



Intimidation and corruption to silence indigenous communities, environmental activists and government regulators

In June 2012, members of the Movimento Xingu Vivo Para Sempre gathered in Altamira in the Brazilian Amazon for a week long protest for indigenous rights and environmental justice, and against the Belo Monte dam -- a massive dam project on the Xingu River. On June 12, Belo Monte's owner, Norte Energia, filed a judicial restraining order against the Movement and its coordinator Antonia Melo and other leaders, threatening them with a fine of US\$ 24,000 per day.¹ Shortly thereafter, Brazilian authorities issued a spurious arrest warrant against Antonia and ten other Movement leaders, citing property damage at the office of the dam construction company, Consórcio Construtor Belo Monte (CCBM).² The fine was never levied and the arrest warrant was never executed, but both still served to send a strong message to those who might try to oppose the dam.³

Conflicts between dam developers and local indigenous peoples began in the late 80s with Belo Monte's predecessor, the Kararaó dam.⁴ As indigenous leaders and advocates spoke out against the dam's anticipated impacts on their environment and on their livelihoods, so began the attempts to silence them. In 1988 the World Bank, which had been considering investing in dams in the Amazon, withdrew its interest after meeting with Kayapó indigenous leaders in Washington.⁵ A spokesman explained, "[w]e cannot lend money to the Brazil power sector and close our eyes to the guidelines for the environment and the Amerindians."⁶ Shortly thereafter, the Brazilian authorities brought charges for sedition against the American ethnobiologist who facilitated the Kayapó leaders' visit to Washington.⁷

Around 2002, the Kararaó project eventually re-emerged as Belo Monte, this time redesigned by Electronorte, a branch of the parastatal electric company Eletrobras, together with Brazil's largest construction companies.⁸ In 2005, the government of Lula da Silva secured fast-tracked approval of the dam in a three-day Senate consideration that bypassed

 Belo Monte Dam

 Brazil

 Hydro

 BNDES

hearings with local indigenous communities, in violation of constitutional requirements.⁹ The following year, Brazil's federal public prosecutor for the region filed a lawsuit against Eletronorte and the national environmental agency, alleging violation of the right to prior consultation of indigenous peoples.¹⁰

In 2008, indigenous and traditional riverine communities, together with environmental and social justice activists, founded the Movimento Xingu Vivo Para Sempre to fight the dam.¹¹ The protests, lawsuits and petitions launched by the Movement and others gained national attention and brought Brazilian President Lula da Silva to the dialogue table by July 2009. The President promised that "Belo Monte will not be shoved down anyone's throat."¹²



Indigenous peoples protest the Belo Monte Dam.



Yet in February 2010, the government issued the preliminary environmental license for the dam with 40 preconditions.¹³ Eletrobras soon established a public-private consortium, Norte Energia, to manage and operate the dam, contracting CCBM to handle construction.¹⁴

In December 2010, the World Bank disbursed the final tranche of an unprecedented US\$1.3 billion programmatic loan to the Brazilian government.¹⁵ While the stated objective of the loan was to strengthen environmental management, including the development of social and environmental standards at BNDES, an investigation revealed that the funds were instead channelled to BNDES' investment coffers.¹⁶ The investigation found “little discernible improvement” in BNDES' environmental management system, and anticipated standards for the hydro sector were never developed.¹⁷ A week following the disbursement, BNDES announced it would be financing Belo Monte, though the project had not yet been granted an installation license as required by law.¹⁸

Norte Energia was granted concession to more than 3,500 hectares of public land, home to over 20,000 people who had lived on and utilized the land for

decades.¹⁹ Some received meager compensation, but many were not recognized as legitimate landholders.²⁰ Tens of thousands were eventually resettled in the municipality of Altamira, forced to abandon their rural way of life and thrown into a mix of crime, poverty and violence as the city strained against the influx of not only the displaced persons, but nearly 30,000 construction workers as well as migrants who came seeking work, but remained unemployed.²¹ Altamira quickly became the country's most violent city, troubled with drug trafficking and organized crime.²² Civil society groups and Brazilian public servants continued to protest and petition the government to stop Belo Monte, pointing to grave social and environmental risks and glaring legal irregularities with the project.²³

In June 2011, Belo Monte's final installation license was approved with 32 preconditions and only after the previous environmental licensing director resigned in protest.²⁴ Public Prosecutor Felício Pontes characterized the license as “*totally illegal*,” and protests broke out in Brasília.²⁵ Human rights organizations reported acts of intimidation by Norte Energia against Pontes for his criticism of the project.²⁶ At the same time, the Inter-American Commission on Human Rights (IACHR)



Shock troops policing a peaceful protest in Alta Mira.

granted precautionary measures and requested the suspension of the project until requirements for consultations with indigenous peoples could be met.²⁷

Despite the investigations, irregularities, and widespread opposition, in June 2011, BNDES formally approved its first bridge loan to Norte Energia for approximately US\$292 million.²⁸ BNDES states that it took social and environmental considerations, including the licensing process, into account at every step of financing, and relied on the analysis and decisions of relevant national agencies.²⁹ As construction ramped up, hundreds of indigenous protesters occupied the dam site, and civil society groups around the country, joined by prominent Brazilian artists, again called on BNDES to heed the dam's likely devastating impacts on the environment and on indigenous and local populations.³⁰

