

To

Mirei Endara, Environment Minister of the Republic of Panama

CC

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

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 Clean Development Mechanism Barro Blanco hydroelectric project, because of the project's lack of contribution to sustainable development in Panama, and the social and environmental harm it is causing.

According to a fact finding mission led by the United Nations Development Programme in 2012¹, 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 m² of their land, their only means of subsistence, including homes and sacred petroglyphs.

As indicated in two letters sent to the CDM Board in 2011² and as confirmed by then UN Special Rapporteur James Anaya³, the local affected Ngäbe Bugle communities were not adequately consulted and have not given their consent to the Barro Blanco project. Furthermore, in August 2015, the Panamanian Environment Ministry found that the project developer, GENISA, had not reached agreement with the affected stakeholders and sanctioned the company with a fine⁴. In spite of this finding, the Panama's National Authority for Public Services granted permission to "test flood"

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

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

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

Barro Blanco in May 2016, without notifying or consulting the affected communities, as confirmed by Milton Henriquez, Minister of Internal Affairs⁵.

This goes against 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 them⁶.

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, as officially recognized by the Panamanian authorities.

For this reason, we call you to withdraw Panama’s letter of approval to Barro Blanco’s CDM registration⁷, 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,

4 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

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

6 For more information, please see

http://www.ciel.org/Publications/BarroBlanco_Appeal_18Feb2014.pdf

7 As per CDM procedures [CDM-EB76-A12-PROC](#): Process for dealing with letters from DNAs that withdraw approval/authorization