constitution to defend public interests). No less than 13 legal suits against Belo Monte are still awaiting decisions in Brazilian courts. The heavy investment of financial and political capital in the project by the executive branch of the federal government raises the danger that pressure on the judiciary could severely damage the democratic system in Brazil. Should the dam be built despite being 'totally illegal' (as it has been described by the Public Ministry in Belém), the consequences could well prove to be the most severe impact of this highly controversial project. The lesson for dams in any country is that legal requirements for consultation and licensing need to be respected in full."

**A: Cláudio Frischtak, president of Inter. B Consultoria Internacional de Negócios in Rio de Janeiro:**

"Belo Monte is an 11,200 MW hydroelectric power project currently under construction on the Xingu River (a southeast tributary of the Amazon). It will add an average of 4,500 MW to the

National Interconnected System (SIN), a significant amount of energy in terms of meeting additional future demand and providing greater systemic stability, insofar as the hydro power source provides a seasonal complement to wind and biomass. Belo Monte was designed as a run-of-the-river project to minimize the impact on the local population (it will displace a reported total of 5,300 families) and on the Indigenous Territories, none of which will be directly affected. Moreover, the project ensures a flow of at least 700 cubic meters per second, above the 80-year average minimum of 400 cubic meters per second, a most relevant consideration regarding the maintenance of the lifestyle of local population in the critically affected area (Volta Grande do Xingu). The ruling by the head of the Brazilian Supreme Court will provide breathing space for construction to resume. The problem lies less with the consultation process in and of itself which took place between 2007 and 2010—than the lack of medium- and long-term territorial planning. Any enterprise of this magnitude—there are currently 13,000 workers on site—has a significant indirect impact on the population. Living conditions worsen; prices go up as demand for housing, services and goods explode; prostitution and drug abuse become rampant. It is the absence of effective planning and preventive actions by government which are possibly the root cause of the tensions, and these will likely not subside in the near future."

**A: Andrew E. Miller, advocacy coordinator for Amazon Watch in Washington:**

"The enormous bulldozers shredding the rainforests around the middle Xingu River are apt metaphors for the Brazilian government's attitude about the Belo Monte dam. The Dilma Rousseff administration—like Lula's before her—is determined to not let the law stand in the way of the dam's construction, no matter the costs. The \$15 billion project is in clear violation of the Federal Constitution article 231, which states 'Hydrologic resources, including energy potential ... may only be prospected with the authorization of Congress, after hearing the communities involved.' This simply didn't happen, as was affirmed by the appeals court. Monday's ruling demonstrates the Supreme Court's susceptibility to pressure from the executive branch. The government and the state-run energy entities constructing the dam have demonstrated bad faith in their dealings with local communities (indigenous, fisherfolk, among others) and civil society groups concerned about the dam's impacts. Agreements have already been reached, in the form of 40 pre-conditions for the dam's construction, and systematically disregarded by the duty-bearers. Community acquiescence is being sought through standard divide and conquer strategies, meager handouts as the carrot and the specter of legal persecution against dissenters as the stick. Guidelines for proper consultations are being increasingly detailed by international human rights bodies like the Inter-American Court, which offered useful clarifications in their recent Sarayaku decision. James Anaya, the U.N. indigenous rights rapporteur, has also been keenly engaged around Latin America and has offered trenchant observations about implementation of indigenous rights. International (and increasingly domestic) law stipulates that consultations must be 'free,' 'prior' and 'informed,' yet rarely do governments exhibit the political will to meet those standards."

**A: Marco Antonio Fujihara, director at KeyAssociados and CEO of Sustain Capital:**

"The difficulties facing the construction of the Belo Monte dam reveal a relatively common problem in Brazil's infrastructure projects: the difficulty of engaging all of the stakeholders involved in the process. In this specific case, the situation is even more delicate given the

importance of the project (at a time when the country needs to be expanding its generating capacity significantly to manage its economic development) and its impacts on the indigenous tribes that live in the Xingu region. Clearly, the solution to this type of crisis isn't simple, but the only way of avoiding these problems in any project—be it a road in Bolivia or oil exploration in the Amazon—is to develop a comprehensive plan for communicating with all of the stakeholders involved, in a manner in which they are all engaged in the process and can express their doubts, worries and demands for compensation in an organized and peaceful manner, within reason. Although this has not been done in adequate manner, I am certain that this will not be the last crisis over Belo Monte. But it will go forward despite all of the criticism since the energy supply is a major concern of the current government."

*The Energy Advisor welcomes responses to this Q&A. Readers can write editor Gene Kuleta at [gkuleta@thedialogue.org](mailto:gkuleta@thedialogue.org) with comments.*