

Whom to Damn for the Damage of Dams?

A normative-empirical analysis of corporate relationships and responsibilities within the Brazilian and Peruvian Minerals-Energy Complex.



Riverine community on the Xingu River- Pará, Brazil.

Karlijn Kuijpers, November 2013

Karlijn Kuijpers
Master Thesis

Presented to
Faculty of Geosciences, Utrecht University
&
Faculty of History and Philosophy, Basel University

For the partial fulfilment of the requirements for the degree of
MA Sustainable Development - The Social Perspective

Research partly conducted during an internship at SOMO (Centre for Research on Multinational Corporations)

Supervisor Utrecht University: Dr. Walter Vermeulen
Supervisor University Stellenbosch: Dr. Alan Brent
Supervisor SOMO: Dr. Joseph Wilde-Ramsing

Email	karlijn.kuijpers@gmail.com
Address	M.H. Trompstraat 26 3572 XV Utrecht The Netherlands
Student number	3120627
ECTS	45
Date	November 2013

Acknowledgements

First of all, many thanks to all the people I interviewed. Thank you for your openness, your time and your engagement. You form the foundation of this research.

Thanks to all the gatekeepers who helped me with names, phone numbers and directions. Thank you for leading me the way in the muddle of companies, organizations and individuals involved in the projects I researched.

Special thanks to the MAB people from Itaituba, Pimental and Mato Grosso with whom I shared a three-day bus ride from Itaituba to São Paulo and the dinners, sleeping room and parties at the National Meeting in São Paulo. Thank you for incorporating me in your group and thanks for your hospitality, openness and inspiring devotion.

Many thanks to MAB for inviting and warmly welcoming me at the National Meeting of Dam-Affected People.

Special thanks to Joseph Wilde-Ramsing, for coming up with the idea to study the Minerals-Energy Complex, for constantly forwarding interesting documents, and inspiring me for the topic.

Thanks to Mariëtte van Huijstee, for introducing me in the world of the UN Guiding Principles.

Thanks to SOMO, for providing a very interesting and inspiring internship, for making me more familiar with the corporate accountability field, and for making it possible to publish parts of this research.

Many thanks to Walter Vermeulen, for supervising me, keeping me critical and leading me through the process of writing a thesis.

Thanks to my friends, whose support, critical questions and companionship are indispensable.

And last, but certainly not least, thanks to my parents and sisters. For your unconditional support, your good advice, for accepting that I 'had' to leave again, and because you form a great home to which I always want to come back!

Thank you!

Obrigada!

¡Gracias!

Table of Contents

Abbreviations	6
List of Boxes	7
List of Tables	7
Summary	8
1. Introduction	9
1.1 Context.....	9
1.2 Research Questions.....	11
1.3 Outline of the Report.....	11
2. Theoretical Framework	13
2.1 Minerals-Energy Complex.....	13
2.2 Power.....	14
2.3 From Corporate Responsibility to Corporate Accountability.....	17
2.4 UN Guiding Principles.....	19
3. Research Design & Methods	23
3.1 Research Design.....	23
3.2 Selection of Cases.....	26
3.3 Validity and Reliability.....	27
4. Case Descriptions	29
4.1 Brazilian and Peruvian Context.....	29
4.2 Belo Monte (BR).....	30
4.3 Complexo Tapajós (BR).....	32
4.4 Chadin II (PE).....	36
5. Minerals-Energy Complex	40
5.1 Actors Involved.....	40
5.1.1 Belo Monte (BR).....	40
5.1.2 Complexo Tapajós (BR).....	42
5.1.3 Chadin II (PE).....	43
5.2 Links with the Mining Industry.....	43
5.2.1 Belo Monte (BR).....	43
5.2.2 Complexo Tapajós (BR).....	45
5.2.3 Chadin II (PE).....	46
5.3 Links with the State.....	48
5.3.1 Belo Monte (BR).....	48
5.3.2 Complexo Tapajós (BR).....	51
5.3.3 Chadin II (PE).....	51
5.3.4 Construction Sector & Vale.....	53
5.4 System of Accumulation.....	55
5.5 Conclusions.....	58
6. Adverse Human Rights Impacts & Human Rights Risks	59
6.1 Belo Monte (BR).....	59
6.1.1 Drop in River Runoff & Forced Evictions.....	59
6.1.2 Land Occupation & Forced Evictions.....	61
6.1.3 Meaningful Stakeholder Engagement.....	62
6.1.4 Licensing Process.....	63
6.1.5 Failing Judicial Apparatus.....	64
6.1.6 Climate Change & Biodiversity Loss.....	66
6.1.7 Workers' Rights.....	67
6.1.8 Mining Activities.....	68
6.2 Complexo Tapajós (BR).....	68
6.2.1 Actual Impacts.....	68
6.2.2 Human Rights Risks.....	69
6.3 Chadin II (PE).....	72
6.3.1 Actual Impacts.....	72
6.3.2 Human Rights Risks.....	75
6.4 Conclusions.....	76
7. Normative Analysis of Responsibilities	77
7.1 Belo Monte (BR).....	77
7.1.1 Drop in River Runoff & Forced Evictions.....	77

7.1.2 Land Occupation & Forced Evictions.....	79
7.1.3 Meaningful Stakeholder Engagement	80
7.1.4 Licensing Process	82
7.1.5 Failing Judicial Apparatus	84
7.1.6 Climate Change & Biodiversity Loss.....	85
7.1.7 Workers' Rights.....	86
7.1.8 Mining Activities	86
7.1.9 Brazilian and Norwegian State	87
7.2 Complexo Tapajós (BR).....	87
7.2.1 Actual Impacts	87
7.2.2 Human Rights Risks	88
7.2.3 State Actors	90
7.3 Chadin II (PE).....	90
7.4 Conclusions.....	91
8. Complaints & Responsiveness to Responsibilities.....	93
8.1 Belo Monte (BR).....	93
8.1.1 Strategies used by CSOs	93
8.1.2 Types of Complaints	94
8.1.3 Responses Provided by Companies	95
8.1.4 Conclusions	99
8.2 Complexo Tapajós (BR).....	100
8.2.1 Strategies & Complaints by CSOs.....	100
8.2.2 Responses Provided by Companies	101
8.2.3 Conclusions	102
8.3 Chadin II (PE).....	102
8.3.1 Strategies & Complaints	102
8.3.2 Responses Provided by Companies	103
8.4 Conclusions.....	104
9. Discussion & Conclusions	105
9.1 Discussion	105
9.1.1 Research Design	105
9.1.2 Results	106
9.1.3 Recommendations	108
9.2 Conclusions.....	108
10. References	112
Annex 1. Protocol	133
Annex 2. Interviewees	134
Annex 3. Lists of Signatures Public Hearings Chadin II	138
Annex 4. Police Presence at Public Hearings Chadin II	139

Abbreviations

AHIMOR	Administração das Hidrovias da Amazônia Oriental- Administration of Waterways in Oriental Amazon.
BNDES	Banco Nacional de Desenvolvimento Economico e Social- Brazilian economic and social development bank
BRICS	Brazil, Russia, India, China, South-Africa (emerging national economies)
CCBM	Consórcio Construtor Belo Monte- Belo Monte construction consortium
CDDPH	Conselho de Defesa dos Direitos da Pessoa Humana- Council for the Defense of Human Rights (Brazil)
CIMI	Conselho Indigenista Missionário- Missionary Council for Indigenous Peoples
CPT	Comissão Pastoral da Terra- Pastoral Land Commission
CSO	Civil Society Organization
CSR	Corporate Social Responsibility
DNPM	Departamento Nacional de Produção Mineral- National Department on Mineral Production (Brazil)
EIA	Environmental Impact Assessment
EPE	Empresa de Pesquisa Energética- Energy Research Enterprise (Brazil)
FETAGRI	Federação dos Trabalhadores na Agricultura- Federation of Agricultural Workers
FIDH	Federação Internacional dos Direitos Humanos- International Federation of Human Rights
FPIC	Free, Prior and Informed Consent
FUNAI	Fundação Nacional do Índio- Agency for Indigenous Affairs (Brazil)
FVPP	Fundação Viver, Produzir e Preservar- Live, Produce and Preserve Foundation
GDP	Gross Domestic Product
GP	Guiding Principle
Grufides	Grupo de Formación e Intervención para el Desarrollo Sostenible – Group for Education and Intervention for Sustainable Development
HDI	Human Development Index
IACHR	Inter-American Commission for Human Rights
IAEA	International Atomic Energy Agency
IBAMA	Instituto Brasileiro do Meio Ambiente e dos Recursos Naturais Renováveis - Brazilian Institute for the Environment and Natural Renewable Resources
IBRAM	Instituto Brasileiro de Mineração- Brazilian Mining Association
ICMBio	Instituto Chico Mendes de Conservação da Biodiversidade- Chico Mendes Institute for Conservation of Biodiversity
IFC	International Finance Corporation
IIRSA	Integración de Infraestructura Regional Sudamericana- Integration of Regional Infrastructure in South-America
ILO	International Labour Organization
INEI	Instituto Nacional de Estadística e Informática – National Institute of Statistics and Information (Peru)
ISA	Instituto Socio-Ambiental- Socio-Environmental Institute
MAB	Movimento do Atingidos por Barragens- Movement of Dam-Affected People
MEC	Minerals-Energy Complex
MINEM	Ministerio de Energía y Minas- Ministry of Energy and Mines (Peru)
MPF	Ministério Público Federal- Federal Public Prosecutor (Brazil)
MPT	Ministério Público do Trabalho- Public Prosecutor for Workers' Affairs (Brazil)
MW	Megawatt
MXVPS	Movimento Xingu Vivo Para Sempre- Xingu Forever Alive Movement
NCP	National Contact Point OECD Guidelines for Multinational Enterprises
NGO	Non-Governmental Organization
OECD	Organization for Economic Development and Cooperation
PAC	Programa de Aceleração do Crescimento- Program for Accelerated Growth
PIC	Plataforma Interinstitucional Celendina- Interinstitutional Platform Celendín
PT	Partido dos Trabalhadores- Workers' Party
RIMA	Relatório de Impacto Ambiental- summary of the EIA

SDDH	Sociedade Paraense de Direitos Humanos- Pará Human Rights Society
SEICOM	Secretaria de Estado de Indústria, Comércio e Mineração- State Secretariat of Industry, Commerce and Mining (Brazil)
SOMO	Stichting Onderzoek Multinationale Ondernemingen- Centre for Research on Multinational Corporations
STTR	Sindicato dos Trabalhadores e Trabalhadoras Rurais- Rural Workers' Union
TNC	Transnational Corporation
UN	United Nations
UNDP	United Nations Development Program
UNDRIP	United Nations Declaration on the Rights of Indigenous Peoples
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNFCCC	United Nations Framework Convention on Climate Change
UNGP	United Nations Guiding Principles for Business and Human Rights
UNHRC	United Nations Human Rights Council
UNOHCR	United Nations Office of the High Commissioner for Human Rights

List of Figures

Figure 1	Research Design
Figure 2	Forms of potential company involvement in adverse human rights impacts
Figure 3	Location of the three cases studied
Figure 4	Belo Monte dam
Figure 5	Conservation Units in the Xingu basin
Figure 6	Area affected by São Luiz dam
Figure 7	Area affected by Jatobá dam
Figure 8	Conservation units in the Tapajós basin
Figure 9	Chadin II dam
Figure 10	State Agencies and Corporate Actors involved in Belo Monte dam
Figure 11	Consortium Norte Energia
Figure 12	Mining concessions in Tapajós region
Figure 13	Mining concessions in Cajamarca region
Figure 14	Companies with mining concessions in Cajamarca region
Figure 15	Design of the Belo Monte dam
Figure 16	Corporate Responsibilities for the Drop in River Runoff & Forced Evictions
Figure 17	Corporate Responsibilities for the Land Occupations & Forced Evictions
Figure 18	Corporate Responsibilities for the Lack of Meaningful Stakeholder Engagement (Belo Monte)
Figure 19	Corporate Responsibilities for the Irregular Licensing Process
Figure 20	Corporate Responsibilities for the Non-Fulfillment of Conditions
Figure 21	Corporate Responsibilities for the Failing Judicial Apparatus
Figure 22	Corporate Responsibilities for Climate Change & Biodiversity Loss
Figure 23	Corporate Responsibilities for Workers' Rights
Figure 24	Corporate Responsibilities for Lack of Meaningful Stakeholder Engagement (Tapajós)

List of Boxes

Box 1	Rondas Campesinas
Box 2	Companies in Grupo de Estudos Tapajós
Box 3	State services executed by Norte Energia
Box 4	Forced evictions
Box 5	The Right to Free, Prior and Informed Consent
Box 6	Climate Change, Biodiversity & Human Rights

List of Tables

Table 1	Contributions to electoral campaign of Dilma Rousseff
Table 2	Shareholding structure Vale
Table 3	Summary Human Rights Impacts & Risks
Table 4	Summary Responsibility Scenarios

Summary

Brazil and Peru face a rapid expansion of hydroelectric dams and large-scale mining. Although decision-makers claim that the construction of dams leads to better electrification rates and local development, the dams have numerous adverse human rights impacts and large amounts of the energy are being used by the energy-intensive mining industry, which also causes various adverse human rights impacts.

Based on qualitative research into three cases in Brazil and Peru, using semi-structured interviewing and literature review, the research probes and confirms the existence of a minerals-energy complex (MEC), a concept developed to describe the strong interlinkages between the mining and energy sector. The research shows that the hydroelectricity and mining sectors are mutually dependent and historically strongly interlinked with the State. The State depends on the sectors to execute its economic development policies and uses various State powers to rapidly develop the sectors, often at the disadvantage of affected communities and the environment, and contrary to its own legislation. The MEC functions as a system of accumulation: resources and power are being concentrated in the hands of a few actors. Large amounts of tax money and natural resources are being transferred into private hands, and various forms of power are being concentrated and accumulated.

Studying the MEC shows the range of actors involved in and responsible for the advancement of hydroelectric dams, and thus for human rights impacts or risks related to these dams. The MEC is being used to conduct a normative analysis on the division of corporate responsibilities for adverse human rights impacts, based on the recently developed UN Guiding Principles on Business and Human Rights (UNGPs). The UNGPs prove to be useful to identify responsible actors and required actions. The MEC enables to conduct a holistic analysis of responsible actors for impacts related to the hydroelectric dams.

The research assesses to what extent the UNGPs affect attitudes and actions of affected groups and corporations within the MEC. The research shows that, although the UNGPs are clear about the divisions of responsibilities, their applicability in practice is problematic. Affected groups devote most responsibilities to State actors and have difficulties in holding corporations accountable. Due to the system of accumulation, corporations and State actors can and do combine different forms of power to deny adverse impacts, shirk responsibilities to each other, repress local resistance, or create a discourse wherein the dams foster development.

The research shows that in situations where various powers are being accumulated, human rights risks are high, but at the same time it is problematic to hold corporations accountable. The research stipulates the need for binding (international) measures to hold corporations accountable, especially in cases with large concentrations of power.

1. Introduction

1.1 Context

Sustained growth in population and consumption levels is expected to lead to a continuing increase in the global demand for raw materials such as minerals and metals over the coming century (McLellan et al. 2012). At the same time, the rapid depletion of these resources means that they are becoming progressively scarcer (Yellishetty et al. 2012; Rockström et al. 2009). Rising demand, combined with increasing scarcity is pushing the world's resource frontiers into regions relatively untouched by the global economy (Barbier 2012). The Amazon is one of these frontiers.

In the 1990s, South-American governments like the Brazilian Cardoso and the Peruvian Fujimori governments marked the return to an economic model based on natural resources, privatizing and intensifying the exploitation of natural resources (Seoane et al. 2005). Although more leftist governments have come to power, these governments have deepened neoliberal economic policy based on the exploitation of natural resources (Burron 2012). The Amazon, often referred to as one of the world's last frontiers (Nepstad et al. 2002; Boekhout van Solinge & Kuijpers 2013; Boekhout van Solinge 2010), is currently facing the result of these neoliberal policies in the form of a rapid proliferation in the number and size of operational and planned hydroelectric dams and mining activities (EPE 2013; Fearnside et al. 2013; Deheza & Ribet 2012; Da Silva Soito & Vasconcelos Freitas 2011; IBRAM 2013; Dirección de Promoción Minera 2013).

Important economic development plans like PAC (Brazilian economic development plan) and IIRSA (South-American infrastructure integration plan), based on the exploitation of natural resources, anticipate the construction of various large hydroelectric dams in the near future (Vargas 2013). Brazil's 2011-2020 energy-expansion plan calls for the construction of about 30 hydroelectric dams in the Amazon (EPE 2013). Peru has plans to install 79 dams greater than 2MW in the Andean Amazon, of which nearly half are in an advanced stage (Finer & Jenkins 2013). Governments of Brazil, Ecuador, Peru and Bolivia are, according to official planning reports, each emphasizing hydropower as the centrepiece of medium and long-term plans to meet future energy demands (Finer & Jenkins 2013; EPE 2013; Dirección General de la Electricidad 2012).

At the same time, the region is currently experiencing a mining boom (IBRAM 2013; Dirección de Promoción Minera 2013). The value of annual mineral production in the Amazonian state of Pará nearly tripled between 2007 and 2011, and another threefold increase – reaching a total of US\$ 20 billion – is expected by 2015 (IBRAM 2013; DNPM 2012). In Peru, a total of US\$ 36 billion of mining investments is anticipated between 2011 and 2016 (Directorio Minero del Perú 2011).

Many of these new energy and mining projects are located on so-called 'frontiers'. Frontiers are areas that are recently being disclosed for resource exploitation. 'Frontier in this regard is the border that divides the known or organized space from another space that is unknown or slated to be conquered. More than just a theoretical concept, the frontier is a powerful metaphor that establishes the space of transformation, change, and conquest' (Rivero & Cooney Seisdedos 2010). Frontiers are areas with rapid social and environmental change where 'authorities, sovereignties, rights, and hegemonies of the recent past have been challenged by new enclosures, property regimes, and territorializations, producing new actors, subjects, and networks connecting them; and new legal and violent means of challenging previous land controls' (Peluso & Lund 2011). A frontier is often characterized by adverse human rights impacts, in part because opening up the area for resource exploitation implies a wide range of potential social, environmental and economic changes and impacts (Langfur 2006). Furthermore, exploitation activities on the frontier often advance faster than the enforcement of laws and regulations can keep up with, resulting in weak government control over the expansion and its range of impacts. As a result, frontier areas are frequently 'ruled by patronage politics' (Safford & Palacios 2002).

Indeed, the Amazonian frontier regions have already seen a number of adverse human rights impacts – particularly related to displacement; stakeholder engagement and the right to free, prior and informed consent (FPIC); and access to natural resources – associated with both the hydroelectricity and mining sectors (Fearnside 2006; CDDPH 2010; Seoane et al. 2005). Furthermore, a number of the existing and planned hydroelectricity and mining sites are located on or close to indigenous territories, raising the risk of violation of the special rights of Indigenous Peoples enshrined in the UN

Declaration on the Rights of Indigenous Peoples (UNDRIP 2008) and the International Labour Organization (ILO) Convention 169 on Indigenous and Tribal Peoples (1989).

Governments and multinational energy companies frequently stress the positive developmental contribution of hydroelectric dams, which they claim will create jobs and spur electrification and economic development (Norte Energia 2011; Blog do Planalto 2011; AC Energía 2013). According to the World Commission on Dams, 'dams have made an important and significant contribution to human development, and benefits derived from them have been considerable [but] in too many cases an unacceptable and often unnecessary price has been paid to secure those benefits, especially in social and environmental terms, by people displaced, by communities downstream, by taxpayers and by the natural environment' (World Commission on Dams 2001: 1436-7). According to the UN, the provision of adequate and reliable electricity at an affordable cost, in a secure and environmentally benign manner and in conformity with social and economic development needs is an essential element of sustainable development (IAEA 2007).

However, the positive developmental impacts of Amazonian electricity projects are debatable as it turns out that a significant amount of the generated energy is destined for supplying industrial mining activities, rather than expanding access to affordable electric services (Wilde-Ramsing 2013; Fearnside 2006). Indeed, research has revealed that the electricity and mining sectors are strongly interlinked, both in their business relationships (i.e. each supplies the other with crucial material inputs) as well as at the organizational level (Fearnside et al. 2013; McLellan et al. 2012). Fine & Rustomjee (1996) have observed and described a 'minerals-energy complex' (MEC), which provides a structural framework for investigating these interlinkages. The MEC comprises a system of accumulation of resources and power concentrated around the minerals and energy sectors. Within this system, the energy and minerals sectors interact in 'mutually beneficial relationships' that lead to a concentration of power and resources, often in the hands of large corporate actors and to the disadvantage of other stakeholders, including residential consumers of electricity and communities directly impacted by mines and electricity generation plants (Wilde-Ramsing 2013; Baloyi 2012; Fine & Rustomjee 1996). In addition to the links between the two sectors, the MEC identifies important relationships between the two industrial sectors and the State.¹

Although the MEC concept was developed in the South African context, it provides a useful, systematic frame for conducting a holistic analysis of the interconnected political and economic interests and power dynamics between the mining and energy sectors in other emerging economies, such as Brazil. As Meadowcroft (2007) and Rutherford (2007) claim, power is essential to sustainability research and should therefore be studied more extensively. As this study will show, power is essential in understanding the development of the large hydroelectricity and mining projects in the Amazon. As these projects have the potential of contributing to sustainable development, but in practice often hamper sustainable development, it is important to study power relations.

The 'mutually beneficial' relationship between the two sectors raises profound questions about the division of responsibilities for adverse human rights impacts on the minerals-energy frontier. For example, what responsibility do mining companies have to prevent or mitigate human rights abuses linked to the hydroelectric dams upon which they rely for massive amounts of electricity and without which they could not operate? What is the role of financial institutions that provide financing for both hydroelectric and extractives projects and companies? Do state-owned energy and financial enterprises have a heightened responsibility to protect human rights in this complex?

Furthermore, the accumulation of resources and power in the minerals-energy complex raises questions about the extent to which corporations can be held accountable. Do victims of adverse human rights impacts have sufficient access to remedy in cases where financial and strategic interests, of both corporations and governments, are so high?

¹ In the present thesis I refer to the 'State' without specifying which part of this apparatus I refer to. I am well aware that the State is an ambiguous object and there is no such thing as the opinion or the action of the 'State', it is always a branch of the State that takes the final decisions. However, as this thesis focuses on corporate actors, I will not discuss the role of the State in detail. When I refer to the 'State', I refer to that branch of the State that has taken a final decision (or has omitted to do so), and is thus actually executing the most power of the State. In this thesis 'State' can refer to the executive, legislature or judiciary power.

The 2011 United Nations Guiding Principles for Business and Human Rights (hereafter referred to as UNGPs or Guiding Principles), which implement the 2008 UN 'Protect, Respect and Remedy Framework, both unanimously endorsed by the UN Human Rights Council, provide a framework for analysing the duties and responsibilities of state and business actors in addressing business-related human rights abuses. This research will analyse the division of responsibilities for adverse human rights impacts related to the Amazonian minerals-energy complex and will analyse to what extent responsible actors are responsive to claims made by people (potentially) affected by projects within the minerals-energy complex. Analysing the division of responsibilities is essential in increasing the contribution of these large-scale projects to sustainable development; when negative aspects can better be addressed and responsible actors can better be identified, the contribution of these projects to sustainable development will probably increase.

1.2 Research Questions

The context described in the previous section results in the following research question.

To what extent do the UN Guiding Principles on Business and Human Rights affect attitudes and actions of corporations and affected groups in the minerals-energy complex in Brazil and Peru?

This question can be subdivided in different research questions:

1. How are corporate responsibilities divided according to the UN Guiding Principles on Business and Human Rights and what does this imply for the division of corporate responsibilities in the Brazilian and Peruvian MEC?
2. What are the characteristics of the Brazilian and Peruvian Minerals-Energy Complex (MEC)?
3. To what extent have actors negatively affected by activities in the MEC been able to address these problems at the responsible actors?
4. To what extent have affected groups and corporations used the UNGPs in policies or practice?

The present study employs both the MEC and the UNGP as complementary frameworks to analyse the interests and power relations between the hydroelectricity and mining sectors, as well as the respective responsibilities for adverse human rights impacts. The study takes a case study approach focusing on two dams in the Brazilian Amazon and one in the Peruvian Amazon.

Brazil has a long history of hydroelectricity dams and has powerful corporate actors playing in this field (McCann 2005; Carvalho 2006). Currently Brazil is rapidly expanding hydro-activities in the Amazon and at the same time aims at increasing mining activities in this region. In 2010 Brazil signed an agreement with the Peruvian government wherein both parties agree to construct hydroelectric dams on Peruvian territory to provide energy to the Brazilian grid (Lula da Silva & García 2010). This agreement can be seen as a precedent for bilateral agreements with other neighbouring countries like Bolivia and Ecuador and seems to be a way wherein the Brazilian MEC can operate beyond the Brazilian border. It is therefore essential to understand these dynamics and the related changing geopolitics in South-America.

Applying the MEC can generate a more holistic picture of corporate responsibilities; as the MEC links various sectors and corporations to a certain human rights impact, it can function as a useful approach to holistically study corporate responsibilities. Applying the UNGPs to such system will provide insights in the applicability and usefulness of the UNGPs in complex situations such as the MEC. Now, just after the UNGPs have been endorsed, it is the moment of 'taking stock of a successfully concluded mandate and of preparing for the massive task of following-up with more operational guidance, more detailed standards, more effective governance mechanisms and more finely grained conceptual treatments (Mares 2012: 2). This research can contribute to creating insights in the operationalization of the UNGPs.

1.3 Outline of the Report

The following chapter will provide the theoretical framework on which this research is constructed. Chapter three discusses the research design and methods. Chapter four introduces the cases studied and the Minerals-Energy Complex will be analysed in chapter five. Chapter six will discuss the adverse human rights impacts of the dams studied and chapter seven consists of a normative analysis of responsibilities for these impacts, based on the UNGPs. Chapter eight will then discuss how local organizations have tried to hold responsible actors accountable and how these corporations

responded to their responsibilities. The last chapter contains a discussion and conclusions of the research.

2. Theoretical Framework

The present thesis builds on various theories. The research aims at 1) identifying the Minerals-Energy Complex at play in Brazil and Peru, 2) identifying (potential) adverse human rights impacts, 3) identifying the division of responsibilities for these impacts, and 4) investigating to what extent corporations and affected groups use the UN Guiding Principles in policies and practice. This design of the research is being displayed in Figure 1 and will further be discussed in section 3.1. The theoretical basis for different steps in the research will be provided in this chapter.

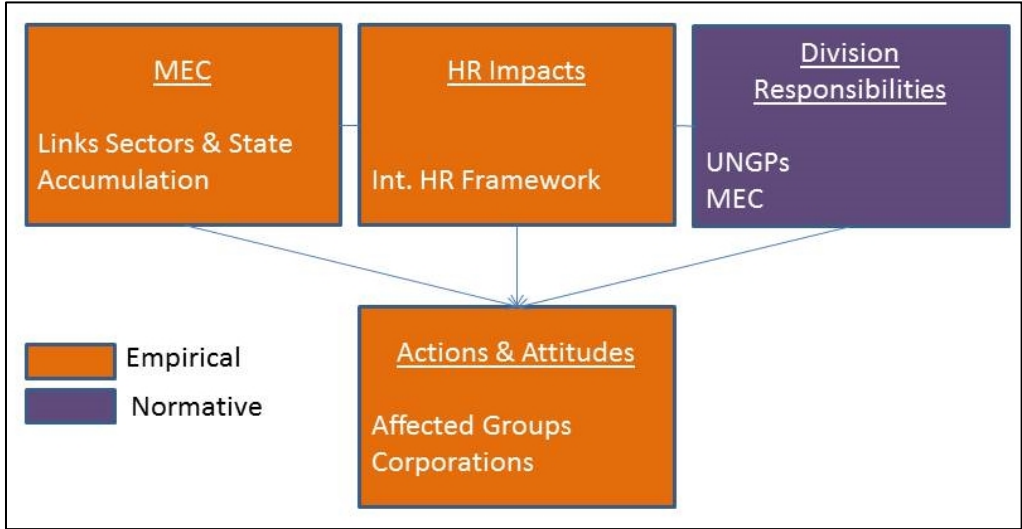


Figure 1, Research Design.

2.1 Minerals-Energy Complex

The first step in this research is to identify the Minerals-Energy Complex (MEC), the conjunction of actors, resources and power in the hydroelectric and mining sector and actors at the state level favouring the expansion of hydroelectricity and mining projects. The MEC theory will be used in two ways: to study the state-corporate tandem favouring the expansion of hydroelectric and mining projects; and identifying actors responsible for the adverse impacts related to these sectors.

The Minerals-Energy Complex is a theory describing the system of accumulation concentrated around the minerals and energy sectors. The theory has been developed by Fine and Rustomjee in 1996. The MEC is a core set of minerals and energy sectors that exhibit very strong linkages between each other and relatively weaker linkages with other sectors (Fine & Rustomjee 1996). The sectors have interpenetrating directorships and ownership of shares and strong linkages with financial institutions (Fine & Rustomjee 1996).

Additionally, the MEC has strong relations with State institutions and actors, which has been entrenched institutionally (Fine & Rustomjee 1996). The South-African government supported the MEC in several ways, through an expansion of public-private investments in the MEC, the creation of state corporations and their joint ventures with private capital; the extensive use of tariffs; and industrial decentralisation, and investments in the MEC (Fine & Rustomjee 1996).

As a system of accumulation, the MEC addresses the process by which the core set of industries have developed historically and have influenced how other sectors have developed (Fine & Rustomjee 1996). The MEC lies at the core of South-African economy, both in terms of weight and impact on the rest of the economy (Fine & Rustomjee 1996). Finance houses have shown a high interest in the mining and electricity markets and have taken on a prominent role so that corporate restructuring and financial speculation have occurred at the expense of providing funds for investment for the expansion and restructuring of production itself (Fine & Rustomjee 1996). This has resulted in an allocation of finance to speculation and acquisition rather than productive employment (Fine & Rustomjee 1996). As a result of this system of accumulation, the MEC is a system of concentration of capital and resources (Fine & Rustomjee 1996). The economic reliance on these primary sectors impedes effective growth of other economic sectors.

The South-African MEC is furthermore seen as a system wherein pre-democratic (Apartheid) power relations are being continued. The dominant actors in Apartheid continue to have large control over the MEC and therefore societal class structure has been held intact by the MEC (Fine & Rustomjee 1996). This shows that democratization is compatible with continuing economic inequalities (Fine & Rustomjee 1996). The large power of the MEC led to a partial vacuum in intermediate and capital goods capability, and a failure in the development of sectors other than the MEC (Fine 2012). In addition to an economic system, the MEC has given and continues to give rise to various political and social phenomena, such as an integration between State and corporations that has been entrenched institutionally, or a continuation of economic and social inequalities (Fine & Rustomjee 1996).

The theory developed by Fine and Rustomjee has, as far as known, never been applied to other contexts than South Africa. However, countries like Brazil face a similar system with strong accumulation of power and resources in the hands of a few corporations, intensively supported by government actors. In order to understand this system of accumulation and to identify responsible actors for adverse impacts, it is important to apply the MEC to other contexts.

The scope of this research is too narrow to study the impact of the MEC on the Brazilian economy. The research will rather take a case-study approach and, for the cases selected, look at the ways in which the energy and mining sectors are interlinked, how they are linked with the state, and how resources and power are being accumulated in the MEC. Taking a case-study approach also serves better to identify the division of responsibilities; a macro-approach such as the one taken by Fine and Rustomjee, would not be fit to identify responsible actors.

The links between the sectors can take different forms: mutual dependence for the realization of projects, interpenetrating directorships or ownerships, or collaboration in consortia. Links with the State can take the form of financial links, links in ownership structures, or government support through legislation or selective law enforcement. Because this research takes an explorative approach, different types of links will be investigated. It is possible that the sectors are linked differently than in the South-African case, so the South-African theory will be used, but research on the links will not be limited to the factors identified in the South-African case.

The scope of this research is too narrow to study the entire system of accumulation at play in the hydroelectricity and mining sectors. However, the research will look at the way in which resources and capital are being concentrated in the cases studied. This will focus on public money and goods that are being transferred into private hands. Furthermore, the research will look at the concentration of power at play in the MEC in the different cases studied. Studying power relations is not only important for studying the system of accumulation, but also for the identification of responsible actors for adverse impacts. As Lukes (2005) argues, 'in order to hold actors accountable, we have to identify responsibilities, and that doing so involves the powerful'. As power is an ambiguous concept, the following section will discuss how the concept of power is being operationalized in this research.

2.2 Power

Power is often being defined as 'that which makes the achievement of desired outcomes or ends possible' (Nigam 1996: 7). Hobbes, who intensively studied power and the state, thought 'the power of a man... is his present means to obtain some future apparent good' (Hobbes 1651).

These means or powers can take several forms. Early literature focuses on the **power of the State** (Hobbes 1651; Weber in Habermas 1977). Mann (1984) argues that State power can be understood in two different ways. He differentiates between *despotic power* of the State elite: the range of actions which the elite is empowered to undertake without routine, institutionalised negotiation with civil society groups. The second sense in which Mann talks about State power is *infrastructural power*, the capacity of the state to actually penetrate civil society, and to implement logistically political decisions through the realm. Infrastructural power penetrates in everyday life (Mann 1984).

Another form of power is **economic power**. Financial resources or control over means of production can be means to achieve desired outcomes. Engels and various other scholars argue that economic power is strongly interlinked with political or State power (Nigam 1996; Salamon & Siegfried 1977). They argue that the class that is economically dominant and owns the means of production, is also able to dominate politically by controlling the State power in some way (Nigam 1996).

Power can also be understood as the **power of knowledge**, which is traditionally being understood in the way that 'better' (objective, rational, highly credible) knowledge will have a greater influence and thus greater power (Gaventa & Cornwall 2001). Later this notion got broadened, by also analysing who is being included and excluded into politics and decision-making processes. Steven Lukes later found that power of knowledge is not only about control over knowledge, but also about the construction of truths; power of knowledge can also influence consciousness and awareness (Gaventa & Cornwall 2001).

Various changes in society have changed the way in which power manifests itself. The rise of the network society has caused a dispersion of power. Capitalisation of society has increased the importance of market forces and economic powers. And globalisation has resulted in a higher interrelatedness of different powers playing in different places (see Castells 1996; 1997; Dubbink 2003). This makes that the powers described above should increasingly be seen as interrelated and dispersed.

An important result of the information revolution is the network society. We live in a society where different actors work in collaboration to come to a certain goal. The State is no longer the single authority and has to share its power with market, civil society, science, media and other actors (Considine 2005). Castells (1996) claims that the new power lies in the codes of information and in the images of representation around which societies organize their institutions, people build their lives and decide their behaviour. The sites of this power are people's minds. 'A technological revolution, centred around information technologies, is reshaping, at an accelerated pace, the material basis of society. Economies around the world have become globally interdependent, introducing a new form of relationship between economy, state, and society' (Castells 1996; Florini 2000). The new global, interactive communication system integrates globally the production and distribution of words, sounds, and images of our culture and customizes them to the tastes, identities and moods of individuals (Castells 1996). Whoever wins the battle of people's minds will rule because rigid apparatuses will not be a match, in any reasonable time span, for the minds mobilized around the power of flexible, alternative networks (Castells 1997). Constant change in information flows means values are constantly changing. As a result, the search for identity and meaning for individuals, groups, and communities becomes a central and continuing task.

Furthermore, the authority of the State is declining, because it has become clear that the State has limited capacity to solve societal problems like sustainability issues (Passas 1999). As a result of globalization more problems cross nation-state borders, making states less able to solve problems (see section 2.3 on the 'governance gap'). Furthermore, as a result of the information revolution the perception of a shared national identity has declined, because people come into contact with others all over the globe and create their own networks, in that way declining the state's authority (Florini 2000).

Foucault has given useful insights to improve our understanding of power in current society. The information revolution is essential in Foucault's thinking on power. According to Foucault, nowadays the aim is to increase power through the exercise of tactics and the construction of knowledge rather than the imposition of law (Foucault 1991). Governing becomes the construction of certain truths and their circulation via normalizing and disciplining techniques, methods, discourses and practices that extend beyond the state and stretch across the social body (Foucault 1990). The new power lies in the codes of information and in the images of representation around which societies organize their institutions, and people build their lives and decide their behaviour (Castells 1997).

The fact that power is related to people's minds makes that power produces; it produces reality; it produces domains of objects and rituals of truth. The individual and the knowledge that may be gained of him belong to this production (Foucault 1995). But in its production of knowledge, truth and subjectivities, Foucault stresses that power is not possessed or held, but rather circulates via networks that work through and produce different bodies (Rutherford 2007). Power is thus exercised in multiple sites, actors, practices, discourses and institutions, working through webs of different power relations. Relations of power cannot themselves be established, consolidated nor implemented without the production, accumulation, circulation and functioning of a discourse (Foucault 1972). There is a strong interrelatedness between those who govern and those who are governed; 'power over' (repression) and 'power to' (the creative), are only two sides of the same phenomenon (Nigam 1996). Foucault argues that in fact, where there is power there is always resistance, but given the interrelatedness of

the two, this resistance cannot be seen outside of power. Resistance, in the conception of Foucault, is thus not anterior to power, but a component of it.

For Hannah Arendt, the people's minds are also key in studying power. Arendt claims that shared beliefs and convictions are needed for power to emerge. She argues that power corresponds to the human ability not just to act, but to act in concert. Power is never the property of an individual; it belongs to a group and remains in existence only so long as the group keeps together. This group can stay together because of its shared values or beliefs. Arendt claims that no occupant of a position of authority can maintain and exercise power, if these positions are not themselves anchored in laws and political institutions whose continued existence rests ultimately on common convictions, on 'an opinion upon which many are publicly in agreement' (Arendt 1958).

Foucault distinguishes three types of power: network power, productive power, and disciplinary power. As these are clear ways in which power can be studied, these forms of power will be used in this research. The ideas of Castells and Arendt are also being represented in these forms of power described by Foucault.

Network power is the power obtained through cooperation among actors and emerges from consensus building and other forms of collaborative planning. Power in a network is not a weapon that an individual can hold and use at will, nor is it the result of an unequal relationship between players. Instead, it is a jointly held resource enabling networked agencies or individuals to accomplish things they could not otherwise. This notion of power makes sense if we think of the world as a complex adaptive system within which individuals work, communicate, and learn, rather than as a machine that we can manage and control with the right knowledge (Booher & Innes 2011). In this research will be looked at the extent to which the powers of individual actors are being increased through the collaboration in the MEC.

Productive power influences the way we look at the world, thereby producing our mental maps. It is strongly related to science, knowledge, media and 'naming'. Foucault argues that through the increased scientific knowledge, life and its mechanisms are brought into the realm of explicit calculations and made knowledge-power an agent for policy-making (Dreyfus 2004). Due to our increased knowledge, we increasingly use this knowledge to define our actions. This makes that knowledge becomes a power in itself. Tsing argues in the same line when claiming that 'the knowledge that makes a difference in changing the world is knowledge that travels and mobilizes, shifting and creating new forces and agents of history in its path' (Tsing 2005: 8). Those who possess or produce knowledge, possess power (Rose 1999). This research will look at the discourse used by actors in the MEC to justify the activities by the MEC.

Disciplinary power works in tandem with productive power and the boundaries between the two are blurred (Rutherford 2007). As in productive power, disciplinary power is related to re-conceptualizations of space, time and activity. However, disciplinary power uses these re-conceptualizations to influence the behaviour of people. Disciplinary power refers to the willingness of people to behave well and to be appreciated by others. It is also related to the 'labelling' of things; when certain behaviour is labelled 'good' someone will try to behave as such. In this research will be looked at the power of the ideas presented to affected groups about the MEC. Lukes describes this form of power as the 'third dimension' of power, 'where the power consists, not in prevailing over the opposition of others, nor in imposing an agenda on them, but in influencing their desires, beliefs and judgments in ways that work against their interests (Hayward & Lukes 2008).

In this research I will use the different 'traditional' forms of power, such as State power, economic power and the power of knowledge in combination with the forms of power described by Foucault. In this theoretical model I interpret the 'traditional' forms of power to be integrated in the powers described by Foucault. For example, when network power is at work, various actors combine their 'traditional' forms of power and in that way increase their power. Network power is thus being regarded as a sum of various 'traditional' powers. Productive power mainly concerns power of knowledge, but can be increased through other forms of power. For example, an actor with large economic power can have more means at its disposition to create knowledge or to influence opinions. State actors can also have a large role in productive power through control over media or through the use of a certain discourse. The same holds for disciplinary power.

A vivid discussion, however, remains about *how* these different forms of power should be approached. The main point of discussion centres on the extent to which human agency and social structure influence the execution of power. The main divide between the two schools focuses on the question whether agents can be held accountable for the power they execute. Some argue that the powerful can be held responsible for the limits imposed on the freedom of others. Others think that agents can often not be held accountable for limits on the freedom of others because of 'structural' societal constraints, whose effects are very often amenable to change (Hayward & Lukes 2008). As the present thesis aims at identifying responsible actors and as the UNGPs seem to take the agency approach of power as an implicit starting point, this thesis will employ an agency approach to power. However, it will not focus on the individual human agent, but rather on corporations and state institutions as responsible agents. The UNGPs focus on the responsibilities of corporations as entities, therefore the analysis of power in the present thesis should take corporate agents as an object of analysis.

2.3 From Corporate Responsibility to Corporate Accountability

The question of the extent to which corporate actors are responsible for adverse impacts related to their actions has been answered differently by different actors and in different times. The present section shortly analyses the shift from corporate responsibility to corporate accountability.

In the last three decades large corporations have become increasingly international and, in terms of supply chains, even more interconnected than before (Voiculescu & Yanacopulos 2011). Globalization has had strong effects on the character of transnational corporations, their effects, and on the opinions about their responsibility towards human rights or environmental or social effects. Although corporate social responsibility already appeared in the 1930s and 1940s, and the research field started growing in the 1950s (Carroll 1999), the field has drastically changed as a result of globalization and its effects on business conduct and accountability.

Until late in the last century, it was conventional wisdom that the responsibility for protecting and advancing and enhancing respect for human rights lay with governments (Cragg et al. 2012). Although the shift from government to governance created a greater role for corporations in managing the public sphere, their environmental or social responsibilities have long been seen as voluntary. The voluntary nature of corporate social responsibility (CSR) has its roots in traditional schools arguing that the only responsibility corporations have is that of maximizing profits to shareholders. A well-known author associated with this view is Milton Friedman. In his book *Capitalism and Freedom* (1962) he said: 'the view has been gaining widespread acceptance that corporate officials and labour leaders have a 'social responsibility' that goes beyond serving the interest of their stockholders or their members. This view shows a fundamental misconception of the character and nature of a free economy. In such an economy, there is one and only one social responsibility of business - to use its resources and engage in activities designed to increase its profits so long as it stays within the *rules of the game*, which is to say, engages in open and free competition without deception or fraud' (Adeyeye 2012).

On this view, the only social and environmental responsibilities of the private business sector are indirect legal responsibilities. It was only in the 1990s that doubts about the efficacy of this allocation of responsibilities began to gain widespread attention, driven, it is widely agreed, by the phenomenon of globalization (Cragg et al. 2012). 'By extending the economic importance and reach particularly of multinational corporations, a process encouraged and facilitated by national and international laws and treaties limiting in significant ways the capacity of governments to control the movement of goods based, for example, on the conditions under which they were produced, globalization gave rise to serious questions about both the ability and the willingness of national governments to fulfil their social and environmental responsibilities' (Cragg et al. 2012).

The legal rights of transnational corporations (TNCs) have been expanded significantly over the past generation. This has encouraged investment and trade flows, but it has also created instances of imbalances between firms and States that may be detrimental to human rights (Ruggie 2008). TNCs have become increasingly 'footloose', acquiring an increased flexibility in choosing their bases, giving them enormous bargaining power in relation to the state and trade unions (Voiculescu 2011). But the legal framework regulating TNCs operates much as it did before the recent wave of globalization, making it less and less apt to regulate corporate behaviour. Furthermore, while the power of TNCs has grown, States, particularly some developing countries, often lack the institutional capacity to enforce national laws and regulations against transnational firms doing business on their territory. Both home

and host States may also feel constrained from doing so by having to compete internationally for investment (Ruggie 2008).

This has resulted in a governance gap of TNCs; the gap between the scope and impact of economic forces and actors, and the capacity of societies to manage their adverse consequences (Ruggie 2008). As Ruggie argues, 'these governance gaps provide the permissive environment for wrongful acts by companies of all kinds without adequate sanctioning or reparation. How to narrow and ultimately bridge the gaps in relation to human rights is our fundamental challenge' (Ruggie 2008).

As a response to these problems, various scholars started ascribing broader social responsibilities to corporations. The emerging school of thought was shifting noticeably towards the concept of corporate social responsibility. It believed business has broader responsibilities that extend beyond owners and shareholders to include employees, customers, suppliers and host communities. Proponents of this school believe businesses should be increasingly considered responsible because they are the most effective private forces to do both widespread good and widespread harm. However, the definition of compliance with human rights responsibilities, including under which jurisdiction these were to be judged, remained unclear (Taylor 2012).

A growing discussion on the responsibilities of TNCs for human rights led the UN Secretary General to appoint, in 2005, a special representative, John Ruggie, to take up the issue of the human rights responsibilities of transnational corporations and other business enterprises. His task was to map the scope and legal status of all existing initiatives and standards, including the UN Norms, on business responsibilities with regard to human rights (Voiculescu 2011). In the years he worked as a special representative, Ruggie has designed a framework for corporate responsibility for human rights.

In 2008, Ruggie provided a framework, the UN 'Protect, Respect and Remedy' Framework, which has been unanimously endorsed by the UN Human Rights Council. This framework further sharpens and structures the discussion on the human rights responsibilities of transnational corporations, particularly with regard to their operations in developing and underdeveloped parts of the world, in zones of conflict, and in areas in which government has become seriously dysfunctional or deeply and systematically corrupt (Cragg et al. 2012). The endorsement marked the first time the UN member states adopted a common position laying down standards of expected behaviour from business with regard to human rights (Mares 2012). The endorsement officially changed CSR from a voluntary to an obligatory responsibility, from a duty *to care* to a duty *of care* (Enneking 2013; UNHRC 2012).

