




Killing of Nilce de Souza Magalhães and threats to activists

 Jirau Dam

 Brazil

 Hydro

 BNDES

In July 2016, the body of Nilce de Souza Magalhães washed up on the banks of the Madeira River in Porto Velho, Brazil, tied to a rock.¹ A local fisherwoman, de Souza had criticized the Jirau dam project, which had depleted fish stocks in the river since its construction, affecting the livelihoods of thousands like her who lived along the river. De Souza had gone missing six months earlier. She was last seen speaking out on behalf of uprooted fishing communities at a national hearing in the capital, Brasília.²

The Jirau hydroelectric dam, operated by consortium Energia Sustentável do Brasil (ESBR), received a US\$3 billion investment loan from Brazil's National Development Bank (BNDES) in 2009, alongside funding from several international and Brazilian commercial banks.³ According to BNDES, the project was to bring affordable electricity and positive social impacts for regional development.⁴ In 2012, BNDES approved another US\$1.14 billion loan to ESBR for the dam project.⁵

Starting in 2014, after seeing fish stocks diminish, de Souza became a leading activist with the Movement of People Affected by Dams (MAB), advocating for the rights of all communities affected by the Jirau dam. As often happens, dam developers had only considered impacts on the communities that would be physically displaced, ignoring the significant economic and cultural impacts on communities like de Souza's, living further downstream. Many of the communities in the area opposed the dam not just for its direct impacts, but for the cumulative impacts it would have together with three other dams in the area, including the BNDES-financed Santo Antonio dam located just over 100 km from Jirau.

The impact assessment for the Jirau project was narrowly scoped, excluding both the social impacts to local fishing communities and the cumulative impacts of numerous dams on a single river system.⁶ As early as 2006, environmental scientists expressed concern that

impact assessments had ignored the effect of climate change on river flows and underestimated flood risks.⁷ Their admonitions took on new weight in 2014 when widespread flooding left part of the city of Porto Velho submerged under eighteen meters of water. Tens of thousands of people were left homeless, and many lost their livelihoods.⁸ The government came short of shutting down the Jirau and San Antonio hydroelectric plants, but it ordered ESBR to pay for housing for displaced families and to redo impact assessments to account for climate change and cumulative risks.⁹



Nilce de Souza Magalhães

Joka Madruga

On November 28, 2015, frustrated with ESBR's failure to compensate flood victims and rebuild communities, MAB members blocked the main access road to the dam in protest.¹⁰ Shortly thereafter, de Souza brought the complaints against ESBR to the federal government. It was in January 2016, as de Souza was awaiting a follow-up visit by the government to confirm receipt of the complaints, that she disappeared.¹¹

Despite these events, the Jirau dam continued to receive international investment. In August 2016, the project was approved to receive financing under the



United Nations' Clean Development Mechanism, an international emissions-trading scheme.¹²

In March of 2017, authorities sentenced Edione Pessoa da Silva to 15 years in prison for de Souza's murder – shifting the spotlight onto a personal conflict.¹³ MAB representatives, however, insist that de Souza was targeted because of her activism.¹⁴ Other community members and MAB activists who opposed the dam have also received death threats, including Lurdilane Gomes da Silva and Iza Cristina Bello, who worked with de Souza.¹⁵ De Souza's daughter and others who organized the community to resist and to fight for justice for de Souza's murder have also been targeted.¹⁶ MAB members have criticized the failure of the government to ensure their protection.¹⁷

Brazil consistently ranks as one of the deadliest countries for land and environmental defenders.¹⁸ Threats to defenders center around those challenging the advance of agribusiness, mining, infrastructure and energy investments which are often imposed on indigenous, traditional and local communities without their consent or consultation.¹⁹ Often, these defenders do not have access to institutional mechanisms to ensure that their concerns can be heard. Public hearings occur too late in decision-making processes, or involve too few community members, compromising the ability to effectively incorporate the

view of affected communities into project design and implementation. At Jirau, no effective operations-level grievance mechanism is available -- a common problem throughout Brazil. Access to justice is hampered by corruption as well as logistical, financial, and normative barriers.

The situation is becoming more pressing as the government considers a range of laws and constitutional amendments which would eliminate environmental regulations that allow local communities and civil society to access information and participate in decision-making processes around development.²⁰ These include measures to gut licensing requirements for infrastructure projects, open indigenous lands to mining, and dramatically speed up environmental certifying processes, even allowing "self-licensing" for many development projects.²¹

Today the communities impacted by the Jirau dam are still fighting for compensation for their lost livelihoods and to rebuild their lives after the 2014 flood.²² In January of 2018, ESBR decided to raise the level of water in the dam, increasing the risk of another disaster.²³

Endnotes

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