



Belo Monte Case, Brazil

- **Belo Monte would be the third largest dam in the world, built in one of the world's most important ecosystems: the Amazon rainforest.** The dam will be erected along the Xingu River in Pará, a northern state of Brazil. It will have an installed capacity of 11,233.1 MW.
- **Belo Monte does not have an adequate environmental impact assessment (EIA).** The EIA does not contain complete information about the potential impacts of the project or the mitigation measures that will be adopted to guarantee the rights of affected peoples.
- **The dam has violated the rights of the indigenous communities to consultation and free, prior and informed consent.** Although the Brazilian government held meetings with some indigenous communities, it did not meet international standards for consultations and did not obtain the free, prior and informed consent of the affected indigenous communities. The government did not provide interpreters, the meetings included extensive technical language, and they occurred prior to the completion of the EIA so that all impacts of the projects were not reported.
- **Belo Monte has already caused and will continue to cause dramatic changes to the Xingu River and surrounding land.** The dam will divert 80% of the Xingu River from its course, using one canal that is 500 meters wide and 75 km long. Construction of this canal will require the removal of more earth than was used to build the Panama Canal. The rest of the complex will include a main dam, a reinforcement dam and a main turbine house. Between the canal and the reservoirs, 516 km² of land will be flooded, an area larger than the city of Chicago. Of this land, 400 km² is standing forest.
- **Belo Monte is a “gateway dam,” meaning that its construction will inevitably unleash the construction of a series of dams on the river.** Original plans for the dam included four upstream dams in addition to Belo Monte, a system designed to regulate dramatic seasonal variations in the flow of the Xingu River. Although the government excluded these additional dams from the plan for the final project due to public outcry, Belo Monte is economically unfeasible without these upstream dams, and their construction will invariably follow Belo Monte.
- **Despite failure to comply with social and environmental conditions required**

by the initial environmental license and precautionary measures granted by the Inter-American Commission on Human Rights, Brazil continues to move forward with the construction of Belo Monte. Between July and August 2015, operators carried out the first and second stages of damming the river. This has consisted of provisional closures to make way for construction. Currently, the hydraulic gates of the spillway were opened to redirect the waters of the Xingú River to its original bed. However, due to the change of current in the river, dragging and erosion caused the water to become very murky. Communities witnessed the flow of the murky water, which they associate with problems of water quality, health and fisheries production.

Belo Monte: A social and ecological disaster

- **Belo Monte is driving the forced displacement of more than 20,000 indigenous and riverine communities.** With the imminent start of the dam's operations, the urban resettlement schedule is being implemented very quickly. In 2015, 5,420 households, of which 654 were indigenous families, whose houses were demolished, were recorded in the resettlement program. However, structural problems have been recorded in the houses constructed for the displaced people in the new districts, as well as infiltrations, lack of lighting in some streets, and absence of public services, such as health centers, schools and basic sanitation. Some of these neighborhoods were considered unsuitable for indigenous and riverine peoples for lack of access to the Xingú River. These groups are losing their land, culture and traditional lifestyles, which puts at risk their very existence as distinct groups. During the resettlement process they have not been guaranteed free legal aid and there are cases where families were denied the right to be resettled or to receive fair compensation.
- **Belo Monte will wreak havoc on the Amazon ecosystem.** Vast amounts of rainforest will be destroyed, causing disastrous impacts on biodiversity in the area, and leading to the extinction of several plant and animal species. As more dams are built upstream from the Belo Monte complex, the human and environmental impacts will increase, affecting Kayapó indigenous territories, flooding the lands of peoples such as the Araweté, Assuriní and Arara, and causing extensive damage to forests and fisheries across the region. The Cachoeira Seca indigenous territory, which is found in the region directly affected by Belo Monte, is considered the most deforested in the country.
- **Belo Monte will contribute to climate change.** The decomposing vegetation in flooded areas will create methane gas, a potent greenhouse gas linked to climate change.
- **Belo Monte has increased poverty and social conflict, and has overloaded the health, education and public security systems.** Disorderly migration has increased the population in an area that does not have adequate infrastructure. In terms of security, between 2011 and 2014, the number of murders doubled, while

the population increased from 100,000 to nearly 150,000 inhabitants. It also has worsened the invasions of indigenous lands and the agrarian conflict that already exists in the region.

- **Belo Monte exacerbates the spread of disease, affecting the health of thousands of people.** Data from the São Rafael Municipal Hospital, the only in the city of Altamira, shows that there was an increase of 101, or 24 percent of, people in hospital care, in comparison to 2009. Also, the perception of public managers, professionals in the area of health in the population, is that the health structure available in Altamira has been inadequate and that the hospital is lacking basic equipment. The main diseases are dengue, malaria, and diarrhea, to which the most vulnerable are children and seniors. Also, they verify cases of malnutrition caused by the indiscriminate consumption of industrial products, as well as by the interruption of agriculture and fishing, and food pantries.
- **Belo Monte threatens food and hydrological security as well as access to drinking water.** The reduction of the water level in the Xingu River will drastically change ecological conditions in the area. This will affect forests and impact the reproduction of fish on which the communities depend. Also, the explosions, the enormous amount of land that is being removed and the influx of building material are contaminating the river. Traditional fishermen are obligated to find new areas to fish in indigenous territories and protect areas, which has caused social conflicts for the dispute of these areas.