In 2011 the UN Human Rights Council unanimously endorsed the UN Guiding Principles on Business and Human Rights, which is an operationalization of the 2008 framework. Under the Guiding Principles, private actors may now be deemed liable for violations of economic, social and cultural rights, and may also often be seen as responsible, in conjunction with the state, for the implementation of policies that would enhance the realization of these rights (Voiculescu 2011). In section 2.4, the UNGPs will be explained in more detail.

Ruggie's framework has far-reaching consequences for the study of corporate behaviour for sustainable development. Ruggie stresses the need of access to remedy for victims. Through the emphasis on access to remedy, affected actors have gained an active role in holding corporations accountable. This stands in contrast to the way in which change in corporate behaviour for sustainable development is currently being approached in scientific literature. Most scholars focus on interactive governance or self-governance. In these two forms of governance, market actors are being seen as a partner of state and/or civil society organisations (CSOs) and use their network power to achieve sustainable development. Change in corporate behaviour is predominantly seen as dependent on the willingness of the corporation, and CSOs are merely seen as partners of business or government (Driessen et al. 2012; Boons et al. 2012). The role of CSOs in changing corporate behaviour through liability is a new and relatively understudied field.

However, as companies' responsibilities for respecting human rights are increasingly seen as non-voluntary, voluntary governance is no longer the only way in which changes in corporate behaviour can occur. Involuntary change in corporate behaviour can increase, because corporations can be held accountable and responsible through international complaint mechanisms, such as the OECD Specific Instance Procedure, and because national and international governments increasingly incorporate the new standards for corporate behaviour in national policies and legislation (see for example MVO

Platform 2013). Through increased access to remedy, CSOs can become initiators of change in corporate behaviour, as they can hold corporations accountable. In this way CSOs are no longer only being seen as partners of companies and governments, but more as right-holders that can enforce change based on their rights.

Although the judicial basis to hold corporations accountable is still weak, a new moral ground has been made upon which corporations can be held accountable. As Ruggie argues, 'failure to meet corporate responsibility can subject companies to the courts of public opinion- comprising employees, communities, consumers, civil society, as well as investors- and occasionally to charges in actual courts. Whereas governments define the scope of legal compliance, the broader scope of the responsibility to respect is defined by social expectations- as part of what is sometimes called a company's social license to operate' (Ruggie 2008: 199). Through soft law mechanisms, such as the OECD Specific Instance Procedure, CSOs can initiate change in corporate behaviour. Furthermore, as several lawyers claim, soft law can become a basis for hard law and in that way the current change in soft law can have far-reaching effects for hard law business responsibilities for sustainability (Enneking 2013). The fact that initiatives to change soft law into hard law are emerging rapidly supports these claims (see ActionAid Netherlands et al. 2013; Cancilleria Ecuador et al. 2013). This increasing influence of the new moral ground can be interpreted as a form of productive power: when this 'new' moral ground increasingly becomes commonly accepted, it will increasingly be expected that corporations act according to these norms. In this way the new moral norms can have productive power over corporate conduct.

Given the authoritative status of the UN Guiding Principles, as they are unanimously being endorsed by the UN Human Rights Council, and given the need to increase analysis of the usefulness of the UNGPs, these principles will be taken as a normative basis in this research.

2.4 UN Guiding Principles

The new perspective on corporate accountability was being expressed and acknowledged in the UN 'Protect, Respect and Remedy' Framework, unanimously endorsed by the UN Human Rights Council in 2008 (UNHRC 2010a). The UN Guiding Principles on Business and Human Rights (UNGPs), unanimously endorsed by the UN Human Rights Council in 2011, are an elaboration on the Protect, Respect and Remedy Framework and provide further guidance on how to implement the principles set out in the 2008 Framework. The Protect, Respect and Remedy Framework and the UNGPs form the normative basis for this research; they will be used to identify which actors are responsible for adverse human rights impacts. In 2008 both Brazil and Peru had a seat in the 47-seat UN Human Rights Council; Brazil also had a seat in the 2011 Council (UNHRC 2013a; UNHRC 2013b). Both countries thus directly endorsed the UN Framework on Business and Human Rights.

The framework and the UNGPs rest on three pillars. The first is the State's duty to protect against human rights abuses by third parties, including business enterprises, through appropriate policies, regulation and adjudication. The second is the corporate responsibility to respect human rights, which means that business enterprises should conduct on-going *due diligence* to avoid infringing on the rights of others and to address adverse impacts with which they are involved. Due diligence is understood as a business process through which enterprises actively identify, prevent, mitigate and account for potential and actual adverse human rights impacts resulting from or linked to their operations. Due diligence implies more than just an assessment of risks for the company; the purpose is to understand and address risks and abuses that the company's activities pose to rights holders, including in its supply chain and through its other business relationships. The third pillar of the framework underscores the need for victims of human rights abuses to have access to effective remedy, both judicial and non-judicial (UNOHCHR 2011a).

The UNGPs are appropriate for studying responsibilities in a complex such as the MEC because they provide authoritative guidance on the division of respective duties and responsibilities between States and companies, as well as the responsibilities of companies to respect human rights in complex ownership structures and supply chains.

Under the State duty to protect, the UNGPs make clear that States should take additional steps to protect against human rights abuses by business enterprises that are owned or controlled by the State. When a business enterprise is controlled by the State or where its acts can be attributed otherwise to the State, an abuse of human rights by the business enterprise may entail a violation of

the State's own international law obligations. Moreover, the closer a business enterprise is to the State or the more it relies on statutory authority or taxpayer support, the stronger the State's policy rationale becomes for ensuring that the enterprise respects human rights.

With regard to the corporate responsibility to respect human rights, the UNGPs prescribe that companies should prevent possible future human rights violations as a result of business activity, and address those impacts that have not been prevented. Companies are expected to conduct risk-based human rights due diligence, to identify, prevent and mitigate human rights risks and impacts they cause or contribute to through their own operations, as well as impacts to which they are directly linked through their supply chain and business relationships (e.g. subcontractors, customers, governments and joint venture partners). Human rights due diligence demands the company to do the utmost to prevent impacts, and to know and show that it did so (UNOHCHR 2011a).

The UNGPs clarify that companies can be associated with adverse human rights impacts in various ways – by causing, contributing or being directly linked to an adverse human rights impact through their products or services (UNOHCHR 2011a). Figure 2 depicts the various forms of potential company involvement in adverse human rights impacts. In each of these three scenarios, the company has a responsibility to respect the human rights of (potentially affected) rights holders, but the actions required to do so differ.

Scenario 1: causing. A company can be considered to be 'causing' a human rights abuse when it is the principal actor in the abuse (*i.e.* directly carrying out the abuse) through its actions or omissions. Environmental impacts can also be considered a human rights abuse if these negatively affect health and safety or the right to a clean environment. According to the UNGPs, a company that has caused a negative human rights impact is required to cease the impact and actively engage in remediation through legitimate processes and in consultation with impacted stakeholders (UNOHCHR 2011a; UNOHCHR 2012).

Scenario 2: contributing. A company can be considered to be 'contributing' to an adverse human rights impact if its actions or omissions enable, encourage, exacerbate or facilitate a third party to cause a negative human rights impact. A company may be contributing to an adverse human rights impact *with* or *via* a third party. A company that has contributed to a negative human rights impact is required to cease its own contribution to the impact. In addition, the company should itself attempt to mitigate and remediate the third party's adverse impact. This means the company should use its leverage with the third party to change its behaviour. If the company has no or little leverage with the third party, the company should seek to increase its leverage by, for example, partnering with sectoral or other multilateral initiatives. If insufficient leverage can be created to correct the third party's behaviour, the company should consider terminating the relationship (UNOHCHR 2011a; UNOHCHR 2012).

Scenario 3: directly linked. A company that is neither causing nor contributing to an adverse impact, but is nevertheless directly linked to the impact through its operations, products and services by a business relationship, also has a responsibility to mitigate the impact. Similar to the procedure in the 'contributing' scenario, a 'directly linked' company should seek to use its leverage with the actor causing the impact to change that actor's behaviour (UNOHCHR 2011a; UNOHCHR 2012). An important difference with the 'contribute' scenario is that companies in this category are not required to enable remediation for the victims of the abuse.

The UNGPs assert that companies causing or contributing to an actual or potential impact have a responsibility to undertake the following actions (van Huijstee et al. 2012; UNOHCHR 2011a; UNOHCHR 2012):

- **Assess the impact.** Many (potential) impacts discussed are poorly understood and assessed. Companies causing or contributing to these impacts must conduct risk-based due diligence to identify all actual and potential impacts.
- **Engage in meaningful stakeholder consultation.** In all three cases discussed, meaningful stakeholder engagement was seriously missing. Stakeholder engagement should be done to effectively address the adverse human rights impacts, even in late stages (such as Belo Monte). Meaningful stakeholder engagement is furthermore important to understand adverse impacts and prevent or account for these impacts.

- **Integrate the findings of the due diligence study into company processes and decision-making.** In the case of large multinational corporations, those responsible for assessing human rights impacts are often far removed from decision-making that results in the activities and relationships generating the impact. Companies must ensure that key decision makers are involved in identifying impacts and implementing solutions for how to effectively prevent, mitigate and remedy them.
- **Act to address the impact.** Companies are required to make an action plan to address the identified impacts effectively. This implies developing and implementing a strategy to cease the impact (or contribution to it). Impacts that cannot be prevented should be mitigated or minimized. The action plan should include clear indicators for implementation.
- **Track the effectiveness of the actions.** Companies must track the effectiveness of their responses to the human rights impacts they have identified. This means that companies should measure how they respond to the adverse human rights impact, to be able to account for their success in respecting human rights.
- **Remediate the impact.** Companies that cause or contribute to human rights abuses have a responsibility for remediation. This includes providing remedy to the victims of the adverse human rights impact. Remedies may take a range of forms, including public admittance of wrongdoing and apology, restitution, and guarantees of non-repetition.
- **Be responsive and transparent.** Companies must communicate about the way they are addressing adverse impacts. At a minimum, this implies communicating with the affected rights-holders about the actions undertaken to address the impact and the progress of these actions.

In terms of actions required, the major difference between the 'directly linked' scenario and the 'cause'/'contribute' scenarios is that 'linked' companies are not responsible for providing remediation to the victims of the abuse. However, they have a responsibility for all the other actions required. Enterprises that are directly linked to an adverse impact should use their leverage to mitigate any remaining impacts to the greatest extent possible. Leverage is considered to exist where the enterprise has the ability to effect change in the wrongful practices of the entity that causes or contributes to the harm (OECD 2011).

The present study applies the UNGPs to three specific cases of business-related human rights abuses to determine the duties of the State and responsibilities of the companies involved to protect and respect the human rights of the affected rights-holders. A first step in making this assessment is to identify the range of State and business actors involved, using the MEC as a lens. After determining which actors are causing, contributing to and directly linked to the impact, the actions required of each actor can be analysed.

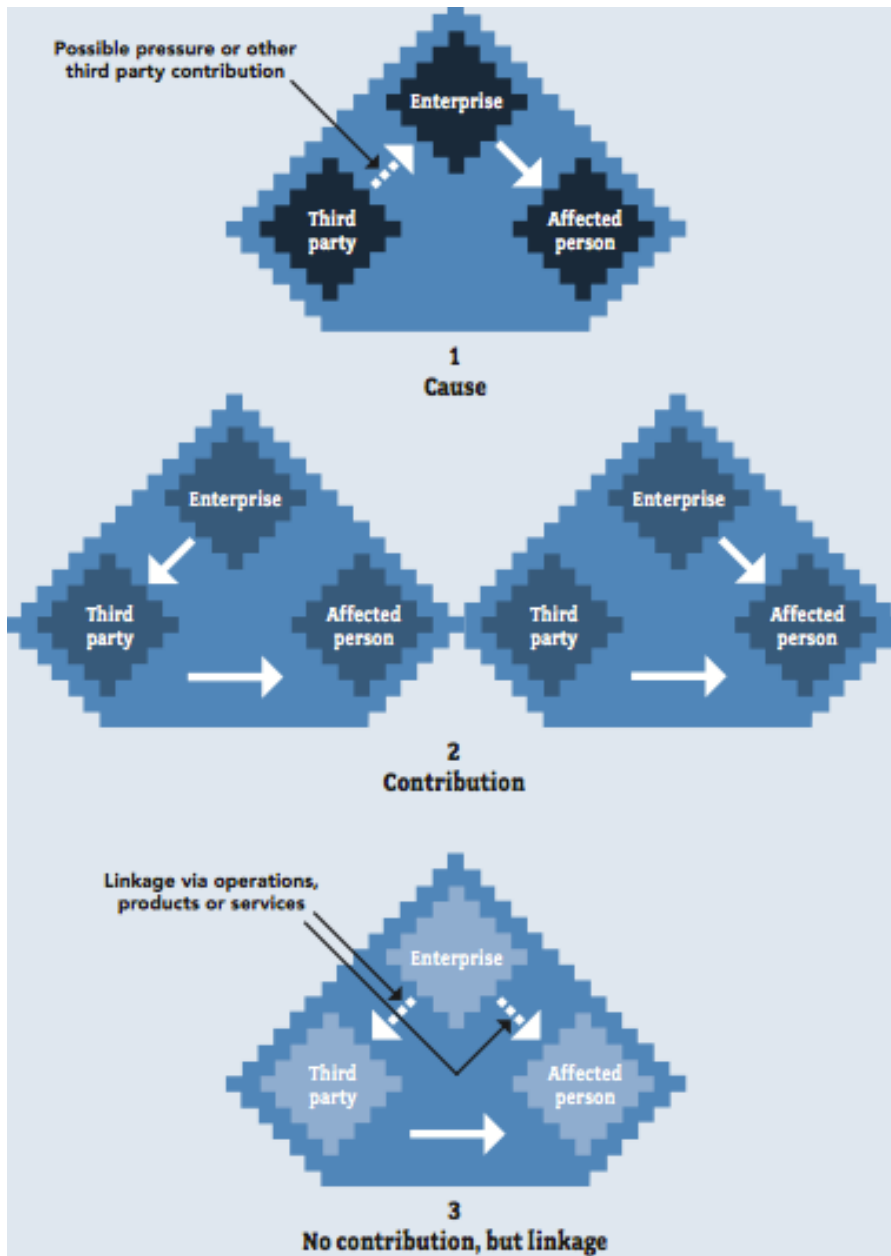


Figure 2, Forms of potential company involvement in adverse human rights impacts (Van Huijstee et al. 2012: 41)

3. Research Design & Methods

3.1 Research Design

The present thesis employs a qualitative evaluative ‘normative-empirical’ approach, through which strategic research builds knowledge that can be used to promote sustainable and equitable energy and natural resource management systems. Such an approach is necessarily situated within the applied-science realm. The knowledge produced by this type of action-oriented research is relevant for multiple target audiences. It contributes to the academic discourse and is in tune with the ‘Realpolitik of policy formation’, giving it direct relevance for practitioners in the field (Pawson & Tilley 1995). Such knowledge is directly relevant for norm-setters at the international level who are seeking to ensure that corporate activity respects human rights and contributes to sustainable development, and it is crucial for impacted stakeholders on the ground seeking to protect and defend their rights. A basic premise of this research approach is the use of established normative standards (in this case the UNGPs) to make an assessment that can play ‘a pragmatic role in helping to inform policy decisions’ (Stufflebeam 1980). Such ‘normative-empirical analysis’ facilitates an empirically-based assessment of the state duties and corporate responsibilities associated with adverse human rights impacts. The normative-empirical method is elaborated extensively by Wilde-Ramsing (2013) and Lafferty (2002).

As explained in chapter two, the research consists of four parts:

1. An empirical part that investigates the links between the hydroelectricity and mining sectors and links with the State, and the system of accumulation at play
2. An empirical part that investigates the (potential) adverse human rights impacts
3. A normative part, where the UNGPs are being applied to the cases and divisions of responsibilities will be discussed
4. An empirical part that investigates to what extent affected groups and corporations use the UNGPs in their policies and practice.

The **first part** of the research takes a systems thinking approach. Systems thinking is a holistic, interdisciplinary research approach that aims at gaining understanding by looking at the relationships between things (Reynolds & Holwell 2010). The Minerals-Energy Complex is a system of related actors, powers and resources, and therefore the systems thinking approach is fit for this research. ‘Systems thinking provides ways of selectively handling the detail that may complicate our thinking in a transparent manner, in order to reveal the underlying features of a situation from a set of explicit perspectives’ (Reynolds & Holwell 2010). In this research detail will be handled selectively; the focus of the research is the minerals-energy complex, the links between the hydroelectricity and mining sectors and the State. Other factors and actors influencing the dams will not be studied extensively. In this way the research will selectively handle data in order to create more understanding of the specific relations between the hydroelectricity, mining and the State.

There are different approaches for conducting systems research. Generally, these are subdivided in hard, soft and critical systems thinking. In the present thesis the critical systems thinking approach will be taken. The hard system thinking approach assumes that systems exist in the physical world. The soft system approach regards systems, other than the hard system approach, as social constructs (Reynolds & Holwell 2010). Critical system thinking builds on the soft system approach, but explicitly addresses power relations, as critical system thinking scholars think power relations are lacking in other approaches of systems research. Since the MEC can be seen as a system of power, the critical system thinking approach is perceived to be the most appropriate form to study this system (Reynolds & Holwell 2010). As concluded in section 2.2, more extensive research on power related to sustainable development is needed. This research aims at contributing to this aim.

The first part of the research has an explorative character, as little research has been conducted so far on the applicability of the MEC in contexts other than South Africa. The theories of the MEC and of power are being used in this part of the research to investigate the links between the sectors and with the State, and the system of accumulation of resources and powers in the MEC. For investigating the types of links between the sectors and with the State, the author not only looks at the types of links present in the South African case. The links in the Brazilian MEC might have different characteristics and given the explorative character of the research, the researcher had to be open for other types of links. The analysis of power focuses on the forms of power described in section 2.2, as these are expected to be broad enough to capture various types of power.

Given the explorative character of the research, a case study approach is being taken. This enabled the researcher to investigate the links and system of accumulation in detail. These detailed insights are important when conducting explorative research; they increase the understanding of the nature of the relations between the sectors and with the State and enable the researcher to investigate in which ways the MEC can be seen as a system of accumulation. Explorative research has to take a broad focus, as this contributes to the comprehensiveness of the understanding of a certain phenomenon. The researcher therefore aims at taking a broad approach towards the ways in which the two sectors and the State can be linked. It furthermore analyses different forms of power that can be accumulated in the MEC.

For this part of the research, the author relied on different methods. Literature research has been conducted to identify the corporate and State actors involved in the different cases. Also the links with the mining sector were investigated through literature review. This mainly concerned news articles and articles published by corporations involved in the MEC, since little scientific literature is available that identifies the corporate actors involved in the projects. Literature review has further been conducted on the historical development of the sectors in Brazil and Peru. This mainly concerned scientific literature on Peruvian and Brazilian (economic) history. Current government programs stimulating the expansion of the hydroelectricity and mining sectors have been studied to investigate the links of the sectors with the State. Literature research has further been used to study court cases and legislation in relation to the dams and mines. A last source used was the database 'Who are the Owners of Brazil', developed by Instituto Mais Democracia (IMD). This database contains a ranking of the most powerful companies in Brazil and exposes ownership structures.

This literature review was supplemented with semi-structured interviews with government officials, labour unions, civil movements, non-governmental organizations (NGOs), researchers, public prosecutors, business unions, academics and representatives of affected groups. These interviews focused on the links between the hydroelectricity and mining sectors, the links of these sectors with the State, and the way resources and powers were accumulated in this MEC. Further questions were asked about the process of decision-making for the dams and the attractiveness of a region for mining companies after a hydro-dam has been constructed. Furthermore, the author has participated in the National Encounter of Dam-Affected People organised by the Brazilian Movement of Dam-Affected People (MAB), and the international meeting of REDLAR, the Latin-American network of CSOs working on hydroelectric dams, both in São Paulo. Participating in these meetings enabled the researcher to better understand the impacts of the dams and to grave deeper into the MEC.

The **second part** of the research aims at identifying (potential) adverse human rights impacts related to the MEC. The UNGPs build on all internationally acknowledged human rights, so this research also builds upon the international human rights framework. The most important components of the human rights framework are the International Bill of Human Rights and the International Labour Organization's core conventions. Also, the special rights of Indigenous Peoples enshrined in the UN (2008) Declaration on the Rights of Indigenous Peoples (UNDRIP) and ILO (1989) Convention 169 on Indigenous and Tribal Peoples will be taken into account, as the projects affect indigenous peoples.

Taking the UNGPs as a normative basis for this research implies that a rights-based approach to sustainability is being taken; sustainability will be framed in the human rights regime. Given the heterogeneity of ways in which sustainability is being framed, the concept of sustainability faces the risk that it might cover whatever one wishes it to cover, and might become a hollow concept wherein 'anything goes' (Burger & Christen 2010). However, a normative research approach, as taken in this research, needs a set of norms with strong authoritative backing (Stufflebeam 1998). Therefore this research takes the UNGPs, and thus human rights, as a way of framing sustainability. Various authors have discussed the advantages and disadvantages of framing sustainability in terms of human rights (see Burger & Christen 2010; Nussbaum 2000; Sen 1979). Although human rights are not an all-encompassing framework to study sustainability, they are one of the most authoritative ways in which sustainability can be framed, as the authority of human rights is backed by international agreements and institutions.

Furthermore, there are various reasons why human rights are well fit to also incorporate the environmental pillar of sustainability. The first principle of the Rio Declaration states that 'human beings are at the centre of concern for sustainable development' (UN 1992a). This justifies an anthropocentric approach to sustainable development, which implies that the environmental pillar of

sustainability concerns the way in which environment affects human well-being. As environmental degradation affects human well-being and human rights, environmental degradation can well be grasped in human rights terms. For climate change for example, Humphreys (2008) argues that 'climate change impacts on practically all human rights'. Moreover, given the strong dependence of the dam-affected communities on their natural environment, biodiversity loss and pollution directly affects human rights. In 'Environmentalism of the Poor', Martinez-Alier elaborates on the strong links between human development and environmentalism. He argues that poor people have for centuries defended the environment, although they did not see themselves as environmentalists. Their concern is with their livelihood. They struggle for environmental justice, and thereby they contribute to the environmental sustainability of the economy. Such environmentalism of livelihood is often expressed as the defence of legally established old community property rights and human rights, for which access to environmental resources is indispensable (Martinez-Alier 2002).

Therefore the human rights framework is an appropriate framework to assess sustainability. Given the authoritative status of human rights, they have the advantage of a steering force over other, more voluntary concepts of sustainability.

For assessing the (potential) human rights impacts, the author has tried to depend as much as possible on international authorities documenting the impacts, like the Inter-American Commission on Human Rights (IACHR), the UN Human Rights Council (UNHRC), the International Labour Organization (ILO) and others. However, often there was a lack of official documents analysing the human rights impacts. In these cases, the author mainly depended on interviewees or documents provided by civil society organizations that report (potential) human rights impacts. Most of these interviews were conducted with representatives of affected groups, because they are most aware of the impacts directly affecting them. As Funtowicz and Ravetz (1993: 753) claim: 'those whose lives and livelihood depend on the solution of the problems will have a keen awareness of how the general principles are realized in their 'backyards'. They will also have 'extended facts', including anecdotes, informal surveys, and official information published by unofficial means. It may be argued that they lack theoretical knowledge and are biased by self-interest; but it can equally well be argued that the experts lack practical knowledge and have their own unselfconscious forms of bias'. For these reasons the author mainly depended on representatives of affected groups like NGOs, advocate organizations or labour unions to identify human rights impacts. In order to check the information on human rights impacts provided by these interviewees, interviews were triangulated. The value of public defenders and prosecutors was important in this part of the research; although these State employees represent victim groups, they have no direct personal interest in magnifying possible impacts and can thus be regarded as a very reliable source. Interviews with public defenders and prosecutors were thus used to triangulate information from interviews with representatives of victim groups who are directly being affected. Furthermore, the information from interviews was triangulated with official documentation. In this way the author expects to have gathered reliable information on human rights impacts. It is important to note that human rights *impacts* should not be confused with human rights *violations*. The author has not established whether human rights have actually been *violated*, but has merely described the *impacts*.

After having identified the human rights impacts, the **third part** of the research consists of a normative analysis, based on the UNGPs, taking a standards-based evaluation perspective. The use of normative standards can play 'a pragmatic role in helping to inform policy decisions' (Stufflebeam 1980). Normative standards help to increase the practical applicability of the research, which is essential for action-oriented research. 'Standards provide evaluators with a carefully developed, periodically updated, widely shared, professionally accredited view of what constitutes current best practices and what actions are unacceptable' (Stufflebeam 1998: 290). By using standards as a basis for evaluation, evaluation is being objectified, as publicly acknowledged standards form the basis for evaluation.

This research takes the UNGPs as a basis to conduct the normative analysis. The UNGPs are the result of many years of research and dialogue between different stakeholders. Furthermore, they are backed by governments through the unanimous endorsement of the UN Human Rights Council (van Huijstee et al. 2012). Therefore the UNGPs provide an authoritative international standard to build the normative analysis upon.

Furthermore, using the UNGPs has a strategic value. As described earlier in this section, the present thesis takes an action-oriented approach. Taking the UNGPs as a basis for the normative analysis increases the possibilities of using this research to actually change corporate behaviour. As UNGPs are recognized by States, business and civil society organizations as an authoritative standard, a normative analysis framed in this discourse can have authoritative value as every group of actors backs the UNGPs and can therefore better influence corporate behaviour.

The UNGPs will be applied to the cases studied in this research to define the divisions of responsibilities for adverse human rights impacts in the minerals-energy complex, focusing on the responsibilities of corporate actors. The research takes the (potential) human rights impacts as a starting point and therefore investigates what companies should do or should have done to mitigate or prevent the impact. As this research focuses on corporate responsibilities, the duties of State actors will be discussed in less depth and will mainly relate to the responsibilities for State-owned or -controlled enterprises.

The UNGPs and their interpretive guidance (UNOHCHR 2011a; UNOHCHR 2012) will form the main ground for these evaluations. When these provide insufficient guidance, other international normative standards, like the OECD (Organization for Economic Cooperation and Development) Guidelines for Multinational Enterprises (hereafter referred to as OECD Guidelines) (OECD 2011), the report of the World Commission on Dams (2001), or the UN Basic Principles and Guidelines on Development-Based Evictions and Displacement (UNOHCHR 2011b) will provide additional interpretation.

After having applied the UN Framework to the different cases and having identified the responsibilities of various actors, the **fourth part** of the research will consist of another empirical analysis, looking at the extent to affected groups, suffering from (future) human rights impacts, did or could actually address these at the responsible actors. It will also be investigated to what extent corporations have acted in line with their responsibilities according to the UNGPs. In this part of the research the normative part (what *should* the different actors *do*) will be compared with the empirical part (what *have* the different actors *done*). This part of the research mainly rests on interviews with affected groups, public defenders and prosecutors, companies and sector associations. Additionally, email contact with several companies has been used to investigate their responses to complaints. Information has been triangulated by interviewing different actors and by checking information obtained in interviews with official documents.

The protocol, identifying the types of questions asked at different actors, can be found in Annex 1. A list of all people interviewed and companies contacted can be found in Annex 2.

3.2 Selection of Cases

As explained in chapter one, this research takes a case study approach, studying two cases in Brazil and one in Peru. The subsequent section will discuss how specific cases have been selected.

The starting point of this research are human rights impacts related to the MEC. Therefore the cases selected are cases where hydroelectricity or mining activities have led to human rights impacts and/or where substantial risks for future human rights impacts exist.

The second selection criterion that has been used are the countries where the dams are located. Most hydroelectricity dams are being installed in Brazil and the Brazilian hydroelectricity sector is a powerful actor in entire South-America. Furthermore, Brazil plans to build many more hydroelectric dams in the near future. Both for understanding the MEC and for preventing future adverse human rights impacts, this study should at least include cases in Brazil. But Brazil is also expanding its hydroelectricity activities over its national borders, by signing bilateral agreements with neighbouring countries. In Peru, these agreements are in the most advanced stage. Furthermore, Peru is, after Brazil, the country with the largest amount of planned hydroelectricity dams (Finer & Jenkins 2012). Therefore the third case chosen is located in Peru.

Another criterion is the action-oriented nature of the research. The author could have studied dams that are in operation already. However, the author has chosen to study one dam that is under construction and two dams that are being planned. This increases the value of this research for civil society organizations or other actors to actually hold corporate actors accountable. In this way the research can contribute to sustainable development of the region. Furthermore, the dams that are

currently being installed or planned are among the first of a magnitude of dams planned by the Brazilian government under its economic growth program PAC. Studying these dams therefore contributes to a better understanding of the PAC and related human rights impacts. This will have practical and scientific value for the understanding of the PAC, a project that will probably have large impacts on human rights in the entire Amazon region.

Another, more practical criterion, is the availability of information. Minimal information needed to conduct this research are the corporate actors involved and the general plans for the construction of the dam. Another practical criterion is the geographical location; the author had to travel to all hydro dams and therefore has selected cases that lie on a logical 'route', so that not too much time was lost with travelling from one dam to the other.

Following from these criteria, the following three cases have been selected. The first case is the Belo Monte hydroelectricity dam in the Brazilian state of Pará, located close to the city of Altamira. The other case in Brazil is the Complexo Tapajós on the Tapajós River, in the Brazilian state of Pará. The case selected in Peru is the Chadin 2 dam. Chadin 2 is in the most advanced stage of the dams planned in the Peruvian Amazon. Two other dams (Inambari and Paquizapango) have been stalled due to civil protest. Although these protests are interesting and important, these cases are not fit for the present research, as corporate actors that will develop the projects are not clearly identified yet. Therefore the Chadin 2, which is in a more advanced stage, will be studied. The location of the three dams can be seen in Figure 3.



Figure 3, location of the three cases studied (Online Maps 2013, adapted).

3.3 Validity and Reliability

Validity

Validity of the research has been increased by studying cases in two different countries, which increases the generalizability of the research. Although the research has an explorative character, some findings are so consistent and evident that they can be generalized to other cases in Brazil and possibly in other South-American countries. The fact that a small number of enterprises dominates the Brazilian MEC increases the generalizability of the research.

Validity has further been increased by trying to make respondents giving thick descriptions. I have further given thick descriptions on the region's contexts and its inhabitants, which enables readers to place the research in context and to separate contextual factors from more generalizable findings.

The previous section on the selection of cases further increases validity, as the criteria used to select cases are being explained transparently. As the selection of cases can influence research outcomes, transparency on the selection is important for the validity of the research.

The interviews conducted with civil society organizations or other affected groups do not aim to give a valid representation on the opinion of affected communities about dams, but only aims to identify ways in which actors were being held accountable. The research does not aim at investigating the general opinion about the dams.

Reliability

In order to increase the internal reliability of interviews and observations, I asked the interviewees consequently to check my findings. When I concluded something out of what they said, I asked them whether I had understood them well.

Internal reliability could have increased when written summaries of the interviews had been sent to the respondents to check my findings. However, since I made the summaries of the interviews in English, most could not understand these. For time constraints I have chosen not to translate the summaries.

The internal reliability of the research could have increased when I could have conducted more interviews with corporate actors. Unfortunately, various companies were not willing to give interviews or had no contact details available at all. Although I went to their offices and sent several emails, most companies were non-transparent and unwilling to share information. Annex 2 provides a list of companies contacted and their responses.

An important risk concerning internal reliability is the reliability of the respondents; have they told the truth? Have they told the whole truth? In conflictuous situations where interests are high, the risk of getting non-reliable answers is high. There were several ways in which the author has tried to overcome this problem. The first way is through triangulation; all claims have been checked in other interviews or in public documents. For identifying the human rights impacts, not only representatives of victim groups were interviewed, but also interviews with public defenders and prosecutors were used to check the information. Furthermore, detailed descriptions were asked to check claims made by interviewees. Often corporate actors simply denied any form of human rights impact. Therefore, the author checked claims made by affected people with official documents and with the context of the region that contributes to human rights risks.

Interviews were conducted in Portuguese and Spanish, only one interview was conducted in English. The author has freely translated these interviews. Some minor mistakes in translation might have slightly reduced the reliability of the interviews, but the author expects this has not considerably impacted the reliability of the research.

4. Case Descriptions

In section 4.1 a description will be given of the national contexts, and the subsequent sections discuss the separate cases.

4.1 Brazilian and Peruvian Context

Brazil's economic development plans are formulated in the PAC (Programme for Accelerated Growth), enrolled by Brazil's former president Luiz Inácio Lula da Silva. The program aims at boosting the Brazilian economy by investing in infrastructure projects throughout the country, in the areas of energy, transport, housing and sanitation (PAC 2013a). One of the most important aims of the PAC is to spur electricity generation capacity, mainly in the form of hydroelectric dams. But also the large infrastructure projects for the World Cup and the Olympics make up part of the PAC (Bartelt et al. 2012).

The Amazon, which currently produces about 10% of the country's electricity, will produce 23% in 2020. 45% of the growth in electricity generation in the country is planned in the Amazon region. In the PAC, the Amazon is regarded as one of the most important motors for national economic growth. The Legal Amazon, an administrative region, is home to 24.4 million people and currently generates 8% of the country's GDP. The Amazon will see an investment of R\$ 212 billion (≈US\$ 94 billion) up to 2020. These investments will mainly go into the energy, transport and mining sectors. The Brazilian federal government aims at strongly expanding mining and large-scale agricultural activities in the region; production of energy is seen as a motor for the growth of these sectors (Bartelt et al. 2012).

The PAC 2, developed under current president Dilma Rousseff, continues the policies laid out in PAC 1. PAC 2 aims at installing 17 hydroelectricity dams in the Amazon before 2014 (PAC Energia 2013). In total, Rousseff aims at installing 231 hydroelectric dams in the Brazilian Amazon (Ricardo & Rolla 2012).

In addition to the development of hydroelectricity dams, the federal government aims at increasing mineral production in the Amazon region. The Brazilian government has clearly stated its aim to expand mining activities in the Amazon. In the state of Pará, the Amazonian state with the largest mining potential and where two of the cases of this research are located, mining activities are projected to increase with 26% annually, reaching US\$ 40 billion in new investment between 2012 and 2015 (Castro 2012; Bermann 2012; Hall & Branford 2012). Electricity provision is crucial to this highly energy-intensive industry.

But Brazil is not only developing hydroelectric dams on its own territory. In June 2010, the Brazilian and Peruvian governments signed an agreement for the 'energetic integration' between Brazil and Peru. The agreement plans the construction of hydroelectric dams on Peruvian territory of up to 7200MW to supply the Brazilian grid for a guaranteed period of thirty years (Lula da Silva & García 2010). The agreement is part of IIRSA (Integration of Regional Infrastructure in South-America). This project aims at the integration of the transport and energy grids in South-America. The plan is based on 'integration and development hubs', which represents a new form of geo-economic planning for South-America's territory. The initiative's hubs coincide with the most important areas in terms of non-renewable natural resources, water and biodiversity. According to Vargas (2013), IIRSA should be seen as a spatial restructuring of South-America based on capital's interest in reserves of strategic resources and the most 'suitable' ways to transport goods (Vargas 2013). Brazil, as a regional superpower with strong multinational corporations, takes the lead in executing IIRSA (Cueto la Rosa 2011). Eletrobras is leading the evaluation of the projects' feasibility in cooperation with Brazilian private companies such as Engevix, OAS, Andrade Gutierrez and Odebrecht (International Rivers 2011).

In 2010, Peru had an installed electricity generation capacity of 7158 MW and a national demand of 4322MW (Cueto la Rosa 2011). The dams installed to supply the Brazilian grid will thus almost double the country's installed capacity.

The bilateral agreement between Brazil and Peru is expected to be the first in a series of bilateral agreements between Brazil and neighbouring countries such as Bolivia and Ecuador. Many expect that the Brazilian development bank, BNDES, will play an important role in financing the projects

(Bueno 2010; Cueto la Rosa 2011). However, BNDES provides no transparency on foreign transactions so these expectations are difficult to verify. Anyway, the first hydroelectric dam making part of the bilateral agreement between Brazil and Peru, Chaglla, has indeed received funding from BNDES (Stone 2013).

In order to implement the bilateral agreement, Peru has to change national legislation. Due to protest in Congress the law has not been passed yet, so it is unclear when the bilateral agreement will be implemented. However, various new hydroelectricity projects with the potential of exporting energy to Brazil are being developed. In the Andean Amazon, 151 new dams greater than 2MW are planned over the next 20 years. Nearly 40% (59) are in advanced planning stages (Finer & Jenkins 2012).

Peru will, like Brazil, strongly increase its mining activities in the coming years. Although Peru is already a country highly dependent on mining (mining activities account for 60% of the country's exports), it plans to strongly increase mining activities in the coming years (Dirección de Promoción Minera 2013; Dourojianni et al. 2009). According to estimations, Peru's mineral reserves account for 16% of the world's reserves (Dourojianni et al. 2009).

4.2 Belo Monte (BR)

The Belo Monte dam, one of the priority projects of PAC1, will be the world's third largest hydroelectricity dam with an installed capacity of 11,233 MW. The dam is located on the Xingu River, one of the tributaries to the Amazon River, in the Brazilian state of Pará (see Figure 4). Due to its technical design, large amounts of land have to be removed and the flow of the river will be drastically changed. The first plans for the construction of the Belo Monte dam date back to 1975, a period in which Brazil's military government rapidly expanded Brazil's electricity generation capacity by installing various large hydroelectric dams. Due to the high controversy of the dam and the lack of available funding, the initial plans were stalled, but as part of PAC1, the plans for the dam were taken up again (Hall & Branford 2012; PAC 2013b).



Figure 4, Belo Monte dam (Eletrobras 2009, adapted).

The Belo Monte dam is a highly controversial project given its size, the number of affected people, and

the licensing process. Contributing to its controversy is the expectation that, after the Belo Monte dam is being constructed, various other hydroelectric dams in the Xingu River will follow. The initial plans for the Belo Monte dam comprehended the installation of a complex of six dams on the Xingu River. Due to vivid protest the plans for the other dams were officially rejected and State and corporate actors claim that only one dam will be constructed on the Xingu River (Eletrobras 2009). However, many researchers argue that, once the Belo Monte dam is being built, the other dams will follow. During large periods of the year Belo Monte can only generate a small percentage of its installed capacity due to large seasonal variety in river runoff. One of the planned dams would store large quantities of water so that these could supply the Belo Monte dam in dry periods. Belo Monte is financially unviable without the construction of the other dams (Fearnside 2012; Baines 2009). According to Fearnside, 'the continued activity of Eletronorte [Northern Brazil's state electricity corporation, KK] engineers in the locations in question is an indication that this lack of visibility [of the dam in public discussion, KK] does not mean that the plans have been abandoned. Rather, it indicates the increasing sophistication of the electrical sector in guiding public discussion in ways that minimize questioning of the plans' (Fearnside 2006).

When all six dams would be constructed, they would affect an estimated 37 ethnicities (Pontes Júnior & Beltrão 2004). The Xingu basin covers 51 million ha, of which approximately 20 million hectares are officially recognized indigenous land, whereas another 8 million hectares are protected areas (Schwartzman et al. 2013). Figure 5 provides a map of conservation units in the Xingu basin. Although the present analysis will only consider the direct impacts of the Belo Monte dam, Belo Monte is by many seen as a project that will impact the whole Xingu basin, as many expect it to be the first project in a series of hydroelectric dams on the river.

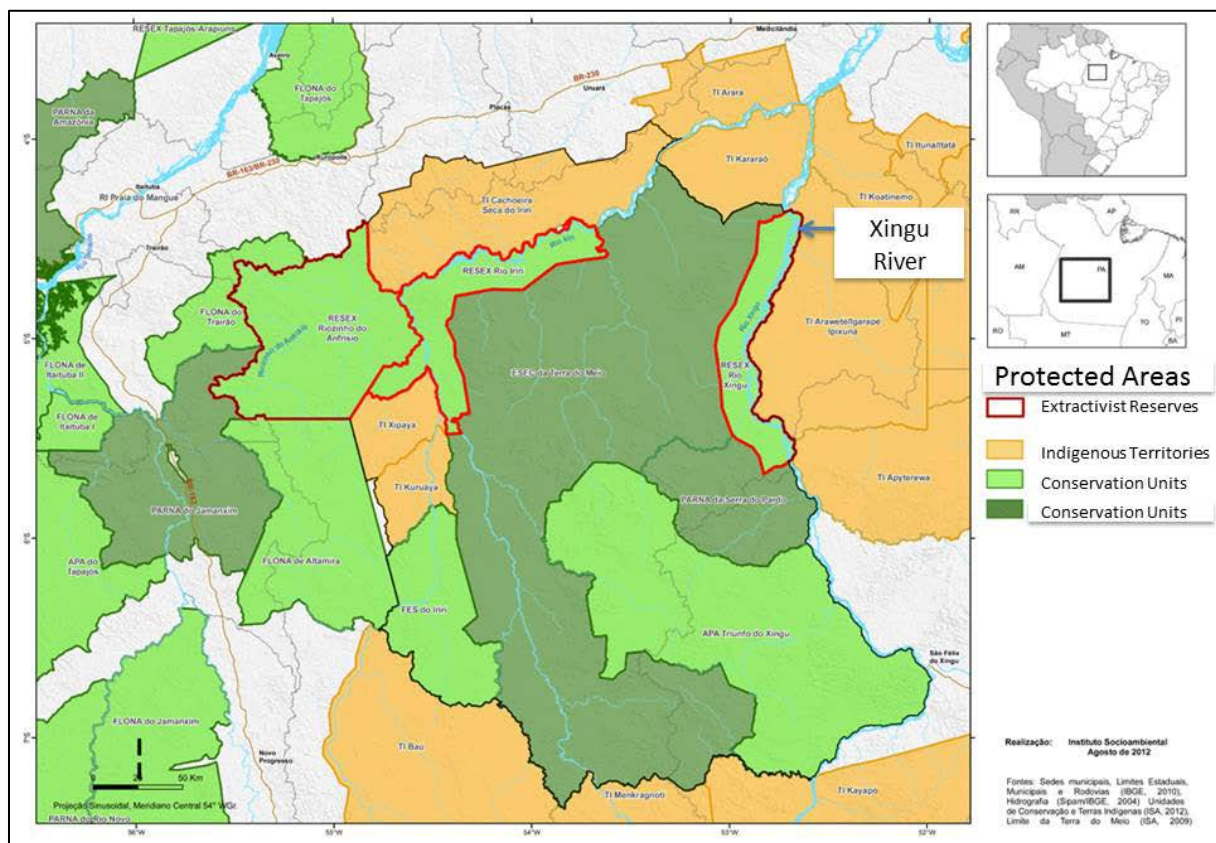


Figure 5, Conservation units in the Xingu basin (ISA 2012, adapted).

The Belo Monte dam will affect different population groups:²

² In Brazil exists a vivid discussion about the positive and negative impacts of the use of different group identities such as indigenous, ribeirinho, etc. I am well aware of the potential negative effects of (theoretically) dividing society in different groups (creating divides in society, othering), but for the sake of the research I use these divisions. Partly because different groups have different rights in Brazilian legislation, partly because the groups have different lifestyles and are thus differently impacted by the dam.

Indigenous peoples. The Xingu basin is home to an estimated 37 indigenous groups (Pontes Júnior & Beltrão 2004). Ten of them are considered by FUNAI (Brazilian Agency for Indigenous Affairs) as affected by the Belo Monte project (FUNAI 2013). Some of these groups live in indigenous territories recognised under Brazilian law, others live on non-recognized territories and also the city of Altamira is home to indigenous people. Indigenous groups are highly dependent on the river for food, transport and many other ecosystem services. Some of the indigenous groups were first contacted only forty to fifty years ago.³

Ribeirinhos. Ribeirinhos are non-indigenous communities living on riverbanks. It is unclear how many ribeirinhos live in the region (Schwartzman et al. 2013). They can roughly be divided in two groups; a group who came to the region voluntarily, and a group of ‘Soldados da Borracha’ (Soldiers of the Rubber), who were transported into the Amazon during the Second World War to tap rubber to supply the US with rubber for its war materiel (Secreto 2007; Soldados da Borracha 2013).

Ribeirinhos are highly dependent on the river for their subsistence. Although ribeirinhos live in strong community bonds and share their land, they have no acknowledged group rights and the vast majority of them has no official land titles. Some ribeirinhos live in natural reserves or other conservation units, but many do not, making them highly vulnerable for land grabbing or conflicts. In general, ribeirinho communities enjoy less protection than indigenous communities under both Brazilian and international law, although their lifestyles are comparable to those of indigenous groups.

Small-scale farmers. Most small-scale farmers came to the region in the 1970s as part of a government program for the integration of the Amazon. The dictatorial government had created a discourse claiming that the Amazonian territory was vulnerable for foreign occupation and therefore had to be occupied by Brazilians. Following the slogan ‘integrate to avoid losing it’ (*integrar para não entregar*), the government started large resettlement programs to allocate ‘lands without men to men without lands’ (*terra sem homens para homens sem terra*) (Marques 2010; Monteiro & Millikan 2011). This view ignored the presence of pre-existing populations, such as the ones described before. The farmers who moved into the region now live from small- to medium-scale subsistence farming and most of them lack official land titles. Small-scale farmers are less dependent on the river than indigenous peoples and ribeirinhos.

Residents of Altamira. Altamira is a small city situated on the banks of the Xingu River. Altamira has grown strongly since the construction of the dam; its population increased from 99.000 in 2010 to 150.000 in 2013 (Estronioli 2013). Many residents have been living in the city for generations and have built up their social network in the city or the neighbourhood they live in. Altamira is home to a mixed group of people, including indigenous and ribeirinho communities. Many people living in Altamira are fishermen.

