
[Bolivia: Hydroelectric dams on the Madera River denounced at the People's Permanent Tribunal](#)

On 14 and 15 March, the Third Session of the People's Permanent Tribunal was held in Madrid (Spain). This is an activity promoted by the Bi-regional Europe-Latin America and Caribbean Network "Enlazando Alternativas" (Linking Alternatives).

The network was set up in 2004 as a response to the European Union's (EU) neoliberal trade policy measures in its search to ensure the widest possible access for its transnational corporations to Latin American and Caribbean markets. Furthermore, the network supports the peoples of Latin America and Europe's resistance to the expansion of European trade.

For its part the People's Permanent Tribunal, (Tribunal Permanente de los Pueblos - TPP), founded in 1979, is aimed at assessing in legal terms all those situations where the massive violations of fundamental human rights are not tried by legal institutions, either national or international. TPP includes a considerable number of members appointed by the Lelio Basso Foundation for People's Rights and Liberation. Its main objectives are firstly to publicly denounce crimes committed by transnational corporations, and the impacts of their activities on Economic, Social and Cultural Rights and, secondly, to show up the co-responsibility of the EU in this respect, given that its institutions and policies favour the increasing power of multinational corporations.

In the framework of the People's Summit Meetings – alternative summits to the official EU and governments of the region summits – the Enlazando Alternativas Network and the People's Permanent Tribunal (TPP) have held meetings of the Tribunal on "Neoliberal Policies and European Transnational Corporations in Latin America and the Caribbean." At these Tribunal meetings presentations were made on the violations of human, labour and environmental rights, committed by more than 25 transnational EU based corporations and their subsidiary branches throughout Latin America and the Caribbean.

During the Third Session of the TPP, organizations such as the Movement of those Affected by Dams in Brazil (MAB), the Bolivian Environment and Development Forum (FOBOMADE) and the Spanish SETEM-Catalunya brought action against GDF-SUEZ (France), Santander (Spain) and Banif (Portugal), and the international organizations supporting them, inter alia the IMF, the World Bank and the European Community, for the construction of dams in San Antonio and Jirau in Porto Velho, capital of the State of Rondonia, Brazil, 10 kilometres from the Bolivian frontier on the Madera River. This is the second largest river in the Amazon, covering close on a quarter of the Brazilian Amazon and spanning Bolivian and Peruvian territories.

The Government of Brazil unilaterally granted environmental permits for the construction of the two dams on Brazilian territory without consulting Bolivia on the negative impacts they would have on that country and refused to carry out environmental impact assessments in Bolivia.

The action reports that the dams are part of a hydroelectric complex included in the interconnection of facilities programme of the Regional South American Infrastructure Integration Initiative (IIRSA).

IIRSA is a plan sponsored among others by Inter American Development Bank which endeavours, through the construction of land, air and river infrastructure, oil and gas pipelines, river-ways, sea and river ports and electric and optic fibre stringing in the countries of South America, to optimize the efficiency of the flows of transnational corporation international trade and export, mainly improving connection with North American and European markets.

According to reports by Fobomade (1) the construction of the San Antonio dam, which started in August 2008, is an investment made by the Santo Antonio Energy Consortium, part of the Eletrobrás-Furnas (39%) Consortium. The Banco Santander holds 10% of the shares as does the Banco Banif; CEMIG holds another 10%; Odebrecht, 18.6% and Andrade Gutierrez 12.4%.

The Jirau dam, started in November 2008, belongs to the Brazilian Sustainable Energy Consortium (part of GDF-Suez with 50.1% shares), Eletrosul Centrais Elétricas SA. (20%), the Companhia HidroElétrica do Sao Francisco – Chesf (20%), and Camargo Correa Investimentos en Infra-Estrutura SA (9.9%).

The Brazilian Economic and Social Development Bank (BNDES) is the main financing body for the Madera Complex, but the World Bank and the Inter-American Development Bank are also indirectly involved.