Public protest and resistance to Belo Monte

- **Impacted communities and indigenous groups have consistently opposed Belo Monte and protested against the threat to their health and lives.** Community reaction in Altamira and Vitória do Xingu has been overwhelmingly negative. People and groups across Brazil have continuously protested what they see as a threat to the health of their entire country and a dangerous precedent of dam construction in the important Amazon rainforest. In 2013, hundreds of farmers, fishermen, indigenous peoples and riverine communities occupied the site of the dam to oppose its construction. The State responded by militarizing the area to ensure construction sites, control social movements and avoid further delays in the construction of the dam. The delicate situation was recently evidenced in a June 2015 report of the Federal Prosecutor's Office. The report was prepared in the framework of a technical visit to Altamira, where serious human rights violations were documented.
- **Violence against human rights defenders and community leaders.** There have been serious threats against community leaders, human rights defenders and other stakeholders involved in the case, including a case of espionage committed by the construction company against Movimento Xingú Vivo, in order to provide information to the Brazilian Intelligence Agency. In May 2015, two farmers were ran over during a protest against the construction of the dam.

Financing by the Brazilian National Development Bank (BNDES)

- The BNDES, to finance the dam's construction, granted Norte Energia R\$25.4 billion (approximately US\$10.16 billion), its largest investment in the history of the Bank, thus making it legally responsible for the social and environmental impacts caused by Belo Monte. The bank denied public access to the amount disbursed, information that is guaranteed by the Law on Access to Information in Brazil. In August 2015, the Commission on National Integration, Regional Development and the Amazon of the Chamber of Deputies approved the audit of the contracts between the BNDES and Norte Energia SA. The audit will examine whether there are irregularities in the modification of delivery dates in the contract, which exempted the company from fines of approximately R\$75 million (\$30 million).

Legal Actions Against Belo Monte

Internal legal actions

- **There are currently more than 60 cases under review in the Brazilian courts on irregularities in the construction of the Belo Monte dam.** The Federal Prosecutor's Office alone has presented 22 Public Civil Actions, but there are also complaints filed by the Public Defender of the State of Para, the Public Defender of the Union, and numerous civil society institutions. A public civil action (claim no. 14,404), which questions the legality of the decree by which Congress authorized the dam since indigenous communities were not consulted, is pending before the Supreme Court.
- **Brazil is manipulating the judiciary to legitimize a project of dubious legality.** When local courts have ruled against the project, the government of Brazil has put intense pressure on appellate court judges to reverse the injunctions against Belo Monte, using a procedural instrument to suspend, for strict political reasons, judicial decisions that could cause "serious injury to the economic order." Thus, the judiciary lost its ability to ensure the legality of licensing and succumbed to governmental interests.

International Actions

- Finding no answers for the protection of their rights in the Brazilian legal system, and with the imminent granting of the dam's installation license in 2010, affected communities took their claim before international bodies charged with protecting human rights.
- **The Inter-American Commission for Human Rights (IACHR).** In 2010 the Movimiento Xingú Vivo Para Siempre (MXVPS), the Sociedad Paraense de Defensa de los Derechos Humanos (SPDA), Justicia Global and the Interamerican Association for Environmental Defense (AIDA), with the support of other Brazilian

organizations, submitted a request for precautionary measures before the Commission with the goal of guaranteeing the life, health and integrity of the indigenous peoples affected by Belo Monte.

- **In April 2011, the Commission authorized precautionary measure 382-2010** and asked Brazilian authorities to suspend the environmental licensing process for the Belo Monte hydropower plant and to halt all construction until Brazil complies with various conditions.
- **Unfortunately, Brazil took a hostile and unprecedented stance against these measures, the IACHR and the Organization of American States (OAS) in order to move forward with Belo Monte hydropower plant.** Displeased with the IACHR's efforts to protect local people, Brazil resorted to heavy-handed "diplomacy," taking a series of steps to delegitimize the Commission and its actions in this case: withdrawing its candidate before the Commission and its ambassador to the OAS, and withholding its \$6 million in annual dues of the OAS. During meetings of the IACHR and OAS, Brazil even threatened to withdraw from the organism and refused to attend the meeting of the IACHR on the Belo Monte precautionary measures.
- **Brazil ignored the precautionary measures and dismissed the Commission for considering its decision an "interference" with internal affairs.** In 2011, the IACHR modified the precautionary measures, ordering the state to: 1) Adopt measures to protect the lives, health, and physical integrity of the members of the Xingu Basin indigenous communities in voluntary isolation and to protect the cultural integrity of those communities; 2) Adopt measures to protect the health of the members of the Xingu Basin indigenous communities affected by the Belo Monte project; and 3) Guarantee that the processes still pending to regularize the ancestral lands of the Xingu Basin indigenous peoples will be finalized soon, and adopt effective measures to protect those ancestral lands against intrusion and occupation by non-indigenous people and against the exploitation or deterioration of their natural resources. In the same decision, the IACHR determined that the debate between the parties on prior consultation and informed consent turned into a discussion on the merits of the matter, which went beyond the scope of precautionary measures.
- In 2011 a petition was also filed with the IACHR against Brazil alleging its responsibility for human rights violations in the Belo Monte case which included, among other things, the lack of participation, consultation and free, prior and informed consent, the absence of adequate environmental impact studies, the rights to life, integrity and health. However, to date, four years later, this case has still not been open to processing by the IACHR.
- The relationship between Brazil and the IACHR has improved since 2011. In July 2013 the OAS General Assembly elected a Brazilian candidate as commissioner of the IACHR, and Brazil is participating in the proceedings before the Commission.

Similarly, in July 2015, the Brazilian Senate appointed José Machado e Costa as ambassador to the OAS. Even so, Brazil has still not fully and effectively complied with the precautionary measures issued by the IACHR.

- **United Nations.** In addition to the Inter-American System, the serious violations generated by the construction of the Belo Monte dam were reported to various rapporteurs of the UN and the International Labor Organization. In 2015, reports were presented on the forced displacement of the inhabitants of the areas to be flooded. Affected indigenous peoples also presented their complaints before the Human Rights Council of the UN.

Last Updated August 2015