In general, the region close to the Belo Monte dam is poor and receives little government support. Historically, the Amazon has been deprived of government support. The quality of education, health, roads, sanitation and electricity is precarious and government programs often do not reach out to this region (UNDP Brazil 2010).

Against this background construction of the Belo Monte dam started in 2011.

4.3 Complexo Tapajós (BR)

The Complexo Tapajós is a complex of seven planned hydroelectric dams on the Tapajós River, one of the tributaries to the Amazon River, located in the Brazilian state of Pará. The São Luiz dam (6133 MW installed capacity, US\$ 9,2 bi) and the Jatobá dam (2338 MW installed capacity) are in the most advanced stage and will therefore be investigated in this research. The two dams will affect the municipalities of Itaituba, Trairão and Jacareacanga, all located in the western part of Pará in the lower Amazon, as can be seen in Figures 6 and 7 (MPF 2012; Grupo de Estudos Tapajós 2012; Grupo de Estudos Tapajós 2013a). The initial plans for the construction of dams on the Tapajós River date back to 1989-1991, when preliminary studies were executed by Eletrobras and Eletronorte. Plans were taken up again in 2006, when Eletronorte signed a contract with construction company Camargo Corrêa for the execution of hydroelectric inventory studies. In 2008 Camargo Corrêa concluded that

³ Interview with Tarcisio Feitosa, Public Prosecutor, 21 July 2013

seven dams could be built in the Tapajós Basin. Like the Belo Monte dam, these dams make up part of the PAC (Growth Acceleration Program) of the Brazilian federal government (PAC 2013c).

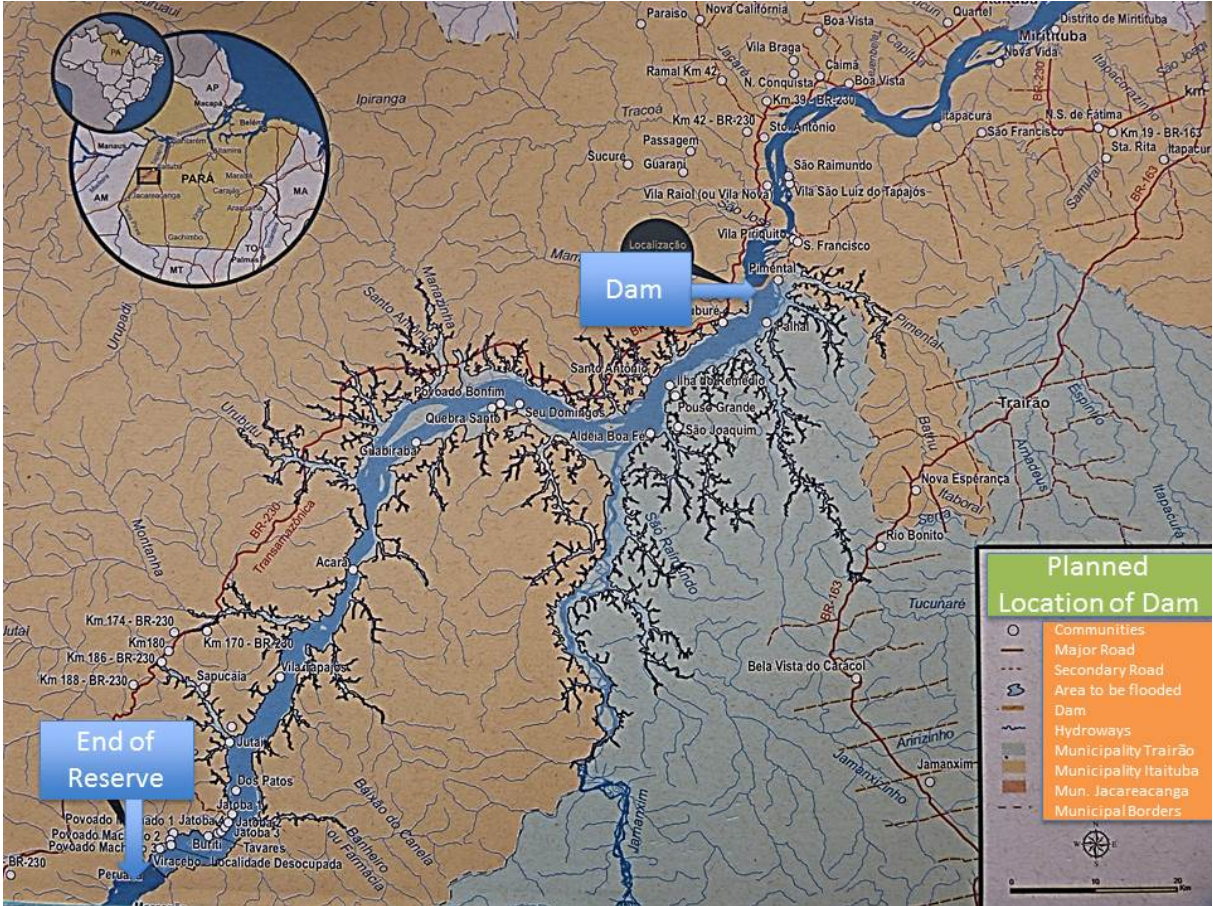


Figure 6, Location of São Luiz dam (Grupo de Estudos Tapajós 2012, adapted).

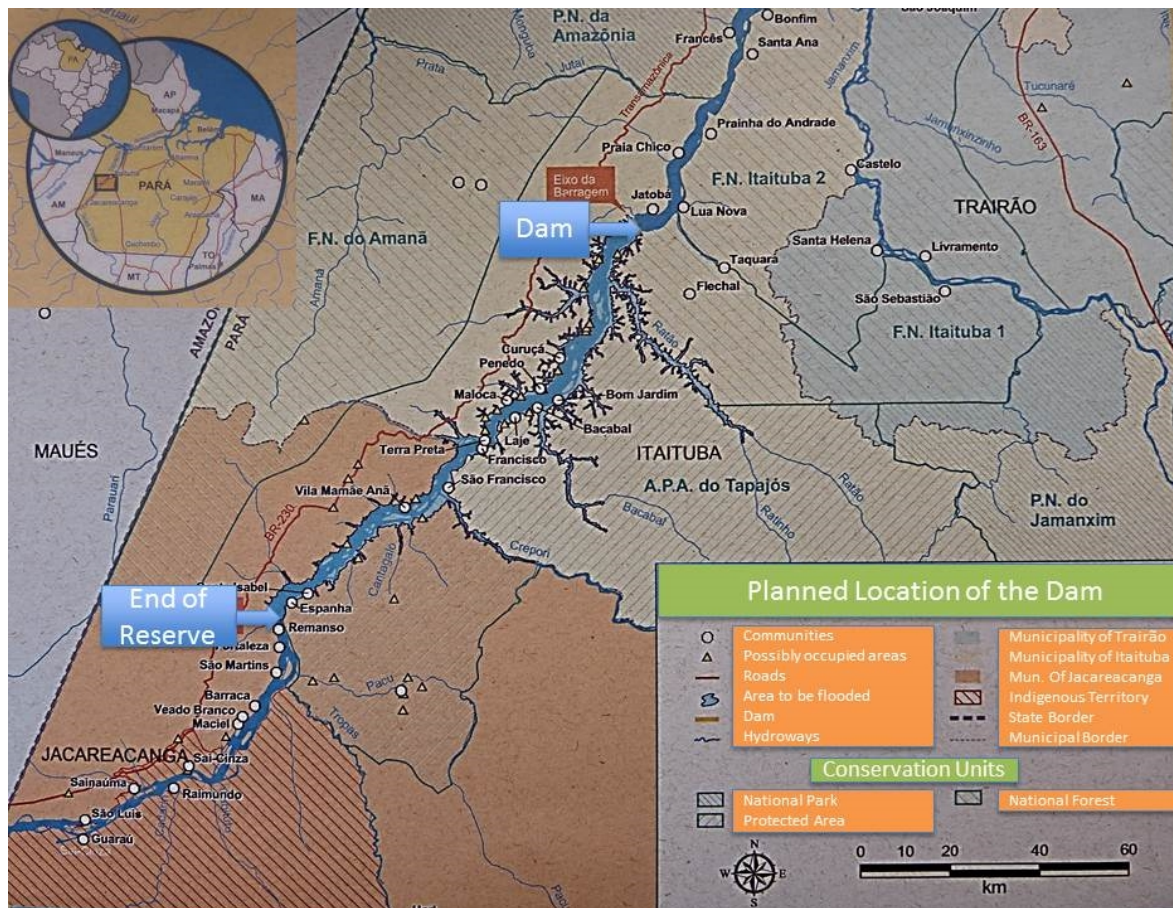


Figure 7, Location of Jatobá dam (Grupo de Estudos Tapajós 2013a, adapted).

The Tapajós basin consists of a patchwork of conservation units, as can be seen in Figure 8. Brazil has various forms of biodiversity protection and the term 'conservation units' is the generic term for all forms of legal environmental protection. The region is one of the best-protected areas of Amazon forest in Brazil and is home to a large variety of people (ICMBio 2013).

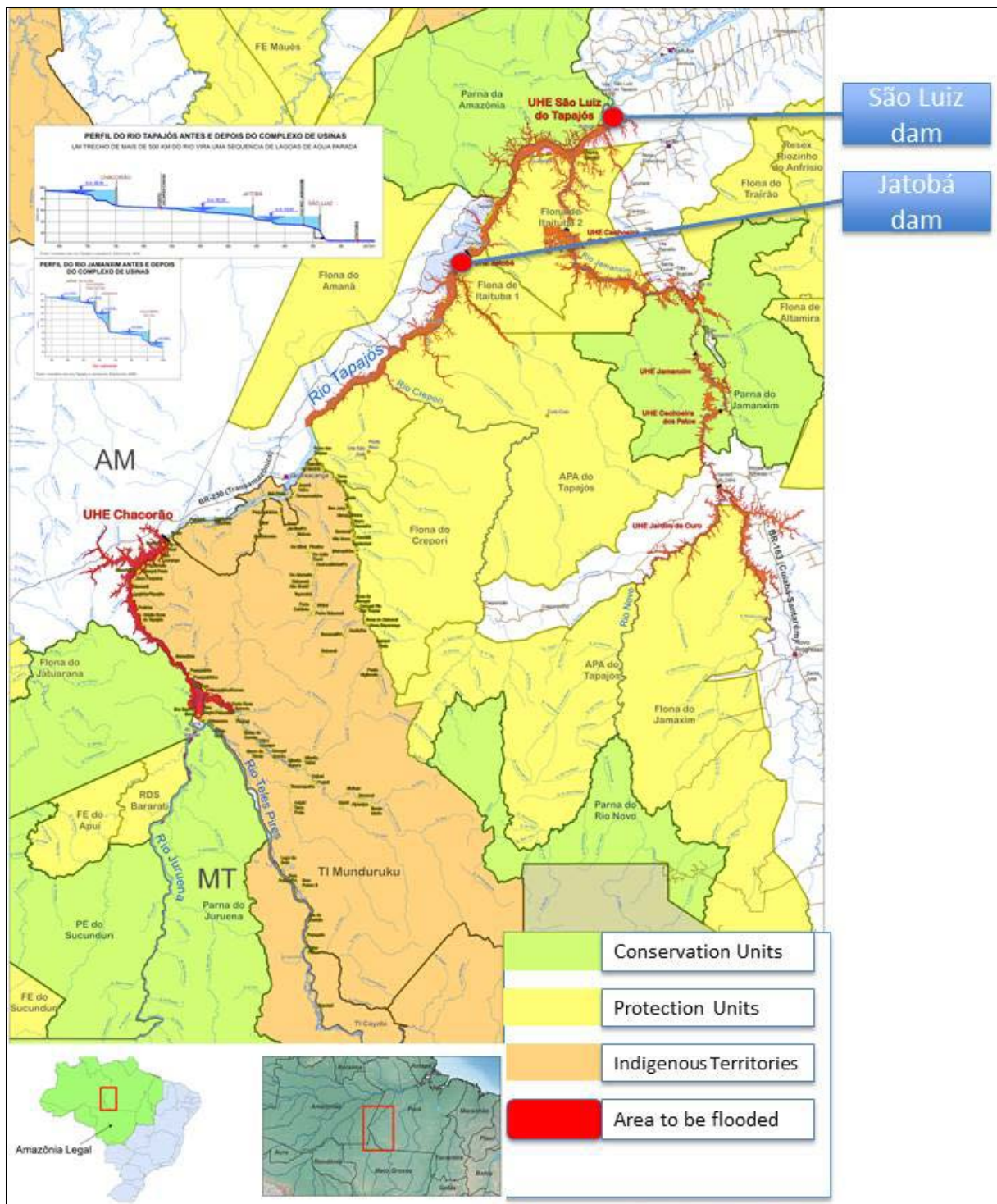


Figure 8, Conservation units in the Tapajós basin (JDP 2012, adapted).

Indigenous peoples. According to FUNAI, the prevised area for the São Luiz dam include the five indigenous territories of 'Andirá-Marau', 'Km 43', 'São Luiz do Tapajós', 'Praia do Índio' and 'Praia do Mangue'. Furthermore, the indigenous territory of Pimental, which is in the process of official registration, will be affected by the dam (MPF 2012). The Jatobá dam will affect the Mundurukú and Sai-Cinza Indigenous Territories. Both dams further possibly threaten an isolated indigenous group, known to be existent in the region (Monteiro 2012).

Quilombolas. Quilombolas are former slaves living in the forest. These people who escaped slavery hide in the forest to protect themselves against plantation owners or the government. During the *Cabanagem*, a revolt of slaves in 1835, many slaves from north-eastern Brazil escaped and went upriver on the Amazon River. Many of them ended up in the Tapajós region. Here, a five-year guerrilla

conflict was fought between slaves and their suppressors. During this period, many slaves trying to escape the conflict ended up in remote areas in the forest (Grandin 2010). Many of them still live there (Araújo dos Anjos 2006). It is still unclear how many quilombolas live in the region. Although Brazil has started to recognize rights of quilombolas, many of them are still in the process of official acknowledgement and thus have no official land rights or protection under Brazilian law for their special rights (Penna-Firme & Brondizio 2007).

Ribeirinhos. The Tapajós river basin is home to many ribeirinhos. The Ribeirinhos derive from the intermingling between the first European colonialists and the Amerindian populations. They mainly live from slash and burn agriculture, mostly carried out for subsistence purposes, and from hunting, fishing and gathering forest products for domestic or commercial use (Couly & Sist 2013). A part of the ribeirinhos live in National Forests (Flona), but many of them do not live in protected areas and have no official land titles.

Garimpeiros. The Tapajós basin contains one of the largest gold reserves in the world. In the 1950s many garimpeiros, small-scale gold seekers, moved into the region, in search for gold. ICMBio (nature conservation authority) estimates that the Tapajós region is home to about 3000 garimpo sites, all of them employing between 10 and 100 workers (Carvalho 2013). In April 2013, the federal government banned all garimpo activity on the Rio Tapajós. However, this ban is still far from being implemented and many small-scale miners still work in the region (Diário do Pará 2013).

Small-scale farmers. Most small-scale farmers came to the region during the military government, when resettlement programmes stimulated the move of people from the poor northeast to the Amazon region (as described in section 4.2). The vast majority of the small-scale farmers have no official land titles, which makes them vulnerable for land grabbing.⁴

City dwellers. Although most city dwellers will not be directly affected by flooding, they will face indirect effects through the influx of people and rising (housing) prices. The cities most affected are Itaituba and Jacareacanga. Many people living in the cities live from fishery.

The Tapajós region is very poor: in 2010, the municipality of Itaituba had a Human Development Index (HDI) of 0.640, Trairão had a HDI of 0.562 and Jacareacanga of 0.505, giving it rank 5515 of the 5565 municipalities in Brazil (UNDP Brazil 2010).

Both dams are currently in the licencing phase. Environmental and social impact studies are being conducted and will probably be published in December 2013. When the studies are being approved, the dams will be auctioned by the federal State.

4.4 Chadin II (PE)

The first plans for the Chadin II project date back to 1986, when Eletroperu gave orders to study the potential of hydroelectricity generation on the Marañón River (MINEM 2007). These plans were taken up again in 2007, when the Ministry of Energy and Mines identified the Chadin II dam as one of the fifteen dams with potential for exporting energy to Brazil (MINEM 2007). Chadin II is the first of 22 hydroelectric dams planned on the River Marañón, one of the tributaries to the Amazon River and the Peruvian river with the largest amount of planned dams, several of them planned on indigenous territory (Cancino & Escamilo 2012; Finer & Jenkins 2012).

The dam has an installed capacity of 600MW and estimated cost of US\$819 million. According to the Environmental Impact Assessment (EIA), the study will affect 21 communities in districts of Cortegana, Chumuch and Celendín in the provinces of Celendín, Cajamarca region, the districts of Ocumal, Pisuquia and Cocabamba, in the province of Luya, and the district of Balsas, in the province of Chachapoyas, both in the Amazonas region (see Figure 9) (AMEC 2011; MINEM 2013). The EIA is currently being evaluated by the Ministry of Energy and Mines. Three Public Hearings have been held, which are obligatory under Peruvian law.

⁴ Interview Nair Rodrigues, STTR Itaituba (Rural Workers' Union), 21 August 2013.

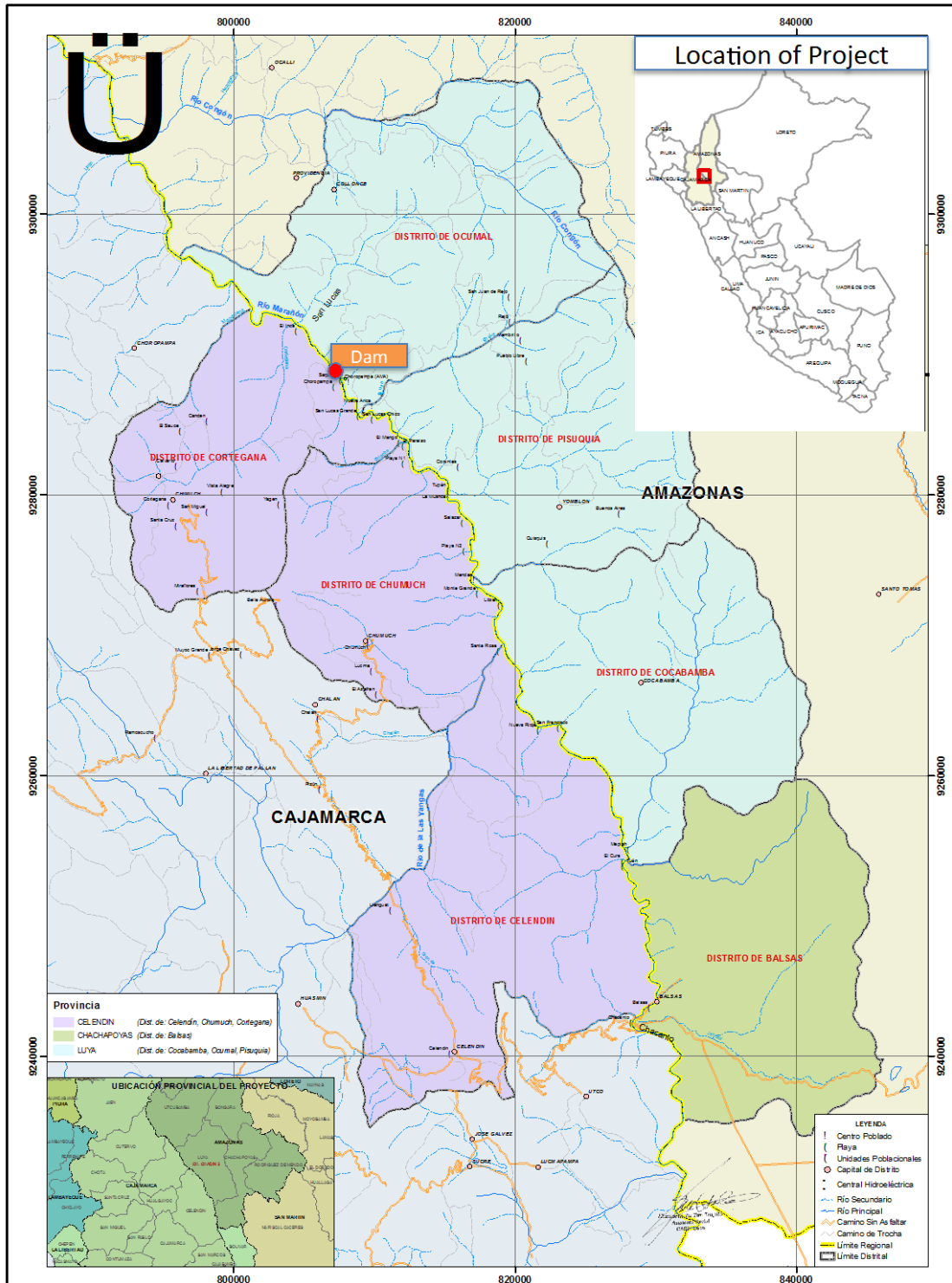


Figure 9, Location of Chadin II dam (AMEC 2011, adapted).

Former president Alan García has declared all hydroelectric projects on the Marañón River of national interest, which limits the legal possibilities to oppose against the project and limits the power of local authorities to decide over the project (Finer & Jenkins 2012).

Most people living in the area are traditional agricultural (*campesino*) families. In the Cajamarca region, most people live from agriculture, stockbreeding, hunt or forestry. In Amazonas, most people make a living of grain production, production of fruits, nuts and plants, and stockbreeding and forestry (INEI & UNFPA 2010). Most people practice subsistence agriculture, but cacao, coca leaves and milk is

being exported to other regions.⁵ Rondas Campesinas are important authorities in the region (see Box 1). The affected communities are very isolated; some can only be reached by a trip of a few days on a donkey. The region faces severe poverty; in Cajamarca, 53.4% of the population lives in poverty, in Amazonas 59.7% (INEI 2010). The regions affected by the dam are the poorest in the region. In Cortegana for example, 91.3% of the population lives in poverty (De Echave & Diez 2013).

The extreme rural poverty in the region is a result of a succession of historical transformations impoverishing the local rural population. Cajamarca was one of the central focal points of the Spanish conquest as Francisco Pizarro captured and killed the Incan ruler, Atahualpa, in Cajamarca (Bury 2004). In the period following this conquest, the physical and human geography of the region was dominated by *haciendas* (ranches), textile factories and silver mining operations. As a result, the human population got concentrated on large landholdings, which remained in place for several centuries (Bury 2004).

In the early 1900s, Cajamarca underwent another transformation as the region's economy was re-oriented into cattle and dairy production. Large *haciendas* intensifying cattle and dairy production expelled peasants and forced them onto more marginal lands or to migrate to the coast for work. These changes led to a large-depopulating of productive lands in the region and by the 1960s, when Peru's military government implemented a radical land reform program, Cajamarca had the lowest concentration of people living on *haciendas* in the country (Bury 2004). Anticipating radical land reform measures and the loss of their lands, large landholders pre-emptively redistributed their most productive lands in the fertile valleys, thus denying local peasants' claims to the lands. By mid-1981, at the end of the land reform process, only 10% of rural households in Cajamarca had received new land holdings (Bury 2004).

By the end of the 1980s and beginning of the 1990s, Peru faced a severe economic crisis and related internal violent conflict. When Fujimori came to power in the 1990s, he established a strongly neoliberal economic reform program, aiming to integrate the Peruvian economy into the rapidly globalizing international economy. Opening the country for foreign direct investment and implementing other policy reforms, mining activities became the most important pillar of Peruvian economy and Cajamarca became one of the most important mining regions of South-America, severely changing livelihoods and deteriorating access to natural and social capital (Bury 2005).

⁵ Interview Roy Leon, Grufides, 19 September 2013; Interview Walter Castañeda Bustamante, Rondas Campesinas, 22 September 2013

Rondas Campesinas

Rondas Campesinas are a form of rural social organization, which emerged in the region of Cajamarca in the seventies as a response to robbery of cattle in rural areas (Comisión Andina de Juristas 2011). Due to the absence or the precarious presence of the State in the region, the Rondas developed mechanisms of justice and politics (Picolli 2008). The system of Rondas Campesinas soon spread over the country and the Rondas developed a quick, cheap and honest alternative system of transparent justice outside the corrupt and overtly bureaucratic official system that usually discriminated against rural people (Taylor 2011; Comisión Andina de Juristas 2011). In the 1980s, when the guerrilla movement Shining Path gained power, the importance of the Rondas Campesinas grew as they created responses to coercion and violence exerted by the Shining Path (Fumerton 2001).

The Rondas first got officially acknowledged on 7 November 1986, when law no 24571 was signed, defining the Rondas Campesinas as organizations that 'serve the community, contributing to development and peace, through cooperation with the authorities to solve any conflict' (Defensoría del Pueblo 2010). In 1993, the authority of the Rondas Campesinas got recognized in the Peruvian constitution (Article 149), and since then the Rondas have jurisdictional authority over their territory with regard to fundamental rights, using customary law (Defensoría del Pueblo 2010). Article 149 of the constitution recognizes communal law as the principal source of law within communal territories and with respect to human rights. Since 2003, when the 'Rondas Campesinas Law' was signed, Rondas Campesinas are being recognized as a systematic and integral judicial regime (Defensoría del Pueblo 2010).

Despite the formal recognition of the authority of Rondas Campesinas, Peru's Public Defender concludes that 'the Peruvian state in many cases not comprehends the important function of the Rondas Campesinas in the field of security and communal justice' (Defensoría del Pueblo 2010).

Peru's Public Defender interprets the status of Rondas Campesinas and *campesino* communities as tribal and therefore applies the ILO 169 convention to the *campesino* communities, arguing that the Rondas Campesinas are being recognized under Peruvian law as traditional communities with community rights over their territory. The Public Defender further argues that Article 8 of the Rondas Campesinas Law should be interpreted as the right to free, prior and informed consent as defined in the ILO 169 convention (Defensoría del Pueblo 2010).

Box 1, Rondas Campesinas.

5. Minerals-Energy Complex

The present chapter aims at describing the characteristics of the Brazilian and Peruvian Minerals-Energy Complex. In order to do so, first the actors involved in the three cases will be described. Section 4.2 will analyse how the hydroelectric dams are linked with the mining industry. Section 4.3 will discuss the links of the hydro and mining sectors with the State. Subsequently, section 4.4 describes the system of accumulation at play in the MEC. Section 4.5 then concludes by summarizing the characteristics of the MEC.

5.1 Actors Involved

5.1.1 Belo Monte (BR)

Figure 10 provides an indication of the State agencies and corporate actors involved in the Belo Monte dam. Probably this figure does not incorporate all corporate actors involved. Many activities are outsourced, but little structured information is available on these corporations. However, the most important actors are included.

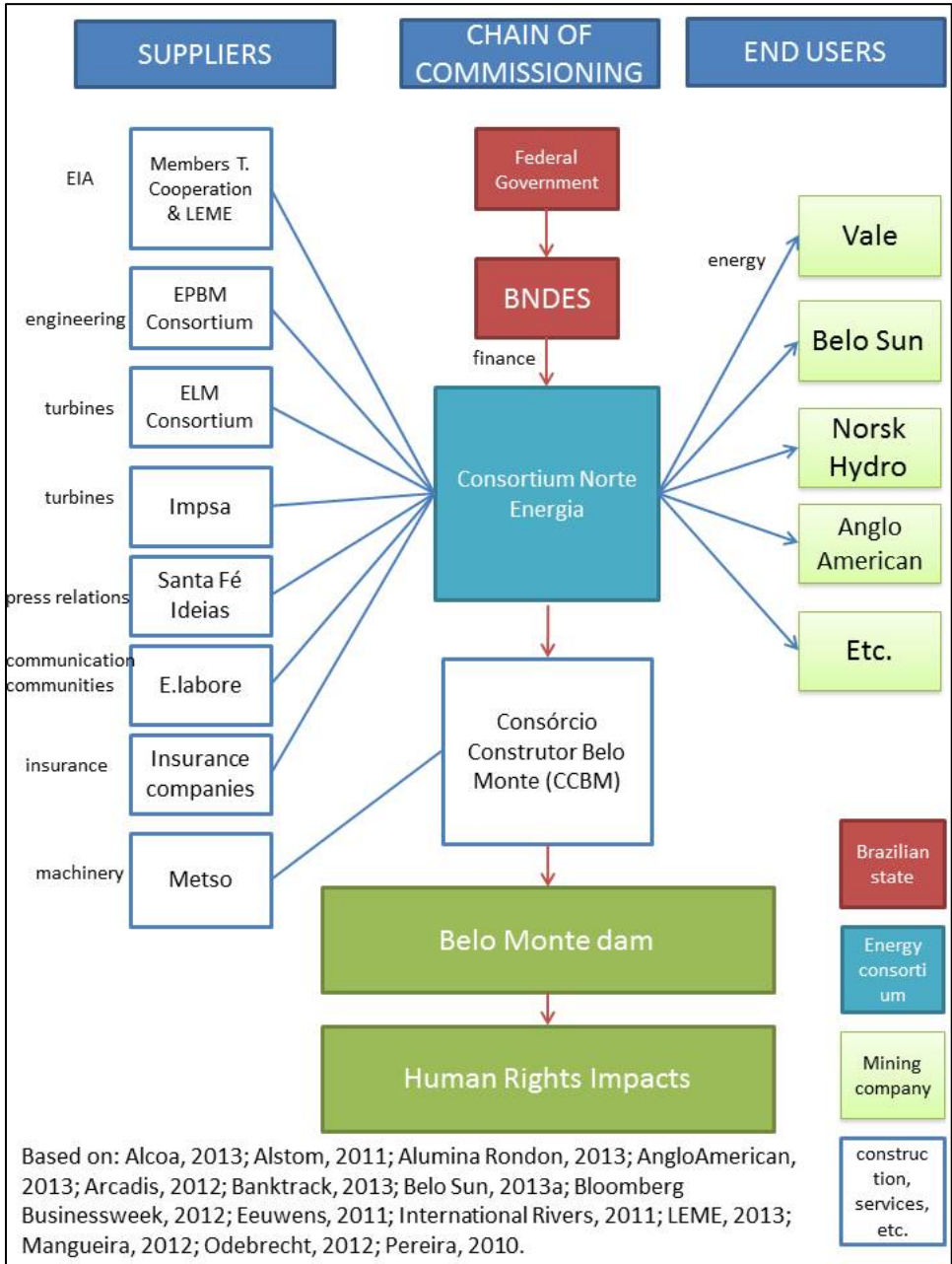


Figure 10, State Agencies and Corporate Actors involved in Belo Monte dam.

Consortium Norte Energia got the state contract for the **implementation and exploitation** of the dam. The ownership structure of the consortium is shown in Figure 11. As revealed in Figure 11, state-owned or state-controlled participation in the consortium totals over 80%. The state energy enterprise Eletronorte controls 49.98%; the pension funds Petros and Funcef both control 10%. Neoenergia (49% controlled by pension fund Previ, 39% by Iberdrola and 12% by the public Banco do Brasil) controls another 10% (Neoenergia 2013). Amazônia, controlled by Cemig (company more than 50% owned by the Brazilian State) and Light (about 35% controlled by the Brazilian State), controls another 9.77% of Norte Energia (Cemig 2013; Light 2013). Also Brazilian mining company Vale, which controls 9% of Norte Energia, is for a large part controlled by the Brazilian State (see section 5.3.4). The only fully private companies involved are Sinobras (1%), a steel company; and Malucelli Energia (0.25%), a private electricity company (Norte Energia 2013). Numerous activities are being outsourced to other consortia or enterprises.

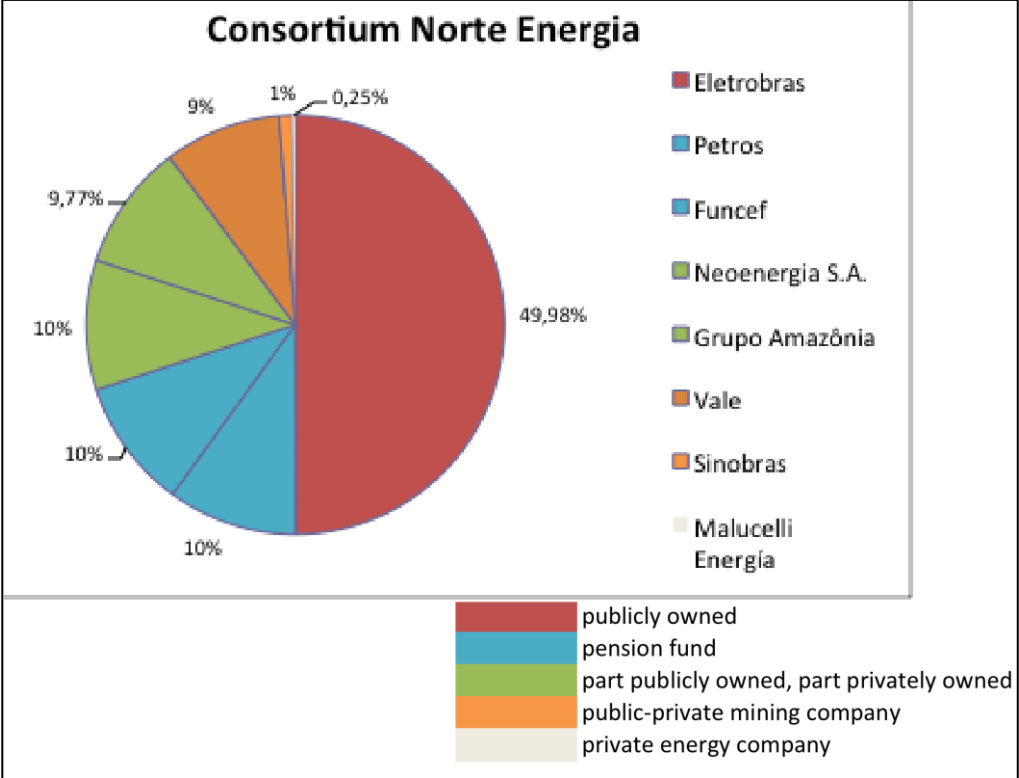


Figure 11, Composition of the Norte Energia consortium (Norte Energia 2013, adapted).

The Consórcio Construtor Belo Monte (Belo Monte Construction Consortium, CCBM) is charged with the **construction** of the dam. CCBM consists of the construction companies Andrade Gutierrez, Odebrecht, Camargo Corrêa, OAS, Queiroz Galvão, Contern, Galvão Engenharia, Cetenco, J. Malucelli and Serveng (Banktrack 2013; MXVPS 2013c).

The **Environmental Impact Assessment** is the responsibility of the technical cooperation group, consisting of Eletrobras, Andrade Gutierrez, Camargo Corrêa, Odebrecht, the Ministry of Mines and Energy and the Federal Government. The research for the EIA was outsourced to LEME Engenharia (subsidiary of French GDF Suez). LEME outsourced the studies about communities, land and indigenous communities to Themag, Intertechne and Engevix (Eletrobras 2009).

The EPBM Consortium (Engenharia do Proprietario de Belo Monte, Engineering of the Belo Monte Property) is charged with **engineering** on the construction site and consists of Arcadis Logos (leading the consortium), Themag, Concremat and Engecorps (Banktrack 2013).

Turbines are provided by the ELM Consortium, consisting of Andritz Hydro Inepar do Brasil (subsidiary of Austrian Andritz), Voith Hydro (joint venture between German Voith and Siemens) and Alstom Brasil (subsidiary of the French Alstom). Impsa also provides turbines to Norte Energia.

The Brazilian Development Bank (BNDES) provides US\$10.8 billion in **financing** to Norte Energia, which amounts to approximately 80% of the total project costs, the rest is financed by the members of the Norte Energia consortium (BNDES 2012a).

Santa Fé Ideias is hired to maintain **press relations** for Norte Energia.⁶ E.labore is hired for **communication** with affected communities and to conduct socio-economic registration (MPF 2007a).

Various insurance companies cover the **financial risks** of the project, including Allianz, JLT Re, Kiln and Munich Reinsurance, with the latter covering 25% of the risk (Gobbi 2013).

Norte Energia will possibly engage in a joint venture with China's State Grid for the **transmission lines** contract (Place 2013).

5.1.2 Complexo Tapajós (BR)

Eletrobras and Eletronorte were the companies initiating the research for the dams. In 2008, they contracted Camargo Corrêa to conduct inventory studies.

Currently the Grupo de Estudos Tapajós (Tapajós Studies Group) is responsible for the coordination of the technical and economic viability studies and the studies for the EIA. This group, led by Eletrobras, consists of the following enterprises:

Camargo Corrêa-

Brazilian private construction company

Cemig-

Brazilian electricity company

Copel-

Brazilian electricity company, partly controlled by the state of Paraná (31%) and BNDES (24%)

EDF-

French electricity company, 84% controlled by the French state

Eletrobras-

Brazilian electricity company, more than 70% controlled by the Brazilian state

Eletronorte-

Brazilian electricity company, controlled by Eletrobras

Endesa Brasil-

Brazilian holding of the Spanish Endesa, which is for 92% controlled by Italian Enel. Enel is for 30% controlled by the Italian state.

GDF Suez-

French energy and engineering company, 37% controlled by the French state.

Neoenergia-

Brazilian group of 40 private companies in electricity.

(Grupo de Estudos Tapajós 2013; Copel 2013; EDF 2013; Endesa 2013; GDF Suez 2013; Neoenergia 2013).

Box 2, Companies in Grupo de Estudos Tapajós.

Most of the studies are being outsourced to **CNEC**, a Brazilian engineering company controlled by Australian WorleyParsons and Brazilian Camargo Corrêa (CNEC 2013; Cotta 2010).⁷ Brazilian **Geosul** and **Concremat** are also being contracted for the realization of the studies (Instituto Humanitas Unisinos 2012; conversation at Concremat office in Itaituba). Concremat is responsible for the biological section of the environmental impact study and Geosul has conducted studies on soils and rocks (Branford 2013).⁸

The Grupo de Estudos Tapajós has contracted **Diálogo Tapajós** (Tapajós Dialogue) for 'communication and social interaction' with affected communities.⁹ Diálogo Tapajós informs

⁶ Interview Pedro Blanco, press relations Norte Energia, 5 August 2013.

⁷ Interview Gil Rodrigues, Diálogo Tapajós, 22 August 2013.

⁸ Email contact Alexandro Marciel Klein Gregory, Geosul, 2 October 2013.

⁹ Interview Gil Rodrigues, Diálogo Tapajós, 22 August 2013.

communities about the planned projects. However, indigenous communities are not included in the contract.¹⁰

Socio-economic registration, which aims at the registration of all affected people so that they can be compensated, is coordinated by Brazilian **IBOPE**.

FSB Comunicações is responsible for press relations of the Grupo de Estudos Tapajós.

After the EIA is being concluded, the project will be auctioned by the Brazilian state.

5.1.3 Chadin II (PE)

The Chadin II project is 100% owned by **AC Energía SA**, which is 100% controlled by Brazilian **Odebrecht**. The EIA for the project has been executed by British **AMEC** (AMEC 2011).

Public information on the financiers of the project is not available. However, probably BNDES has a role in the project. At a Public Hearing for the project, a high-level engineer of AC Energía SA confirmed that BNDES financially supports the project.¹¹ Vargas (2013) further found that major infrastructure projects in South-America are nearly all financed by BNDES and executed by Brazilian companies. As Odebrecht is a Brazilian company with strong ties with the Brazilian government, there is even more reason to expect that BNDES will financially support the project.

In September 2013, the Peruvian government has changed legislation to make State investment in hydroelectric projects possible (DF 2013). As a result of this new law, it is possible that the Peruvian State will also financially support the project.

5.2 Links with the Mining Industry

Historically, expansion of infrastructure projects in the Amazon, like hydroelectricity dams, has been strongly linked with mining activities. In the development model that is being applied in the Amazon, the construction of hydroelectricity dams is being seen as an important instrument to attract mining companies to the region to stimulate local development (Da Costa Tavares et al. 2007). Energy supply is crucial for the energy-intensive mining industry and crucial for expansion of mining activities in a region.

In the Brazilian PAC, the federal government aims at expanding mining activities in the Amazon; in the state of Pará, mining activities are projected to rise with 26% annually, summing up to US\$ 40 billion new investment between 2012 and 2015 (Castro 2012; Bermann 2012; Hall & Branford 2012). The state of Pará is projected to become the country's largest producer of raw materials, taking over this position from the state of Minas Gerais, a traditional mining state (Galeano 1997).¹²

Peru historically is a mining country and in 2010 mining made up 66% of the country's export. Mining is expected to increase strongly in the coming years and the national government regards mining as an important instrument to stimulate economic growth. The Cajamarca region, whose economic profile is already dominated by mining, will face a steep increase in mining activities in the coming years (Dirección de Promoción Minera 2013).

As the hydro-dams will be integrated in the national energy grids, it is difficult to find out which percentage of the generated energy will be used by mining companies. However, it is clear that the mining companies are strongly linked with the hydroelectric dams in all three cases studied.

5.2.1 Belo Monte (BR)

According to David Leal (State Secretary of Industry, Commerce and Mining, head of mining affairs) and Ronaldo Lima (IBRAM, Brazilian Mining Association), the eastern region of Pará and the region of São Feliz do Xingu, both close to Belo Monte, are the regions with the largest expected growth in mining activities in the coming years.¹³ Leal claims that the construction of the Belo Monte dam has

¹⁰ Interview Gil Rodrigues, Diálogo Tapajós, 22 August 2013.

¹¹ Interview Fabian Simeon, Forum Solidaridad Peru, 12 August 2013; Interview Antonio Zambrano Allende, Movimiento por el Poder Popular, 6 September 2013; Interview David Leal, Secretary of State, mining affairs, 22 July 2013.

¹² Interview David Leal, Secretary of State, mining affairs, 22 July 2013.

¹³ Interview Ronaldo Lima, IBRAM (Brazilian Mining Association), 24 July 2013; Interview David Leal, Secretary of State, mining affairs, 22 July 2013.

solved the problem of energy supply in the region. By saying this, he suggests there did exist a problem of access to energy before the construction of Belo Monte. This would mean that the construction of Belo Monte has facilitated the expansion of mining activities in the region. Lima explains that 'IBRAM lobbies extensively to show the federal government that investments in electricity generation are highly important for the development of the country'. Lima thinks that the federal government installs hydroelectric dams at places with large mineral reserves, so that these can be easily exploited. He argues that infrastructure has to be developed in areas with large mineral reserves in order to best exploit these resources.

The EIA for Belo Monte identifies 18 mining companies who have requested authorization to explore in the area, seven companies with exploration authorization, and one company (Vale) with a mining concession. These mining areas are all located in the Volta Grande do Xingu, the river bend close to the Belo Monte dam.

The mining company with the clearest links with the Belo Monte dam is Vale, which is a member of the Norte Energia consortium. Vale will have exclusive access to 9% of the energy generated by the Belo Monte dam, which is between 1008 and 396 MW, depending on the seasonal river runoff (MME 2011; Barbaso Magalhães et al. 2009). Vale plans to double the capacity of its Carajás steel mine adjacent to the Belo Monte dam, which will be the largest investment of the company in its 70-years history. The Carajás region will see an increase in steel production from 120 to 250 million tonnes a year (Flávio Pinto 2013). Vale is also in the advanced stages of planning the nearby Salobo copper mine (Vale 2012a; Vale 2012b). Vale is also a partial (32.1%) owner of the Paragominas bauxite mine, which is majority (67.9%) owned by Norsk Hydro, a Norwegian state-controlled enterprise (Hydro 2013a; Hydro 2013b). The joint venture is planning a significant increase in production in the coming years (Hydro 2011).

Vale estimates that its energy demand will increase with 50% before 2020.¹⁴ As Gleuza Jesué, director environmental affairs, says: 'the Belo Monte dam is consistent with our growth strategy'.¹⁵

Another mining company strongly linked to the Belo Monte dam is Canadian Belo Sun, planning to open the Volta Grande project, the largest goldmine in Brazil, only two kilometres from the Belo Monte dam. The mine is located very close to indigenous territories and toxic waste is planned to be stored on land bordering indigenous territories (Belo Sun 2013b).

The Volta Grande project is partly located on the original riverbed of the Xingu River that will fall dry as a result of the Belo Monte project. This effect and resulting possibilities for mining were anticipated for in the EIA for the Belo Monte dam (Eletrobras 2009). In March 2012, Belo Sun initiated the licencing procedure for the Volta Grande gold mine. The pre-feasibility study for the Volta Grande project states that 'power for the project will originate from Belo Monte's Pimental distribution station requiring the construction of a 20 kilometres 230 kV high tension power line' (Belo Sun 2013a; Belo Sun 2013b). Belo Sun expects to use 281 GWh/annum (=32,08 MW) for its Volta Grande mine (Lavoie et al. 2013). However, after conducting the EIA, Belo Sun doubled the size of the project without further analysis, so probably its energy demand will be larger than stated in the pre-feasibility study (ISA 2013a).

In addition to Vale and Belo Sun, there are many other mining companies whose operations will likely be supplied and facilitated by Belo Monte (Hurwitz 2011; Eletrobras 2009). London-based Anglo American is currently exploring the feasibility of a nickel mine in Jacaré (Anglo American 2013), Canadian Colossus Minerals will start operations at its Serra Pelada gold-platinum-palladium mine in the third quarter of 2013 (Colossus 2013), and the US company Alcoa would like to expand its 'Juruti' bauxite mine, although it perceives the current energy prices too high (Alcoa 2013; Datamark 2012).

It is clear that the construction of Belo Monte facilitates further mining exploitation in the area. It is, however, unclear what has been the role of mining companies in the decision-making for the dam: have they actively advocated for the construction of the dam, or do they merely profit from the construction of the dam? Ronaldo Lima explains that IBRAM lobbies extensively for the installation of new electricity generation, but the exact role of mining companies in the construction of the Belo Monte project is unknown.

¹⁴ Email contact with Gleuza Jesué, director Environmental Affairs Vale, 6 August 2013.

¹⁵ Email contact with Gleuza Jesué, director Environmental Affairs Vale, 6 August 2013.