Social organizations have lodged complaints with the TPP reporting that the Brazilian dams in Jirau and San Antonio, in an advanced state of implementation, are already causing severe negative impacts and it is expected that they will cause more. Among the impacts are the eviction of indigenous and peasant people with consolidated deed processes from their land, the flooding of vast agricultural and other areas where Brazil nuts -one of the basic foodstuffs in the Amazon indigenous and peasant peoples' economy in the Department of Pando- are harvested and whose living conditions depend entirely on maintaining the forest intact. There are negative impacts on the native flora and fauna, loss of fishery resources, interruption of the natural transit of fish and river dolphins – an endemic species in the municipalities of Pando and Beni; the slowing down of the river flow leading to less oxygenation and increased temperature, water pollution from mercury and increased malaria, yellow fever, dengue and leishmaniasis as a result of the multiplication of transmitting vectors due to increased migration of temporary workers, changes in water quality and increased areas of stagnant water.

Another recent study (2) concluded that the construction of the San Antonio dam will cause massive deforestation due to the works themselves and to the building of the corresponding roads and ducts and will cause the death of at least 11 tons of fish (some sources mention 60 tons) and other animals as a result of the daily explosions involved in the works, in addition to water pollution and the rupture of the indigenous communities' social structure.

The study identifies “one of the direct and most feared negative impacts of building dams in a relatively flat area such as the Amazon is the risk of flooding and its consequences on lowering agricultural soil productivity, damage to biodiversity, groundwater pollution, and human consequences (deaths, diseases, economic losses, and loss of housing).”

It is for all these reasons that at the Third Session of the TPP held in Madrid, Fobomade, MAB and SETEM-Catalunya requested the following action by the Tribunal:

“1. To curb the violation of human rights and the abuse by transnational corporations and to demand compensation.

This implies designing new binding international jurisprudence in the framework of the United Nations, typifying environmental crimes and imposing civil, administrative and criminal sanctions implementing the rule of “the greater the potential for destruction and greater risk to environmental conservation, the greater the degree of responsibility.”

2. NO to double standards, NO to double ethics

That the Tribunal must urge governments and community institutions to create global intergovernmental standards on corporations and human rights. A binding and mandatory framework is required to establish effective mechanisms for claims and accountability.

3. That the Tribunal must denounce and prosecute economic crimes and ecocide.

We demand that the EU should be indicted for its trade policies and those of its States and the institutional architecture that legitimates the illegitimate securing of benefits by European transnational corporations. The European Union must be held accountable for the crimes of lese-humanity set out in the International Criminal Court’s Rome Statute.

We are prosecuting the EU for ecocide, defined by the State of Chiapas as “criminal intent consisting of causing serious damage to the environment by dumping contaminants, carrying out risky activities or affecting natural resources.”

The Henkjan Laats’ report also notes that the generation of energy from water in dams is considered to be a renewable source of energy insofar as the construction of the dam does not release significant levels of greenhouse effect gases. However, it should be borne in mind that the levels of CO₂ remain high and furthermore, there is an increased release of methane gas, particularly due to the turbines and dumps. Methane gas has an impact 25 times higher on global warming per ton than carbon dioxide. Furthermore, it is estimated that deforestation, fires, increased cattle-raising and the building of highways contribute to make the electricity from the Amazon hydroelectric dams “an unclean energy.”

In sum, hydroelectric dams contribute to global warming. Another form of ecocide.

(1) “Caso de las hidroeléctricas en el río Madera presentado ante el TPP en Madrid”, (The case of the hydroelectric dams on the Madera River submitted to the TPP in Madrid), Servicio de Noticias Ambientales, <http://fobomade.org.bo/bsena/?p=479>

(2) “El Dilema Amazónico; ‘la construcción de Mega-represas en el Río Madera’”, (The Amazon Dilemma, the construction of mega-dams on the Madera River); Henkjan Laats, CEADDESC and PEC, Bolivia 2010, <http://www.riomadeiravivo.org/docs/dilamazonico.pdf>