In 2012, the harassment, threats, surveillance and attacks against indigenous leaders and other activists intensified. On February 7, BNDES approved a second bridge loan for more than US\$1 billion for the dam.³¹ Advocates have criticized BNDES' lack of basic transparency or robust social and environmental standards, and the absence of an effective independent accountability mechanism.³² In November, BNDES approved US\$11 billion for Belo Monte's construction, the largest loan in the bank's history, bringing its stake in the project to the maximum limit of 80 percent.³³ In December, advocates sent a letter criticizing BNDES' failure to comply with national law regarding risk assessment and monitoring, and urged the bank not to disburse the funds, citing devastating impacts, including the criminalization of human rights defenders.³⁴ BNDES did not respond to the letter.³⁵

In 2012 the Federal Regional Tribunal ordered the consultation of indigenous communities, but the order was suspended utilizing a legal instrument which allows preliminary judicial decisions to be unilaterally and arbitrarily reversed based on justifications of imminent "grave damage" to the national interest and the economy.³⁶ These *security suspensions*, which were created during the country's dictatorship, have been utilized at least six times in the case of Belo Monte.³⁷ As one civil society group concluded: "*Through the Security Suspension, ignoring illegalities has become a situation of 'institutional normality'. With the approval of the judiciary, the backers of megaprojects will only have to comply with the established rules where convenient.*"³⁸

As persons displaced by the dam came together to defend their rights, Norte Energia is reported to have engaged in espionage and judicial harassment.³⁹ In one incident in 2013, a resident of Altamira described being contracted by CCBM to infiltrate Xingu Vivo and Belo Monte workers to pass on information about movement and labor leaders to Norte Energia, and eventually to the Brazilian Intelligence Agency.⁴⁰ The Movement of those Affected by Dams (MAB), has had to defend against judicial restraining orders against ten of its members, similar to those levied against Antonia and Movimento Xingu Vivo in 2012. Under these *interdito proibitorios*, if the subject of the order enters a territory controlled by a company or engages in any sort of protest on the premises, they can be subjected to a substantial fine and possibly arrest.⁴¹ As MAB explains, the *interditos* are used by Belo Monte and other dam owners to "*prevent the exercise of the right of free association and expression, as well as with the intention of prosecuting human rights defenders.*"⁴² In March 2013, Norte Energia obtained a legal order that would automatically fine Xingu Vivo and MAB approximately US\$25,000 per day if any occupations of the

Belo Monte Dam construction 2013.



construction site were to occur.⁴³ In May, approximately 200 people from seven indigenous tribes occupied one of Belo Monte's construction sites, demanding prior consultation and the suspension of dam-related policing operations.⁴⁴

Throughout Belo Monte's history, the military police, including the Federal Police and the National Security Force, have been utilized as *de facto* private security for Norte Energia.⁴⁵ In January, 2014 Norte Energia provided more than US\$40 million to the Military Police with jurisdiction in the area of Belo Monte and Altamira to purchase equipment.⁴⁶ Altamira residents and civil society groups have reported that national and municipal forces can be seen wearing Norte Energia's logo and utilizing company vehicles and that they employ harassment and excessive use of force against communities and activists protesting the dam.⁴⁷

In 2015, developers carried out another set of evictions with the demolition of Antonia Melo's and her neighbors' homes. The Public Prosecutor's Office in Altamira brought forward a case against the government and Norte Energia for "*ethnocide*", citing "*the destruction of the social organization, customs, languages and traditions*" of the indigenous groups affected by Belo Monte.⁴⁸ In November, Belo Monte's operation license was approved.⁴⁹

In early May, 2016 president Dilma Rousseff presided over Belo Monte's inauguration, touting its ability to produce "*clean, renewable and sustainable energy to ensure the economic and social development of the country*".⁵⁰ Shortly thereafter, investigative journalists and regulators revealed that the most expensive construction project in the country's history -- at least US\$15 billion -- was at the heart of a web of corruption and money laundering involving companies and politicians across the Amazon.⁵¹ According to executive confessions, Belo Monte construction companies allegedly colluded to inflate their bids for Belo Monte and paid more than US\$56 million in campaign contributions to Brazil's two main political parties to secure the contracts.⁵² Federal Prosecutor Felício Pontes highlighted the culpability of BNDES, whose financing of millions of dollars in exclusive contracts was allegedly used to bribe public officials while at the same time causing grave social and environmental harms.⁵³ "*The bank has rules that regulate the loans it makes, but they were not followed or audited, only the money was delivered,*" stated Pontes.⁵⁴



Brent Millikan

Antonia Melo protesting.

With the breaking of the scandal, it was clear to activists and regulators why their complaints had been ignored. Over Belo Monte's lifespan, the Brazilian Public Prosecutor's office has filed 21 legal actions questioning anomalies in the dam's licensing, the lack of prior consultation, and other irregularities.⁵⁵ For this effort, public prosecutors and regulators have experienced increasing pressure, threats and intimidation. In October of 2016, the killing of Luiz Alberto Araújo, Secretary of the Environment for Altamira signalled a new level of risk for environmental defenders in the Amazon.⁵⁶

Despite the abuses, irregularities, and corruption, in February 2017 BNDES approved a US\$811 million loan to Belo Monte Energy Transmitter, controlled by the Chinese State Grid group in partnership with Eletrobras, for an expansive transmission network to distribute energy from the dam.⁵⁷ Today, Belo Monte's main construction is completed and turbines are being activated. Approximately 40,000 people have been displaced.⁵⁸ Environmental defenders and human rights advocates continue to challenge the devastation of ecosystems, livelihoods, and democratic institutions left in the dam's wake, and they continue to be attacked for their brave efforts.⁵⁹

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