5.2.2 Complexo Tapajós (BR)

The Tapajós region is very rich in gold. Most of this gold is currently being exploited by garimpeiros, small-scale miners. As Oldair Lamarque (DNPM, National Department of Mineral Production) claims, 'large-scale gold mining in the region is not viable because of the lack of access to energy'.¹⁶

Bauxite is already being exploited close to the Tapajós River, in the 'Juruti' mine owned by US Alcoa and in the 'Porto Trombetas' mine of Brazilian Mineração Rio do Norte (Alcoa 2013; Mineração do Rio Norte 2013a). Mineração Rio do Norte is for 40% controlled by Vale S.A. (Mineração Rio do Norte 2013b). Corrêa explains that 'these bauxite companies will expand their activities when the hydroelectric dams will be built'.¹⁷

The Tapajós region is full of mining concessions, as can be seen in Figure 12 (DNPM 2013b). Corrêa (DNPM), Leal (Secretary of State for Mining Affairs) and Lima (Brazilian Mining Institute) all expect that gold mining in the region will grow strongly when the dams are being constructed. Corrêa: 'various companies are already in an advanced stage of studying the mining potential. They will certainly start exploiting when the dams are being constructed'. Leal: 'large-scale gold mining will grow strongly in the Tapajós region as a result of the construction of the dams'.¹⁸ Ronaldo Lima (IBRAM), states that 'mining companies are already anticipating the construction of the Tapajós dams'. The hydroelectric dams thus open up the region for large-scale mining companies.

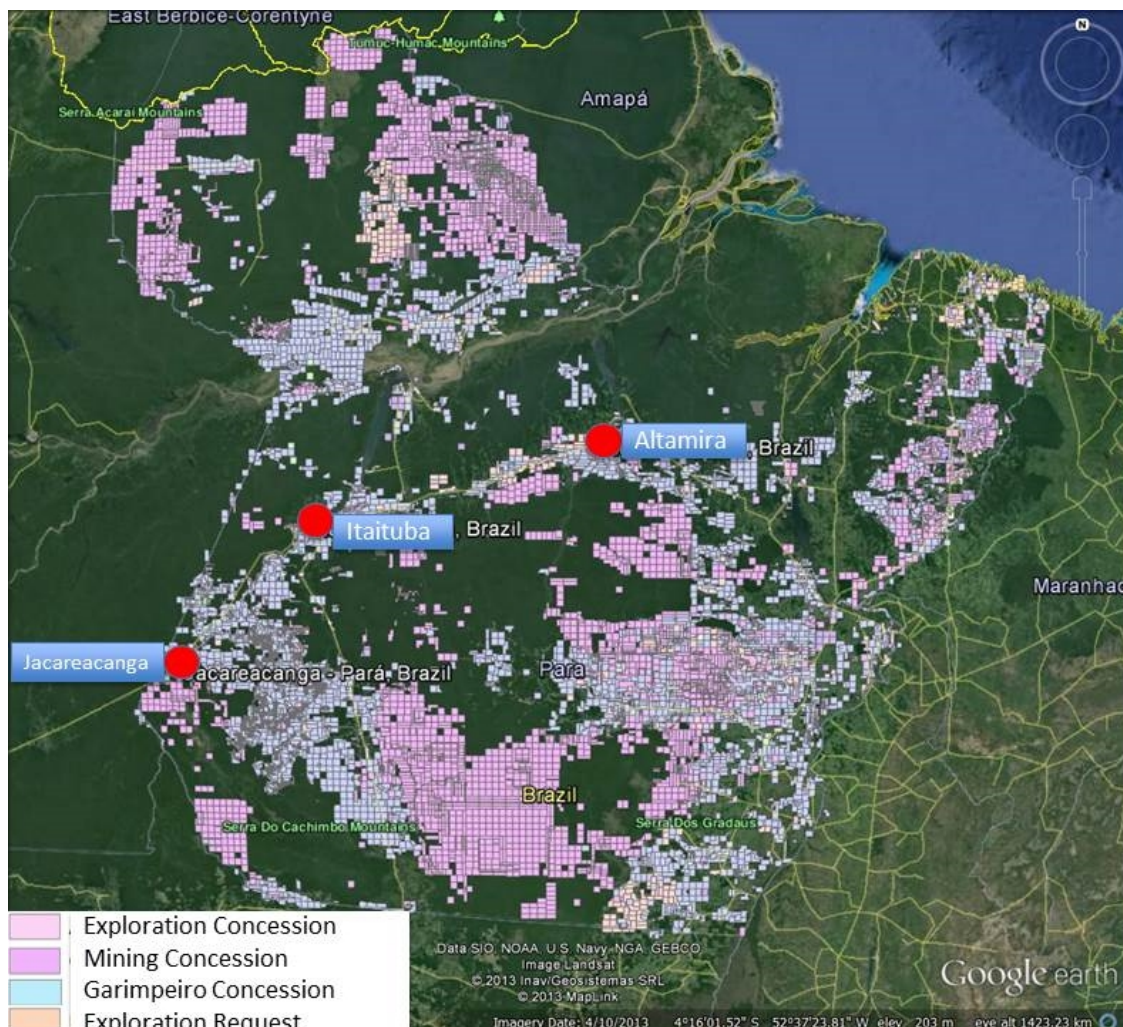


Figure 12, Mining Concessions in Tapajós Region (DNPM 2013b, adapted).

¹⁶ Interview Oldair Lamarque, DNPM (National Department for Mining Research), 22 August 2013.

¹⁷ Interview Oldair Lamarque, DNPM, 22 August 2013.

¹⁸ Interview David Leal, SEICOM, 22 July 2013.

In addition to Alcoa and Mineração Rio do Norte, who are already operating in the region, companies like Canadian Eldorado Gold, Belo Sun and Magellan Minerals, UK Serabi Gold and US Majestic Diamonds & Metals are planning to start exploitation in the region in the coming years (Belo Sun 2013c; Guzman & Mello 2012; Majestic Diamonds & Metals 2013; Magellan Minerals 2013; Eldorado Gold 2013). Anglo American has requested various permissions to explore areas in the Tapajós region, several of them in national parks (Juliano Barros 2012). Oldair Lamarque further holds that Kinross is active in the area.¹⁹ Corrêa expects that mining companies will use a large part of the energy generated by the hydroelectric dams.

The Tapajós region is relatively isolated with only a few unpaved roads to access the region. The hydroelectric complex will make the Tapajós River navigable, which facilitates rapid export of the minerals or other commodities over the Tapajós River, via the Amazon River, to the Atlantic Ocean (Ministerio dos Transportes 2013).

Although it is difficult to quantify the future amount of energy used by mining companies, it is clear that the hydroelectric dams on the Tapajós River facilitate expansion of large-scale mining in the region. This is in line with the government's plans to expand mining activities in the region.

5.2.3 Chadin II (PE)

The region close to the Chadin II dam is home to various mining projects. The largest is the goldmine Mina Yanacocha, owned by Minera Yanacocha S.R.L., which is for more than 50% controlled by Canadian Newmont (Knight Piésold Consulting 2010). Minera Yanacocha plans to expand its mining activities by constructing a new mine, Conga, which will be the largest gold mine in South-America (Knight Piésold Consulting 2010).

Although Cajamarca is already among the most important mining regions in the country, it is also the region with the third largest increase in terms of percentage in mining activities in Peru in the coming years (Dirección de Promoción Minera 2013). The EIA for the Conga Project has been approved and the EIA for the Shahuido project, owned by Sulliden Gold Corp., has been presented to the ministry.

Furthermore, many corporations are exploring for minerals in the area. Yanacocha is exploring for the project Yuro Perlita- La Carpa (Yanacocha 2010). In 2012, Southern Legacy Mining presented its technical report for the Antakori project, located in Cajamarca close to the Yanacocha and Conga mines (Scott E Wilson Consulting 2012). Jiangxi Copper is exploring for its Galeno project, Anglo American is exploring for its Michiquillay mine, and Rio Tinto for the La Granja project (Dirección de Promoción Minera 2013). Before 2017, new mining activities will require at least 420MW energy supply. This number will probably be larger, as various companies with planned projects have not defined their energy demand yet (Dirección de Promoción Minera 2013).

Figure 13 shows the mining concessions in the region of Cajamarca. Some municipalities in the region have more than 90% of their territory under mining concessions (CooperAcción 2013a).

¹⁹ Interview Oldair Lamarque, DNPM, 22 August 2013.

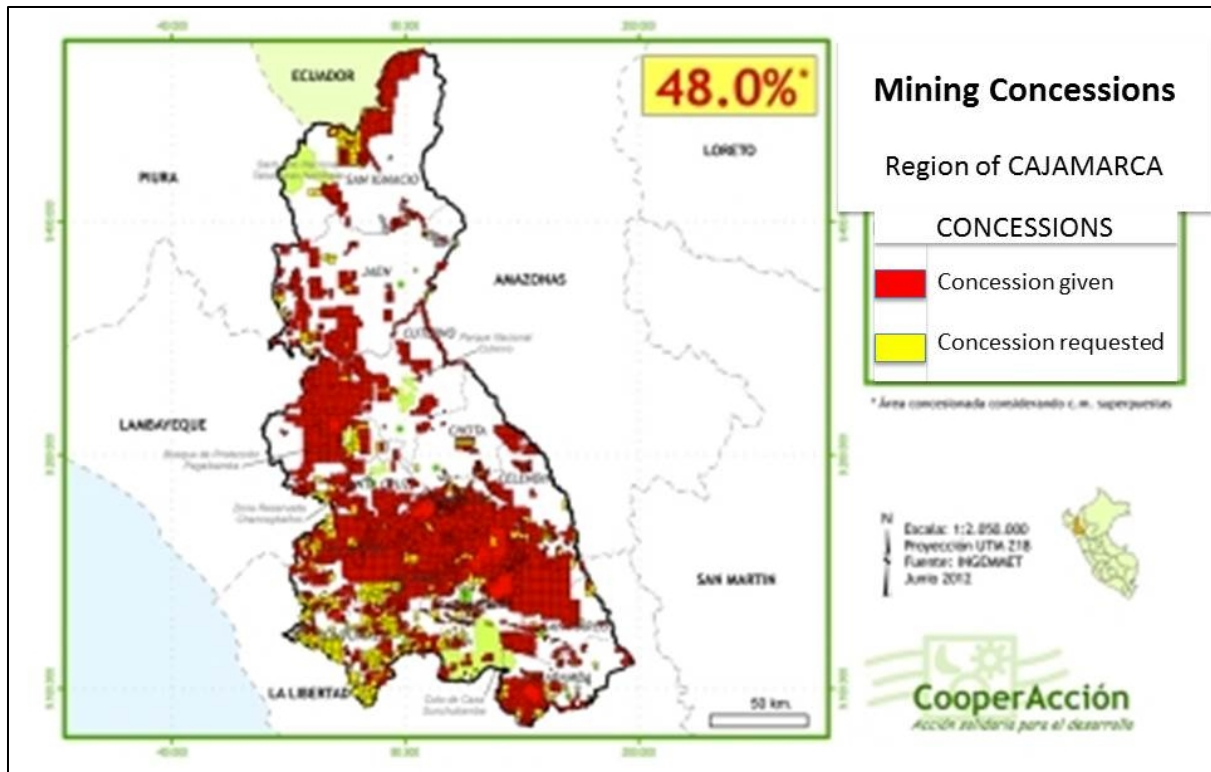


Figure 13, mining concessions in Cajamarca region (CooperAcción 2013a, adapted).

As Figure 14 shows, Minera Yanacocha controls by far most concessions in the region, as Chaupiloma explores for Yanacocha mines. The fact that Newmont makes up part of Yanacocha adds up to its dominance in the region.

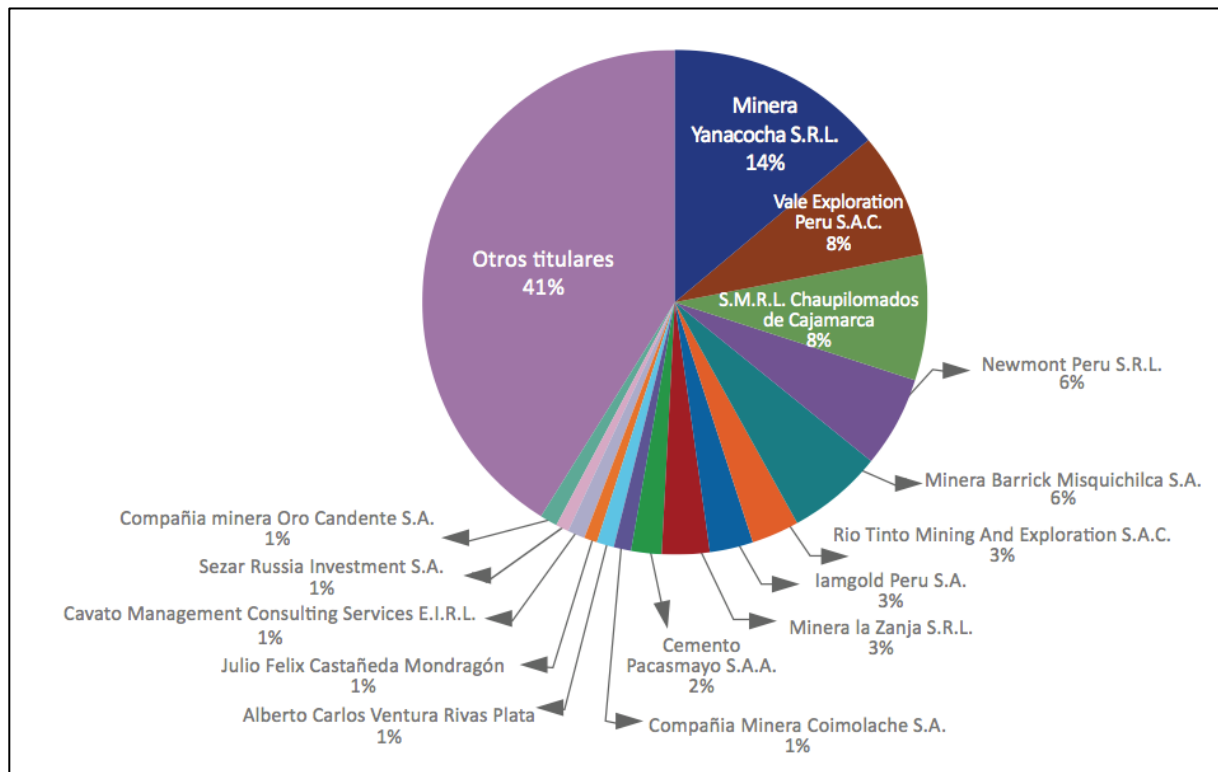


Figure 14, Companies with Mining Concessions in Cajamarca (De Echave & Diez 2013).

Brazilian Vale has the second-largest control over concessions in the region; it controls 8% of all concessions in Cajamarca (De Echave & Diez 2013). Vale, through its Peruvian Miski Mayo S.A.C.,

already exploits another mine in the region, La Morada, which has caused various human rights impacts (Grufides 2013).

Mining activities in Peru mainly take place in the *sierra* and to a much lesser extent in the Amazonian regions. However, the region Amazonas has the most mining activities, explorations and concessions of all Peruvian Amazonian regions. In 2012, it had 10.5% of the territory under concessions (CooperAcción 2013b). The most important projects in exploration in this region are Afrodita, Cristal and Cañón Florida (Dourojeanni et al. 2009).

Odebrecht has strong ties with the mining sector in the region of Cajamarca. Odebrecht has been contracted by Yanacocha for removing soils in the Yanacocha mine. Currently, Odebrecht has, through the Consortium Conga Earthworks Team, a US\$650 million contract with Minera Yanacocha for removing soils for the Conga mining project (Odebrecht 2013; AC Energía 2011). As Mirtha Villanueva from Grufides, a Cajamarca environmental NGO, claims, 'Yanacocha and Odebrecht are brothers. They are mutually dependent for their projects. Odebrecht not only develops the dam for the Conga mine, but also develops highways, trains; they do a lot of infrastructure projects for Yanacocha and Conga. The links between the two are extremely clear'.²⁰

According to various interviewees, the links between Chadin II and Conga, and probably other mines in the region, is clear. In total, 22 hydroelectric dams are planned on the Rio Marañón. The interviewees claim to be sure that Chadin II is the first of these projects because of the energy demand of the Conga mine and the large amount of other planned mines in the region.²¹

5.3 Links with the State

5.3.1 Belo Monte (BR)

'It is very difficult to separate the federal government and the companies. The interests of the federal government are the same as those of the companies. There is no clear separation between the two'.²²

The Brazilian State strongly supports the Belo Monte project in several ways. Although the initial aim of the Brazilian State was to create a public-private partnership for the exploitation of the dam, various private actors (Camargo Corrêa, Odebrecht, Iberdrola) resigned from the bidding process due to the project's high financial risks. Camargo Corrêa and Odebrecht claim they withdrew due to social and environmental concerns (Gobbi 2013). However, this claim is doubtful as both companies currently join the construction consortium, causing many of the social and environmental harms. Currently, Sinobras (1%) and Malucelli Energia (0.25%) are the only fully private companies in the consortium.

The dominance of State actors in the Norte Energia consortium means that the Brazilian State and pension funds bear the financial risks of the project. These risks are large, as the project has been found to be economically unviable (Cabral de Sousa Júnior & Reid 2010; Cabral de Sousa Júnior et al. 2006). Nevertheless, BNDES financed this dam with the largest loan in the bank's history, financing 87% of the total project costs (BNDES 2012a; Fonseca & Mota 2013). Instituto Mais Democracia is currently investigating whether BNDES is actually allowed to give a loan of this size to one single project.²³

Secondly, the State's protection of human rights related to Belo Monte is very weak. Various national and international human rights authorities have reported numerous human rights violations related to the dam (IACHR 2011; ILO 2012; MPF 2011b) (see section 6.1). These notifications were largely ignored by the Brazilian State. In the case of the IACHR, the Brazilian State even put this authority under pressure to revise its critical statement (Hall & Branford 2012). The Brazilian State has shown very little action to protect human rights²⁴ or to punish responsible actors and repeatedly favours corporate interests over the protection of human rights (see section 6.1). The Brazilian State further

²⁰ Interview Mirtha Villanueva, Grufides, 16 September 2013.

²¹ Interview Mirtha Villanueva, Grufides, 16 September 2013; Interview Roy Leon, Grufides, 19 September 2013; Interview Carlos Navas del Aguila, Frente de Defensa del Río Marañón, 27 September 2013.

²² Interview Eliane Moreira, Federal University of Pará, 26 July 2013.

²³ Interview João Roberto Lopes Pinto, Instituto Mais Democracia, 16 July 2013.

²⁴ Interview Antônia Melo, Movimento Xingu Vivo Para Sempre, 2 August 2013; Interview Tarcisio Feitosa, Public Prosecutor, 21 July 2013.

supports corporate interests by sending police and military forces to the construction site to prevent people from protesting at the site (Ribeiro 2013).

Thirdly, the State supports the Belo Monte dam by applying an irregular licensing process, disrespecting the country's constitution and environmental law. The legality of this licensing process is questioned by the Federal Public Prosecutor and is under investigation by various judges (see section 6.1.4) (Fearnside 2012; MPF 2012b). Furthermore, the judicial apparatus and law enforcement are failing as court cases related to Belo Monte face unreasonable delay and actors responsible for adverse human rights impacts are not being punished (see section 6.1.5).

Furthermore, the federal government seems to be insensitive for social protest. The initial 1989 plans for the dam led to strong protest and a 'First Encounter of the Peoples of the Xingu'. The new projects presented led to a 'Second Encounter of the Peoples of the Xingu' in May 2008 with 3000 participants, among them 1000 indigenous people (Hall & Branford 2012).²⁵ Further protests in 2010 underlined continuing antagonism to Belo Monte and the development paradigm that it symbolizes for many people. Movements were set up in other cities to support the people affected by Belo Monte (Hall & Branford 2012).²⁶ Although Belo Monte saw vivid protest, Brazil's former president Lula said that Belo Monte would go ahead 'by fair means or foul' (*na lei ou na marra*) (Hall & Branford 2012). He further said that 'fifteen or twenty thousand people cannot impede progress for 185 million Brazilians' (*quinze ou vinte mil pessoas não podem impedir o progresso de 185 milhões de brasileiros*) (Leroy et al. 2009).

These factors show that the Brazilian State strongly supports the Belo Monte project, despite large economic risks, officially acknowledged human rights violations, probable illegality of the project and strong civil resistance. Through a failing judicial apparatus and failing law enforcement the government continuously favours corporate interests in the Belo Monte case (see section 6.1).

The question remains *why* the Brazilian government wants, almost at all cost, develop this hydroelectric project. As these reasons are the same for all cases described, they will be discussed in section 5.3.4.

Privatization of Public Services and Institutions

The links between the State and the private sector in the Belo Monte case go further than mere state support for the construction of the dam. Norte Energia is increasingly supporting and executing traditional State services and institutions. In the licensing process, IBAMA (environmental authority that is charged with the licensing process) set conditions that had to be met before the construction of the dam could start. Many of these conditions concern traditional State services. The conditions are being executed (or should be executed) under the 'Projeto Básico Ambiental' (Basic Environmental Project, PBA) and the 'Programa Desenvolvimento Regional Sustentável Xingu' (Regional Sustainable Development Program Xingu, PDRS Xingu), for which Norte Energia receives an extra loan from BNDES. The conditions set by IBAMA and FUNAI include the examples shown in Box 3.

²⁵ Interview Antônia Melo, Movimento Xingu Vivo Para Sempre, 2 August 2013.

²⁶ Interview Antônia Melo, Movimento Xingu Vivo Para Sempre, 2 August 2013.

- Initiate and execute agreements aiming at the strengthening of environmental law enforcement and reduction of environmental crimes (IBAMA, OEMA-PA, Environmental Police, etc)
- Construct and reform health and education services
- Develop sanitation in Altamira, Vitória do Xingu, Belo Monte and Belo Monte do Pontal
- Make agreements for the regulation and administration of land rights in the affected areas
- Develop Terms of Compromise with municipalities that have no Director Plans; provide technical and financial resources
- Support: INCRA/ ITERPA (rural settlements), DNPM (protection of fossils), IPHAN, FUNAI, ICM Bio, SVS-MS (malaria)
- Develop state and municipal licensing (housing, schools, hospitals, etc)
- Provide permanent environmental education for users of turtles
- Develop a working group for the coordination and articulation of governmental actions
- Restructure public health for indigenous people in Altamira
- Control, supervise and watch over the Indigenous Territories of group 1 and 2.
- Adapt and modify the projects BR158 and PA167 (highways)
- Regulate Indigenous Territories: physical demarcation of the Indigenous Territories Arara da Volta and Cachoeira Seca: mapping of the lands, prevent fraud of the TI Apyterewa; solicit and help with the relocation of non-indigenous people occupying the area
- Develop terms of compromise between FUNAI and Eletrobras- help and assistance programs to indigenous peoples.
- Strengthen FUNAI's capacity to regulate land rights and protection of indigenous territories

Box 3, State services executed by Norte Energia. Source: MPF 2013d.

Now that Norte Energia is fulfilling (or forced to fulfil) these criteria, it is getting increasingly interwoven with the local government. Norte Energia (financially) supports local governments, sets up public services like schools and hospitals, and is involved in land titling and control of environmental crimes. Through the fulfilment of these conditions, the distinction between public and private services and authorities is getting blurred. As João Batista argues: 'the distinction between the government and Norte Energia is not easy to make'.²⁷ This has serious consequences for the region of Altamira.

The Amazon traditionally is a region with very little government support and control, many people are in high need of public services like education, health service or police protection (UNDP Brazil 2010). Now that Norte Energia is executing these public services, the region is becoming highly dependent on a private actor to provide public services. This makes the region vulnerable; it weakens the ability of various groups to criticize Norte Energia, as they have become dependent on the actor.²⁸

Another serious impact is related to the support of Norte Energia to public authorities like IBAMA, FUNAI or the Military Police, who are charged with law enforcement. According to the conditions set by IBAMA and FUNAI, Norte Energia has to support these organizations. Norte Energia further provides support to the Military and Civil Police in the form of accommodation and food. The Norte Energia logo is displayed on police and FUNAI cars. Norte Energia's support to these authorities results in an interwovenness between public authorities that are charged with the control of private actors for the protection of the public good, and the private actor (Norte Energia) that has to be controlled. This can seriously weaken the ability or willingness of the State actors to punish or otherwise control Norte Energia, as the authority has become dependent on Norte Energia. The effect might be larger: it is possible that State control over actors that are important for Norte Energia, like construction or mining companies, weakens as well. Furthermore, various civil society organizations report that those opposing Belo Monte and Norte Energia face increasing police control and suppression of social protest.²⁹

This (possible) diminishment in the ability of public authorities to control Norte Energia and related actors weakens the protection of the public good. This is especially dangerous in a situation where the private actor can have large impacts on the public good because of the nature or size of the business, which is the case with Norte Energia.

²⁷ Interview João Batista, Fundação Viver, Produzir, Preservar, 8 August 2013.

²⁸ Interview Marcelo Salazar, Instituto Socioambiental, 30 July 2013; Antônia Melo, Movimento Xingu Vivo Para Sempre, 2 August 2013.

²⁹ Interview Antônia Melo, Movimento Xingu Vivo Para Sempre, 2 August 2013; Presentation inhabitant of Altamira, National Meeting of Dam-Affected People, São Paulo, 4 September 2013.

As Sergio Martins claims: 'the whole State apparatus, the police, is working for the company. The public military force is working for the enterprise'.³⁰

5.3.2 Complexo Tapajós (BR)

Although the Complexo Tapajós is not in an advanced stage yet, the Brazilian State is already supporting the companies involved in order to achieve a quick realization of the projects.

The federal government is supporting the companies in the Grupo de Estudos Tapajós with military force. Operação Tapajós (Operation Tapajós), a combined action of the federal police, road police, national public security forces and armed forces, is being executed 'for the protection of researchers of the Grupo de Estudos Tapajós who conduct research on the territory of the Munduruku indigenous people' (MPF 2013f). As part of this operation, the Brazilian State sent 250 militaries to the city of Jacareacanga, close to the indigenous Munduruku territory. Various interviewees argue that the presence of military forces close to indigenous territory is a way to suppress protest and intimidate people.³¹

In April 2013, Brazil's federal judge suspended the operation, as he concluded that the indigenous people first had to be consulted before researchers could enter their areas (Terra de Direitos 2013). Subsequently, the operation was paralysed. However, in August 2013, the decision was overruled by the individual decision of another judge and the Brazilian State again sent between 250 and 300 militaries to Jacareacanga (MPF 2013f). The Munduruku still had not been consulted. Many Munduruku report to be intimidated by the military force (Santana 2013; MPF/PA 2013).³² By resuming the military actions and the studies, the State violates the right to Free, Prior and Informed Consent.

Another case in which the federal government supports the quick realization of the projects while denying civil rights is the reduction of Conservation Units close to the Tapajós dams. In January 2012, Brazil's president Dilma Rousseff limited the size of seven Conservation Units close to the Tapajós dams in order to facilitate the licensing process for the dam. This decision was taken through a 'Provisional Measure', limiting the constitutionally required possibilities for public debate. The decision clearly serves to quickly install the hydroelectric dams on the Tapajós River (ICMBio 2013). The State further plans to cut 18.700 hectares off the indigenous territory of the Munduruku, to facilitate the construction of the other dams in the Complexo Tapajós (Fearnside & Millikan 2013).

A preliminary study on the financial risks of the Complexo Tapajós concludes that the project will probably be economically unviable. However, there are various indications that the Brazilian State will, like in the Belo Monte case, become a large financier of the project (Cabral de Sousa Junior 2013). Secretary of State David Leal expects that the federal government will finance 100% of the project costs.³³

5.3.3 Chadin II (PE)

The Peruvian State has provided extensive police support at the Public Hearings for the dam. Various Public Hearings, obligatory under Peruvian law, saw large armed police forces covering the entrance to the venue. As interviewees who attended the meetings explain, the police used excessive violence against people attending the meeting and impeded critical people from entering the room (see section 6.3.1 and Annex 4) (Serra Vega 2013).³⁴

Odebrecht further used Juntos, a federal social program for the poorest, to convince people to vote in favour of the dam (Juntos 2013). A woman claiming to be from the programme Juntos convinced people to attend the Public Hearings and vote in favour and threatened that social support would be cut when they would not vote in favour (Serra Vega 2013). According to Villanueva, Simeon and Rivera Bravo, this woman further had lists of false signatures of people voting in favour of the dam (for

³⁰ Interview Sergio Martins, SDDH, 25 July 2013.

³¹ Interview Edilberto Sena, Movimento Tapajós Vivo, 19 August 2013; Interview Cândido Munduruku, Associação Indígena Pusurú, 27 August 2013

³² Interview Edilberto Sena, Movimento Tapajós Vivo, 19 August 2013; Interview Cândido Munduruku, Associação Indígena Pusurú, 27 August 2013.

³³ Interview David Leal, Seicom, 22 July 2013.

³⁴ Interview Mirtha Villanueva, Grufides, 17 September 2013; Interview Fabian Simeon, Forum Solidaridad Peru, 12 September 2013; Interview Romina Rivera Bravo, Forum Solidaridad Peru, 12 September 2013.

more details, see section 6.3.1 and Annex 3).³⁵ Although the woman later claimed not to be working for Juntos, this incident shows how the divisions between State and corporation get blurred in the Chadin II case.

Walter Castañeda Bustamante from the Rondas Campesinas in Cortegana and coordinator of Frente de Defensa del Río Marañón (Río Marañón Defense Front) further claims that officials of the Ministry of Energy and Mines went to the higher-situated regions that will not be directly affected by the dam to convince and pay people to attend the Public Hearings and vote in favour of the dam.³⁶ In this way they would manipulate the Public Hearings, as they would contribute to a non-representative Public Hearing, as people that will not be directly affected were overrepresented at this hearing (see section 6.3.1).

In more general terms, the bilateral agreement between Brazil and Peru, signed by former president García, is a clear form in which the Peruvian and Brazilian government support Brazilian hydroelectricity companies. As Brazilian companies dominate the South-American market for the construction of hydroelectric dams, they clearly benefit from this agreement. Given the questionable advantages of the agreement for Peru, the Peruvian government, by signing the accord, favours Brazil and its companies (Gamboa Balbín & Cueto la Rosa 2012; Little 2013; Cueto la Rosa 2011).

During the electoral campaign, current national president Humala clearly opposed against hydroelectric dams. However, when he came to power he changed his discourse and currently supports the dams. Leon and Villanueva from environmental NGO Grufides claim that this change in discourse is caused by pressure from Odebrecht, Yanacocha and the Brazilian state.³⁷

Various interviewees claim that Odebrecht has very strong ties with (ex-) congressmen, ministers and other powerful politicians. An anonymous interviewee³⁸ has directly observed that Odebrecht and congressmen and ministers have actively tried to convince local politicians (often people with little educational background) to support the hydroelectric dam, through direct payments, by offering products, by promising promotion to higher-level positions and by promising to pay education for kids of the local politicians. Mirtha Villanueva from Peruvian NGO Grufides claims that 'it is clear that Odebrecht pays various politicians to vote for laws favouring Odebrecht and to convince local authorities to support Chadin II'.³⁹ Leon claims that there are clear relations between the national government and Odebrecht. He thinks that the project has been declared of national interest so that local authorities lose their power to oppose against the project and the national government can impose the project.⁴⁰ Also Carlos Navas is convinced that local politicians are bought by Odebrecht: 'all receive payments from Odebrecht, there is no doubt'.⁴¹ Villanueva claims it is clear that local politicians are being convinced or put under pressure, as various politicians first being against the dam are now in favour. The vice-president of Cajamarca claimed that 'the dam will have to go over my dead body', but is now in favour of the dam.⁴²

As Peru has recently changed legislation to facilitate state investments in hydroelectric projects, it is possible that the Peruvian State will also financially support the project (DF 2013). In addition to the Peruvian State, the Brazilian State probably has an active role in the project. As discussed in section 5.1.3, it is reasonable to expect that BNDES will financially support the project, which is another form of links between the project and state actors.

In September 2013, legislators submitted a bill to the Congress that aims to speed the approval process for hydroelectric projects, which is another way in which State officials support hydroelectric projects in the country (Beingoleado Delgado 2013).

³⁵ Interview Mirtha Villanueva, Grufides, 17 September 2013; Interview Fabian Simeon, Forum Solidaridad Peru, 12 September 2013; Interview Romina Rivera Bravo, Forum Solidaridad Peru, 12 September 2013.

³⁶ Interview Walter Castañeda Bustamante, Rondas Campesinas, 22 September 2013.

³⁷ Interview Roy Leon, Grufides, 19 September 2013; Interview Mirtha Villanueva, Grufides, 18 September 2013.

³⁸ For security reasons, the interviewee requested to be anonymized.

³⁹ Interview Mirtha Villanueva, Grufides, 17 September 2013; Interview Carlos Navas del Aguila, Frente de Defensa del Río Marañón, 27 September 2013.

⁴⁰ Interview Roy Leon, Grufides, 19 September 2013.

⁴¹ Interview Carlos Navas del Aguila, Frente de Defensa del Río Marañón, 27 September 2013.

⁴² Interview Mirtha Villanueva, Grufides, 17 September 2013.

5.3.4 Construction Sector & Vale

In the two Brazilian cases described, the Brazilian State strongly supports the quick construction of hydroelectric dams while failing to protect human rights. Furthermore, the Brazilian state pushes for the construction of more hydroelectric dams both on domestic and foreign territory.

It is clear that the Brazilian State has an active role in the quick promotion and development of hydroelectric dams. But the question remains *why* the Brazilian State wants, almost at all cost, develop these dams.

One explanation can be found in its economic development policy. This policy focuses on investments in infrastructure projects in order to increase the extraction of natural resources for export. One of the priority sectors, especially in the Amazon, is the mining industry, an industry that requests access to large amounts of cheap energy (DNPM 2012). In order to fulfil this economic development policy, the Brazilian State is rapidly increasing its electricity generation capacity in the coming years. Therefore, in order to fulfil its economic development policy, the Brazilian government has a direct interest in quickly developing the construction of the dams and supporting sectors related to this construction.

But the historically strong bonds between the Brazilian State and the private sectors profiting from this policy should also be taken into account when trying to understand the government's enormous commitment to the development of hydroelectric dams. As Peng and Parente (2012) claim: 'compared to the multinationals from developed economies, emerging multinationals are unique with regard to their relationship with their national governments and their degree of political involvement'. The construction sector and Brazil's by far largest mining company, Vale, historically have strong bonds with the State, which will be discussed subsequently.

Construction Sector

The Brazilian construction sector is dominated by five companies: Andrade Gutierrez, Camargo Corrêa, Odebrecht, Queiroz Galvão and OAS. Four of these family-owned companies were founded in the 1950s; OAS was founded in the 1970s. Brazil has a long history of clientelism, patronage and regionalistic politics where some powerful families have strong control over economy and politics. The powers of these families are persistent and, although they change strategies, are still omnipresent in Brazilian politics and economy (Kingstone & Power 2008). The construction companies were founded by these historically strongly privileged families that have strong ties with political power (McCann 2005; IMD 2013).

At the end of World War II, political and economic liberalism were reintroduced in Brazil. As a strategy to protect the national economy, the government adapted a policy of import-substitution industrialization. An important aspect of this policy was the use of foreign-exchange controls to protect selected segments of domestic industry and to facilitate the importation of equipment and inputs for these selected segments of domestic industry (McCann 2005). The construction sector was one of these selected segments that gained intensive government support, which facilitated the emergence of the four large construction companies.

During the military government (1964-1985) the economic and political power of these companies grew strongly. The government developed large infrastructure projects as part of a policy of economic development and national security. These projects were outsourced to the large construction companies (McCann 2005). In the 1970s, when the Brazilian currency devaluated rapidly, the government developed a policy aiming at increasing self-sufficiency in many sectors. The main components of this policy were to promote import substitution of basic industrial inputs like steel and aluminium, and to make large investments in infrastructure projects like hydroelectricity dams and roads, executed by the construction companies (McCann 2005). This was the period wherein the fifth construction giant, OAS, joined the group.

In the second half of the 1990s, Brazil saw a privatization wave and construction companies diversified their business and increased their economic power by buying up state companies in sectors like telecommunication, sanitation or mining. Currently, construction companies are among the most powerful companies of the country. The three largest construction companies (Odebrecht, Andrade Gutierrez and Camargo Corrêa) are all in the top thirty of most powerful Brazilian companies (IMD 2013). These enterprises have large economic power and through this power also execute

political power and engage in networks, as described by Engels, Salamon & Siegfried and Foucault (see section 2.2).

Salazar (ISA) describes the Brazilian construction sector as follows: 'the Brazilian construction sector is comparable with the oil sector in the United States or in Europe. They are very powerful and strongly linked with the State'.⁴³

The sector is linked with the Brazilian government in several ways. The sector is the largest financial contributor to electoral campaigns. In the 2010 campaign, Dilma Rousseff, current president, received more than 27% of the total costs of her campaign from the construction sector (see Table 1) (Bramatti & Roberto de Toledo 2010).

Sector	Donations (R\$)	% Total	% Enterprises' contributions
Construction	36.885.494	27.2%	32.9%
Industry	19.226.830	14.2%	17.2%
Food & Beverages	15.338.046	11.3%	13.7%
Ethanol	10.222.383	7.5%	9.1%
Finance & Insurance	9.365.246	6.9%	8.4%
Real estate	4.415.564	3.3%	4.0%
Pharma & Chemical	4.457.679	3.3%	4.0%
Mining & Energy	4.346.525	3.2%	3.9%
Security	1.527.739	1.1%	1.4%
TOTAL	112.014.540	82.2%	100%

Table 1, Contributions to Electoral Campaign of Dilma Rousseff. Source: Bramatti & Roberto de Toledo 2010.

The construction companies are further linked with the Brazilian State through financial state support through state loans. The three largest construction companies all are among the 28 companies receiving most BNDES support between 2008 and 2010 (Balthazar 2010). Also, many interviewees argue this sector is highly vulnerable for corruption as it is highly dependent on state-financed projects. All Brazilian governments after the military period have suffered corruption (Kingstone & Power 2008). Camargo Corrêa and Andrade Gutierrez, two of the five large construction companies, were central in one of the largest corruption cases in Brazilian history (MPF 2009a).

As Carlos Tautz (IMD) argues, 'the construction companies have a privileged situation within fractions of the Brazilian State such as BNDES. They are not transparent at all, and they are so close and so large that they shape Brazilian economy. They are very big players; they are involved in very big business. The main bet of the Brazilian economic expansion strategy is to push these big corporations forward. Companies in the construction and mining sectors enjoy unconditional support from BNDES, only because they come from these sectors'.⁴⁴

In an interview, Public Prosecutor Tarcísio Feitosa confirms this: 'Construction companies have very strong links with BNDES to guarantee financing of their construction work'.⁴⁵

Marcelo Salazar says that 'the federal government is commanded by the construction companies. Or the other way around: construction companies can also be a tool through which politicians can reach their political goals'.⁴⁶

Vale

Mining is a highly energy-intensive industry and is dependent on cheap energy inputs. The Brazilian mining industry has repeatedly put pressure on the Brazilian government to subsidize energy.⁴⁷ At the same time, the Brazilian government executes an economic policy that prioritizes the development of the mining industry. In this way, the mining industry and the federal government become mutually

⁴³ Interview Marcelo Salazar, Instituto Socioambiental, 30 July 2013.

⁴⁴ Interview Carlos Tautz, Instituto Mais Democracia, 9 July 2013.

⁴⁵ Interview Tarcísio Feitosa, Public Prosecutor, 21 July 2013.

⁴⁶ Interview Marcelo Salazar, Instituto Socioambiental, 30 July 2013.

⁴⁷ Interview Ronaldo Lima, IBRAM (Brazilian Mining Association), 24 July 2013

dependent: the mining industry depends on the government for access to cheap energy and the government depends on the mining industry for the development of its economic plans.

As Tarcísio Feitosa argues, 'the mining companies are highly dependent on energy, so they pay the government to develop energy projects. The government is dependent on mining companies for the GDP'.⁴⁸ Tautz argues: 'construction of the dams is for sure a way to increase mining activities in the region. Corporations need huge amounts of subsidized energy in order to keep on extracting resources'.⁴⁹

Vale S.A., the world's second-largest mining company, dominates the Brazilian mining industry; it is responsible for about 70% of all mining activities in the country, controls 80% of the steel production and is responsible for 52% of all Brazilian export (DNPM 2013a; Leroy & Malerba 2010). Vale was a state-owned company until 1997 when it got privatized. However, the links with the Brazilian State are still very strong.

BNDES still controls 5.3% of the total capital, 6.5% of the ordinary capital and controls all golden shares, which gives veto right over important decisions (Vale 2013b). The federal government further controls 3.4% of the preferential capital.

33.7% of Vale's total capital and 53.9% of its ordinary capital is controlled by Valepar S.A..

Valepar is owned by the actors shown in Table 2:

Litel Participações SA	49%
Bradespar SA	21.21%
Mitsui & Co. Ltd	18.24%
BNDES Participações SA	11.52%
Eletron SA	0.03%

Table 2, shareholding structure Vale. Source: IMD 2013; Vale 2013b; Russau 2013.

Litel Participações is a company 100% controlled by Previ, the pension fund for employees of Banco do Brasil, the largest public bank of Brazil. BNDES Participações is 100% controlled by BNDES, the Brazilian development bank that is 100% owned by the Brazilian federal state. This means that large parts of Vale are still controlled with public money (IMD 2013).

BNDES is also the main funding source for Vale (FIDH et al. 2011). Between 2008 and 2010, Vale received second most of BNDES payments to private companies (only GDF-Suez received more), totalling R\$ 8.8 billion (≈US\$ 3.9 billion) (Balthazar 2010).

Vale is further linked with BNDES through high-level employees simultaneously working at both enterprises: one of the members of Vale's administrative council is simultaneously president of BNDES (Vale 2013a).

But BNDES is not only important for Vale. According to Ronaldo Lima (IBRAM), 'BNDES support is very important for the whole mining sector'.⁵⁰

Another way in which the mining companies are linked to the Brazilian government is through financial contributions to electoral campaigns. In the 2010 elections, the mining sector paid a total of R\$ 59 million (≈US\$ 26 million) to electoral campaigns (see table 1) (Reis Oliveira 2013).

The large economic power of the sector, combined with political power through network power, makes that the mining sector is highly powerful and strongly interwoven with the State.

5.4 System of Accumulation

'It is a whole system that works for the interests of a few'.⁵¹

⁴⁸ Interview Tarcísio Feitosa, Public Prosecutor, 21 July 2013.

⁴⁹ Interview Carlos Tautz, Instituto Mais Democracia, 9 July 2013.

⁵⁰ Interview Ronaldo Lima, IBRAM, 24 July 2013.

⁵¹ Interview Carlos Tautz, Instituto Mais Democracia, 9 July 2013.

'Hydroelectric dams make the rich richer and the poor poorer'.⁵²

The characteristics of the system of accumulation at play are comparable in the three cases, so they will be discussed together. The analysis will focus on the accumulation of resources and power.

Resources

The MEC is a system where money is being accumulated. In the case of Belo Monte, large amounts of public money (the largest amount in the country's history) are being devoted to an economically unviable project and will mainly end up in the hands of companies that are already among the richest in the country (the construction companies), or in the hands of powerful multinationals (Verdum 2013). The Tapajós projects probably are economically unviable as well and are expected to receive large amounts of financial state support, up to 100% (Cabral de Sousa Junior 2013).⁵³ In the case of Chadín II, a project that probably also receives support from BNDES, Brazilian tax money is invested abroad, while Brazilians probably see little profit from these investments, as most energy will go to energy-intensive industries. Furthermore, the industrial sector pays much lower tariffs than residential consumers: in 2007, the latest data available, industry paid an average of R\$ 216,61/MWh (≈US\$ 94), whereas residential consumers paid R\$ 293,59/MWh (≈US\$ 127) (ANEEL 2013).

By installing hydroelectric dams in remote areas, the governments strongly support the mining industry by providing access to cheap energy in remote areas. The mining and metallurgical sectors consume about half of the installed capacity of electricity generation in Brazil's northern region (Leroy & Malerba 2010). Also in Peru, probably large parts of the generated energy will be consumed by mining companies, as mining is expected to increase strongly in coming years, especially in the Cajamarca region (De Echave & Diez 2013). So governments devote large amounts of public money to projects that mainly favour mining and other energy-intensive industries. Mining companies' contribution to local development is small. The mining activities in northern Brazil lead to deforestation, large-scale pollution, forced evictions and local protest. Also in Cajamarca in Peru, mining activities have not led to improvement in the quality of life in the region, and have probably deteriorated it (Bury 2004; De Echave & Diez 2013). Furthermore, the contribution of mining companies to local development through taxes is little: in the Brazilian states of Pará, Mato Grosso and Rondônia, the export of primary goods and semi-elaborated products is set free from taxes (Rodrigues da Cunha Soares 2007). Moreover, the mining sector is a labour-extensive sector that contributes little to local employment. The hydroelectric projects thus mainly favour industries that are already among the richest and powerful in the countries. Many people living in the affected areas still have no access to the electric grid and improvements of the grid advance very slowly (Alliance for Rural Electrification 2013).

In the case of Belo Monte, public actors like state companies and pension funds bear the largest financial risks. One of the pension funds, Previ, is strongly linked with Vale, as the current president of Vale is simultaneously director-president at Previ. Another member of Vale's administrative council is director of Real Estate at Previ (Vale 2013a; Vale 2012a; Vale 2012b). This makes that Vale has significant control over Previ, one of its main funding sources.

The MEC is also a system where natural resources are being accumulated through a process of accumulation by dispossession (Rivero & Cooney Seisdedos 2010). Accumulation by dispossession can take place through 'commodification and privatization of land and the forceful expulsion of peasant populations; the conversion of various forms of property rights (common, collective, state, etc.) into exclusive property rights; the suppression of rights to the commons; the commodification of labour power and the suppression of alternative (indigenous) forms of production and consumption; and colonial, neo-colonial and imperial processes of appropriation of assets' (Harvey 2003). In the case of the hydroelectric dams, control over land and rivers is being privatized in corporate hands and commodified, while people that are highly dependent on these resources face limited access to these resources and are being expelled from their land. Furthermore, the MEC facilitates large-scale export of mineral resources from the regions, with little benefits for the local population (Vargas 2013).

