

Fearnside, P.M. 2012. Will Brazil's Belo Monte Dam Get the Green Light? *Latin America Energy Advisor*, 27-31 Aug. 2012, pp. 1 & 4. [<http://www.thedialogue.org>]

www.thedialogue.org

August 27-31, 2012

INTER-AMERICAN DIALOGUE'S

LATIN AMERICA ADVISOR ► ENERGY

FEATURED Q&A

Will Brazil's Belo Monte Dam Get the Green Light?

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A Brazilian federal appeals

court on Aug. 14 ordered a halt to construction on the controversial Belo Monte dam until indigenous groups are properly consulted, The Guardian reported. However, on Monday, the Supreme Court issued a preliminary ruling that allowed for work on the project to resume. How significant is the charge that the consultation process was not properly followed? Will local groups be able to reach an agreement with developers and the government, which argue that the project is necessary to meet the country's growing energy demand? How could the consultation processes be improved to avoid similar conflicts both in Brazil and other countries, including Peru, Ecuador and Bolivia?

A

Philip M. Fearnside, research

professor at the National Institute for Research in the Amazon (INPA) in Manaus:

"Brazil is a signatory to ILO Convention 169 and this requirement of consultation with affected indigenous peoples before a decision is made on building a dam has been incorporated into Brazil's constitution. Belo Monte would divert 80 percent of the Xingu River's flow through a series of canals, leaving a 100-kilometer stretch of the river (including two indigenous areas) with very little water. These indigenous people were not consulted, and their claim has been endorsed by the Human

Rights Commission of the Organization of American States and by the Public Ministry (a branch of Brazil's Ministry of Justice that was created by the 1988 constitution to defend public interests). No less than 13 legal suits against Belo Monte are still awaiting decisions in Brazilian courts. The heavy investment of financial and political capital in the project by the executive branch of the federal government raises the danger that pressure on the judiciary could severely damage the democratic system in Brazil. Should the dam be

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built despite being 'totally illegal' (as it has been described by the Public Ministry in Belém), the consequences could well prove to be the most severe impact of this highly controversial project. The lesson for dams in any country is that legal requirements for consultation and licensing need to be respected in full."