



Santa Rita Hydroelectric Project



Guatemala



Hydro



IFC, FMO, DEG, SIFEM, AECID

Fueling conflict in indigenous communities

For months, members of several Maya Q'eqchi' communities of the Río Dolores region in the central highlands of Guatemala, had erected a roadblock in Monte Olivo to prevent the construction of the proposed Santa Rita hydroelectric dam. They were protesting the lack of adequate consultation and transparency with affected communities who feared that if built, the dam would have a devastating impact on the Icbolay River and their drinking supply.¹ On August 14, 2014, over 600 members of the national police force descended on the community roadblock, using tear gas to disperse the crowd, and arresting five.²³ The following day, the police continued to the community of Nueve de Febrero, where families were occupying a piece of land owned by a family who had sold property to the Santa Rita dam developer.⁴ Upon arrival, police burned several homes to the ground.⁵

The Santa Rita Hydroelectric project is a proposed 23 MW dam and transmission line situated in Cobán, Alta Verapaz. The project was initiated in 2008 and is managed by the Guatemalan company Hidroeléctrica Santa Rita S.A. (HSR). Proponents argue that the dam will increase employment and bring much needed infrastructure and social investment.⁶ The electricity from the dam, however, would be fed into the national energy grid, rather than supplying local consumers.⁷

In 2009, HSR hired a national NGO to conduct negotiations and implement social programs in the area,⁸ which community members allege were conditioned on acceptance of the hydroelectric dam.⁹ The NGO was able to secure agreement from select leaders, however, without the approval of community assemblies and other important decision-making bodies of the Q'eqchi' peoples.¹⁰ Communities report that this resulted in a breakdown in community cohesion and an increase in conflict.¹¹ Between 2010 and 2012, at least 20 communities organized their own consultations and communicated to the municipal government their rejection of the project.¹²

In February 2012, police issued arrest warrants for five community leaders after HSR issued formal complaints against them for encouraging a public occupation of project lands.¹³

In March 2012, communities organized a 130-mile march from Cobán to Guatemala City to bring attention to the issue.¹⁴ While community members were on the march, a military detachment arrived in Monte Olivo, allegedly fed and resourced through HSR during its two-week deployment, before the community petitioned for its departure.¹⁵

2012 protest, "Indigenous Peoples have a right to say no to hydroelectric projects on their lands".



Despite this open conflict, in late 2012, the project received an influx of international financing. Dutch development bank (FMO) acquired nearly 50 percent equity in HSR, joined by Guatemalan investors and the Latin Renewables Infrastructure Fund (“LRIF”) - a \$100 million private equity fund managed by Real Infrastructure Capital Partners LLC (REAL).¹⁶ Investors in LRIF include the International Finance Corporation (IFC), the Development Bank of Germany (DEG), the Swiss Investment Fund (SIFEM), the Spanish Agency for International Cooperation (AECID), as well as FMO.¹⁷ According to project documents, while IFC acknowledged Santa Rita’s potential negative impacts on local communities and REAL’s lack of experience in managing social and environmental risks, IFC claimed it would mitigate those risks through direct engagement and oversight.¹⁸ IFC accepted LRIF’s determination that the Free, Prior, and Informed Consent (FPIC) of Indigenous Peoples was not required because the project would not have significant adverse impacts.¹⁹ An independent consultant hired by LRIF and FMO, however, found significant gaps in LRIF’s environmental and social impact assessments, including potential impacts on biodiversity, drinking water, livelihoods, and cultural heritage.²⁰ Investors argue that project promoters spent years consulting with communities and that 14 of 18 communities supported the project.²¹

In July 2013, construction began at the dam site. Almost immediately, machinery was burned and community members in Monte Olivo erected a roadblock, effectively suspending construction activities.²²

As reported by the media, in August 2013, two children from Monte Olivo were allegedly shot and killed by a former HSR worker, and the suspected perpetrator was allegedly lynched by members of the local community.²³ While the shooting death of the two children was broadly seen as accidental, it greatly exacerbated tensions between project opponents and proponents.²⁴

On November 8, 2013, community members allege that the son of the landowner who sold property to HSR shot and injured five people in Nueve de Febrero, leaving Carlos Isaías Guitz Pop confined to a wheelchair. He later died from complications related to his injuries.²⁵

In January 2014, despite ongoing violence in the project area, IFC’s Asset Management Company (AMC) made an additional US\$20 million equity investment in LRIF.²⁶ In March 2014, LRIF reported to IFC that opposition to the project was down partly due to “the issuance of many arrest warrants at the urging of HSR against individuals involved in damaging project equipment.”²⁷

Rax Kok, Prensa Comunitaria



Police occupation of Monte Olivo August 2014

Conflict between the landowner and Nueve de Febrero increased in 2014, and according to media reports, on April 7th the landowner and his bodyguard opened fire on a community ceremony, injuring several and killing one.²⁸

In June 2014, despite a petition to the Executive Board of the UNFCCC Clean Development Mechanism (CDM) citing the human rights violations associated with the dam, the project was approved for funding under the CDM.²⁹

In October 2014, two local organizations filed a complaint with the IFC’s Compliance Advisor Ombudsman (CAO) on behalf of affected communities in the Río Dolores region. The complaint details human rights violations, violence, and the criminalization of community leaders.³⁰

In September 2017, FMO sold its equity in HSR citing the project’s uncertain future.³¹

The CAO’s Compliance Report eventually found the IFC to be out of compliance in several areas.³² It found a lack of analysis of contextual or third-party risks³³ and a failure to give due consideration to prior protests against the project, or to engage sufficiently with LRIF to manage these risks.³⁴ The report also raised questions about the effectiveness of IFC’s oversight, including reliance on client disclosures instead of third-party monitoring.³⁵

IFC Management refuted the majority of CAO’s findings³⁶ but disclosed in October 2017 that it had withdrawn its support for the Santa Rita Project.³⁷ IFC, like FMO, remains a significant investor in LRIF.³⁸ Both have argued that major environmental and social risks never materialized because construction was halted shortly after it began.³⁹

Impacted communities, however, continue to petition the Ministry of Energy and Mines for a full cancellation of the contract with HSR and compensation for damages, alleging significant social harm.

Endnotes

- 1 Complaint letter from Máximo Bá Tiul, representative of the Consejo de Pueblos de Tezulutlán, José Cruz, Coordinator of Colectivo MadreSelva, Anne Bordatto, Activist of Colectivo MadreSelva to Osvaldo Gratacós, Vice President of the CAO, “Ref.: Proyecto hidroeléctrico Santa Rita (23.2MW), municipio de Cobán, departamento de Alta Verapaz, Guatemala; IFC financia a través de Real LRIF (Proyecto número: 31458)” [“Ref.: Santa Rita hydroelectric project (23.2MW,) Cobán municipality, Alta Verapaz department, Guatemala; IFC finances through Real LRIF (Project No. 31458)”], October 27, 2014, https://carbonmarketwatch.org/wp-content/uploads/2014/04/Complaint-letter-to-the-Compliance-Advisor-Ombudsman-CAO-the-independent-recourse-mechanism-for-the-International-Finance-Corporation_spanish.pdf. Investigation Report, Case of Santa Rita Hydroelectric Dam, p. 24, Compliance Advisor Ombudsman (CAO) (2017), http://www.cao-ombudsman.org/cases/document-links/documents/CAOInvestigationReportREALLRIF_Final.pdf.
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