Power

The MEC is a system with strong **network power**. As State and private actors pursue common goals and have become mutually dependent to realize their objectives, they combine their forces to achieve their common objectives. By doing so, various forms of State power are being combined with

⁵² Presentation Gilberto Cervinski, MAB, National Encounter of Dam-Affected People, São Paulo, 3 September 2013.

⁵³ Interview David Leal, Seicom, 22 July 2013.

economic powers of private actors, making it a highly powerful block, the MEC. Through this network power, the State apparatus, such as legislative or military power, is working to favour private interests. Furthermore, powers that should be used by public actors to control private actors in order to protect the public good, such as law enforcement, are being declined or 'taken over' by private actors, which blurs the borderline between market and State actors and impedes the due protection of human rights and the environment. This creates a situation wherein the State and private actors form one block with the same goals, and use (or not use) their powers to pursue the common goals. This gives this 'block' enormous network power. The large network power of the MEC makes it a system that is very difficult to touch or influence, as will be discussed in chapter eight.

Furthermore, the State and private actors use ways to limit the network power of actors opposing against the projects, through criminalization of social protest or through misleading local communities. By doing so, the relative network power of the MEC grows even larger and faces less opposition.

The MEC also possesses important **productive power**. In various places where dams and mines are being installed, access to information is limited due to the remoteness of the areas, lack of communication technologies, and poor quality of education (UNDP Brazil 2010). According to numerous interviewees, corporations use this lack of access to information to make communities believe in the benefits of a hydroelectric project. Various interviewees claim that corporations use tactics to mislead affected communities, to divide them, or to make promises about increasing employment opportunities, economic growth, access to public services and proper compensation (see chapter six).⁵⁴ The State further supports these claims by stating that the development of the MEC is essential for national economic development. Many people get to believe or hope in this development and therefore support the project.

The productive power impacts the **disciplinary power**. As people get to believe in the positive development impacts of the hydroelectric project, protest and local resistance get severely weakened. In this way the MEC influences actual behaviour of people and thus executes disciplinary power. In the case of Belo Monte, Norte Energia further executes disciplinary power by supporting schools and hospitals and in this way making people dependent on Norte Energia. By doing so, it weakens resistance: people no longer resist as they have become dependent on Norte Energia. Furthermore, various interviewees claim that actors in State institutions that are supported by Norte Energia handle in favour of the consortium, making that Norte Energia also executes disciplinary power over these actors. Many interviewees claim that this disciplinary power is very strong and limits local resistance.⁵⁵

Pre-democratic power relations

In the analysis of the South-African MEC, Fine and Rustomjee argue that the MEC is 'a system wherein pre-democratic (Apartheid) power relations are being continued. The dominant actors in Apartheid continue to have large control over the MEC and therefore societal class structure has been held intact by the MEC' (Fine & Rustomjee 1996). The same holds for the Brazilian MEC: construction companies that have their roots in the military period, continue to have a lot of power in the MEC and are among the most powerful companies in the country. Through these companies pre-democratic power relations seem to be continuing. But also the discourse underlying the economic development model that lies at the basis of the MEC has striking parallels with the model from military times.

In the mid-1960s, Brazil's military government attempted to physically and economically integrate the Amazon with the rest of the country based on a succession of frontier development efforts emphasizing fast economic growth. The initial impulse to develop the Amazon came from the military's nationalist geopolitical perception that Amazonia was a vacuum- strategically vulnerable and economically underutilized. When the military got to rule over the country between 1964 and 1985, its perspective became the basis for policy. It determined that the region's tropical forests, mineral resources, low population density, and river basins, were an obstacle to its progress. The military enrolled a geopolitical development model that did not fit well the ecological and social characteristics of the region. The military constructed roads crossing the Amazon, opening the area for large-scale resource exploitation without addressing the needs of the inhabitants of the region. The decision-

⁵⁴ Interview Raione Lima, CPT, 15 August 2013; Interview Thiago Alves, MAB, 15 August 2013; Interview Antônia Melo, MXVPS, 2 August 2013; Interview Jorge Chavez, PIC, 22 September 2013; Interview Walter Castañeda Bustamante, Rondas Campesinas, 22 September 2013.

⁵⁵ Interview Antônia Melo, MXVPS, 2 August 2013; Interview Eliane Moreira, Federal University, 26 July 2013; Interview Tarcísio Feitosa, MPF, 21 July 2013; Interview Cleidiane Santos, MAB, 15 August 2013.

making process was centralized and disproportionately favoured sectors that were closely allied with the state (or allied with similar economic goals), like the agricultural, timber and mining sectors. The program limited access for sectors that were traditionally disenfranchised. Therefore, policy decisions benefited specific segments of society while failing to generate any widespread development in the region (Carvalho et al. 2002).

Despite the numerous negative effects of the military's development plan for the Amazon region, such as large-scale deforestation, deterioration in the quality of life of Amazon people, the adverse impacts on indigenous people and increasing violence in the area, current policies for the Amazon still focus on large infrastructure projects that are seemingly disconnected from social and rural development policies that could improve the population's quality of life. Since 1995, President Fernando Henrique Cardoso's administration has been outlining plans that emphasize the expansion of Brazil's economic infrastructure into the Amazon, focusing on the development and modernization of the transportation and energy sectors to allow the country to compete in the global economy (Carvalho et al. 2002; Lemos & Roberts 2008). This model of large-scale infrastructure projects, top-down decision-making and little attention for local needs is being continued under current president Rousseff. It seems that little has changed in the economic development model applied in the Amazon.

Furthermore, it is striking how many interviewees refer to the hydroelectric projects as dictatorial (without specifically having asked them about the military period):

*[Referring to Belo Monte, KK] 'There has been no case in Brazil with so many human rights violations and violations of Brazilian law, almost as during the military dictatorship. The project is a legacy of the military time, and the way in which it is being implanted is the same as in that period. Everything is being done in a wrong way, that's very clear.'*⁵⁶

*'Belo Monte continues to be developed with norms from the military dictatorship. With the same behaviour of disrespecting laws, with human rights violations, with disrespect of socioenvironmental rights, with all types of laws.'*⁵⁷

*'The government is using dictatorship in the Amazon for the sake of economic growth. In this region, Dilma [Rousseff, KK] is using the same arbitrary methods as the military government.'*⁵⁸

5.5 Conclusions

The three cases studied show strong links between the State, the hydroelectric projects and mining companies in the region. State and corporate actors and interests are strongly interwoven and mutually dependent; the Brazilian and Peruvian States have incorporated the interests of the private companies in their economic development policies, by developing numerous hydroelectricity plants and by prioritizing the energy-intensive mining industry. Therefore, the Brazilian and Peruvian State strongly support the development of these sectors through financial support and through deploying state powers (judiciary, legislative and executive) at the favour of the fast development of hydroelectric projects, thereby violating national laws and international human rights. The state-corporate locomotive creates a system of accumulation where resources and power are concentrated in the hands of a selective segment of the economy, which are mainly Brazilian hydroelectricity companies and Brazilian or other international mining corporations.

As the criminologists Michalowski and Kramer (2000) identify, 'great powers and great crimes are inseparable. When economic and political powers pursue common interests, the potential for harm is magnified further'. The UN Working Group on the issue of human rights and transnational corporations and other enterprises further states that 'when a state assigns strategic importance to the realisation of a given project, indigenous communities are at an increased risk of political and economic marginalization' (UNHCR 2013b). Therefore it is important to study the human rights risks and impacts in the three cases, which will be done in the following chapter.

⁵⁶ Interview Eliane Moreira, Federal University, 26 July 2013.

⁵⁷ Interview Antônia Melo, Movimento Xingu Vivo Para Sempre, 2 August 2013.

⁵⁸ Interview Edilberto Sena, Movimento Tapajós Vivo, 19 August 2013.

6. Adverse Human Rights Impacts & Human Rights Risks

The present chapter presents the adverse human rights impacts. For every case, adverse impacts will be discussed. The impacts are being divided in groups, as not every individual impact can be discussed. In the cases of Tapajós and Chadin II, also future human rights risks are being discussed. Chapter seven will then discuss how responsibilities for these impacts are divided.

6.1 Belo Monte (BR)

The adverse human rights impacts related to the Belo Monte dam are so numerous that they will not all be discussed here. Nevertheless, the impacts can be subdivided in different groups, looking at the cause or nature of the impacts. Therefore these groups of impacts will be discussed subsequently.

6.1.1 Drop in River Runoff & Forced Evictions

The design of the Belo Monte dam is such that the natural flow of the Xingu river will be altered drastically; the original river flow will be led through two canals, leaving the original big bend (Volta Grande) almost dry. The design of the Belo Monte dam is represented in Figure 15. Due to the drastic change in the river flow, various indigenous groups, ribeirinhos and other inhabitants living on the riverbanks of the Volta Grande will be left with very little water in the river they are highly dependent upon (MPF 2011a).

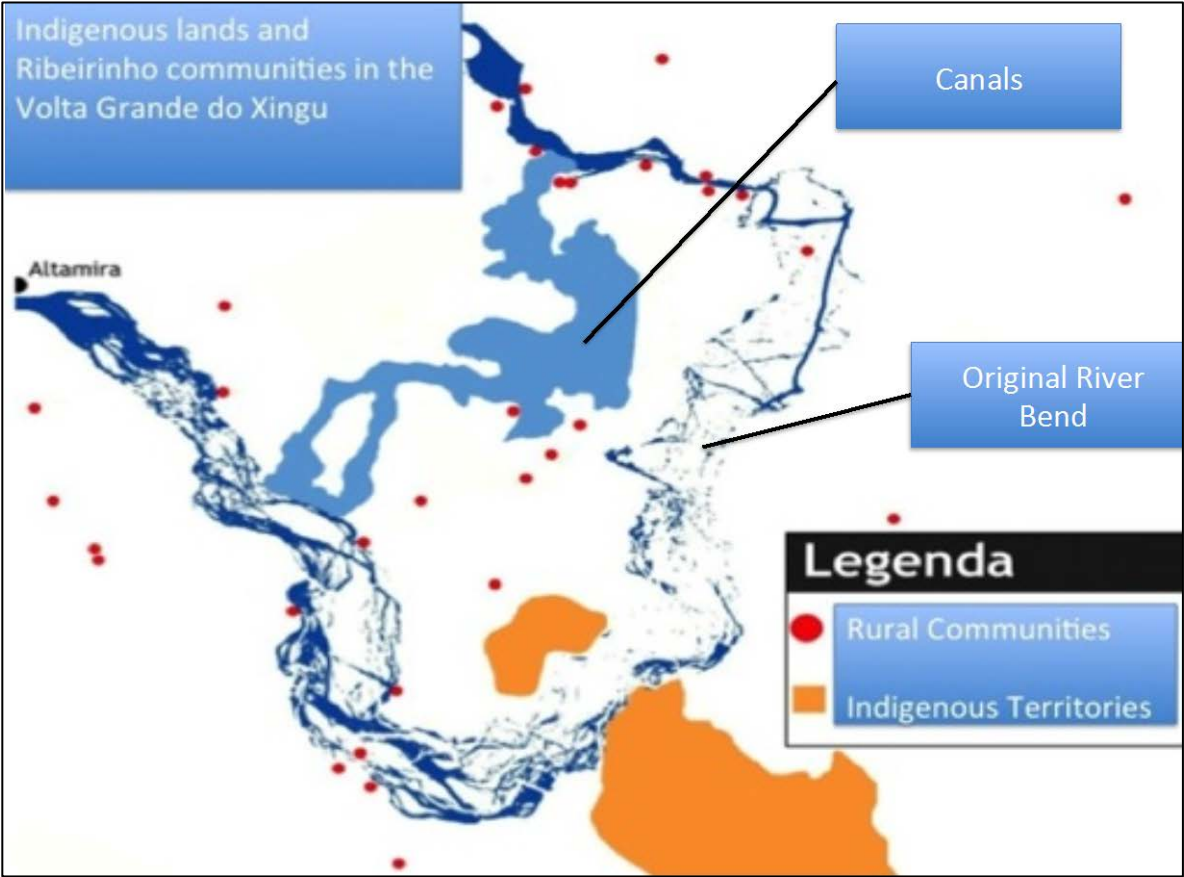


Figure 15, Design of the Belo Monte dam (MPF 2011a, adapted).

The indigenous and ribeirinho groups in the Volta Grande region live from collecting fruits, fishing, hunting and small-scale agriculture. The Xingu River is essential for the subsistence of these communities, as fish is their principal source of protein (Forsberg et al. 1993). A severe drop in river flow therefore seriously threatens the food security of these communities. Furthermore, the river is used for transport between different areas and to the city of Altamira, where products can be sold on the market. When the river falls dry, the communities will remain isolated, as the largest part of the area cannot be reached by road. The possibilities for these communities to trade in the city of Altamira will be severely diminished (Magalhães 2009). The access to clean drinking water will be severely damaged as well, because the water quality in the original riverbed will deteriorate (MPF 2011a). The

lowering of the water table will further harm agricultural production. The formation of small, stagnant pools of water in the original riverbed will provide a breeding ground for malaria and other waterborne diseases, threatening the health of inhabitants of the area (Gorayeb 2009; IACHR 2011).

The Inter-American Commission on Human Rights (IACHR) has concluded that the alteration of the river flow will violate the right to life and physical integrity of numerous indigenous communities. A group of Brazilian researchers estimates that 1,400 indigenous people from ten different communities will be forced to move (Cabral de Sousa Júnior et al. 2010; Cabral de Sousa Júnior et al. 2006). The forced eviction will have severe impacts on the indigenous communities. As UN Special Rapporteur James S. Anaya and Robert A. Williams Jr. (2001) state, 'the rights of indigenous peoples cannot be fully understood without an appreciation of the profound, sustaining linkages that exist between indigenous peoples and their lands'. Their forced eviction will thus have profound impacts on their rights and quality of life.

Also ribeirinho and other communities have to leave the region. The number of non-indigenous people in the Volta Grande that are forced to move is much larger than the number of indigenous people. Most people affected by the drop in river flow have left the region already because the construction works have already damaged the river runoff.⁵⁹

Most of these affected groups receive no compensation, as they are not considered directly impacted in the EIA (Eletrobras 2009). Only indigenous groups receive some compensation. This compensation was one of the obligations set in the preliminary licence (MPF 2013d). However, these compensations, mainly in the form of products like cars or machines, do not fit the specific needs of these communities.⁶⁰

Forced evictions are defined as the permanent or temporary removal of individuals, families and/or communities against their will from their homes and/or land which they occupy, without the provision of, and access to, appropriate forms of legal or other protection (Langford & du Plessis 2006).

The World Commission on Dams (2000) concludes that 'displacement is being defined both as 'physical displacement' as well as 'displacement of ways of living''. The World Bank further stresses that the lack of land titles cannot be used as a reason to dismiss these groups from compensation and rehabilitation (World Bank 2004).

Forced evictions constitute gross violations of a range of internationally recognized human rights, including the human rights to adequate housing, food, water, health, education, work, security of the person, freedom from cruel, inhuman and degrading treatment, and freedom of movement (UNOHCHR 2013).

Box 4, Forced Evictions.

The change in the original river flow will have impacts on the **rights to life, physical integrity, and an adequate standard of living** of people living in the Volta Grande area, including indigenous peoples. Many people will be forcibly evicted, as their way of living is no longer possible as a result of the drop in river runoff. As described in Box 4, forced evictions impact a **range of human rights**. The **right to health** is also being affected as a result of the increased risk for waterborne diseases like malaria and dengue.

In a region much larger than the Volta Grande, the dam will have an impact on the fish stocks. Damming severely harms the river's biodiversity (Kingsford 2000; Tockner et al. 2010). This drop in fish stocks will affect riverine communities in the entire basin, many of them being indigenous groups. Furthermore, the drop will affect fishermen, who live both in the city of Altamira as in the rest of the basin. Many of these fishermen will have to find other sources of income. These affected groups receive no compensation.⁶¹

⁵⁹ Interview Marcelo Salazar, Instituto Socioambiental, 30 July 2013; Interview Andreia Baretto, Public Defender Altamira, 2 August 2013.

⁶⁰ Interview Marcelo Salazar, Instituto Socioambiental, 30 July 2013.

⁶¹ Interview Andreia Baretto, Public Defender Altamira, 2 August 2013; Interview João Batista, FVPP, 8 August 2013.

As a result of the drop in fish stock, the **right to an adequate standard of living** (mainly the right to adequate food) and the **right to work** are being impacted.

6.1.2 Land Occupation & Forced Evictions

516 km² of land will be flooded as a result of the construction of the dam (Eletrobras 2009). The construction area adds up to the amount of land that will be occupied by the dam. According to the Public Prosecutor, thousands of families will be affected and will suffer serious harm as a result (MPF 2011b). As the Public Prosecutor claims, 'we received numerous cases of disrespect to land rights, as Norte Energia technicians entered peoples' houses without the peoples' consent, thereby violating Brazilian laws. Some representatives of Norte Energia represented themselves as government agents in order to force residents to do away with their properties for the construction of the dam' (MPF 2011b).

The problems over land occupation in the region affected by the Belo Monte dam cannot be understood without understanding the severe problem of land titling in the region. In the Amazon, about 30% of all land is legally undefined or contested (Wilkinson et al. 2012). Many people living in the area have no official land titles and various government programs to solve this problem lack implementation. As a result, many people have difficulties in proving that they have right to the land they live on. Most people living in the region are highly dependent on the land for their subsistence. Most inhabitants of the region are poor, making that they have little buffer to overcome problems as a result of loss of land.

The federal public prosecutor argues that 'there is clear evidence that the affected people are not being identified, affected people have little access to information, and there is a clear disrespect for constitutional laws concerning the right to housing' (MPF 2011b). As a result, many people are forcedly evicted.

Andreia Baretto, public defender in Altamira and coordinator of all Belo Monte cases confirms this: 'we see many land conflicts related to Belo Monte. Many people were forced to leave their land. People are being compensated in a bad way, and many were not compensated at all'. According to Marcelo Salazar from the NGO Instituto Socioambiental, who works in the lower Xingu region, the compensation process is very unclear. 'Some people get high compensations, but most people get very small amounts of compensation or no compensation at all'.⁶²

Andreia Baretto: 'many farmers or ribeirinhos in the region are analphabetic. They don't know what a hydroelectric dam is. These people are vulnerable, as they are extremely poor and poorly attended by governmental support. When a company comes to his territory, this ribeirinho or farmer already feels like having lost. He doesn't know his rights and knows he is the weaker link. He has fear for the corporate actors, as he doesn't understand these negotiations and processes. He feels intimidated. This holds for almost everyone who requests assistance from the public defender'.⁶³

Several interviewees report a large imbalance in negotiation capacity for compensation. Salazar: 'Many people living in the region are easily impressed by the amount of money offered to them. They live in a largely informal economy where money has no big role. These people are poorly informed about the project and about the actual value of the compensation offered. Many of these people accept the compensation and some time later they discover this amount is clearly not enough to buy new land or to provide a living'.⁶⁴

Andreia Baretto argues that Norte Energia uses sophisticated methods to pay as less compensation as possible. She explains that before the EIA was conducted, Eletrobras (largest participant in the Norte Energia consortium) already bought many people off their territory for a low price, in order to reduce the amount of people that has to be compensated for a fair price. As she argues, many rural communities do not know their rights and are easily impressed by 'a man in a suit with an authoritative appearance who says they have to leave their land in exchange for some money'. Baretto argues that Norte Energia profits from the weak situation of many people in the area by intimidating and overruling

⁶² Interview Marcelo Salazar, Instituto Socioambiental, 30 July 2013

⁶³ Interview Andreia Baretto, Public Defender Altamira, 2 August 2013

⁶⁴ Interview Marcelo Salazar, Instituto Socioambiental, 30 July 2013

them. Baretto: 'there is a clear disequilibrium between the power of the company and the affected people'.⁶⁵

Salazar affirms that Norte Energia uses strategies to diminish the negotiation capacity of the affected people. 'Norte Energia only negotiates with affected people on an individual basis. By doing so, Norte Energia weakens community structures that are very important in this region and weakens the negotiation capacity of the affected people. By dividing up communities, Norte Energia has much more power in the negotiations and can more easily negotiate compensation beneficial for the company'.⁶⁶ Baretto also reports the strategy of Norte Energia to treat cases on an individual basis. She explains that this strategy not only diminishes the negotiation capacity of the affected people, but also often leads to conflict within communities, as some people receive more compensation than others or people disagree on strategies chosen. These conflicts can harm community structures and further weaken these groups.⁶⁷

Baretto further argues that Norte Energia has little understanding of the needs of different groups. 'Ribeirinhos clearly have different needs than farmers. Ribeirinhos have communal land, but Norte Energia asks them what their individual property is. When a ribeirinho cannot show his individual stretch of land, Norte Energia will give no compensation'.⁶⁸

Baretto assists people who have suffered from unfair or no compensation. As a coordinator of Belo Monte cases at the public defender's office in Altamira, she knows every case related to Belo Monte presented at the public defender's office. In some cases, the parties have remediated and compensation has been promised. Other cases went to court. However, as Baretto claims, 'In general, people see no positive result of these court cases'. Only one of the court cases has been concluded, but the affected people who won this case still need assistance of the public defender to actually receive the compensation. Most court cases have been suspended by the judge in Belém. Furthermore, all people who were promised compensation in mediation are still awaiting the compensation. As Salazar claims, 'affected people have very little capacity in comparison to Norte Energia. Court cases are often exhausting for affected people'.⁶⁹

Many cases of poor compensation go unseen. As Baretto claims: 'culturally, ribeirinhos don't like to get involved in judicial processes. They confuse the public defender with other governmental institutions they don't trust and thus ask no judicial assistance'. Sergio Martins, advocate at human rights organization SDDH affirms this: 'many people have received way too less compensation, but very little of them go to the Public Defender or Prosecutor. But they feel, they know it is not correct'.⁷⁰

Also people living in the city of Altamira will be affected by flooding. Many of them also face difficulties concerning compensation, as the quality of alternative housing provided by Norte Energia is poor and only half of the alternative housing has been finished (IBAMA 2013; MPF 2013e).⁷¹

As a result of the forced evictions and the lack of compensation, a **range of human rights** are being impacted upon (see box 6). Furthermore, several **Brazilian laws** are being violated (MPF 2011b).

6.1.3 Meaningful Stakeholder Engagement Free, Prior and Informed Consent

The indigenous communities affected by the Belo Monte dam have not been consulted, although the project directly affects their lands and resources (MPF 2006). In the EIA they were typified as 'indirectly affected', because their lands will not be flooded. However, as described in section 6.1.1, the drop in the river runoff will severely impact indigenous communities. Nevertheless, the fact that they were defined in the EIA as indirectly affected was used as an argument for not executing Free, Prior and Informed Consent (MPF 2010).

⁶⁵ Interview Andreia Baretto, Public Defender Altamira, 2 August 2013

⁶⁶ Interview Marcelo Salazar, Instituto Socioambiental, 30 July 2013.

⁶⁷ Interview Andreia Baretto, Public Defender Altamira, 2 August 2013.

⁶⁸ Interview Andreia Baretto, Public Defender Altamira, 2 August 2013.

⁶⁹ Interview Marcelo Salazar, Instituto Socioambiental, 30 July 2013.

⁷⁰ Interview Sergio Martins, SDDH, 25 July 2013.

⁷¹ Interview Andreia Baretto, Public Defender Altamira, 2 August 2013.

The right to Free, Prior and Informed Consent (FPIC) is generally understood as the right of indigenous peoples and other traditional communities to approve or reject proposed actions or projects that may affect them or their lands, territories or resources (UN 2008; ILO 1989; Presidência da República 2007). The most recent articulation of FPIC is the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), which contains a number of provisions that address FPIC as follows:

Article 10. 'Indigenous peoples shall not be forcibly relocated from their lands and territories...without the free, prior and informed consent of the indigenous peoples concerned...';

Article 32. 'States shall consult and cooperate in good faith with the indigenous peoples concerned...in order to obtain their free, prior and informed consent prior to the approval of any project affecting their land or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources' (UN 2008).

The right to FPIC is guaranteed in the ILO 169 Convention on Indigenous and Tribal Peoples (ILO 1989). Brazil has ratified this convention in 2002 and Peru has ratified it in 1995 (MPF 2006; Defensoría del Pueblo 2010). The Brazilian constitution further protects this right. Article 231 states that indigenous communities have the right over the territories they traditionally occupy (MPF 2006).

Box 5, the right to Free, Prior and Informed Consent.

The Inter-American Commission on Human Rights (IACHR) concluded that the right to free, prior and informed consent was violated during the decision-making process that resulted in the decision to alter the river runoff. The IACHR called upon the Brazilian government to halt the licencing process (IACHR 2011). As a reaction to this statement, the Brazilian government urged the IACHR to revise the statement, threatening to retreat its ambassador and freeze its payments to the IACHR. Subsequently IACHR revised its statement, but the reaction of the Brazilian government is by many seen as a power play undermining the authority of this international body (Hall & Branford 2012).

Also the ILO concluded that the indigenous people affected have not been duly consulted and called upon the Brazilian government to consult indigenous peoples before the harmful effects of the plant may have become irreversible (ILO 2012). James Anaya, UN Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people also expressed his concern about the lack of FPIC and calls on the Brazilian government to 'carry out adequate consultations with these peoples, and to endeavour to reach consensus with them on all aspects of the project affecting them' (UNHRC 2010b).

On 13 August 2012, a Brazilian judge concluded that indigenous communities had not been consulted and that therefore the ILO 169 convention had been violated (ILO 2012). Jaichand, Professor of International Human Rights, and Brazilian lawyer Sampaio (2013) also conclude that the right to FPIC has been violated. There is thus broad consensus among both international human rights organizations and academics that the **right to free, prior and informed consent** has been violated.

General Consultations

Official decision-making for Belo Monte started in 2005, when the Senate approved the dam in 48 hours under a 'super-urgent' regime with no debate and without the constitutionally required consultations with the affected tribes (Fearnside 2012). This super-rapid decision-making violated the right to meaningful stakeholder engagement guaranteed in Brazilian legislation.

Furthermore, Brazilian environmental law obliges Public Hearings for projects of the size of the Belo Monte dam. These Public Hearings, most of them conducted within six days in September 2009, are destined for all affected or interested people (ISA 2013). However, the Federal Prosecutor has identified several problems with these Public Hearings. The hearings were only held in a few affected communities and as a result, the hearings were not accessible for many affected people, as they were too remote. Furthermore, the venues available for the Public Hearings were too small to accommodate all people (MPF 2009b). The **right to meaningful stakeholder engagement** has thus been harmed in the decision-making process for the Belo Monte dam.

6.1.4 Licensing Process

The licensing process for Belo Monte has seen several irregularities and is subject of twenty lawsuits filed by the Public Prosecutor (MPF 2013g).

The Environmental Impact Assessment (EIA), obligatory under Brazilian legislation, was concluded in 2009, but contained various faults and omissions. According to a collective of Brazilian researchers, considerable impacts were left out, like the impacts on the river flow and fish stocks. Furthermore, the number of affected people was highly underestimated (Barbosa Magalhães Santos & Del Moral Hernandez 2009; MPF 2007a). In the EIA, common methods and knowledge that could have reasonably been expected to fully consider the impacts of the dam were not applied (Barbosa Magalhães Santos & Del Moral Hernandez 2009).

This incomplete EIA formed the basis of a highly controversial licensing process. Based on the EIA, IBAMA, the Brazilian environmental agency that is charged with the licensing process, set 40 criteria to be fulfilled before the installation license could be issued. FUNAI, the Brazilian agency for indigenous affairs, set another 15 criteria for indigenous affairs. These criteria were meant to remediate the adverse impacts of the dam. However, only some of these criteria were met when the 'partial' installation license, allowing the construction of the dam, was granted (Fearnside 2012; MPF 2012). 'Partial' licences are non-existent in Brazilian legislation and many interviewees regard this licence as a way to circumvent the official licencing procedures (Fearnside 2012). IBAMA has seen several high-level officials dismissed from their posts after attempting to oppose the project (Galindo da Fonseca & Bourgoignie 2011). Brazil's Federal Prosecutor (MPF 2013b) alleges that IBAMA has violated several Brazilian environmental and constitutional laws during the licensing process. These court cases are still pending.

At the day of writing, the conditions set by IBAMA and FUNAI have still not been fulfilled. None of the FUNAI conditions have been fulfilled and 10% of the IBAMA criteria has been fulfilled (IBAMA 2013; ISA 2013). As IBAMA claims, 'there is a clear gap between the speed of the advancement of the construction and the advancement of the fulfilment of the criteria. This could result in a delay in the issuing of the Operational License for the project' (IBAMA 2013). In a court case concerning one of the conditions, the Federal Judge of Pará State decided that the condition had not been met and gave Norte Energia 60 days to fulfil the condition or face daily fines of R\$20.000 (≈US\$8682) (AIDA et al. 2013).

According to Brazilian law, all conditions set by IBAMA and FUNAI have to be met before an installation licence can be granted (Galindo da Fonseca & Bourgoignie 2011). Therefore the license for the Belo Monte dam **violates Brazilian law**. The International Bill of Human Rights further stipulates the **right to equal protection of the law**. As the licences for the dam have been given under a non-regular regime, the right to equal protection of the law has been violated.

Furthermore, the non-compliance of the conditions set by IBAMA and FUNAI, which are meant to remediate the adverse impacts of the dam, aggrieves the negative impacts and the non-compliance of the conditions can therefore be regarded as **contributing to the impacts on the rights to life, physical integrity, an adequate standard of living, and health**.

6.1.5 Failing Judicial Apparatus

Every interviewee representing victim groups or the Public Prosecutor or Defender reports a failing judicial apparatus that continuously works in favour of corporate interests.

Firstly, the judges are not forthright in their decisions. 'The auction for the Belo Monte project and the provisional license were cancelled by the office of the Federal Attorney General on the grounds that the process was illegal and infringed article 176 of the Constitution by not taking due account of the impacts on indigenous lands. But this decision was itself annulled on appeal and the auction results were reinstated the same day. The Federal Public Prosecutor filed a lawsuit against Belo Monte and a judge blocked the project on the grounds that all preconditions had not been satisfied. Continuing the ding-dong battle, on 3 March 2011 a regional federal judge overturned this decision, allowing preparatory work to start immediately' (Hall & Branford 2012).

Baretto reports the same: 'in the cases concerning compensation, the judge of Altamira often decides in favour of the affected people. But then Norte Energia takes the case to the judge in Belém and there nearly all processes are being suspended'.⁷²

⁷² Interview Andreia Baretto, Public Defender Altamira, 2 August 2013.

Many also report the problem of court cases that are unreasonably being delayed or rejected for unclear reasons: 'Court cases can take years, but in the meantime, people get nothing, no compensation, nothing'.⁷³ 'Most of the cases dealt with in Belém are being suspended'.⁷⁴ Moreira and Salazar expect these court cases are being delayed or suspended under pressure of corporate actors involved in the Belo Monte project. As Galindo da Fonseca and Bourgoignie (2011) claim, 'legal actions have been rejected based on unclear elements and the legal processes in place have been customised to meet specific interests'. The fact that at the time of writing only one of the twenty cases filed by the Federal Public Prosecutor since 2001 has been concluded, illustrates the unreasonable delay of most cases (MPF 2013a). Various cases concerning the legality of the project are taking more than ten years already and meanwhile construction of the dam is continuing. As Eliane Moreira explains, 'by suspending the cases, the judicial system gives the government and companies the possibility to claim that there is no problem with human rights, that everything is being done in a legal way'.⁷⁵

Partial or biased judges also form a serious problem: 'the judge is totally biased. Biased, biased, biased. The judges are strongly linked to the local power. The power of Norte Energia is superior to all, including the local public power. The judges are fully linked to Norte Energia's practices. We know judges use practices that favour the company.'⁷⁶ As Feitosa claims: 'Judges help the police and are financially supported by enterprises, so the public prosecutor can't compete with these forces'.⁷⁷ Antônia Melo claims that 'Brazil's current judicial system acts in concordance with the corporate interests. The judicial system does not accredit and investigate court cases opened by the Public Prosecutor. There are some ethical judges, but only some. But they are being paralysed by the important judges who are in favour of these crimes. The majority of the judges are an instrument of the state to realize its objectives of economic development'.⁷⁸ Movimento Xingu Vivo Para Sempre has reported several cases where judges speaking up against Belo Monte or Norte Energia have received intimidations, threats and political pressure (MXVPS et al. 2010).

Furthermore, many interviewees claim that judges do not understand the local context and problems: 'lawyers don't really understand what it means to be tribal, to live in a community, they don't know the context of the Amazon'.⁷⁹ 'Many judges don't understand social organizations and the local problems'.⁸⁰ Adding to this is the persisting problem that the Amazon is perceived by many as an 'empty place', dominated by nature with little people living there. This discourse has long been used by militaries, large landowners and capital to occupy the area and is still dominant in the perception of many people of the Amazon (Marques 2010). Melo further claims that the Brazilian government has started to convince judges that Belo Monte is necessary to prevent future energy shortages, in that way undermining the objectivity of the judges.⁸¹ This problem of judges not understanding the local context and therefore often deciding in favour of corporate interests is being described by Joseph Stiglitz as 'cognitive capture' and defined as 'the mindset of the regulators being captured by those they have to regulate' (Stiglitz 2012: 59)

According to many interviewees, the Military Police obviously acts in favour of the business interests (see also section 5.3.1). They suppress manifestations, start processes against local organizations and intimidate people who are critical about the dam.⁸² According to various interviewees, military police has strong links with the corporate actors. Norte Energia provides food and housing for military police, according to many as a strategy to make them act in favour of the Belo Monte dam and suppress local protest.⁸³ According to Sergio Martins from SDDH, an advocate's collective assisting civil society organizations, 'civil and political rights are extremely violated in cases related to Belo Monte'.⁸⁴

⁷³ Interview Marcelo Salazar, Instituto Socioambiental, 30 July 2013.

⁷⁴ Interview Andreia Baretto, Public Defender Altamira, 2 August 2013.

⁷⁵ Interview Eliane Moreira, Federal University of Pará, 26 July 2013.

⁷⁶ Interview Sergio Martins, SDDH, 25 July 2013.

⁷⁷ Interview Tarcisio Feitosa, Public Prosecutor Belém, 21 July 2013.

⁷⁸ Interview Antônia Melo, Movimento Xingu Vivo Para Sempre, 2 August 2013.

⁷⁹ Interview Tarcisio Feitosa, Public Prosecutor Belém, 21 July 2013.

⁸⁰ Interview Sergio Martins, SDDH, 25 July 2013.

⁸¹ Interview Antônia Melo, Movimento Xingu Vivo Para Sempre, 2 August 2013.

⁸² Interview Sergio Martins, SDDH, 25 July 2013; Interview Antônia Melo, Movimento Xingu Vivo Para Sempre, 2 August 2013.

⁸³ Interviews Sergio Martins, Tarcisio Feitosa, Antônia Melo,

⁸⁴ Interview Sergio Martins, SDDH, 25 July 2013

Adding to the problem of a failing judicial apparatus is the problem of capacity of the Public Defender and Prosecutor. According to Tarcísio Feitosa, technical assessor of the Public Prosecutor, the Public Prosecutor has serious capacity problems. 'The Public Prosecutors do not receive enough money and have not sufficient capacity to deal with every problem related to Belo Monte'. Sergio Martins points at the same problem: 'there is only one public defender for all labour conflicts related to Belo Monte, that is just not enough'.⁸⁵ Also Baretto identifies this problem: 'the public defenders do not have enough capacity to deal with every case. Furthermore, many people do not know about the existence of a public defender and thus don't ask for support'.⁸⁶

Tarcísio Feitosa summarizes the failing judicial system as follows: 'The Brazilian judicial system is not functioning to protect the rights of those negatively affected, because it is under pressure of an economic model and powerful companies who can pay for everything they want'.⁸⁷

To conclude, the **rights to a fair trial** and to **equal protection of the law** are severely affected.

6.1.6 Climate Change & Biodiversity Loss

The hydroelectric dam will flood large stretches of forest that will decompose and emit CO₂ and methane, contributing to climate change. Furthermore, the construction of the dam will cause indirect deforestation in a large area (Stickler et al. 2013). In 2012 São Feliz do Xingu, the municipality closest to the dam, had the highest deforestation rates of the entire Brazilian Amazon (INPE 2013). The dam will also cause annual greenhouse gas emissions as a result of the seasonal variation in river runoff. Annually, a significant stretch of land will flood and subsequently fall dry. In the dry period, a drawdown area appears on which soft, easily decomposed vegetation would quickly grow. This vegetation would decompose each year at the bottom of the reservoir when the water level rises, producing methane (Fearnside 2011a). Methane is a greenhouse gas between 25 and 34 times stronger than CO₂ (Fearnside 2011b). In this way the dam will, unlike claimed by State and corporate actors (Eletronorte 2009), emit large amounts of greenhouse gases and in that way contribute to global climate change.

The dam further affects biodiversity in the region. Natural floodplains in river basins are among the most biologically diverse and productive ecosystems on the planet (Tockner & Stanford 2002), but damming has severe impacts on the river's biodiversity (Kingford 2000; Tockner et al. 2010).

The dam will also affect biodiversity through flooding of Amazon forest and through deforestation as an indirectly consequence of the construction of the dam (Fearnside 2011a; Stickler et al. 2013). The Amazon is the world's largest rainforest and is home to 40% of the world's remaining tropical forest. More than half of the world's biodiversity occurs in tropical forests, while they only cover 7% of the total land area worldwide. The Amazon rainforest is assumed to be the world's most biodiverse place. Scientists have to use the word 'assumed', since ecologists and scientists are only beginning to understand and map the rich biodiversity of the Amazon forest (Verweij et al. 2009). Given the enormous biodiversity of the Amazon forest and its importance for various ecosystem services, 'services on which our very existence in large measure depends', the dam will also impact on human rights related to biodiversity (Verweij et al. 2011). As the Amazon forest is essential for mankind, deforestation as a result of the dam will have impacts on human rights related to biodiversity.

⁸⁵ Interview Sergio Martins, SDDH, 25 July 2013.

⁸⁶ Interview Andreia Baretto, Public Defender Altamira, 2 August 2013.

⁸⁷ Interview Tarcísio Feitosa, Public Prosecutor Belém, 21 July 2013.

As Humphreys (2010) argues, 'climate change will undermine – indeed, is already undermining – the realisation of a broad range of internationally protected human rights'. The International Council on Human Rights Policy (2008) concludes, 'as a matter of simple fact, climate change is already undermining the realisation of a broad range of internationally protected human rights: rights to health and even life; rights to food, water, shelter and property; rights associated with livelihood and culture; with migration and resettlement; and with personal security in the event of conflict. Few dispute that this is the case'.

Professor of Development Studies Newell argues that although we often assume that key decisions relating to climate change are made in public arenas by public actors, they are clearly not. 'They are made day to day by all of us, but especially significantly by actors that control the very processes of energy production and use that determine the degree of climate change that collectively we will subject ourselves to' (Newell 2010). This implies that corporations *do* have a responsibility for climate change, as is also acknowledged in the OECD Guidelines for Multinational Enterprises (OECD 2011).

Human welfare is linked with the preservation of biodiversity in a variety of ways. Biodiversity forms the basis of a global-life support system. Human beings have fulfilled many of their needs by taking advantage of the existence of many genes, species, as well as a "balanced" ecosystem. For instance, many plant species have formed the basis of food, fibre, medicines and many other useful items. There are also many aesthetic and ethical values of plant and animal species (Blaikie & Jeanrenaud 1996). In fact, ecosystems provide 'services on which our very existence depends' (Verweij et al. 2009). Because of these ecosystem services, biodiversity loss can have an impact on various human rights.

Yet scientists have a radically incomplete understanding of exactly how biodiversity works or what should therefore be done to preserve it (Hayward 2001). For this reason, the precautionary principle is important in the context of nearly all biodiversity issues. The precautionary principle states that if an action has a suspected risk of causing harm to the environment, in the absence of scientific consensus that the action is harmful, the burden of proof that it is *not* harmful falls on those taking an action (O'Riordan & Cameron 1994).

Both climate change and biodiversity can have severe impacts on the human rights of future generations. In 1997 UNESCO adopted the 'Declaration on the Responsibilities of the Present Generation Towards the Future Generation', therein stating that 'the present generations have the responsibility of ensuring that the needs and interests of present and future generations are fully safeguarded' (UNESCO 1997). The responsibilities of present generations for future generations have been referred to in various international instruments, such as the World Heritage Convention (UNESCO 1972), the United Nations Framework Convention on Climate Change (UNFCCC 1992) and the Convention on Biological Diversity (UN 1992b). Brazil's Federal Constitution also grants environmental rights to future generations (Ahrens 2003).

Box 6, Climate Change, Biodiversity and Human Rights.

The Belo Monte dam thus affects **various human rights** through its contribution to climate change and biodiversity loss, both for present and future generations. Even though not all effects of the dam might be understood, the precautionary principle should be taken into account in order to guarantee the rights of affected present and future generations.

6.1.7 Workers' Rights

Workers' rights are negatively affected upon. The Public Prosecutor for Workers' Affairs (MPT) has opened one court case against CCBM concerning working conditions and illegal subcontracting (MPT 2013). The Xingu Forever Alive Movement (MXVPS) furthermore reports that salaries are lower than promised; workers were promised to receive R\$2000 (≈US\$ 888), but some only receive R\$600 (≈US\$ 266). Workers live in houses with 6 to 8 workers in one room (MXVPS 2013a).

According to many interviewees and workers I spoke to in the streets of Altamira, the working conditions on the construction site of the dam are precarious. Workers make very long days, some people reported working days from 4am to 7pm. Workers report little working breaks and a bad quality

of food provided by the construction consortium.⁸⁸ However, most of these workers' rights impacts are not thoroughly documented yet. More research is needed into these human rights impacts.

Probably, the **right to enjoy just and favourable conditions of work** are impacted upon.

6.1.8 Mining Activities

The mining sector has high human rights risks (Ruggie 2007; CPT 2013) and various mining companies linked to the Belo Monte dam have a bad human rights track record. In 2012, Vale was granted the Public Eye Award, an award for 'corporate irresponsibility' (Chaudhuri 2012). Various adverse human rights impacts have been reported for this company, many of them related to the Carajás project close to Belo Monte (see *Atingidos pela Vale* 2012).

In the case of Belo Sun, the Public Prosecutor's Office identified various irregularities in the licensing process and recommended that SEMA abstains from granting the license (ISA 2013; MPF 2013c).

In general, mining projects linked to the Belo Monte project have high human rights risks due to the presence of indigenous communities in affected areas, numerous land conflicts and the high environmental value of the area. These high risks have consequences for corporate responsibilities, as will be discussed in the following chapter.

6.2 Complexo Tapajós (BR)

The present section will be subdivided in *actual* and *potential* human rights impacts. Although the dams have not been built yet, they have already caused some adverse impacts, and more impacts can reasonably be expected when the dams will be constructed. Corporations have responsibilities with regard to both types of impacts, so both types will be discussed here.

6.2.1 Actual Impacts

Meaningful Stakeholder Engagement

According to Brazilian law and international standards, indigenous and traditional communities have to be consulted about a project affecting their territories or way of living *before* any legislative or administrative decision is being taken. The Public Prosecutor holds that the right to free, prior and informed consent has been violated as indigenous and quilombola communities have not been consulted about the plans, although the government approved the project plan and research for the EIA is being conducted on indigenous territory (MPF 2012). Both dams are included in PAC, the official government program for economic growth (PAC 2013c; PAC 2013d).

In November 2012, a federal judge ordered the suspension of all research activities in indigenous areas until FPIC had been conducted (Justiça Federal da 1a Instância 2013). However, this decision has been overruled by another judge and studies on indigenous territory continued (MPF 2013f).

Indigenous leader Cândido Munduruku claims that the Munduruku people have tried numerous times to discuss and ask for FPIC at the Minister of Energy and Mines, the Secretary-General and First Minister Gilberto Carvalho, and at Eletrobras and Eletronorte, the largest companies in the Grupo de Estudos Tapajós. According to Cândido says, 'there is no single way in which we can communicate with the government or the companies'.⁸⁹ Braselito Munduruku affirms these claims.⁹⁰

In addition to FPIC, the right to meaningful stakeholder engagement for non-indigenous or –traditional groups have been affected, as no public discussion on the plans has taken place, which is in disrespect of Brazilian law.⁹¹

The right to meaningful stakeholder engagement has further been ignored when president Rousseff decided to limit the size of five conservation units close to the Tapajós River, in order to facilitate the licensing process for the dams (Salomon 2012). The decision was made through a Medida Provisória (Provisional Measure), which severely limits constitutional rights to stakeholder engagement.

⁸⁸ Interview Sérgio Martins, SDDH, 25 July 2013.

⁸⁹ Interview Cândido Munduruku, leader Associação Indígena Pusurú, 27 August 2013.

⁹⁰ Interview Braselito Munduruku, 3 September 2013.

⁹¹ Email contact Luiz Eduardo Camargo Outeiro Hernandez, MPF Santarém, 16 September 2013.

Furthermore, it ignored the right of indigenous and other traditional communities to be consulted. As the Conservation Units border indigenous reserves, these communities will be directly affected by the president's decision. This Public Prosecutor opened a court case contesting the president's decision, which is still pending (MPF 2012). ICMBio (state authority for conservation of biodiversity) further states that there have not been any studies assessing the environmental and social impacts of the reduction in the size of the conservation units (ICMBio 2013).

To conclude, the **right to free, prior and informed consent**, the **right to meaningful stakeholder engagement** and **constitutional rights** have not been respected in the decision-making processes related to the Complexo Tapajós.

Civil and political rights

Several people opposing against the dam have received death threats. Furthermore, CPT (Pastoral Land Commission), an NGO regarded by Global Witness as an authority concerning land conflicts in Brazil (Global Witness 2012), claims that territories that will be flooded have been invaded. According to CPT, some of these threats and invasions come from GEOSUL, a company providing services to Eletrobras and Eletronorte (CPT 2012). These death threats and invasions clearly impact the **rights to liberty and security of the person** and the **right to privacy**. Various interviewees further claim that, when they criticize the work of CNEC by pointing employees at the adverse impacts, CNEC employees threaten them to send police to arrest them.⁹²

6.2.2 Human Rights Risks

Companies not only have responsibilities towards actual human rights impacts, but also towards potential impacts. Companies have to identify human rights risks and prevent actual impacts. 'Human rights risks' refers to the risks the companies' operations pose to human rights. This is separate from any risks that involvement in human rights impact may pose to the enterprise, although the two are increasingly related (UNOHCHR 2012). These risks will be discussed here.

The World Commission on Dams concluded that the hydroelectric sector has high human rights risks. 'Dams cause significant social and environmental impacts, the costs of which are often disproportionately borne by poor people, indigenous peoples, and other vulnerable groups'. The commission further observed a 'pervasive and systematic failure to assess the range of potential negative impacts and implement adequate mitigation, resettlement and development programs for the displaced, and the failure to account for the consequences of large dams for downstream livelihoods have led to the impoverishment and suffering of millions' (World Commission on Dams 2001).

In 2010, the human rights commission of the Brazilian Senate (Conselho de Defesa dos Direitos da Pessoa Humana, CDDPH) conducted a special study on human rights violations related to hydroelectric dams. The commission concluded that 'the current model in which hydroelectric dams are being implanted has repeatedly given rise to grave human rights violations, whose consequences accentuate the already grave social inequalities, leading to miserable situations and social, familiar and individual destruction' (CDDPH 2010). It further states that there exists a national pattern of human rights violations related to hydroelectric dams, and companies owning the dams, governments and the Brazilian State are the main responsible actors (MAB 2011). The commission concludes that sixteen human rights are structurally being violated (CDDPH 2010).

The fact that human rights are structurally being violated in hydroelectric projects means that the Tapajós project has high human rights risks. The magnitude (both in number and size) of the Tapajós dams, their proximity to indigenous territory and the poor land titling in the region contribute to the human rights risks.

Furthermore, the Tapajós region is a typical frontier. Large-scale economic activities have not entered the region yet. However, the region is rapidly changing with large-scale hydroelectric projects, large-scale mines, new ports and large-scale farmers all entering the region. As described in the introduction, frontiers have high human rights risks. The fact that the region is a frontier thus contributes to the human rights risks.

⁹² Interview Domingo, social leader Pimental, 4 September 2013; Interview Braselito Munduruku, 3 September 2013; Interview Thiago Alves, MAB, 15 August 2013.

As described before, in situations where economic and political powers pursue common interests, the potential for adverse human rights impacts is very large (Michalowski & Kramer 2001). As it is clear that the Brazilian state puts strategic importance on the project, the potential for adverse human rights impacts is large.

Taking all these factors together, one can conclude that the risks for adverse human rights impacts are very large for the entire project, and should be treated as such (as will be discussed in chapter seven). As Luiz Eduardo Camargo Outeiro Hernandez (MPF) claims, 'the project can cause severe human rights violations, because of forced evictions, and can affect the right to food, health and education, drinking water, and sanitation.'⁹³ Some specific risks can be identified already, which will be discussed subsequently.

Improper Compensation/ Forced Evictions

The São Luiz and Jatobá dams will flood a total of 1368km² (Grupo de Estudos Tapajós 2012; Grupo de Estudos Tapajós 2013a). Most people living in this area have untitled land, which increases the risk of forced evictions and improper compensation.

The company IBOPE is being contracted by the Grupo de Estudos Tapajós to conduct a socio-economic registration to map people and property in the area. However, various interviewees think that not all affected people are being included in the registration.⁹⁴

But also for people who are being registered, the risks of adverse human rights impacts are large. According to the UN Basic Principles and Guidelines on Development-Based Evictions and Displacement, forced evictions cannot be carried out until affected people have been genuinely consulted (UNOHCHR 2011b). All interviewees from the region claim that they have not been consulted about the project and that conversation with responsible authorities and companies is problematic. Furthermore, the UN Basic Principles prescribe that information about the proposed eviction and the alternative purpose has to be available in reasonable time (UNOHCHR 2011b). All interviewees claim that they have not received crucial information like the form or amount of compensation, or where they have to go. Even Diálogo Tapajós, the company responsible for communication with communities, holds that this crucial information is not available and that they have difficulties in receiving this information from the Grupo de Estudos Tapajós.⁹⁵ Although it is possible that communication and information provision improve, at the moment communities face serious problems with regard to communication and access to information and therefore there is a serious risk will continue to exist in the future.

Indigenous Rights

The UN Working Group on the issue of human rights and transnational corporations and other enterprises states that 'when a state assigns strategic importance to the realisation of a given project, indigenous communities are at an increased risk of political and economic marginalization' (UNHCR 2013b). As it is clear that the state puts strategic risk on the projects, risks for adverse impacts on indigenous rights are large.

Various indigenous communities will be flooded and other indigenous territories will be severely affected by the biodiversity loss in the river. Given the high dependence of indigenous peoples on the river, the hydroelectric dams will severely affect indigenous people. As Cândido Munduruku, leader of the 13.000-members Munduruku group, claims, 'when the dams will be constructed, it will become impossible for us to survive here. But we have nowhere else to go'.⁹⁶

The rights of indigenous peoples are currently being ignored by both state actors as well as companies. As Cândido argues, the indigenous people are not being consulted and there is no way to discuss with responsible authorities or companies. Braselito Munduruku, leader of a small indigenous community close to Itaituba, also argues that the community has not been consulted, that it is very difficult to discuss with the companies, and that government and companies do not respect indigenous

⁹³ Email contact with Luiz Eduardo Camargo Outeiro Hernandez, MPF Santarém, 16 September 2013.

⁹⁴ Interview Naldo, Colônia dos Pescadores Jacareacanga, 27 August 2013; Interview Cleidiane Santos, MAB, 15 August 2013; Interview Raione Lima, CPT, 15 August 2013; Interview Thiago Alves, MAB, 15 August 2013.

⁹⁵ Interview Gil Rodrigues, Diálogo Tapajós, 22 August 2013.

⁹⁶ Interview Cândido Munduruku, leader Associação Indígena Puserú, 27 August 2013.

rights.⁹⁷ Furthermore, there is no company contracted to inform indigenous communities about the project. Diálogo Tapajós, the company responsible for informing affected communities, is not allowed to talk with affected indigenous groups.⁹⁸ The indigenous lands that will be flooded are not being included in the socio-economic registration, because the communities refuse to be registered. They claim they cannot be compensated by monetary means and therefore the socio-economic registration does not fit their needs and rights.

The rights of quilombolas form an extra risk: it is unclear whether quilombola groups will be affected by the dams. Given their vulnerable status because of the lack of land rights, the human rights risks of this group are high. The same holds for uncontacted indigenous groups.

The fact that the right to FPIC has already been violated and that there exist no policies dealing with indigenous people makes that the risks of further adverse impacts on indigenous' rights are very large. Various indigenous people claim that a series of their rights will be affected when the dam will be constructed.⁹⁹

Urbanization

The Tapajós dams will lead to rapid urbanization, mainly in the cities of Itaituba and Jacareacanga. Many people who have to leave their land will move to the city, and the cities will attract many new people to the region who will work in the construction of the dam and other related jobs. However, the cities of Itaituba and Jacareacanga have poor infrastructure: access to clean drinking water and sanitation is problematic already and these problems will aggravate when the city will grow. The dams thus have a risk of having an adverse impact on the right to drinking water and the right to sanitation.

Furthermore, the capacities of schools and hospitals in Itaituba and Jacareacanga are very limited. The hospital in Jacareacanga, for example, has limited capacity and for most diseases patients have to travel to hospitals in Santarém, a trip of more than 700km (two days). As little efforts are being made to increase the capacity of schools and hospitals, the dams will probably have adverse impacts on the right to health and education as access to these services probably deteriorates when urbanization increases.¹⁰⁰

Most people in the Tapajós region work in an informal economy and have little formal education. When these people have to leave their land and move to the city, they face a high risk of unemployment, as their experience and knowledge are less apt for formal employment in the city. According to Raione Lima (CPT), the construction of the dams will generate mass unemployment in the region.¹⁰¹ The dams can thus also have an adverse impact on the right to work.

Climate Change & Biodiversity Loss

As described in section 6.1.6, hydroelectric dams in the Amazon contribute to climate change. The Tapajós dams will flood large areas of virgin Amazon forest, emitting CO₂ and methane, both greenhouse gases. The Tapajós dams thus have serious human rights risks related to climate change.

The Tapajós region is one of the best-preserved areas of the Brazilian Amazon (ICMBio 2013), but the dams will flood more than 21.000ha of protected forest (ICMBio 2013). Furthermore, the dam will affect the river's biodiversity, contributing to global biodiversity loss and impeding people's access to food. Communities in the Tapajós region are highly dependent on fishery and a drop in fish stocks can severely harm their access to food.¹⁰²

Civil and Political Rights

The presence of armed forces in the region contains another human rights risk. Various interviewees already report a tense climate because of the presence of the armed forces. Given the large mandate of these forces, the risk of adverse human rights risks is serious. Part of the forces present in Jacareacanga are a new national force, the 'Companhia de Operações Ambientais da Força Nacional de Segurança Pública', the 'Company of Environmental Operations of the National

⁹⁷ Interview Braselito Munduruku, 3 September 2013.

⁹⁸ Interview Gil Rodrigues, Diálogo Tapajós, 22 August 2013.

⁹⁹ Interview Cândido Munduruku, 27 August 2013; Braselito Munduruku, 3 September 2013.

¹⁰⁰ Email contact Luiz Eduardo Camargo Outeiro Hernandez, MPF Santarém, 16 September 2013.

¹⁰¹ Interview Raione Lima, CPT (Pastoral Land Commission), 15 August 2013.

¹⁰² Email contact Luiz Eduardo Camargo Outeiro Hernandez, MPF Santarém, 16 September 2013.

Public Security Forces'. Rouseff installed this new force in 2012, and many perceive this newly created force as a way to militarize the protection of companies imposing large infrastructure projects in the Amazon such as hydroelectric dams (Diniz 2013; Carta Capital 2013).

Another factor that poses a risk to adverse impacts on civil and political rights is the fact that the National Council for Energy Policy (CNPE) has declared the Tapajós dams as projects of national interest. This limits the possibilities of citizens to denounce the project and limits constitutional rights (Monteiro 2011).

Mining Activities

As described in section 5.2.2, the Tapajós dams will unlock the region for large-scale mining activities. Mining is a sector with high human rights risks (Ruggie 2007). Contributing to the risks is the fact that the region is a frontier, a region at the edge of a settled area that is being disclosed for large-scale exploitation. 'A frontier is an edge of space and time: a zone of not yet- not yet mapped, not yet regulated' (Tsing 2005: 28). The dams open up the region for large-scale mining and thus open up a frontier.¹⁰³ Frontiers are often characterized by adverse human rights impacts, in part because opening up the area for resource exploitation implies a wide range of potential social, environmental and economic changes and impacts (Peluso & Lund 2011; Langfur 2006). Furthermore, exploitation activities on the frontier often advance faster than the enforcement of laws and regulations can keep up with, resulting in weak government control over the expansion and its range of impacts. As a result, frontier areas are frequently 'ruled by patronage politics' (Safford & Palacios 2002).

The presence of many garimpeiros in the region further aggravates the risks. According to Oldair Lamarque from DNPM (National Department for Mining Production), the increase in large-scale mining activities probably will increase conflicts with garimpeiros over land control.¹⁰⁴

The Tapajós area is one of the best-preserved regions of Brazilian Amazon forest with large quantities of pristine forest. Most mining in the area is planned to be open pit, which will cause large-scale deforestation. Furthermore, various mining concessions are located in protected areas such as national parks or indigenous territories. This further increases the risks for adverse human rights impacts related to climate change and risks for adverse impacts on indigenous' rights.

6.3 Chadin II (PE)

The effects of the Chadin II dam will also be divided in actual impacts and human rights risks.

6.3.1 Actual Impacts

Meaningful stakeholder engagement

Peruvian law obliges the realization of Public Hearings where affected communities have to give their opinion on the project. These public hearings have been realized in various communities (in Balsas, Cocabamba, Pisucia, Cortegana and Chumuch), but Odebrecht has manipulated them in various ways, so that we cannot speak of meaningful stakeholder engagement in these consultations.

Firstly, all interviewees claim that Odebrecht has brought people from higher areas to attend the meetings. These people will not be directly affected by the dam as their properties are not located in the valley that will be flooded. All interviewees claim that Odebrecht paid these people S/. 20 (≈US\$7) to attend the meeting. In an area where people live in extreme poverty, this amount is significant. Odebrecht further arranged transport for these communities. As Mirtha Villanueva (Grufides) claims, 'they came with buses full of people from areas that will not be directly affected'.¹⁰⁵

Odebrecht further used the programmes Juntos and Pensión 65, state programs to financially support the poorest families and elderly, to manipulate people (Juntos 2013; Pensión 65 2013).¹⁰⁶ A woman working for communications for Odebrecht claimed to be from the program Juntos. She threatened people that if they would not attend the public hearing, their financial support would be cut. Again, as the vast amount of people in the area live below the poverty line, this threat had a high impact. According to all interviewees, the woman further paid people who did attend the meeting S/. 20 (≈US\$ 7).

¹⁰³ Interview Odaír Corrêa, DNPM, 22 August 2013.

¹⁰⁴ Interview Odaír Corrêa, DNPM, 22 August 2013.

¹⁰⁵ Interview Mirtha Villanueva, Grufides, 16 September 2013.

¹⁰⁶ Interview Walter Castañeda Bustamante, Rondas Campesinas, 22 September 2013.

Also, Odebrecht has manipulated signatures of people voting in favour of the dam. Odebrecht offered breakfast for everyone who attended the meeting. However, before entering the restaurant, people had to sign a list. Although Odebrecht employees claimed this list was for registration of the breakfast, in fact this was a list to sign in favour of the dam. As most people took breakfast and they were not told that this list was to sign in favour of the dam, many people, before the Public Hearing started, had already signed in favour of the dam.¹⁰⁷

The woman claiming to be from the program Juntos had lists of 'signatures', but when people checked these lists, they saw that the names, personal numbers (DNI) and signatures were not correct. Signatures had been manipulated and the lists included names of people that did not live in the village mentioned, and personal numbers were incorrect.¹⁰⁸ See Annex 3 for pictures of the lists of signatures from the Public Hearing in Cortegana.

Many police forces were present at the public hearings. These police forces refused various people the entrance. As various interviewees claim, critical local leaders were not allowed to enter, as were people from directly affected communities. Police used excessive violence and some local leaders were injured because of police violence. Pictures of the police presence can be found in Annex 4.

Roger Ponce (Rondas Campesinas Unitarias de Celendin) estimates that 80% of the people attending the meeting did not come from the affected region.¹⁰⁹

The hearings were further manipulated because false or insufficient information was provided. Odebrecht promised that the project would bring employment for many people during a period of 30-40 years.¹¹⁰ However, projects like hydroelectric dams are characterized by a large demand of employment during construction and very little employment when the dam is in operation.¹¹¹ Odebrecht further promised that people would be replaced to better areas, with better access to roads, water, sanitation and schools. However, Odebrecht cannot make these claims as it is still unclear where people will have to move to and whether people will consider these areas as 'better' than their original territories.¹¹²

Affected people claim to be poorly informed about the impacts of the project. It is unclear which areas will be flooded, how people will be compensated and where affected people will have to go to.¹¹³ Odebrecht has published flyers about the impacts of the dam, but these flyers represent the impacts overly optimistic and underestimate the value of various ecosystem services (AC Energía & Marañón Energía 2011-2013).

The EIA, which is supposed to inform affected communities about the impacts of the dam, shows serious omissions and underestimations of risks, is superficial and too little time has been invested to understand all impacts (Araujo Zelada 2012). The EIA further claims that in the studied area no native or *campesino* communities exist (AC Energía 2011). However, it is clear that *campesino* communities are the dominant group in the affected area (Araujo Zelada 2012).¹¹⁴ As explained in Box 1, these *campesino* communities have special rights under Peruvian and international legislation. Furthermore, Peruvian law obliges companies to conduct a more extensive EIA when communities have to be

¹⁰⁷ Interview Carlos Navas del Aguila, Frente de Defensa del Río Marañón, 27 September 2013; Interview Walter Castañeda Bustamante, Rondas Campesinas, 22 September 2013; Interview Mirtha Villanueva, Grufides, 16 September 2013; Interview Antonio Zambrano Allende, Forum Solidaridad, 6 September 2013.

¹⁰⁸ Interview Fabian Simeon, Forum Solidaridad, 12 September 2013; Interview Antonio Zambrano Allende, Forum Solidaridad, 6 September 2013; Mirtha Villanueva, Grufides, 16 September 2013; Roy Leon, Grufides, 19 September 2013; Interview Walter Castañeda Bustamante, Rondas Campesinas, 22 September 2013.

¹⁰⁹ Interview Roger Ponce, Rondas Campesinas Unitarias de Celendin, 24 September 2013.

¹¹⁰ Interview Roger Ponce, Rondas Campesinas Unitarias de Celendin, 24 September 2013; Carlos Navas del Aguila, Frente de Defensa del Río Marañón, 27 September 2013; Interview Carlos Navas del Aguila, Frente de Defensa del Río Marañón, 27 September 2013.

¹¹¹ Interview Roy Leon, Grufides, 19 September 2013; Interview Carlos Navas del Aguila, Frente de Defensa del Río Marañón, 27 September 2013.

¹¹² Interview Mirtha Villanueva, Grufides, 16 September 2013; Interview Roy Leon, Grufides, 19 September 2013; Interview Carlos Navas del Aguila, Frente de Defensa del Río Marañón, 27 September 2013.

¹¹³ Interview Walter Castañeda Bustamante, Rondas Campesinas, 22 September 2013; Interview Jorge Chavez, PIC, 22 September 2013; Interview Mirtha Villanueva, Grufides, 16 September 2013; Interview Antonio Zambrano Allende, Forum Solidaridad, 6 September 2013.

¹¹⁴ Interview Walter Castañeda Bustamante, Rondas Campesinas, 22 September 2013.

evicted.¹¹⁵ However, this more profound EIA has not been conducted. The social part of the EIA is very limited and according to various interviewees, clearly underestimates the number of affected people.¹¹⁶

The right to meaningful stakeholder engagement has further been impacted upon as the authority of the Rondas Campesinas has not been respected. According to the Public Defender, the rights of Rondas Campesinas include the right to FPIC and the right to decide about projects on their communities' territory (Defensoría del Pueblo 2010). However, the Rondas Campesinas have not been consulted and their claims have not been respected.¹¹⁷ The Rondas Campesinas have expressed public statements where they clearly oppose against the project (Federación Regional de Rondas Campesinas Urbanas E Indígenas de Amazonas 2012; PIC et al. 2013). However, these public statements and the authority of the Rondas have not been respected.

Downstream of the dam live indigenous Awajún and Wampís communities that are highly dependent on fishing. These communities will be affected by a drop in fish stocks as a result of the dam, which clearly affects their livelihoods (Finer & Jenkins 2012). Although they have expressed themselves against the dams, these statements have not been respected and the right to FPIC has been violated (Celendín Libre 2013b).¹¹⁸

As Milton Sanchez, president of the Interinstitutional Platform Celendín (PIC) claims, 'this is a clear example of how not to do a consultation process for mega-projects. The enterprise is manipulating this informative process and is not respecting the affected people' (Área de Integración Solidaria & Forum Solidaridad Perú 2013).

It is clear that the vulnerable position of people caused by the extreme poverty in the region has been misused by bribing these people and making false promises these people put a lot of hope in, thereby adversely impacting the right to **meaningful stakeholder engagement**. Furthermore, the **right to free, prior and informed consent** has been neglected, as have the **special rights of Rondas Campesinas and indigenous peoples** stipulated in Peruvian law.

Criminalization of Social Protest

The public hearings in Cortegana and Chumuch saw a disproportionate presence of armed policemen. These policemen impeded people from entering the meeting; critical people were refused the entrance (see Annex 4).¹¹⁹ Furthermore, the policemen used excessive violence against local people, which led to various injured people. A short movie about this violence can be solicited for at the author.

The Public Prosecutor has filed various court cases against social leaders. Leaders of the Rondas Campesinas of Celendín have a total of 30 running court cases related to the Chadin II project, all filed by the Public Prosecutor.¹²⁰ Walter Castañeda Bustamante has six court cases, related to terrorism, deception of communities and robbery.¹²¹ Criminalization of social protest is a well-known strategy in Peru and other South-American countries to weaken social resistance (Seoane et al. 2005). In the last years, Peruvian government has introduced various laws to strongly punish civil resistance (Vasquez 2012).

Furthermore, the Public Defender, which is meant to provide legal assistance to people, is, according to interviewees, strongly linked with the corporate interests in Chadin II.¹²²

¹¹⁵ Lei del SEIA, Modificatoria de la Ley del SEIA, Reglamento de la lei del SEIA, Resoluciones Ministeriales, Capítulo II, Artículo 38.

¹¹⁶ Interview Walter Castañeda Bustamante, Rondas Campesinas, 22 September 2013; Interview Mirtha Villanueva, Grufides, 16 September 2013; Interview Romina Rivera Bravo, Forum Solidaridad, 12 September 2013.

¹¹⁷ Interview Walter Castañeda Bustamante, Rondas Campesinas, 22 September 2013; Interview Roger Ponce, Rondas Campesinas Unitárias de Celendín, 24 September 2013.

¹¹⁸ Interview Walter Castañeda Bustamante, Rondas Campesinas, 22 September 2013; Interview Carlos Navas, Frente de Defensa del Río Marañón, 27 September 2013.

¹¹⁹ Interview Antonio Zambrano Allende, Forum Solidaridad Perú, 6 September 2013; Interview Mirtha Villanueva, Grufides, 16 September 2013; Interview Walter Castañeda Bustamante, Rondas Campesinas, 22 September 2013.

¹²⁰ Interview Roger Ponce, Rondas Campesinas Unitárias de Celendín, 24 September 2013.

¹²¹ Interview Walter Castañeda Bustamante, Rondas Campesinas, 22 September 2013.

¹²² Interview Walter Castañeda Bustamante, Rondas Campesinas, 22 September 2013; Interview Mirtha Villanueva, Grufides, 16 September 2013; Interview Jorge Chavez, PIC, 22 September 2013.

Various interviewees further claim to be negatively presented in local press, such as newspapers and radio. Carlos Navas claims to be presented as 'anti-development and terrorist'.¹²³ The criminalization of social protest impacts upon the **right to equality for the law and equal protection of the law**, the **right not to be subjected to arbitrary arrest, detention or exile**, and the **right to freedom of opinion and expression**, and the **right to security of person**.

6.3.2 Human Rights Risks

As described in section 6.2.2, the hydroelectric sector has high human rights risks. The fact that the region can be typified as a frontier and the fact that corporate and State actors both have a large interest in developing the project further increases the risks (Tsing 2005; Michalowski & Kramer 2001).

As the EIA shows clear faults and omissions, the risk of adverse human rights impacts are large, as the exact impacts of the dam are not known and can thus not be anticipated upon (Araujo Zelada 2012).

A few specific risks can already be identified, and will be discussed subsequently.

Forced Evictions

The risk of forced evictions and related adverse human rights impacts is large. According to interviewees, Odebrecht has so far not presented any plan or budget for the replacement of people. The EIA very limitedly studies the social impacts of the dam and does not provide sufficient ground for responsible expropriation (Araujo Zelada 2012). Furthermore, according to several interviewees, Odebrecht strongly underestimates the number of affected people.¹²⁴ Peruvian law demands a more extensive EIA when people have to be replaced, however, this type of EIA has not been conducted.¹²⁵

Furthermore, in another case in Peru, Odebrecht has replaced communities to unfertile land without access to drinking water, and with a high risk of flooding (International Rivers 2013). This problematic history of Odebrecht contributes to the risk of adverse human rights impacts related to forced evictions.

Adding to the risk is the fact that the Peruvian government has recently passed a law facilitating expropriation for large infrastructure projects (El Peruano 2013).¹²⁶

The extreme poverty in the area contributes to the risk on adverse human rights impacts as a result of expropriation, as people have little buffer to overcome adverse impacts.

Various communities have signed agreements that no one in the community will sell its land for the dam, which is aimed to strengthen local resistance.¹²⁷

Right to Food

Large parts of the region impacted by the dam face severe malnutrition. The dam has a high risk of adding to the problem: fertile grounds that are being used for subsistence agriculture will be flooded. Furthermore, fish stocks, important sources of nutrition for downstream (indigenous) communities, will be affected by the dam (Finer & Jenkins 2012).

Civil and Political Rights

The region affected by the dam already faces intense police presence, sometimes combined with violence. Furthermore, criminalization of social leaders affects people opposing against the dam. These problems can clearly increase in the future when the dam will be approved or constructed, and thus form another serious human rights risk.

Climate Change & Biodiversity Loss

¹²³ Interview Carlos Navas del Aguila, Frente de Defensa del Río Marañón, 27 September 2013; Interview Walter Castañeda Bustamante, Rondas Campesinas, 22 September 2013.

¹²⁴ Interview Carlos Navas del Aguila, Frente de Defensa del Río Marañón, 27 September 2013; Interview Walter Castañeda Bustamante, Rondas Campesinas, 22 September 2013; Interview Mirtha Villanueva, Grufides, 16 September 2013.

¹²⁵ Lei del SEIA, Modificatoria de la Ley del SEIA, Reglamento de la lei del SEIA, Resoluciones Ministeriales, Capítulo II, Artículo 38.

¹²⁶ Ley no 30025, Congreso de la República.

¹²⁷ Interview Walter Castañeda Bustamante, Rondas Campesinas, 22 September 2013.

As discussed in previous sections, hydroelectric dams contribute to climate change and a loss in biodiversity, which has clear impacts on human rights. Various parts of the Marañón valley are protected parts and have various endemic species (Sattersfield et al. 1998).

Mining Activities

As discussed in section 6.1.8, the mining sector has serious human rights risks. Mining activities in Cajamarca already severely impact various human rights. The Yanacocha mine has led to various adverse impacts (Sosa & Zwarteveen 2012; Bebbington & Bury 2009). The planned Conga project has led to vivid civil protest and strong police repression and violence. In 2012, five people got killed in protests against the mine. Human rights violations related to the Conga mine have been denounced at the UN Human Rights Council (Celendín Libre 2013). The Conga mine is considered a project of national interest and the discussion about this project is so serious that it has led to political crisis in the national government (BBC 2012).

Also Vale, which has various concessions in the area, has caused various adverse human rights impacts in its La Morada project in the Cajamarca region (Grufides 2013).

These factors make that mining activities in the area have serious human rights risks.

6.4 Conclusions

This chapter has shown that the hydroelectric dams have serious adverse human rights impacts and human rights risks, which can be summarized in the following table.

	Belo Monte	Tapajós	Chadin II
Actual Impacts	Drop in River Runoff & Forced Evictions	Meaningful Stakeholder Engagement	Meaningful Stakeholder Engagement
	Land Occupation & Forced Evictions	Civil & Political Rights	Criminalization of Social Protest
	Meaningful Stakeholder Engagement		
	Licensing Process		
	Failing Judicial Apparatus		
	Climate Change & Biodiversity Loss		
	Workers' Rights		
Human Rights Risks	Mining Activities	Improper Compensation/ Forced Evictions	Forced Evictions
		Indigenous Rights	Right to Food
		Urbanization	Climate Change & Biodiversity Loss
		Climate Change & Biodiversity Loss	Civil & Political Rights
		Civil & Political Rights	Mining Activities
		Mining Activities	

Table 3, Summary Human Rights Impacts & Risks.

7. Normative Analysis of Responsibilities

The present chapter analyses the division of responsibilities among the various actors involved in the project. The actions required from individual actors follow from these responsibility scenarios. The actions required are being outlined in section 7.4.

As discussed in section 2.4, States are the principal bearers of human rights obligations. In many of the following cases, States are the principal actors responsible for ensuring the protection of human rights, and providing access to remedy in cases where human rights have been violated. However, as this research focuses on the responsibilities of corporate actors, the present chapter will discuss those responsibilities and State duties will not be discussed extensively. Nevertheless, in cases where corporations are owned or controlled by States, the duties of State actors will be discussed.

The present analysis focuses on those actors physically involved in the projects through their (financial) products or services. The responsibilities of shareholders of companies involved in the projects will not be analysed separately. However, shareholders (also minority shareholders) do have the responsibility to seek to prevent or mitigate an adverse impact caused by the companies in which they invest (see NCP Norway 2013; NCP Netherlands 2013; OHCHR 2013; Wachenfeld 2013). Russau (2013) has investigated shareholders involved in the Belo Monte case.

Corporations directly linked to the projects through business relationships are only limitedly being investigated. Both Brazil and Peru export large amounts of their minerals to foreign countries, which links them with numerous other corporations who also have a responsibility for adverse impacts in the MEC. Further research should be conducted to uncover these relationships.

7.1 Belo Monte (BR)

7.1.1 Drop in River Runoff & Forced Evictions

The adverse impacts as a result of the drop in river runoff are **caused** by the decisions and actions of Norte Energia, together with the Consórcio Construtor Belo Monte (Belo Monte Construction Consortium, CCBM). Norte Energia designed and developed the dam and has engaged other actors to build the dam. When Norte Energia started construction, it had not properly identified the affected people, had not fulfilled the 40 criteria that were obligatory to obtain the installation licence, several court cases filed by the Federal Prosecutor about the legality of the project were pending, and statements were released by various authorities warning for the adverse impacts of the construction of the dam. These factors together, but also every one of them separately, should have restrained Norte Energia from starting the construction of the dam until good preventive measures were taken. The individual actors in the Norte Energia consortium should have known that their actions would have negative human rights impacts. Each of the individual actors can therefore be considered to be **contributing** to the impact, since the decision-making and financial resources of these actors enable and facilitate the construction of the dam.

The construction consortium CCBM was hired by Norte Energia to realize the building of the dam, and is the actor that is physically the closest to the adverse impacts. Therefore, CCBM as a collective can be considered to be **causing** the impact. The individual members of the construction consortium can all be considered to be **contributing** to the impact. CCBM's due diligence procedure should have revealed that Norte Energia failed to take sufficient preventive measures and that numerous court cases related to the licencing process were pending. These facts and the associated risks should have convinced CCBM not to initiate construction activities before adequate preventive measures had been taken and court cases had been concluded.

The other consortia and enterprises providing products (e.g. equipment) or services (e.g. engineering) to Norte Energia and CCBM for building the dam can all be considered **contributing** to the adverse impacts through their own operations. Both Norte Energia and CCBM are consortia created with one specific goal; the construction and exploitation of the Belo Monte dam. The products and services of actors providing to the consortia thus directly and knowingly enable and facilitate the construction of the dam. In terms of prevention, their due diligence procedures should have revealed the adverse human rights impacts and should have restrained them from engaging in business relationships with Norte Energia or CCBM before adequate preventive measures had been taken and court cases had been concluded.

LEME, the company that executed the EIA, can be argued to **contribute by omission**. In the EIA, considerable impacts have been left out, like the impacts on the river flow and fish stocks. Furthermore, the number of affected people has been underestimated (Barbosa Magalhães Santos & Del Moral Hernandez 2009). In its studies, LEME has not applied common methods and knowledge that could have reasonably been expected to fully consider the impacts of the dam (Barbosa Magalhães Santos & Del Moral Hernandez 2009). As the EIA served as a basis for the licensing procedures and for identifying the remedial actions required, LEME can be considered as contributing by omission to the adverse impacts of the Belo Monte dam.

BNDES finances the Norte Energia consortium that is building the dam. The responsibility scenario for this type of relationship to the impact is less clear-cut than for the abovementioned actors. The few currently available interpretations of the UNGPs on this topic (Sustainable Finance Advisory 2013; UNOHCHR 2012), perceive financial institutions to be at a considerable 'distance' from the impact. A **direct link** to the financial institution's operations seems clear, but it is generally not considered to be a **contribution** relationship. However, considering the crucial nature of the financial support of BNDES to the Belo Monte dam project (BNDES supports more than 80% of the project costs), it can be argued that BNDES is clearly enabling the dam to be built.

In addition, it may be argued that BNDES has contributed to the adverse impact of the dam by **omission** (instead of action), since it is clear that BNDES did not undertake an adequate human rights impact assessment as part of its due diligence. BNDES approved the loan on 26 November 2012. However, at that moment, Norte Energia had failed to meet most of the environmental and social conditions required for obtaining the construction license (MPF 2012). It was clear that the loan granted to Norte Energia would be used for the construction of the dam. The key condition of the contract signed between BNDES and Norte Energia was the construction of the Belo Monte dam (BNDES 2012b). Furthermore, Norte Energia is a so-called 'sociedade de propósito específico (SPE)', a partnership with one specific goal: the construction of the Belo Monte dam.

Furthermore, under Brazilian environmental legislation, financial institutions like BNDES are considered responsible for the adverse impacts of projects they finance (Repórter Brasil 2011). Therefore BNDES has not only violated international guidelines, it has also violated Brazilian law by omitting to set environmental and social standards.¹²⁸ As Guiding Principle 23 states, 'in all contexts, business enterprises should comply with all applicable laws'. BNDES has not done so as it has not set measures to prevent adverse impacts and as it does not take any responsibility for the adverse impacts of the dam (BNDES 2012b).¹²⁹

Taking BNDES's crucial role in the financing of the Belo Monte dam and the fact that Brazilian law is clear about the responsibility of financial institutions for adverse impacts related to the projects financed, the responsibility scenario for BNDES is being considered as **contributing**.

As the mining companies will engage in a business relationship with Norte Energia through the energy they will consume, these companies are **directly linked to** the human rights impacts in the supply chain of the Belo Monte dam. This is most clear for the mining companies that already publicly anticipate using energy produced by the dam, like Norsk Hydro and Belo Sun. This responsibility scenario for mining companies holds for all the following human rights impacts as well.

A visual representation of the division of responsibilities is given in Figure 16.

¹²⁸ Brazilian environmental legislation includes many socio-environmental aspects as well.

¹²⁹ Email contact with Central do Atendimento do BNDES, 30 July 2013.

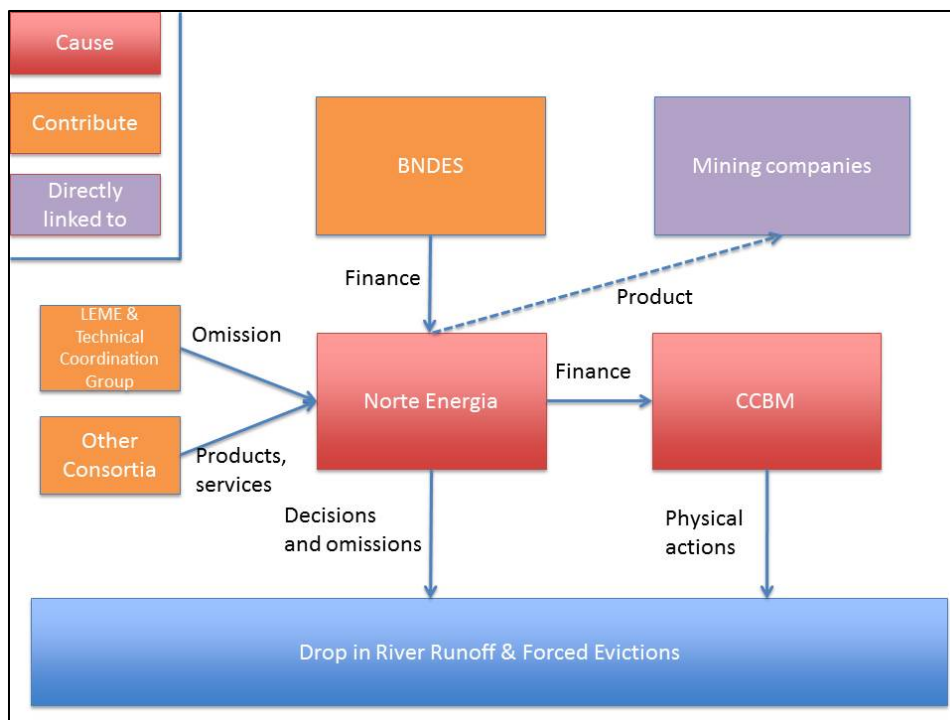


Figure 16, Corporate Responsibilities for Drop in River Runoff & Forced Evictions.

7.1.2 Land Occupation & Forced Evictions

Norte Energia has failed to properly identify the affected people and in many cases has failed to provide them with compensation. Furthermore, Norte Energia has, according to several interviewees, used tactics to intimidate people and pay as less compensation as possible (see section 6.1.2). Through these combined actions, but also through each of them separately, Norte Energia **causes** the adverse impacts on the right to an adequate standard of living, especially the right to housing, and other human rights related to forced evictions. Every individual actor in the Norte Energia consortium is considered to be **contributing** to the negative impacts, for the same reasons as described in section 7.1.1.

Several interviewees argue that Norte Energia takes advantage of the defective land titling in the region. As Baretto argues: 'land titling is very weak in the region. The main actor responsible for this is the Brazilian State. But the companies are clearly taking advantage of this situation'.¹³⁰

Guiding Principle 23 states that 'in all contexts, business enterprises should comply with all applicable laws' (UNOHCHR 2011a). The commentary further specifies that 'the concept of legal compliance requires enterprises to comply with national laws and regulations protecting human rights even if the capacity of the State to enforce such laws effectively is weak. It also means that enterprises should not take advantage of operating environments that provide insufficient protection for human rights to lower their own standard of conduct' (UNOHCHR 2012). Land rights are clearly protected in Brazilian law, but are poorly protected in practice. According to Guiding Principle 23, Norte Energia should not have taken advantage of the weak land titling in the region.

Furthermore, various interviewees express clear criticism about the nature of the compensations. Baretto explains that 'for the enterprise, all groups living in the Amazon are the same. The company doesn't regard them as different groups. But for us they *are* different, you can't threat a ribeirinho the same as a farmer. Ribeirinhos have to live close to the river; they cannot practice their way of living on a territory on the margins of the highway. Ribeirinhos use collective land rights. The company asks them what their individual land is, but they cannot say that, because they have common territory. The company doesn't understand this'. As a result of this misunderstanding, ribeirinhos receive unsatisfactory compensation.

GP 18 states that 'in order to gauge human rights risks, business enterprises should identify and

¹³⁰ Interview Andreia Baretto, Public Defender, 2 August 2013.

assess any actual or potential adverse human rights impacts with which they may be involved either through their own activities or as a result of their business relationships' (UNOHCHR 2011a). The commentary explains that 'in this process, business enterprises should pay special attention to any particular human rights impacts on individuals from groups or populations that may be at heightened risk of vulnerability or marginalization' (UNOHCHR 2012). The human rights risk assessment of Norte Energia should have identified ribeirinhos as a vulnerable group and should have treated them with more cautiousness. Norte Energia should in no way have taken advantage of their relatively weak position.

CCBM can also be considered to be **causing** the impact. Although CCBM is not responsible for the land concessions, it was clear at the time it started construction that affected groups were not duly identified and compensated. CCBM's due diligence should have revealed these problems and should have restrained it from starting construction until negatively affected people were duly compensated. Now that CCBM *did* start construction at a moment where people were not properly compensated, its actions actually were the main reason why many people had to leave their land and why their rights have thus been violated. Therefore CCBM can also be considered to be **causing** the impact. All individual actors in CCBM **contribute** to the adverse impacts.

The other consortia providing products and services for the construction of the dam can all be considered **contributing**. Their products and services make the construction of the dam, and the related human rights impacts, possible.

BNDES is again **contributing** to the impact. At the moment it provided the fund, it was clear that people had been sent off their land and were poorly compensated. As BNDES is the main fund provider and Brazilian legislation holds fund providers accountable for adverse impacts of the projects they finance, BNDES can be considered **contributing** to the impact.

The company E.labore, contracted for the communication with communities, has a role in the compensation as well (MPF 2011b). However, it has remained unclear for the researcher what the role of E.labore exactly was, which makes it difficult to define the responsibility scenario for this company. But given its role in the compensation process, it will at least be **directly linked to** the adverse impacts as a result of the land occupation.

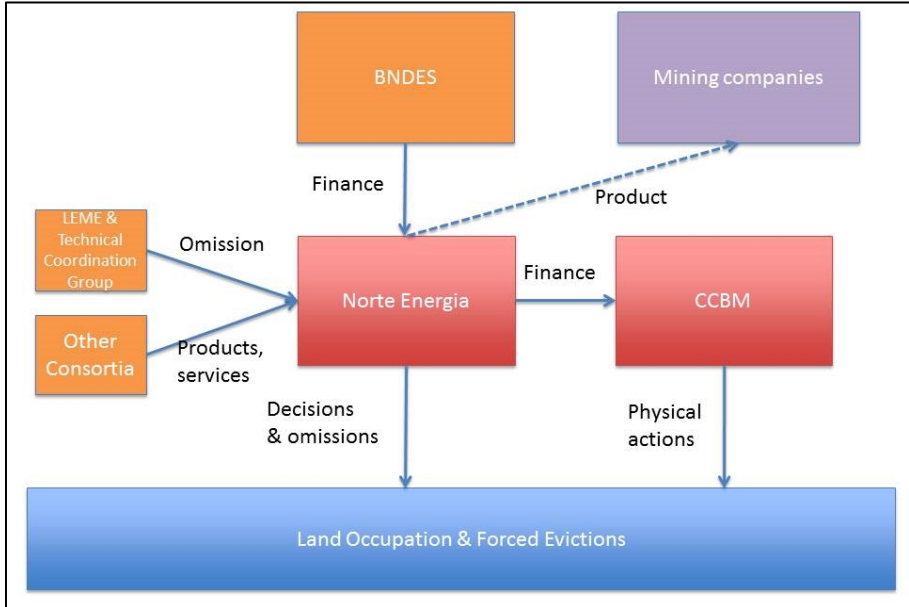


Figure 17, Corporate Responsibilities for Land Occupation & Forced Evictions.

7.1.3 Meaningful Stakeholder Engagement

The EIA for the project lies at the basis of the lack of FPIC. In the EIA, indigenous peoples are not being considered as 'directly affected', but rather as 'indirectly affected' (Norte Energia 2009). It is clear that indigenous peoples *are* being directly affected by the dam (IACHR 2011; ILO 2012; MPF 2011c). Under Brazilian legislation, the EIA forms the basis for identifying which actors have or have

not to be consulted. As LEME and the Technical Coordination Committee have not identified indigenous peoples as directly affected, they have **caused** the violation of the right to FPIC. Since the research forms the basis for identifying whether FPIC is needed or not, the erroneous study forms the main reason why indigenous peoples have not been consulted.

The right to free, prior and informed consent is guaranteed in the Brazilian constitution and is defined as a requirement for the approval of a project by the Senate. As the Senate has approved the project without conducting FPIC, the Senate is the principal actor violating Brazilian law. But this should not have restrained Norte Energia from conducting FPIC. As the UN Working group on human rights and transnational corporations and other business entities states: 'to avoid adverse impacts as well as business risks, businesses need to ensure that the State-led FPIC process is adequate. In the absence of an adequate State-led FPIC process, a business enterprise needs to consider carefully whether it can proceed with the project without the risk of causing or contributing to adverse impacts on the rights of indigenous peoples: the failure to inform, engage and consult with indigenous peoples, both men and women, not only undermines the ability of a business enterprise to respect rights (as it may not be aware of its potential or adverse impacts), but it also fosters mistrust between communities and business enterprises and can lead to disruptions of operations' (UNHRC 2013c).

Furthermore, UNGP 18 states that 'business enterprises should identify and assess any actual or potential adverse human rights impacts with which they may be involved. This process should involve meaningful stakeholder consultation with potentially affected groups and other potential stakeholders, as appropriate to the size of the business enterprise and the nature and context of the operation' (UNOHCHR 2011a). As the commentary makes clear, 'enterprises need to understand, as far as possible, the concerns of those who may be directly affected by their operations. This is particularly important for enterprises whose operations or operating contexts suggest they will have significant human rights risks' (UNOHCHR 2012).

FPIC is further protected under Brazilian law and, as it is obvious that indigenous people are being directly affected, Norte Energia should have gained their free, prior and informed consent, as businesses have to obey with national legislation, also if this is not being enforced. As Norte Energia has not done so, it **causes** the lack of FPIC.

Furthermore, other affected groups should also have been consulted, both under the UNGPs and Brazilian law. This has not taken place in a satisfactory manner, as described in section 6.1.3, so Norte Energia is not only **causing** the violation of the right to FPIC, but is also **causing** the right to meaningful stakeholder involvement for other groups of affected people.

CCBM can also be considered to have **caused** the lack of meaningful stakeholder engagement. At the time CCBM started construction, it was clear that the right to FPIC had been violated. This should have restrained CCBM from starting construction until affected indigenous peoples had been consulted. As CCBM actually made the decisions to start construction without the required meaningful stakeholder engagement, they develop a project violating the right to meaningful stakeholder engagement.

BNDES is considered to be **contributing** to the impact. At the moment it provided the fund, it was clear that the right to meaningful stakeholder engagement had been violated. As BNDES is the main funder for the project and as Brazilian legislation holds fund providers accountable for adverse impacts of the projects they finance, BNDES can clearly be considered contributing to the impact.

The EPBM consortium is also regarded as **contributing** to the adverse impact. As this consortium is physically working on the construction site that affects groups that have not been duly consulted, the consortium can be considered to be contributing to the adverse impacts. The consortium should have restrained from starting construction work until affected communities had been duly consulted.

Other companies or consortia that provide products or services to Norte Energia can be considered **directly linked to** the adverse impacts, as they engage in business relationships with actors causing or contributing the adverse impact.

Mining companies are considered **directly linked** to the lack of meaningful stakeholder engagement. Through their future consumption of energy from the Belo Monte dam, they are directly linked to the adverse human rights impacts.

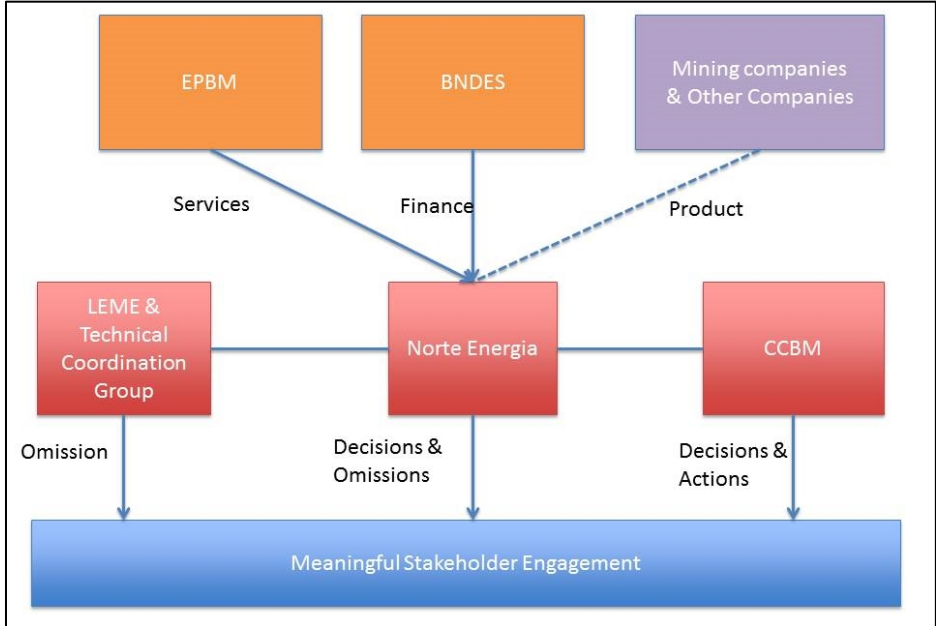


Figure 18, Corporate Responsibilities for Lack of Meaningful Stakeholder Engagement (Belo Monte).

7.1.4 Licensing Process

The Brazilian government is the main actor causing the violations related to the licensing process. However, the UNGPs stress that companies should always comply with applicable laws, even if they are not being enforced (UNOHCHR 2011a). Under Brazilian legislation, all conditions set by IBAMA have to be fulfilled before an installation licence can be granted. However, the companies are working with a ‘partial licence’, non-existent in Brazilian legislation. As this clearly violates Brazilian legislation, all companies engaged in the construction of the dam (Norte Energia, CCBM, EPBM) can be considered to be violating Brazilian law, as they are working on a project site that has no valid license. They therefore all **contribute** to the adverse impacts on the right to equal protection of the law.

BNDES can also be considered to be **contributing** to these adverse impacts as it finances a project that has no valid license. But BNDES also undermines the licensing process and the authority of State agencies like IBAMA. BNDES guaranteed financing for the project long before the ‘partial’ licence was granted. The guarantee given by BNDES undermines the authority of State institutions charged with the licensing of the project. Furthermore, the contract between BNDES and Norte Energia anticipates in the power plant to be operational by February 2015. The electricity generated by the dam will be owned by BNDES as collateral for the lending. By allowing the dam’s future electricity to serve as collateral, BNDES undermines the authority of the State institutions that are charged with the issuing of the operational license, an obligatory step in Brazilian legislation before a project can start its operations.

The negative financial impact to the country if the project were to be delayed or cancelled as a result of licensing procedures puts pressure on the licensing bodies to ease the process (Rojas & Amorim 2013). In a comparable court case, where a BNDES-financed project had no valid license, a Brazilian judge concluded that the corporation had indeed violated environmental law, but argued that the national financial risks of paralyzing the project were too large, because BNDES financed the project, and therefore concluded that the corporation should not be punished (Folha de São Paulo 2012).¹³¹ This is an example where BNDES and its importance for the Brazilian financial stability clearly undermined Brazilian legislation. BNDES’s financing of Belo Monte faces the same problem: BNDES’s loan is the largest in the bank’s history and the financial risks of the project are high. As Carlos Tautz says, ‘Belo Monte is too big to fail, the financial interests are already too large to stop the project’.¹³²

¹³¹ Email contact with Danilo Chammas, Justiça nos Trilhos, 25 August 2013.
¹³² Interview Carlos Tautz, Instituto Mais Democracia, 9 July 2013.

The EIA lies at the basis of the licensing process. In the EIA, considerable impacts have been left out, like the impacts on the river flow and fish stocks. Furthermore, the number of affected people has been underestimated (Barbosa Magalhães Santos & Del Moral Hernandez 2009). In its studies, LEME has not applied common methods and knowledge that could have reasonably been expected to fully consider the impacts of the dam (Barbosa Magalhães Santos & Del Moral Hernandez 2009). As the EIA served as a basis for the licensing, LEME and the members of the Technical Cooperation Group can be considered as **contributing by omission** to the adverse impacts of the Belo Monte dam.

The companies providing products and services to Norte Energia can be considered **directly linked to** the adverse impacts. Although they have no role in the licensing process, they are directly linked to the adverse impacts through their business relations with Norte Energia. The same holds for the mining companies.

Norte Energia is the entity charged with fulfilling the conditions set by IBAMA and FUNAI. As Norte Energia has not fulfilled the conditions before starting the construction of the dam, it **causes** adverse impacts that are a result of the non-fulfilment of these conditions. Other actors (CCBM, other consortia, BNDES) should have known that Norte Energia had not fulfilled the criteria and should therefore have waited to start construction or to provide products and services until the criteria were fulfilled. As they did not do so, they enabled Norte Energia to continue the construction of the dam without fulfilling the conditions and can be therefore be considered to be **contributing** to the impact.

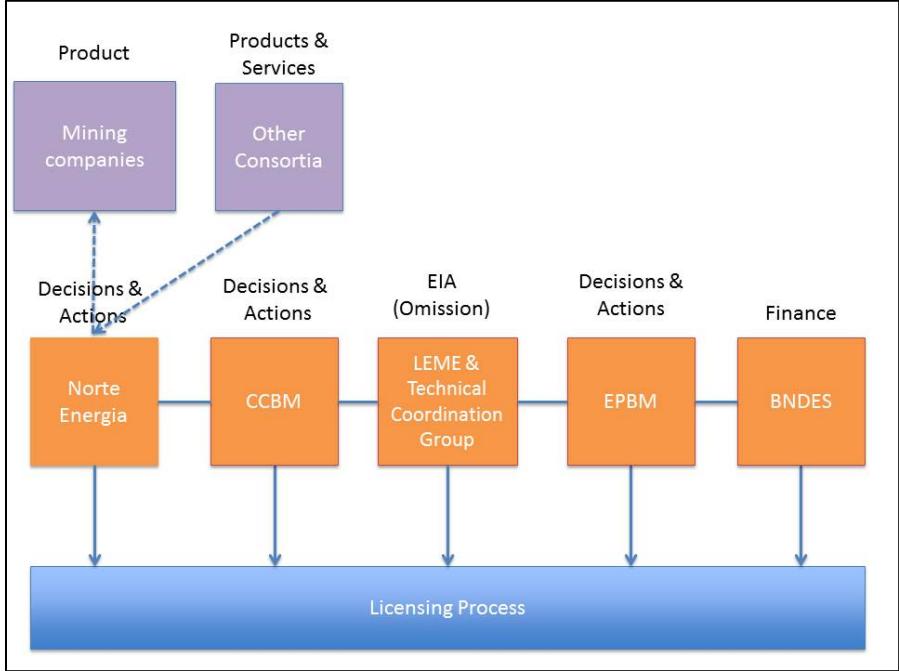


Figure 19, Corporate Responsibilities for the Irregular Licensing Process.

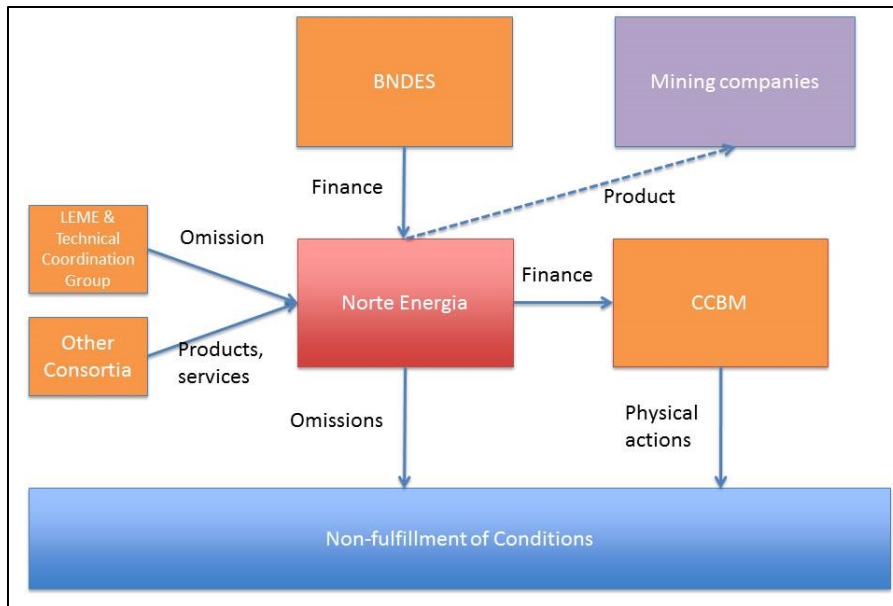


Figure 20, Corporate Responsibilities for the Non-Fulfillment of Conditions.

7.1.5 Failing Judicial Apparatus

The main actor causing the problems with the judicial apparatus and related rights is the judicial apparatus itself, the Brazilian State. However, Norte Energia and CCBM have started construction of the dam while several court cases filed by the Federal Public Prosecutor were pending. By doing so, they undermine the authority of the Prosecutor and the well-functioning of the judicial apparatus. Therefore these actors can be considered as **contributing** to the adverse impacts.

According to many interviewees, Norte Energia has very close bonds with lawyers and uses these to make them taking decisions in favour of Norte Energia. When this is the case, Norte Energia might be considered **causing** the mal-functioning of the judicial system. However, little is known about the nature of the bonds between Norte Energia and the lawyers. Therefore more research is needed on the bonds. This example shows that studying the MEC is crucial in understanding power relations and resulting duties and responsibilities.

BNDES can also be considered to be **contributing**; at the moment it gave the loan to Norte Energia, several court cases filed by the Federal Public Attorney were pending. In their own words, 'all projects financed by BNDES have to be legal. This is being controlled over the whole length of the project's implementation'.¹³³ As the Public Prosecutor is exactly questioning the legality of the project, BNDES should have awaited the judges' decision about the legality of the project. Now that it has not done so, it undermines the authority of the Public Prosecutor and the judicial system and does not comply with its own standards.

Other consortia and companies providing products and services to Norte Energia can be considered **directly linked to** the adverse impacts as a result of a failing judicial apparatus. The court cases do not concern those companies, so they cannot be considered as contributing, but through their business relations with Norte Energia, they are directly linked to the adverse impacts. The same holds for the mining companies.

¹³³ E-mail contact Central de Atendimento do BNDES, 30 July 2013.

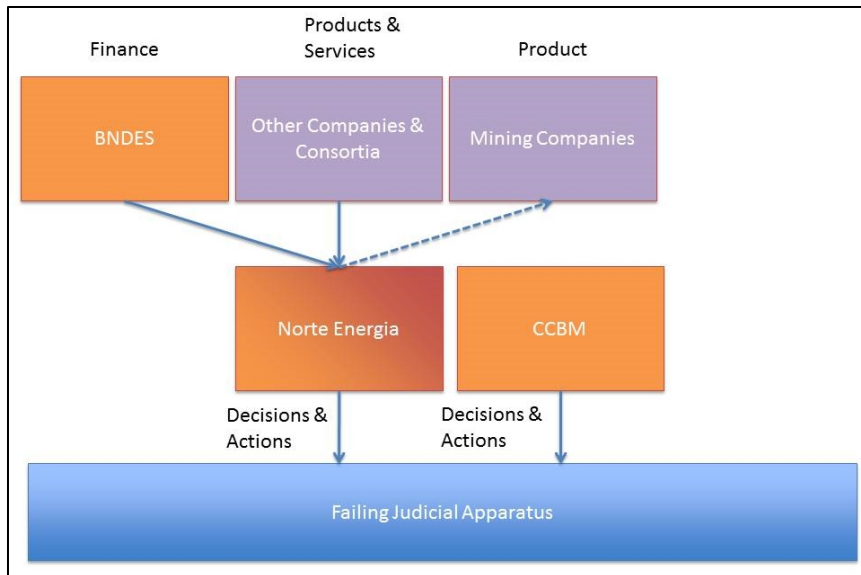


Figure 21, Corporate Responsibilities for the Failing Judicial Apparatus.

7.1.6 Climate Change & Biodiversity Loss

Norte Energia, CCBM, and the other consortia and corporations providing products and services to Belo Monte all **contribute** to the human rights impacts related to climate change and biodiversity loss. Their combined decisions, actions, products and services cause the emission of greenhouse gases, so every individual actor contributes to the adverse human rights impacts as a result of climate change.

BNDES can also be considered as **contributing**. Its financial support facilitates the construction of the dam. Furthermore, under Brazilian legislation financiers have responsibilities for the adverse impacts of projects they finance. This makes BNDES contributing to the impact.

LEME and the other actors in the Technical Coordination Group who were responsible for the EIA **contribute by omission**. In the EIA, the impact on climate change has not been properly analysed, or, as Fearnside argues: the way the EIA analyses the effects on climate change is ‘the same as not seeing an elephant in the middle of a little room, because of fixing the eyes on a little corner of the room’ (Fearnside 2009). He argues that common international methods and studies analysing the effects of hydrodams have not been taken into account (Fearnside 2011a; Fearnside 2011b). Through the omission to properly study the effects in climate change, the actors in the Technical Coordination Committee contribute to the climate change, as the actual effects are not properly analysed and thus not acted upon.

Through future consumption of energy from the Belo Monte dam, the mining companies are **directly linked to** the human rights impacts as a result of climate change.

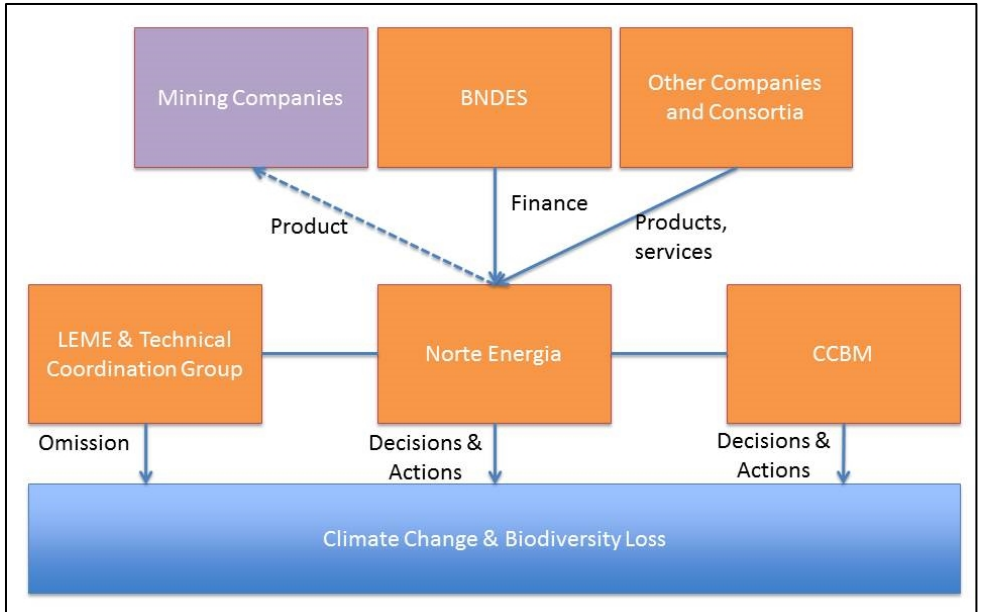


Figure 22, Corporate Responsibilities for Climate Change & Biodiversity Loss.

7.1.7 Workers’ Rights

CCBM is the actor hiring the workers whose rights are possibly being violated and is thus directly responsible for the workers. Therefore CCBM is the actor **causing** the adverse human rights impacts.

Norte Energia **contributes** to the impacts through its financial support to CCBM. Norte Energia’s due diligence should have revealed the problems with workers’ rights and should have used its leverage to influence the behaviour of CCBM. As it has not done so, it contributes to the impacts. All other actors can be considered **directly linked to** the adverse impacts because of their business relationship with Norte Energia.

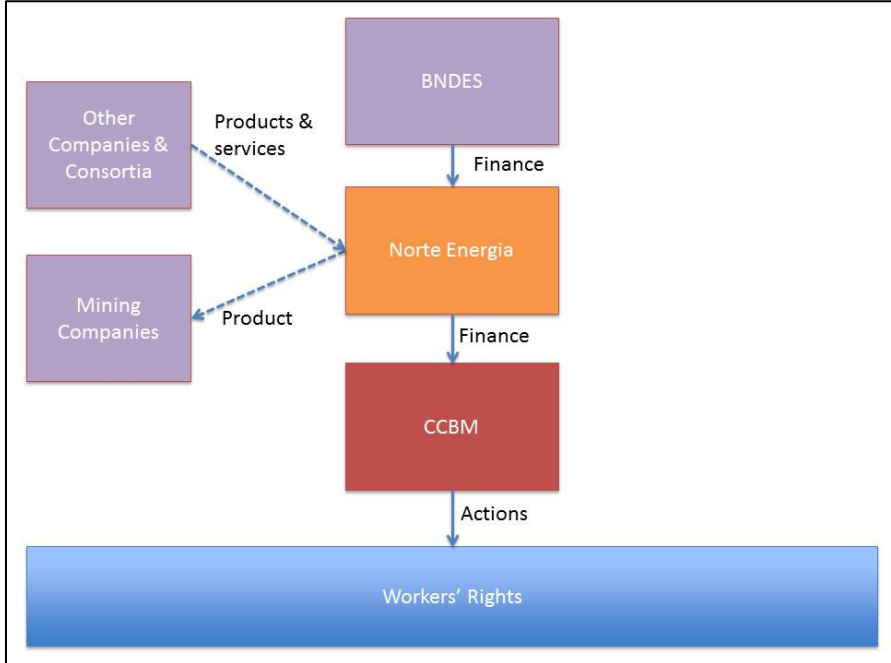


Figure 23, Corporate Responsibilities for Workers' Rights.

7.1.8 Mining Activities

Norte Energia will supply significant parts of the generated energy to mining companies and thus facilitate mining expansion in the region. By doing so, Norte Energia will engage in business relationships with mining companies through selling them energy and will thus be **directly linked to**

possible adverse impacts caused by these mining companies. This business relationship gives Norte Energia a responsibility for possible future human rights impacts caused by mining companies that will distract energy from the Belo Monte dam. Norte Energia thus has to conduct human rights due diligence to prevent future adverse human rights impacts related to the Belo Monte dam and the electricity it will supply.

7.1.9 Brazilian and Norwegian State

Since several companies of the Norte Energia consortium and BNDES are owned and controlled by the Brazilian State, the Brazilian State has an important role to address the adverse impacts. Additionally, the fact that Norsk Hydro is a Norwegian state-owned enterprise means that the Norwegian State also has a role to play in addressing the impact. According to the UNGPs, apart from a general duty to protect the human rights of its inhabitants, States have an additional duty when it comes to state-owned enterprises:

‘Where a business enterprise is controlled by the State or where its acts can be attributed otherwise to the State, an abuse of human rights by the business enterprise may entail a violation of the State’s own international law obligations. [...] Where these agencies do not explicitly consider the actual and potential adverse impacts on human rights of beneficiary enterprises, they put themselves at risk – in reputational, financial, political and potentially legal terms – for supporting any such harm, and they may add to the human rights challenges faced by the recipient State’ (UNOHCHR 2011a).

If States own or control business enterprises, they have the greatest means within their powers to ensure that relevant policies, legislation and regulations regarding respect for human rights are implemented. The State should use these means to make sure that state-controlled enterprises respect human rights. The interpretive guide further stresses that ‘for joint ventures [like Norte Energia, KK] with significant human rights risks, it is particularly important to ensure that the legal and other agreements underpinning the ventures provide the necessary basis to ensure that human rights are respected in their operations’ (UNOHCHR 2012). However, the legal obligations of the State to respect and protect human rights are additional to the enterprise’s own responsibility to respect human rights and do not diminish it in any regard (UNOHCHR 2012).

The UNGPs require that 1) the government of Brazil prevents, investigates, punishes and redresses the abuse; 2) Norte Energia and BNDES undertake effective human rights due diligence to identify, prevent, mitigate and remedy the impacts; and 3) the government of Brazil clarifies the States’ expectation that business partners respect human rights.

The involvement of Norwegian state-owned Norsk Hydro also implies that the Norwegian government must act to require Norsk Hydro to undertake effective human rights due diligence to identify, prevent, and mitigate the impact (UNOHCHR 2011a).

7.2 Complexo Tapajós (BR)

This section will analyse the responsibilities of different enterprises engaged in the Complexo Tapajós. A division will be made between actual and potential human rights impacts.

7.2.1 Actual Impacts

Meaningful Stakeholder Engagement

The principal actor responsible for the lack of FPIC for decision-making for the dam and research on indigenous territory is the Brazilian State; the State has made decisions over the dam and allows the companies to do research on indigenous territory. However, as described in section 7.1.3, a State’s failure to conduct FPIC does not set companies free from their obligations to conduct FPIC.

The Grupo de Estudos Tapajós, responsible for the research activities, can be considered to be **causing** the impacts. As decision-making for the dam and research activities should have been subject to FPIC, the activities of Grupo de Estudos Tapajós inherently affect the right to FPIC, as the consortium is established to coordinate the research.

As CNEC is physically closest to the impact (CNEC researchers are the people who actually enter the indigenous area), CNEC can be considered to be **causing** the adverse impact. CNEC’s due diligence

should have revealed that the indigenous peoples had not been consulted and that nobody is allowed to enter indigenous land without the people’s consent.

GEOSUL and Concremat **contribute** to the impact, as they execute studies that violate the right to FPIC. Diálogo Tapajós and IBOPE can be considered **directly linked to** the adverse impact, as it engages in a business relationship with Grupo de Estudos Tapajós, which causes the adverse impacts. As Diálogo Tapajós has no active role in the studies, it cannot be considered to be contributing to the adverse impacts.

The responsibility scenario is being displayed in Figure 24.

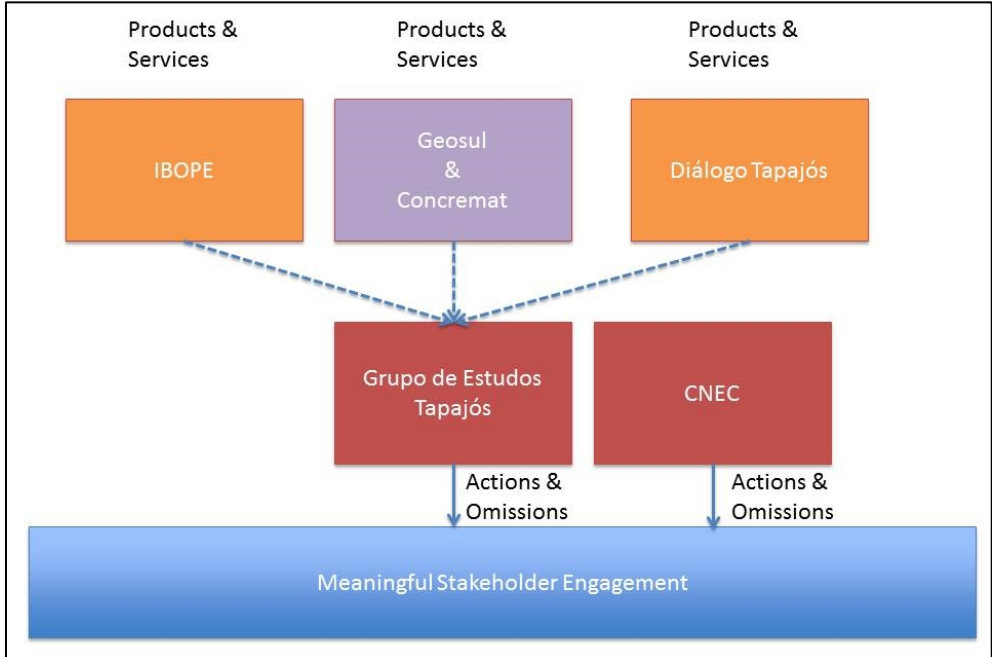


Figure 24, Corporate Responsibilities for Lack of Meaningful Stakeholder Engagement (Tapajós).

The disrespect of constitutional and indigenous rights related to the limitation of conservation units is **caused** by the Brazilian government. However, given the clear links between these decisions and the hydroelectric dams, the companies involved in the research for the Belo Monte dam can all be considered to be **linked to** the adverse impacts.

The responsibility scenario for mining companies depends on their role in the development of the projects; when they actively support the rapid construction of the dams, for example through lobbying or other forms of support to the Grupo de Estudos Tapajós, the mining companies can be considered to be **contributing** to these impacts. When they do not actively support the project, they can still be considered **directly linked to** the project, as various mining companies already anticipate the construction of the dams and will use the energy when constructed.¹³⁴

Civil and Political Rights

Little is known about the actors responsible for death threats and invasion of territories. When GEOSUL indeed is responsible for threats and invasions, it **causes** the adverse impacts. As GEOSUL’s business relations with other actors are unclear, it is difficult to distinguish whether the other corporations **contribute** or are **directly linked to** the adverse impacts. However, the companies at least are **directly linked to** the impact, as the research for the dam is the main reason for the threats and invasions. However, more transparency by the companies is needed to define the exact responsibility scenarios.

7.2.2 Human Rights Risks

Companies do not only have responsibilities with regard to actual human rights impacts, but should also *prevent* potential impacts.

¹³⁴ Interview David Leal, SEICOM, 22 July 2013; Interview Ronaldo Lima, IBRAM, 25 July 2013.

The first requirement is that corporations have a publicly available human rights policy statement that stipulates the enterprise's human rights expectations of personnel, business partners and other parties directly linked to its operations, products or services (UNOHCHR 2012).

In addition, companies should adopt due diligence to identify and prevent potential human rights impacts. Human rights due diligence: a) should cover adverse human rights impacts that the business enterprise may cause or contribute to through its own activities, or which may be directly linked to its operations, products or services by its business relationships; b) will vary in complexity with the size of the business enterprise, the risk of severe human rights impacts, and the nature and context of its operations; c) should be on-going, recognizing that the human rights risks may change over time as the business enterprise's operations and operating context evolve (UNOHCHR 2012).

Due diligence should cover adverse human rights impacts that the business may cause or contribute to through its own activities, or which may be directly linked to its operations, products or services by business relationships (UNOHCHR 2012). As the commentary to Guiding Principle 17 explains, if due diligence on every individual relationship is impossible, 'business enterprises should identify general areas where the risk of adverse human rights impacts is most significant, whether due to certain suppliers' or clients' operating context, the particular operations, products or services involved, or other relevant considerations, and prioritize these for human rights due diligence' (UNOHCHR 2011a).

The extent to which due diligence should be conducted depends on the human rights risks and the project's operational context: specific contexts may have specific human rights risks and proper due diligence should include and account for these specific risks (UNOHCHR 2012). As described in section 6.2.2, the human rights risks related to the sector, country and area are large, so an extensive due diligence process is required for the Tapajós project.

In order to gauge human rights risks, business enterprises should identify and assess any actual or potential adverse human rights impacts with which they may be involved either through their own activities or as a result of their business relationships. This process should: a) draw on internal and/or independent external human rights expertise; b) involve meaningful consultation with potentially affected groups and other relevant stakeholders, as appropriate to the size of the business enterprise and the nature and context of the operation.

The UNGP Interpretative Guide stresses the importance of stakeholder engagement in the process of due diligence: 'Human rights due diligence is about people. It reflects the entitlement of every human being to be treated with dignity. It therefore involves relationships— between an enterprise and those on whom it may have an impact. Hence, the key to human rights due diligence is the need to understand the perspective of potentially affected individuals and groups. Where possible and appropriate to the enterprise's size or human rights risk profile, this should involve direct consultation with those who may be affected or their legitimate representatives' (UNOHCHR 2012: 33) 'Engaging with potentially affected groups and other relevant stakeholders provides important insights into their perspectives and concerns regarding the enterprise's operations and the implications these have for human rights' (UNOHCHR 2012: 44).

These due diligence provisions require that all corporations that can cause, contribute or be directly linked to adverse human rights impacts related to the dams, should assess the risks, integrate them in relevant functions and processes, take appropriate action and track the effectiveness, and communicate how impacts are addressed (UNOHCHR 2012). The commentary to Guiding Principle 21 stresses that companies should provide a measure of transparency and accountability to individuals or groups who may be impacted and to other relevant stakeholders, including investors (UNOHCHR 2011a).

All companies currently involved in the Tapajós project should conduct due diligence. Also the mining companies should conduct due diligence about their direct links or contributions to possible adverse impacts.

Future companies that will be involved in the project will have the same obligations. The company or consortium that wins the public bid should conduct due diligence, as should BNDES, as they in all likelihood will (partly) finance the project, and all other companies involved in the project.

Companies involved in the Tapajós project also have a due diligence responsibility with regard to adverse impacts related to the construction of dams in the region. As analysed in section 5.2.2, the construction of the dams opens up the area for large-scale mining activities. The dams are the main reason why the region will become attractive for large-scale mining. Given the crucial role of the dams for the development of the mining activities, the construction of the dam can be considered to be **contributing** to potential adverse impacts related to large-scale mining in the area. Therefore, companies involved in the construction of the dam should conduct due diligence to prevent their contribution to adverse human rights impacts related to increasing mining activities in the area.

7.2.3 State Actors

As described in section 7.1.9, where a business enterprise is controlled by the State or where its acts can be attributed otherwise to the State, an abuse of human rights by the business enterprise may entail a violation of the State's own international law obligations and thus involves extra human rights obligations for these States (UNOHCHR 2012).

As described in section 5.1.2, various companies in the Grupo de Estudios Tapajós are for a large part controlled by State actors. The Brazilian, French and Italian governments all control significant parts of enterprises involved in the Grupo de Estudios Tapajós, such as Eletrobras, Eletronorte, EDF, GDF Suez and Endesa.

The States should encourage and, where appropriate, require human rights due diligence by the enterprises they control. Given the large human rights risks of the Tapajós projects, it is appropriate to require extensive due diligence to identify, prevent, mitigate and remedy the impacts (UNOHCHR 2011a).

As the Brazilian State will probably finance a significant part of the project, it has to require BNDES to undertake effective human rights due diligence to identify, prevent, mitigate and remedy the impacts (UNOHCHR 2011a).

7.3 Chadin II (PE)

As Odebrecht controls 100% of AC Energía, Odebrecht can be considered to be **causing** most of the impacts described in section 6.3. Through manipulating the Public Hearings, Odebrecht **causes** the adverse impacts on meaningful stakeholder engagement. Furthermore, by not consulting the Rondas Campesinas and affected indigenous people, Odebrecht **causes** the adverse impacts on the right to FPIC.

The incomplete EIA adds to the problems related to meaningful stakeholder engagement, as affected people are not well-informed about the project and its impacts. Therefore, AMEC can be considered to be **contributing** to the adverse impact on the right to meaningful stakeholder engagement.

The responsibility scenario for the excessive police presence and violence at the Public Hearings is unclear, as it is unclear whether Odebrecht has contracted police forces or whether the Peruvian State has sent these forces on its own initiative. Peruvian legislation gives corporations the possibility to contract national police forces. Various mining companies operating in the region have contracted these forces (Goldfields & PNP 2010; Yanacocha & PNP 2011; Antamina & PNP 2012). As accessing these contracts is very difficult, it is unclear whether Odebrecht has contracted police forces. Therefore the responsibility is difficult to define. If Odebrecht has contracted police forces, it is responsible for the adverse impacts as a result of excessive police presence and violence and thus **causes** the impacts. When it has not contracted these forces, it is **directly linked to** the adverse impacts.

Criminalization of social protest through numerous court cases against social leaders is the main responsibility of the Public Prosecutor, so the Peruvian State causes the impacts. It is unclear what the role of Odebrecht in these processes is. Depending on the extent to which Odebrecht has pushed for these court cases, Odebrecht can be considered **contributing** or **directly linked to** the adverse human rights impacts as a result of the criminalization process.

Human Rights Risks

Odebrecht should conduct an extensive human rights due diligence. As described in section 6.3.2, the human rights risks of the project are large and the impacts have not been studied sufficiently. Therefore an extensive human rights due diligence is indispensable to prevent future adverse human rights impacts. As AMEC is no longer actively involved in the project, it is too late for this company to conduct its human rights impact assessment. However, it should account for the adverse impacts it has caused already. Mining companies that will distract energy from the dam also have to conduct due diligence about their direct links or contributions to possible adverse impacts.

When BNDES indeed finances the project, it also has the responsibility to conduct human rights due diligence.

Furthermore, companies in the Chadin II project have a due diligence responsibility with regard to adverse impacts caused by companies that are directly linked to the hydro dam, such as mining activities. As Odebrecht and other hydroelectricity companies will probably engage in business relationships with mining companies, they have responsibilities to investigate and act upon their links and contributions to adverse impacts caused by mining companies.

7.4 Conclusions

The responsibility scenarios for the different cases can be summarized as follows.

Belo Monte	Norte Energia	CCBM	BNDES	LEME	Suppliers	Contractors	E.labore	EPBM	Mining Companies
Drop in River Runoff & Forced Evictions	cause	cause	contribute	contribute	contribute	contribute	contribute	contribute	directly linked to
Land Occupation & Forced Evictions	cause	cause	contribute	contribute	contribute	contribute	contribute/ directly linked to	contribute	directly linked to
Meaningful Stakeholder Engagement	cause	cause	contribute	cause	directly linked to	directly linked to	directly linked to	contribute	directly linked to
Licensing Process	cause/ contribute	contribute	contribute	contribute	directly linked to	directly linked to	directly linked to	contribute	directly linked to
Failing Judicial Apparatus	contribute/ cause	contribute	contribute	directly linked to	directly linked to	directly linked to	directly linked to	directly linked to	directly linked to
Climate Change & Biodiversity Loss	contribute	contribute	contribute	contribute	contribute	contribute	contribute	contribute	directly linked to
Workers' Rights	contribute	cause	directly linked to	directly linked to	directly linked to	directly linked to	directly linked to	directly linked to	directly linked to
Mining Activities	directly linked to	directly linked to	directly linked to	directly linked to	directly linked to	directly linked to	directly linked to	directly linked to	cause
Tapajós	Grupo de Estudos Tapajós	CNEC	GEOSUL	Diálogo Tapajós	IBOPE	Concremat	Mining Companies		
Meaningful Stakeholder Engagement	cause	cause	contribute	directly linked to	directly linked to	contribute	directly linked to		
Civil & Political Rights	directly linked to	directly linked to	cause?	directly linked to	directly linked to	directly linked to	directly linked to		
Chadin II	Odebrecht	AMEC	Mining Companies						
Meaningful Stakeholder Engagement	cause	contribute	directly linked to						
Excessive Police Presence & Violence	cause/ directly linked to	directly linked to	directly linked to						
Criminalization of Social Protest	contribute/ directly linked to	directly linked to	directly linked to						

Table 4, Summary Responsibility Scenarios.

8. Complaints & Responsiveness to Responsibilities

The present chapter investigates the strategies of groups (potentially) negatively affected by the hydroelectric projects: to what extent do they hold corporate actors accountable? What are their demands? It further discusses the responses and reactions provided by the companies. This chapter thus critically analyses the extent to which the theoretical division of responsibilities based on the UNGPs has been applied in practice and whether this has led to change in corporate behaviour.

8.1 Belo Monte (BR)

8.1.1 Strategies used by CSOs

The civil society organisations interviewed directed the vast majority of their complaints towards the Brazilian State and in much lesser extent to corporate actors. This has different reasons. First, the Brazilian State is regarded as the principal actor responsible for the project, because the Belo Monte project makes up part of government policies (PAC), is for a large part executed by State companies, and mainly funded with public money. Another reason is that Brazilian legislation puts large duties on the Brazilian State to protect human rights and provides little possibilities to hold corporate actors accountable.¹³⁵

The Brazilian political landscape is another reason why organizations devote large responsibilities to the Brazilian State. In 2002 former metalworker Lula and his PT (Partido dos Trabalhadores, Workers' Party) came to power. This party has its roots in the workers' movements and civil society organizations and is regarded as 'the most significant leftist party in Brazilian history' (Kingstone & Power 2008: 3). Civil society organizations form the basis of this party (Kingstone & Power 2008). 2002 was the first time in decades that a leftist party came to power and civil society movements had large expectations of this political change.¹³⁶

But Lula was the president who took up the plans for Belo Monte again. Because of the large confidence in Lula, many civil society organizations expected Lula would develop the project in a responsible way.¹³⁷ When it became clear that the dam would actually have serious adverse impacts, most civil society organizations thus directed their complaints directly towards the government, the PT, a party they thought would protect the rights of negatively affected people and would, more than other governments, represent the interests of civil society organizations and weaker groups in society.

Another reason given why little complaints were addressed towards corporations, is their large power. According to Carlos Tautz, 'even for public prosecutors it's very difficult to have the capacity and the personal courage to bring BNDES to court'. Many argue that the corporations are too big to criticize and that they are being backed up by the government.¹³⁸

The resulting attitude of addressing complaints against the government is expressed in the following quotations:

*'Of course there are large corporations with a lot of power behind Lula and Dilma, but that doesn't justify the harms. The government has been chosen democratically, so they are responsible for the people. The government cannot give in to the economic interests. There is no sorry. These problems are not a result of the system, the system here in Brazil has a name and address: the Brazilian government. The big capital has name and address: the government.'*¹³⁹

'Foreigners often ask me why we don't hold the companies accountable, but Brazilians are very reluctant in asking something from enterprises, we ask much more from the State. There

¹³⁵ Interview Sergio Martins, SDDH, 25 July 2013.

¹³⁶ Interview Antônia Melo, Movimento Xingu Vivo Para Sempre, 2 August 2013.

¹³⁷ Interview José Aparecido dos Santos, STTR, 6 August 2013; Interview Antônia Melo, Movimento Xingu Vivo Para Sempre, 2 August 2013.

¹³⁸ Interviews Antônia Melo, Marcelo Salazar, Jose Aparecido dos Santos, Carlos Tautz, João Batista.

¹³⁹ Interview Antônia Melo, Movimento Xingu Vivo Para Sempre, 2 August 2013.

*are nearly no judicial mechanisms to hold companies accountable. When companies conduct environmental crimes, the State is always the one that is being found culpable, because they have to protect the rights of the citizens.*¹⁴⁰

8.1.2 Types of Complaints

It is very difficult to exactly identify the demands of the affected groups. Many individuals and organisations have changed strategies over time. The most important actors expressing complaints are described below and can be subdivided in civil society organizations and State organizations.

Civil Society Organizations.

Movimento Xingu Vivo Para Sempre (MXVPS) is a collective of various organizations who oppose against the dam, such as indigenous and ribeirinho communities, women organizations, environmental NGOs, research NGOs, labour unions, religious organizations and fishermen groups. MXVPS is backed by international organizations such as International Rivers, Amazon Watch and many South-American organizations (MXVPS 2013b). MXVPS clearly opposes against the construction of Belo Monte, and uses the lack of FPIC, the violation of human rights and the irregular licensing process as the main basis for resistance. It also uses international instruments like the UNOHCHR, IACHR and ILO. However, complaints addressed to these institutions mainly focus on State duties to protect human rights. When addressing complaints to corporate actors, MXVPS mainly uses open letters, meetings with the corporate actors, street protests, and occupation of the dam. In these complaints, MXVPS addresses practically all adverse impacts described in chapter six.

The Movement of Dam-Affected People (MAB) is a national civil movement that aims to inform affected people about the adverse impacts of hydroelectric dams. MAB tries to organize civil resistance and protest against the project. MAB uses street protests, open letters, occupation of the dam, and has expressed complaints at the National Council for the Defense of Human Rights of the Ministry of Justice. Like MXVPS, MAB addresses most problems described in chapter six.

Various organizations, like Instituto Socioambiental (ISA, Socio-Environmental Institute), Fundação Viver, Produzir e Preservar (FVPP, Live, Produce and Preserve Foundation) and the Sindicato dos Trabalhadores e Trabalhadoras Rurais (STTR, Rural Workers' Union) who were resistant against Belo Monte in previous years, have changed their strategies around 2011, when construction of the dam started. Because they perceived it impossible to stop the construction of the dam, they are currently focussing on the conditions that Norte Energia has to fulfil. The strategies they use are different: ISA monitors the conditions and puts pressure on Norte Energia and the government to fulfil the criteria. FVPP participates in partnerships with Norte Energia and the local government for the fulfilment of the conditions. This makes that FVPP no longer strongly criticizes Norte Energia, as they have become partners.¹⁴¹

Civil resistance has weakened considerably in the past years, for different reasons. As Antônia Melo explains, the Partido dos Trabalhadores (PT) is rooted in social movements and therefore many people from social movements are currently working for the government. 'The government confiscated social leaders to work on government positions and to make propaganda for the Belo Monte dam. By doing so, the government has succeeded in dividing and weakening social movements. Many of them are being hijacked by the government and resistance has become very weak'.¹⁴² Marcelo Salazar and Jose Aparecido dos Santos also describe this phenomenon and argue that civil society organizations have weakened because many former leaders currently work for the government.¹⁴³

Furthermore, many organizations do not criticize Norte Energia because of the possible positive developments Norte Energia could bring to the region. Norte Energia promises to build schools, hospitals, and promises financial support to local organizations. As described in section 4.2, the region around Altamira is poor and deprived from many forms of government support. This makes that some organizations and individuals are very susceptible to the support promised by Norte Energia. Because many organizations are willing to receive this support, they do no longer strongly criticize Norte Energia. Others regard this as a strategy of Norte Energia to silence resistance.

¹⁴⁰ Interview Sergio Martins, SDDH, 25 July 2013.

¹⁴¹ Interview João Batista, FVPP, 8 August 2013.

¹⁴² Interview Antônia Melo, Movimento Xingu Vivo Para Sempre, 2 August 2013.

¹⁴³ Interview Marcelo Salazar, Instituto Socioambiental, 30 July 2013; Interview Jose Aparecido dos Santos, STTR, 6 August 2013.

Also, the region has become economically dependent on the Belo Monte dam. 'Protest has weakened, because the whole region has become dependent on the dam. Many people have family working at the dam, and many people of social movements now collaborate with Norte Energia and the local government in programs funded by Norte Energia. This is a way to neutralize the protest'.¹⁴⁴

A last reason why civil protest has weakened is the harassment, intimidation and criminalization of leaders of civil society organizations. Various critical organizations have seen increasing criminalization of their protest and their leaders have been threatened by police and other actors (MXVPS 2013; UNHRC 2013d).

State organizations.

The Public Prosecutor is a public actor independent from other State institutions whose main aim is to uphold justice. In order to do so, it can bring criminal charges and try criminal cases. The Public Prosecutor has filed twenty court cases concerning Belo Monte, most of them against the Brazilian State and State institutions such as IBAMA and FUNAI (MPF 2013a). Seven cases were directed against Eletrobras, four against Eletronorte, and three against Odebrecht, Andrade Gutierrez and Camargo Corrêa. Two were directed against BNDES (MPF 2013a). The cases filed by the Public Prosecutor concern various adverse impacts and use national and international legislation. The public prosecutor has repeatedly asked for the shutdown of the project and the annulment of the installation license (see MPF 2006; MPF 2007a; MPF 2011a). According to many interviewees from civil society organizations, the work of the Public Prosecutor is very important in the resistance against Belo Monte.

In cases related to Belo Monte, the Public Defender assists people who have been expropriated from their land and have received insufficient compensation. The Public Defender, on behalf of the affected people, directs the court cases against Norte Energia, as Norte Energia is charged with providing proper compensation.¹⁴⁵

8.1.3 Responses Provided by Companies

The present section discusses the responses provided by companies on the adverse impacts and the complaints made by civil society organizations. It is difficult to discuss the companies' responses to the claims of the Public Prosecutor and Public Defender, as these concern court cases and the companies contacted do not discuss pending court cases. I have tried to contact the most important corporations involved in the construction of the dam, but have not succeeded to contact all of them. Therefore this section partly depends on interviews and email contact with companies, and partly on interviews with civil society organizations. Annex 2 provides an overview of actors interviewed and emailed.

Norte Energia

Contacting Norte Energia was very difficult and through publicly available contact information I did not succeed in contacting them. Through snowballing I got into contact with some employees.

In practice, Norte Energia has changed little as a result of the complaints received and it denies any allegation of human rights violations.¹⁴⁶ Court cases filed by the Public Prosecutor have not been concluded, so the Brazilian judiciary system enables Norte Energia to keep on claiming that 'everything about the project is legal'.

When asking about the complaints made by CSOs, Pedro Blanco (press relations Norte Energia) argues that 'there is a lot of confusion and lies about Belo Monte, many people don't understand the project. Since people look at the history of hydroelectric dams in Brazil they expect this dam will generate many adverse impacts as well. But this project is different, we have a social responsibility'.¹⁴⁷

When presenting Blanco with the claims made by researchers on the faults and omissions in the EIA and when asking about the official statements by IACHR and ILO, Blanco says: 'all researchers do

¹⁴⁴ Interview Marcelo Salazar, Instituto Socioambiental, 30 July 2013.

¹⁴⁵ Interview Andreia Baretto, Public Defender, 2 August 2013.

¹⁴⁶ Interview Antônia Melo, Movimento Xingu Vivo Para Sempre, 2 August 2013.

¹⁴⁷ Interview Pedro Blanco, Norte Energia, 5 August 2013.

have an opinion, so we cannot trust your researchers more than our researchers. We have very good researchers’.

Most of the complaints and official statements concerning adverse human rights impacts are thus being denied and brushed aside. Many interviewees further report that, when negotiating with Norte Energia, the consortium often passes the buck to the Brazilian State.¹⁴⁸

Blanco further argues that ‘it is impossible to generate development without having any negative effect. When the negative impact is larger than the positive impact you should not develop the project. But there are some negative impacts related to Belo Monte, so that’s why we do compensate’. Norte Energia presents the compensatory measures (the IBAMA conditions) as a form of well-doing. However, these are *obligatory* conditions set by IBAMA that had to be met before construction started. Still, the largest part of the obligatory compensatory measures has not been fulfilled (IBAMA 2013). Furthermore, Norte Energia has received an extra loan from BNDES to fulfil these criteria. The conditions set by IBAMA can in no way be regarded as a voluntary way to compensate adverse impacts.

Another problem related to compensation is that it often not reaches the people who face most of the negative effects; many compensation programs are being executed in the city of Altamira, although most of the adverse impacts are being felt on the countryside.

Norte Energia uses a discourse in which the dam is a motor for economic development in the region, claiming that the installation of hydroelectric dams is essential for Brazil’s economic development and that the negative effects do not outweigh the positive impacts of the project.¹⁴⁹ However, the UNGP interpretative guidance is very clear about compensatory measures or other trade-offs: ‘a failure to respect human rights in one area cannot be cancelled out by a benefit provided in another’ (UNOHCHR 2012).

I also tried to contact State enterprise Eletrobras, the leading company of the Norte Energia consortium. I went to the Eletrobras office, but they refused any help and said I had to send an email through a contact form on the website. Although I filled in the contact form several times, I never received a response. According to various interviewees, Eletrobras denies any adverse impact.

When looking at the actions required based on the UNGPs, Norte Energia and the companies in the consortium have failed to properly assess their human rights impacts; their assessments are only based on an EIA that has found to be erroneous and incomplete. Official statements about human rights impacts have been neglected. The companies have failed to engage in meaningful stakeholder engagement; affected communities have still not been properly consulted. The companies have further failed to address and remediate adverse impacts. Also, the consortium’s responsiveness and transparency is failing, as Norte Energia is only transparent on very superficial aspects, and Eletrobras, the largest company in the consortium, is not transparent at all.

The strategy of shirking responsibilities to the State is not in line with international human rights standards. As the OECD Guidelines make clear: ‘Respect for human rights is the global standard of expected conduct for enterprises independently of States’ abilities and/or willingness to fulfil their human rights obligations, and does not diminish those obligations. A State’ s failure either to enforce relevant domestic laws, or to implement international human rights obligations or the fact that it may act contrary to such laws or international obligations does not diminish the expectation that enterprises respect human rights’ (OECD 2011).

Vale

Vale, the largest private company that is member of the Norte Energia consortium, and the largest mining company in Brazil, did provide responses to questions sent by email. Questioning about Vale’s efforts to prevent and remediate adverse impacts, Gleuza Jesué responds: ‘We believe that Belo Monte is a sustainable project in all its aspects, in spite of some inherent negative impacts that every hydroelectric project faces. We believe Belo Monte will bring a positive development to the region. During the planning phase, the project design has been changed fundamentally with an eye on

¹⁴⁸ Interview Sergio Martins, SDDH, 25 July 2013; Interview Antônia Melo, Movimento Xingu Vivo Para Sempre, 2 August 2013.

¹⁴⁹ Interview Pedro Blanco, Norte Energia, 5 August 2013.

reducing the adverse impacts on the environment and the local population. The area that will be flooded has been reduced by 60%'.¹⁵⁰

Jesué here refers to the adaptations made to the original design for the Belo Monte dam that planned to flood parts of indigenous land. The new design, rather than flooding indigenous land, dries the river flow these indigenous people are dependent upon. This adaptation in the project design can therefore not be regarded as an improvement in the situation, and is by many indigenous people regarded as a worse situation than the initial plans (MPF 2006).

When asking about adverse human rights impacts, Jesué argues that 'Vale is not related to any human rights violation in its own projects nor in consortia in which it participates. We deny any form of human rights violation of Belo Monte'. When asking about Vale's policies to prevent adverse impacts, she says that 'since 2009, we have a human rights policy based on the Protect, Respect and Remedy Framework. In the case of Belo Monte, we carefully read the EIA to make sure that Belo Monte is a sustainable project in all its aspects.'

Vale uses the same strategy as Norte Energia, stressing the sustainability of the project by explaining the compensatory measures in detail. However, the UNGP Interpretative Guidance makes clear that adverse impacts can never be cancelled out by improvements in another field (UNOHCHR 2012).

Vale has, like the Norte Energia consortium, not properly assessed its human rights impacts, as the assessment was based on the incomplete and erroneous EIA. Furthermore, an EIA is mainly focused on environmental impacts and cannot be regarded as a proper human rights impact assessment. Vale has not engaged in stakeholder consultation;¹⁵¹ when it would have done so, it would have understood that the adaptations made to the initial design were not in line with the claims and needs of affected communities. Vale has not acted to address the impact or remediate impacts. The only thing Vale has done what is in line with the actions required by the UNGPs, is to be responsive and transparent.

Consórcio Construtor Belo Monte (CCBM)

I have not succeeded in contacting CCBM; they have no official website (a website provided on official CCBM letters links to a conference about children) and addresses or other contact information were not publicly available or outdated.

Few complaints are directed against CCBM. Although they are physically responsible for the adverse impacts, under Brazilian legislation the Brazilian State and Norte Energia have much more responsibilities for the adverse impacts. Civil society organizations follow this line of reasoning and direct most of their complaints against the State or Norte Energia.

Some interviewees argue that the construction companies set themselves free from responsibility by passing every responsibility to the Norte Energia consortium. Various interviewees argue that Norte Energia is a strategic move from the construction companies to set themselves free from responsibilities and (financial) risks. According to some interviewees, CCBM can in that way develop the project, earn the money, and when it is criticized for adverse impacts pass the buck to Norte Energia.¹⁵² This claim, however, is difficult to test.

As far as known, CCBM has not conducted any of the actions required based on the UNGPs.

Andrade Gutierrez, one of the companies in the consortium, denies any adverse human rights impacts related to the Belo Monte project and therefore thinks they have no responsibility to address those.¹⁵³ Odebrecht and Camargo Corrêa, two other important companies in the consortium, have been contacted several times, but they never provided a response.

BNDES

Few complaints have been directed towards BNDES. One open letter was written to BNDES with the request to paralyse the loan given to Norte Energia until the conditions were met.

¹⁵⁰ Email contact with Gleuza Jesué, Director Environmental Affairs, 5 August 2013.

¹⁵¹ Interview Antônia Melo, Movimento Xingu Vivo Para Sempre, 2 August 2013.

¹⁵² Interview Marcelo Salazar, Instituto Socioambiental, 30 July 2013.

¹⁵³ Email contact with 'Fale Conosco', Andrade Gutierrez, 5 September 2013.

According to Antônia Melo, who led the group of civil society organizations that wrote this letter, BNDES has given no reaction to this complaint.

Carlos Tautz, who has studied BNDES for some years and has engaged in discussions with the bank on its responsibility for adverse human rights impacts, says 'BNDES claims they have nothing to do with human rights violations or environmental problems'.¹⁵⁴

I have contacted BNDES by email to gain information on their position. As a response to the question what BNDES has done to remediate the adverse human rights impacts, the bank answers: 'the environmental investments are not only done to minimize the physical and biotic impacts in the area of influence of the project. A large part of the investments are destined for the improvement of the living conditions of the local population, by improving local infrastructure, like sanitation, education, health and security. We further have planned some actions that aim at improving economic activity in the region, like the production of cacao or fish'.¹⁵⁵

In this answer, the bank circumvents the questions about the *negative* impacts of the dam and only talks about some compensatory actions. Questions regarding the bank's responsibility for the adverse human rights impacts were not answered, even not in a second email sent. Although I have visited the bank, it was impossible to get to speak to a person responsible for the loan or the bank's social and environmental policies.

As far as known, BNDES has not conducted any of the actions required based on the UNGPs. The only thing it has done is being transparent by answering questions by email. However, it has only been transparent when a first email was sent. On questions sent in a second mail, I never received a response.

Other Companies and Consortia

Local organizations have not directed many complaints against companies or consortia that provide products or services to Norte Energia. The main reason given is that the government is the main responsible actor, and after that the Norte Energia consortium. MAB, however, directs complaints against European companies Siemens and Alstom, mainly through protests and publications on the responsibilities of these companies. By doing so, MAB tries to gain international support to put pressure on these European companies. Furthermore, Siemens and Alstom have recently been accused of being involved in a price-fixing cartel in the construction of the São Paulo metro. By focusing attention on these companies, MAB tries to take advantage of the public attention these corporations already have as a result of this cartel scandal.¹⁵⁶

Due to the large amount of companies directly linked to the adverse impacts, I have not contacted them to provide a reaction on their human rights responsibilities. However, as described in section 8.1, these companies have clear responsibilities for the adverse impacts related to the Belo Monte dam. These companies either contribute or are directly linked to the adverse impacts, and should take actions required in such scenarios. Given the large amount of enterprises that are directly linked to the impact, a combined effort of these enterprises to effect change in the wrongful practices of the enterprises causing or contributing to the impact can have considerable impact.

Mining Companies¹⁵⁷

Many interviewees from civil society organizations do not deem mining corporations responsible for adverse impacts related to the Belo Monte dam and therefore do not hold them accountable. Others (Instituto Mais Democracia) see little possibilities to hold mining companies accountable because of their strong bonds with the State.

Representatives of mining corporations do not see why mining corporations are responsible for adverse impacts as a result of the Belo Monte dam. As Ronaldo Lima (IBRAM) argues, 'the mining sector has no responsibility for human rights violations related to the hydroelectric dams. The dams do not only generate energy for mining companies.' Lima further argues that 'people who claim to be defending human rights, are defending their own interests in gaining a good salary. They are not really

¹⁵⁴ Interview Carlos Tautz, Instituto Mais Democracia, 9 July 2013.

¹⁵⁵ Email contact with Central do Atendimento do BNDES, 30 July 2013.

¹⁵⁶ Observations at the National Meeting of Dam-Affected People, São Paulo, 2-5 September 2013.

¹⁵⁷ For Vale, see above

defending human rights'.¹⁵⁸ David Leal (Secretary of State for Mining) denies any form of human rights violation related to hydroelectric dams or mining.¹⁵⁹

Belo Sun, one of the most important mining companies in the region, does not give answers to any questions until their installation license is being granted.¹⁶⁰

However, the UNGPs are clear about the responsibilities of enterprises directly linked to adverse impacts (see section 8.1). As the OECD Guidelines make clear, 'Among the factors that will enter into the determination of the appropriate action in such situations [enterprises directly linked to an adverse impact, KK] are the enterprise's leverage over the entity concerned, how crucial the relationship is to the enterprise, the severity of the impact, and whether terminating the relationship with the entity would have adverse human rights impacts' (OECD 2011).

As mining companies will form one of the groups consuming most energy from the dams, their relationship with the Norte Energia consortium is crucial and their leverage is potentially large. Furthermore, the impacts related to the Belo Monte dam are severe. These factors make that mining companies should make a lot of effort to make Norte Energia and other enterprises causing or contributing to the impacts address the impacts. A combined effort of mining companies can increase their leverage and is thus advised.

8.1.4 Conclusions

All companies in the Belo Monte MEC deny their responsibilities by denying adverse human rights impacts, shirking responsibilities to other actors or to the State, or stressing the compensatory measures taken. Most actors claim that the Belo Monte project is sustainable, because compensatory measures have been taken. This shows the problem inherent to the concept of sustainability, namely that every actor can use a definition of sustainability that fits his interests. In this way sustainability becomes an 'empty' concept with no steering value.

The international human rights framework is clear about the fact that every actor that causes, contributes or is directly linked to an adverse human right impact has a human rights responsibility (UNOHCHR 2012; OECD 2011). Denying the impacts or shirking them away is thus an illegitimate strategy.

Furthermore, 'a State's failure either to enforce relevant domestic laws, or to implement international human rights obligations does not diminish the expectation that enterprises respect human rights' (OECD 2011). Although the Brazilian State enables the enterprises to keep on saying that no human rights are being violated through official denial of allegations made by the UN and the Inter-American Human Rights Commission, the violations have been clearly documented and acknowledged by (inter)national authorities. The Brazilian State's denial of adverse impacts can thus in no way be used by corporate actors to deny adverse impacts.

The responses provided by the companies show that the compensatory measures function as a mere palliative: by focusing the attention on the compensatory measures, the adverse impacts can more easily be ignored and denied. However, 'a failure to respect human rights in one area cannot be cancelled out by a benefit provided in another' (UNOHCHR 2012).

It is thus crystal-clear that the companies in the Belo Monte consortium do not act in line with international human rights standards. The fact that civil society organizations have only held the actors limitedly accountable does not diminish their responsibilities. However, the capacity of civil society organizations to hold corporations accountable through the UN Business and Human Rights framework can be increased, which can lead to increasing pressure on corporations to act in line with these international standards.

¹⁵⁸ Interview Ronaldo Lima, IBRAM, 24 July 2013.

¹⁵⁹ Interview David Leal, SEICOM, 22 July 2013.

¹⁶⁰ Email contact with Sergio Cene, Belo Sun, 9 September 2013.

8.2 Complexo Tapajós (BR)

8.2.1 Strategies & Complaints by CSOs

As the Tapajós project is in a preliminary stage and hydroelectric dams are a new phenomenon in the region, local resistance is weak. The most important resistance groups are the Munduruku people, MAB (Movement of Dam-Affected People) and Movimento Tapajós Vivo.

The Munduruku people are well-organized; according to interviewees there is agreement among the Munduruku people and they have a clear stance against hydroelectric dams on the Tapajós River. The Munduruku people try to dialogue with responsible government and corporate entities to make them respect the right to free, prior and informed consent. However, they have not succeeded in getting to talk with the responsible people. The Munduruku further have written open letters and they use street protests and have occupied the Belo Monte dam to express their concern about hydroelectric dams in general. They also organize meetings to inform people about the impacts of the dams. Cândido Munduruku further tries to meet with Diálogo Tapajós, 'because they are not telling the truth and try to convince people'. However, as Cândido argues, they have not succeeded to discuss with Diálogo Tapajós.¹⁶¹

MAB is a national movement that started to work in the region in 2011. It is coordinated by two people and further gets support from CPT, the Pastoral Land Commission, which has a much longer history in the region. Currently they are mainly working to inform communities about the potential impacts of the dams and their rights. But, as Raione Lima explains, 'working with the local people is very difficult. There are many contradictions, different opinions and interests, and many people hope the dam will bring progress to the region. Furthermore, we have limited financial resources and the remoteness of communities makes it difficult to reach them'.¹⁶²

Movimento Tapajós Vivo is a network organization that aims to unite organizations in the entire Tapajós basin, but currently the movement is only properly functioning in Santarém. Edilberto Sena, one of the leaders of the movement, argues that collaboration among the different organizations is problematic. 'The organizations do not have the same motivation. They have different ideas and visions, and there is a lot of competition between different social leaders, which weakens the movement'.¹⁶³ Movimento Tapajós Vivo mainly tries to inform communities about the adverse impacts of the planned dams.

All three organizations argue that many people are currently in favour of the project, or at least do not resist against the project, because they hope the project will bring economic and social development to the region. Cândido Munduruku, MAB and Movimento Tapajós Vivo blame Diálogo Tapajós, as they argue that Diálogo Tapajós tries to convince people of the advantages of the dams and promise employment, proper compensation, or products such as motors or tractors. MAB further argues that Diálogo Tapajós pays local people to convince others of the advantages of the dam. Although Diálogo Tapajós denies all allegations and it is beyond the scope of the research to check these claims, it is clear that Diálogo Tapajós does not have a good basis for dialogue with these organizations and there is a lot of distrust in the company.

Labour unions and other social organizations that have a longer history in the region have a more moderate stance towards the projects. Many of them (Fishermen Union in both Itaituba and Jacareacanga, Rural Workers' Union in Itaituba, Tapajós Miners Union) argue they cannot do a lot right now and have to wait for the EIA and wait until more is known about compensatory measures. Nair Rodrigues (Rural Workers' Union) further argues that little can be done against the project because many powerful actors, such as large companies and the federal governments are all willing to develop the project.¹⁶⁴

The Federal Public Prosecutor has opened two court cases related to the Tapajós complex. These were directed, among others, against Eletrobras and Eletronorte. The MPF won one case and the judge ordered the suspension of any research activities and military and police presence on

¹⁶¹ Interview Cândido Munduruku, leader Associação Indígena Pusurú, 27 August 2013.

¹⁶² Interview Raione Lima, CPT, 15 August 2013.

¹⁶³ Interview Edilberto Sena, Movimento Tapajós Vivo, 19 August 2013.

¹⁶⁴ Interview Nair Rodrigues, STTR, 21 August 2013.

indigenous territory until FPIC had been conducted (MPF 2013b). However, this verdict was overruled by another judge and research activities continued with military support.¹⁶⁵

8.2.2 Responses Provided by Companies

Diálogo Tapajós

Diálogo Tapajós does not deem itself responsible for adverse human rights impacts. It has not conducted any human rights impacts assessment.¹⁶⁶ According to Gil Rodrigues, Diálogo Tapajós has investigated local culture and communities to analyse its impact, but this analysis was not based on human rights. However, various interviewees claim that employees of Diálogo Tapajós do not understand the local context and way of living.

Diálogo Tapajós further denies to be convincing communities by making promises or payments to these communities. It is difficult to test the claims related to the work of Diálogo Tapajós, as their work is being done in remote areas. However, it is clear that there is distrust between Diálogo Tapajós and the communities, which provides a poor basis for community engagement.

According to Gil Rodrigues, Diálogo Tapajós has asked Grupo de Estudos Tapajós several times to gain free, prior and informed consent from the affected indigenous groups.

Grupo de Estudos Tapajós

Fábio Couto, responsible for press relations of the Grupo de Estudos Tapajós, claims that the studies do not have any impact on human rights and denies that any studies have taken place on indigenous territory.¹⁶⁷ When asking about human rights due diligence, Couto argues that 'the studies do not have any impact on human rights, and thus possible adverse impacts do not have to be investigated'.

When presenting Fábio Couto with the claim of Diálogo Tapajós that they requested Grupo de Estudos Tapajós several times to respect the right to FPIC, Couto responds: 'with all respect, but it is well possible that you have not properly understood Diálogo Tapajós. Under Brazilian law and international conventions, FPIC is a privilege of power of consent, which falls under the responsibility of the Brazilian government'.¹⁶⁸ When asking why Grupo de Estudos Tapajós does not engage in communication with indigenous communities, Couto argues that this is the mere responsibility of the Brazilian government. However, as the OECD Guidelines make clear, 'respect for human rights is the global standard of expected conduct for enterprises independently of States' abilities and/or willingness to fulfil their human rights obligations, and does not diminish those obligations' (OECD 2011).

Eletrobras and Eletronorte, the most important members of the consortium, have been contacted several times, but did not provide any response.

Grupo de Estudos Tapajós and Eletrobras and Eletronorte do not engage in communication with affected communities. All interviewees claim it is very difficult or impossible to communicate with the responsible companies. Cândido and Braselito Munduruku claim that Eletrobras and Eletronorte are not willing to listen to their demands.¹⁶⁹ The Federal Public Prosecutor confirms this, stating that 'there exists no dialogue, but rather an inclination towards confrontation' (MPF 2013b). One might argue that the affected communities can engage with Diálogo Tapajós, but, as Gil Rodrigues from Diálogo Tapajós claims, 'we have little information about the future impacts and often we cannot answer questions posed by affected people'.¹⁷⁰

The fact that Grupo de Estudos Tapajós outsources community dialogue to Diálogo Tapajós impedes Grupo de Estudos Tapajós from really understanding the stakeholders' concerns and the companies' possible impacts on their rights. The UNGP Interpretative Guidance states that 'it is ill-advised for an enterprise to delegate engagement with its potentially affected stakeholders entirely to external

¹⁶⁵ Email contact Luiz Eduardo Camargo Outeiro Hernandez, MPF Santarém, 16 September 2013.

¹⁶⁶ Interview Gil Rodrigues, Diálogo Tapajós, 22 August 2013.

¹⁶⁷ Email contact with Fábio Couto, FSB Comunicações (Grupo de Estudos Tapajós), 17 September 2013.

¹⁶⁸ Email contact with Fábio Couto, FSB Comunicações (Grupo de Estudos Tapajós), 17 September 2013.

¹⁶⁹ Interview Cândido Munduruku, leader Associação Indígena Pusurú, 27 August 2013; Interview Braselito Munduruku, 3 September 2013.

¹⁷⁰ Interview Gil Rodrigues, Diálogo Tapajós, 22 August 2013.

experts, since this undermines its capacity to truly understand the perspectives of those it may have an impact on and to build trusting and productive relationships with them' (UNOHCHR 2012: 35).

CNEC/ WorleyParsons

According to interviewees, CNEC has not changed its corporate behaviour as a result of complaints. Information on due diligence or human rights impact assessments is neither available. Interviewees claim it was very difficult to discuss human rights impacts with CNEC employees.¹⁷¹

WorleyParsons, the holding of CNEC, has a publicly available human rights statement (WorleyParsons 2013).

Concremat

Concremat argues that they 'provide services to Grupo de Estudos Tapajós, and therefore all questions should be directed to the Grupo de Estudos Tapajós'.¹⁷² By providing this answer, Concremat shifts all its responsibilities to Grupo de Estudos Tapajós.

Geosul

Geosul says that they 'have been contracted by other companies, so all questions should be directed to these companies'.¹⁷³

IBOPE

IBOPE does not want to respond to any questions and shirks all responsibility to its client, the Grupo de Estudos Tapajós.¹⁷⁴

8.2.3 Conclusions

Local resistance against the project is weak, and most resistance comes from the Munduruku people. However, this resistance is being suppressed through military presence in the region and through a denial of indigenous rights.

The Human Rights Commission of the Brazilian Senate stated that 'despite existing norms that protect economic, social, cultural and environmental rights for dam-affected people, the realization of these rights only takes place under pressure of social movements' (CDDPH 2010). MAB claims that protection of human rights is poorly regulated under Brazilian legislation and protection of human rights differs from project to project, from State to State, and is highly dependent on the strength of social resistance (MAB 2013; Scalabrin 2013). The limited resistance against the project thus increases the human rights risks related to the project.

All companies involved in the project are failing to engage in meaningful stakeholder engagement, to communicate on their human rights policies, and to conduct human rights due diligence. Only WorleyParsons has a publicly available human rights statement. Most companies devote all responsibilities to the Brazilian State. However, corporations have a responsibility to respect human rights and shirking all responsibilities to the State is thus not in line with international human rights standards (UNOHCHR 2012).

Corporations should be aware that they could also cause or contribute to adverse human rights impacts by *omission* (OECD 2011). The failure to conduct human rights due diligence can thus result in the fact that in the future corporate actors are causing or contributing to adverse impacts.

8.3 Chadin II (PE)

8.3.1 Strategies & Complaints

Unlike Brazil, Peru does not have many hydroelectric dams on its territory yet. The topic is relatively new for many organizations and many people do not know a lot about the (potential) effects of hydroelectric dams. The following organizations have taken up the Chadin II case. However, several of these organizations have little possibilities to work on the Chadin II case as they are also working

¹⁷¹ Interview Domingo, Pimental, 4 September 2013; Interview Raione Lima, CPT, 15 August 2013.

¹⁷² Email contact Zara Costa, FSB Comunicações (press relations Concremat), 17 September 2013.

¹⁷³ Email contact Alexandro Marciel Klein Gregory, Geosul (Administrative Director), 2 October 2013.

¹⁷⁴ Email contact Equipe de Comunicação, IBOPE, 18 September 2013.

on the Conga project, which demands a lot of attention, and because of criminalization of social protest.

NGOs

The national NGO Forum Solidaridad Perú and the Cajamarcan environmental NGO Grufides (Grupo de Formación e Intervención para el Desarrollo Sostenible – Group for Education and Intervention for Sustainable Development) are the most important NGOs working on the topic of Chadin II. They mainly aim at informing local communities about the effects of the hydroelectric dams. They publish flyers informing people about the impacts and visit remote communities to explain the impacts and their rights. They also organize events to discuss the topic. Odebrecht participated in one event. Forum Solidaridad Perú and Grufides further monitor the Public Hearings, publish articles and study the Environmental Impact Assessment.¹⁷⁵ Grufides also tries to discuss the topic with local authorities.¹⁷⁶

Rondas Campesinas

The Rondas Campesinas also try to inform local communities by visiting them. The regional director of the Rondas Campesinas tries to educate local Rondas Campesinas about their rights and strategies they can use to get their rights respected.¹⁷⁷ The aim of the Rondas Campesinas is to get their special rights, like the right to decide over their territory and the right to Free, Prior and Informed Consent, respected. The Rondas have expressed various statements about their opposition against the dam. The Rondas Campesinas mainly use international instruments like the ILO and UN to try to get this right respected, as ‘in the Peruvian law system, there is no way to succeed in this’.¹⁷⁸ The Peruvian government, after questions asked by the Inter-American Commission for Human Rights, denies the existence of Rondas Campesinas in the Cajamarca region.¹⁷⁹

Frente de Defensa del Río Marañón

The Frente de Defensa is a conjunction of various communities affected by the dam, both in Cajamarca as in Amazonas. The organizations described above join the Frente. The Frente de Defensa del Río Marañón is founded to combine the forces of the various organizations working on the subject. However, as Carlos Navas, leader of the Frente explains, ‘the resistance is very badly organized, there is nearly no resistance and the Frente is very weak, because people do not know anything about the impacts of hydroelectric dams’.¹⁸⁰

Plataforma Interinstitucional Celendina

The Interinstitutional Platform of Celendín (PIC) is a conjunction of Rondas Campesinas and labour unions and plays a very important role in the conflict over the Conga mine. PIC also informs communities about the adverse impacts of the dam and monitors the Public Hearings. However, the main focus of PIC is the Conga project.

8.3.2 Responses Provided by Companies

As described in section 7.3, the responsibility scenarios for the Chadin II project are easy to define, as little companies are involved in the project. Although I contacted Odebrecht and AMEC, they did not provide responses. Various interviewees claim it is difficult to engage in discussion with Odebrecht,¹⁸¹ and other organizations do not want to engage in discussions as Odebrecht does not respect their rights.¹⁸²

It is clear that the studies on which the Chadin II project is based are very limited and do not provide sufficient basis to start the project in a responsible way. The EIA studies social impacts in a very limited way and the studies about the number of affected people have serious omissions. Furthermore, Odebrecht has not communicated a structured plan on how to relocate affected communities.

¹⁷⁵ Interview Antonio Zambrano, Forum Solidaridad Peru, 6 September 2013.

¹⁷⁶ Interview Mirtha Villanueva, Grufides, 16 September 2013.

¹⁷⁷ Interview Roger Ponce, Rondas Campesinas Unitárias de Celendín, 24 September 2013.

¹⁷⁸ Interview Walter Castañeda, Rondas Campesinas Cortegana, 22 September 2013.

¹⁷⁹ Interview Walter Castañeda, Rondas Campesinas Cortegana, 22 September 2013.

¹⁸⁰ Interview Carlos Navas del Aguila, Frente de Defensa del Río Marañón, 27 September 2013.

¹⁸¹ Interview Mirtha Villanueva, Grufides, 16 September 2013; Interview Roy Leon, Grufides, 19 September 2013.

¹⁸² Interview Walter Castañeda, Rondas Campesinas Cortegana, 22 September 2013; Interview Roger Ponce, Rondas Campesinas Unitárias de Celendín, 24 September 2013; Interview Carlos Navas del Aguila, Frente de Defensa del Río Marañón, 27 September 2013.

Moreover, Odebrecht does not engage in meaningful stakeholder engagement with affected communities. Various affected communities argue that they do not know the effects and that Odebrecht does not provide them with information.

We can thus conclude that Odebrecht has not fulfilled its obligations under the UNGPs. It is unclear whether AMEC has assessed its human rights impacts, but they did not communicate and the studies they produced contained various omissions, so probably AMEC neither has a coherent analysis of its (potential) human rights impacts.

8.4 Conclusions

The present chapter has shown that corporate actors do not deem themselves responsible for adverse impacts they cause, contribute, or are directly linked to. Corporations use strategies such as denial, shirking responsibilities to other actors, focusing attention on compensatory measures and future positive developments, and malign actors opposing against the dams.

In general, the power of entities opposing against the dams is very weak compared to the power block of the MEC they have to struggle against. In contrast to the large economic and political power, and the network, productive and disciplinary powers of the MEC, local organizations have very little financial and other resources at their disposition, which limits their economic power. Furthermore, they have little political power, and some political rights, such as the right to Free, Prior and Informed Consent, are being neglected by the State. Political power is further diminished through criminalization of social protest and suppression of demonstrations and through a judicial process that faces unreasonable delays. As a result of limited economic and political powers, the network, productive and disciplinary powers of the CSOs are limited: they have little means to collaborate with other organizations, to inform affected communities about the impacts of the dams, or to conduct research on the projects. This is problematic as CSOs are increasingly being seen as active actors for change for sustainability, as described in section 2.3. However, in cases where power imbalances are large, such as in the MEC, it is difficult for CSOs to fulfil this role.

9. Discussion & Conclusions

The present chapter reflects on the research and consists of a discussion and conclusion.

9.1 Discussion

In the following section the research design, results and recommendations will be discussed.

9.1.1 Research Design

The focus on the Minerals-Energy Complex has enabled the researcher to investigate the usefulness of the UN Guiding Principles in a situation wherein power and resources are highly concentrated. The research has shown that a strong concentration of power and resources, such as in the MEC, has large impacts on the extent to which responsible actors can be held accountable. It can thus be concluded that the use of the MEC as a focal point of this research enriches the analysis and provides new and useful insights in the way in which concentrations of power and resources affect corporate accountability and sustainability. I therefore recommend that more researchers open their eyes for situations wherein power and resources are being concentrated, as these concentrations can and do undermine international human rights frameworks and have a large impact on human rights and sustainability.

I have operationalized the Minerals-Energy Complex by focusing on the links between the sectors and the State, and analysing the concentration of power and resources in specific cases. This stands in contrast to the way in which Fine and Rustonjee (1996) have operationalized the MEC in their research in South Africa. They have taken a meta-approach and mainly studied macro-economic processes. Although the approach taken by Fine and Rustonjee provides useful insights in the way the MEC influences the South African economic structure, the operationalization I have taken has proven to be useful in research wherein the MEC is used to study responsibilities for adverse human rights and sustainability impacts. In order to understand the division of responsibilities, the actors involved in specific cases have to be mapped. Furthermore, linkages between the sectors have to be understood, ranging from financial to institutional or personal linkages. The present research aimed to provide a rich understanding of the processes at play in the MEC and the operationalization was therefore useful to study the corporations' responsiveness to responsibilities. Since concentrations of power influence the extent to which corporate actors can be held accountable, this focus has proven to be useful for the present research. Furthermore, this research has shown that the MEC is not merely an economic concept, but is also a highly political and social phenomenon. As a result of the operationalization chosen, this study says little about the impacts of the MEC on macro-economic processes.

The qualitative research approach taken, mainly based on semi-structured interviews, enabled the researcher to get to know some of the ways in which the sectors and State are interlinked and how the resulting concentration of power and resources affects the extent to which corporate actors can be held accountable. However, most data used are not collected directly from actors within the MEC, but rather from actors indirectly involved, such as affected communities or NGOs. The quality and robustness of the collected data would be larger when actors within the MEC could be interviewed, but the lack of transparency of involved actors impeded this. The fact that the projects studied are in the planning or construction phase adds to the difficulties of studying the MEC, as these are the most controversial phases with most public discussion. It is possible that in a few years from now, when dust has settled, it is easier to study the MEC in these cases, taking a retrospective approach. However, as the dams studied are the first ones in a series of dams to come, and since the research takes an action-oriented approach, for this research there were little alternatives to improve insights in the MEC through a qualitative research approach.

In the operationalization of the concept of power, I have chosen to mix more traditional understandings of power, such as economic or political power, with modern approaches, like Foucault's network or productive power. These modern approaches have mainly been developed in European or other western network societies. It can be questioned whether these approaches are applicable to the South-American situation, in societies where communication networks are not widely dispersed and civil society organizations are relatively weak. At the same time, these countries make up part of a globalized economy, with multinational corporations, globalized trade systems and international networks. The research has shown that corporate and State actors do use the modern forms of power, as they execute network power and productive power. Nevertheless, affected groups have fewer possibilities to use these powers, due to the lack of education, limited access to modern

communication and the large (relative) distances between affected communities. However, there are possibilities for affected groups to use network power, for example by using international networks or relations to hold (foreign) enterprises or investors accountable. The modern forms of power are thus applicable to the South-American context, as these countries make up part of a global network. The differences in access to these modern forms of power are useful to analyse power imbalances.

Studying a powerful system such as the MEC has implications for research ethics. I have interviewed various people who face risks because they try to hold corporations and State actors accountable. Various interviewees asked me not to publish everything they told me or to anonymise statements. Researchers investigating powerful systems should be aware of the risks of interviewing people locally involved. Furthermore, it is possible that interviewees have not told me everything they know, because of fear that they might get in trouble when they do give sensitive information.

By using the MEC as a theoretical framework, the researcher is deliberately being blinkered, because the MEC by definition focuses on the relations and power concentrations in the energy and mining sectors. However, in the Brazilian context it would probably be better to take a slightly broader approach by integrating the electricity-intensive aluminium industry in the research. Given the large number of aluminium smelters in the Amazon region, the large energy demand and the large concentrations of money and other forms of power in this sector, future research might be enriched by integrating this sector in the studies on the MEC.

A last remark related to the research design concerns the ambiguous nature of the Brazilian and Peruvian State. In the research I often refer to the concept 'State', without making a large difference between the various entities. However, the research has shown that the State is no uniform entity and different State institutions play different, sometimes even contrasting, roles in the MEC. Although I have tried to overcome the problem by naming the different institutions or referring to the decision-making actor, it might be useful to further study the different roles of different State institutions in the MEC. This can provide better insights in the State's role in the MEC and its (power) relations with other actors in the MEC.

9.1.2 Results

One of the aims of this research was to unravel the relationships and powers in the Minerals-Energy Complex in Brazil and Peru. Although the research has shed a light on the MEC, the specific links between hydroelectricity and mining projects still remain relatively unclear. Although it is clear that the two sectors are related, the ways in which they are related are less clear. For example, it is unclear whether mining companies push for the construction of hydroelectricity dams, or just take advantage of their construction. As responsibility scenarios depend on these relationships, it is important to further investigate them.

Furthermore, although the links between the hydroelectricity and mining sectors are clear, they are difficult to specify on the level of the individual corporation. Corporations are not transparent on their future energy policies, so at the time hydroelectric dams are being constructed, most mining companies directly linked to these dams cannot be properly identified. This is problematic for the identification of responsible actors, because mining companies do have responsibilities for adverse impacts related to hydroelectric dams. Corporations should thus be more transparent on their energy policies. Furthermore, State actors should be more transparent on the reasons behind building the dams and the destinations of this newly generated energy. Only then responsibilities can be properly identified. The MEC and the specific links between the hydroelectric dams and the mining companies can probably better be studied in a few years from now, when the dams are being constructed and the electricity customers are clearer. Furthermore, it is possible that actors involved in the MEC are more willing to give interviews or provide information in a few years from now, when the large attention for the projects has passed by.

Studying the concentration of power in the MEC has proven to be useful, as insights in concentrations in power help to study corporate accountability. The analysis of power is both useful for the identification of responsible actors, as well as to provide explanations for the lack of responsiveness to complaints. Studying power further helped to understand the powers at play in the groups resisting against the dams. However, the exact forms in which power is being concentrated within the MEC remain rather unclear. Although it is clear that there are links between the sectors and the State, various details about the concentration of powers remain obscure. Increased transparency of both

corporate and State actors can improve insights in power relations. However, some concentrations of power are probably deliberately held obscure, so one cannot expect that all details will voluntarily come to the light. Therefore researchers should keep on studying these power relations and use innovative methods to bring these power relations to the light.

Although Ruggie claims that the 'courts of public opinion' are an important force to hold corporations accountable (Blitt 2012), it are these very public opinions that corporations are increasingly influencing upon. As this research has shown, corporations use various strategies to convince or mislead local communities so that they do not resist against large-scale projects. Companies promise local development, promise schools or hospitals, employment, bribe people to vote in favour, and underestimate the adverse impacts. Critical groups or people are often being neglected, repressed or criminalized. These examples show that actors with large economic power can also generate productive or disciplinary power: corporations invest large amounts of money and resources in 'communication' with affected communities and in convincing these communities. Also the discourse used by the State, wherein dams are presented as necessary for development of the region, adds to the productive power of the MEC that influences public opinion. As these practices undermine the very 'courts of public opinion' and might thus undermine the international human rights framework, it is important to investigate these practices and powers. It is important to know to what extent corporations manipulate public opinion and how this influences corporate accountability. The thin line between information provision and manipulation and false promises should be better investigated, so that affected groups are better armed against deception and false promises. Also the power imbalance over access to information and knowledge, and in the production of information and discourses should be investigated. As the public opinion is a very important power, as it consists of both productive and disciplinary power, and Ruggie puts high importance on this form of power, it is essential to understand it.

The research further shows ways in which Brazil, one of the BRICS countries, undermines the international human rights regime by threatening to retrieve its ambassador to the IACHR and stop payments after a critical statement on Belo Monte was released by the Commission, and by denying claims made by the ILO. Given the growing importance of BRICS in the international economy and thus in the business and human rights discussion, it is important to understand their stance towards the existing human rights regime to guarantee protection of human rights under changing global power relations.

The research has further shown that it is very difficult to hold responsible actors accountable. As interests of various powerful actors are interwoven, the MEC is a highly powerful system. Although the UNGPs provide a useful normative framework for identifying responsibilities in complex situations with numerous actors involved, this research has shown that the impact of the UNGPs on the actual corporate or State behaviour is still limited. In a situation wherein corporations and State actors keep on denying adverse impacts or shirking responsibilities to each other, the international human rights framework lacks 'teeth' to enforce change in behaviour. As the power of the South-American MEC will probably increase in coming years, supported by government plans such as IIRSA and PAC, it is important to investigate how the non-responsiveness of corporations and responsible State actors can be broken. This is especially important in complex systems such as the MEC, where actors can keep on passing the buck to each other and where various actors can use their different powers to back other actors up.

However, this is not only a responsibility of researchers. International systems such as the UNGPs are very clear about State duties and corporate responsibilities with regard to human rights. Corporations and States should respect these standards and act upon them. Furthermore, these frameworks can be used more by civil society organizations to point corporations at their responsibilities.

This research has shown that hydroelectric dams in the Amazon have high human rights risks. Researchers should anticipate for these risks in human rights impact assessments. The research has further shown that communication with affected groups is crucial to understand local impacts and opinions. As corporations increasingly try to influence opinions on their projects, researchers should be aware that it is crucial to talk to affected people to understand the impacts. Otherwise researchers themselves might be caught in a discourse invented by powerful actors.

9.1.3 Recommendations

The present research has shown that, although the UNGPs and the UN Business & Human Rights Framework are clear about the divisions of duties and responsibilities in cases wherein corporations affect human rights, they have proved to be of little value in the cases studied; various human rights are being impacted upon, actors do not take responsibilities and responsible actors go unpunished. In order to protect human rights and achieve sustainability, ways should be found in which responsible actors take their responsibilities for adverse impacts they cause or contribute to, especially in cases wherein power and resources are being concentrated in the hands of a few.

Currently, the OECD Specific Instance Procedure is one of the only ways in which corporations can be held accountable under international regulations, and still, this procedure has no means to punish responsible actors. States should design and implement more laws that hold corporations accountable, also for their activities on foreign territory. However, the research has also shown that the existence of laws does not guarantee the actual protection of rights that are officially being protected under these laws; Brazil has inclusive laws that devote large responsibilities to corporate actors, but the laws are not being implemented or enforced. This stipulates the importance of international instruments to protect human rights related to business activities. The research shows that, in cases where States are unable or unwilling to protect business-related human rights, the international community should find ways to punish corporations adversely impacting human rights. The UN is the first organ that should implement binding and powerful instruments to ensure the protection of human rights affected upon by corporate actors. However, other organs, such as the OECD, ILO, development banks, or regional human rights commissions can also take up these responsibilities.

The present research has shown that the MEC functions as a system of accumulation and thus increases inequalities. Fine and Rustomjee (1996) already found that a process of democratization is compatible with enduring economic inequalities, a process that is also clearly visible in the Brazilian and Peruvian cases studied. As Neumayer (2011) concluded, 'vicious circles between more inequality leading to more unsustainability and vice versa are likely to exist. In turn, this will mean that policies aimed at reducing inequality and achieving sustainability have a good chance of resulting in virtuous circles or win-win situations'. According to UN Secretary-General Ban Ki Moon, 'equity is emerging as a central plank in discussions on the post-2015 development agenda' (UN News Centre 2013). Given the importance of equality for sustainability and vice versa, more research on the increase in inequality as a result of the MEC should be conducted.

9.2 Conclusions

The present research aimed at answering the following question:

To what extent do the UN Guiding Principles on Business & Human Rights affect attitudes and actions of corporations and affected groups in the minerals-energy complex in Brazil and Peru?

The research takes a normative-empirical approach and is based on three case studies of hydroelectric dams in Brazil and Peru. The qualitative research is mainly based on literature review and semi-structured interviewing. The research starts with analysing the existence of a minerals-energy complex (MEC), a concept developed to describe the strong interlinkages between the mining and energy sector and with the State, and the system of accumulation at play in such a complex. The analysis of the MEC focuses on hydroelectric dams and their links with the mining industry. Subsequently, the adverse human rights impacts related to the dams are being studied. Based on this empirical analysis, a normative analysis is being executed, based on the UN Guiding Principles on Business and Human Rights, wherein divisions of responsibilities for the adverse human rights impacts are being analysed. The last part of the research empirically analyses to what extent the UNGPs affect attitudes and actions of corporations and affected groups in the MEC, and focuses on the question to what extent CSOs use this framework and to what extent corporations act in line with their responsibilities under the UNGPs.

The research shows the clear presence of a minerals-energy complex operating in Brazil and Peru. The hydroelectricity and mining sectors, both dominated by a few actors, are strongly interlinked. The hydroelectricity sector is dominated by Brazilian state-owned energy companies, Brazilian construction companies and international equipment companies. The mining sector is more diverse; in the case of

Belo Monte the role of Brazilian Vale is large, but in other cases there is a presence of various international mining corporations.

Although governments and corporations claim that the installation of hydroelectricity dams will lead to greater national energy security and higher electrification rates, the dams open up frontiers for large-scale mining activities and facilitate mineral exploitation in remote areas. In the end, much of the energy goes to mining activities. The hydroelectricity and mining sectors are mutually dependent and sometimes they are strongly interlinked: in the Belo Monte case, mining company Vale is part of the Norte Energia consortium exploiting the dam. In the Chadin II case, Odebrecht exploits the dam and is the largest contractor of the largest mine in the region.

The State has incorporated the interests of hydroelectricity and mining companies by developing economic policies that favour these sectors. By doing so, State and private actors have become mutually dependent and combine their powers to pursue their common interests.

The hydroelectricity and mining sectors are strongly linked with the Brazilian State through ownership structures and financial support. Eletrobras and Eletronorte, two state-owned companies, have large roles in the two Brazilian hydroelectricity projects. Furthermore, the Brazilian State controls large parts of Vale, Brazil's largest mining company. Companies involved in the MEC further receive extensive financial government support from BNDES, the Brazilian development bank, both for projects in Brazil and abroad. This makes that the Brazilian State has a very active role in the minerals-energy complex. The bilateral energy agreement between Brazil and Peru is another form in which the Brazilian State supports the expansion of the Brazilian MEC on foreign territory.

In all cases studied, the State uses its judicial, legislative and executive power to favour companies in the hydroelectricity sector. All three cases studied face irregular licensing processes, very often leading to violations of constitutional and human rights. Furthermore, court cases face unreasonable delay and, despite international authoritative acknowledgements of human rights violations, judges neglect many of the adverse impacts of the projects. Also, in all cases studied, corporations have received support from police or military forces, often using violence or intimidating communities.

The State and private sectors further get interwoven because hydroelectricity companies take over typical government services. This is clearest in the Belo Monte case: as a form of compensation, Norte Energia supports various government institutions such as police and environmental authorities, which blurs the divisions between State and private actors and might lead to a State apparatus increasingly working in favour of corporate interests. In the Tapajós and Chadin II cases, many affected people hope that the hydroelectricity corporations will bring improvements in education, health and other typical state services. Given the severe poverty in the affected areas and the lack of state services such as education and health, many communities are receptive when companies promise to develop these state services (although they are often not being developed in practice). Furthermore, in the Chadin II case, the company has used the name of state programs (Juntos and Pension 65) to convince people to attend the Public Hearings. In general, the MEC blurs the divides between responsibilities of States and corporations.

The MEC can be seen as a system of accumulation of power and resources. Corporate and State actors combine their economic and political powers in a network, the MEC, wherein they use the different powers at their disposition to develop the projects and to influence public opinion on the projects through productive and disciplinary power. Furthermore, through criminalization and repression of local resistance, the MEC diminishes contra-powers that try to hold actors in the MEC accountable for adverse human rights impacts. Resources are also being concentrated in the MEC: large amounts of public money are being concentrated in the hands of a few corporate actors and the dams mainly serve the mining industry, an industry that probably contributes little to local development and has high human rights risks. Through accumulation by dispossession, natural resources such as land and water are being concentrated in the hands of a few corporate actors, leaving many communities without access to natural resources they are dependent upon.

A system where economic and political powers pursue common interests has very high human rights risks. The Belo Monte case has already shown a range of severe human rights impacts, forcing thousands of people to leave their homes without proper compensation and impoverished access to food and drinking water, violating the right to meaningful stakeholder engagement, and violating rights

to legal certainty, as the licensing process faces numerous irregularities and the judicial apparatus is repeatedly favouring corporate interests. Also human rights related to safety, climate change, biodiversity and workers' rights are impacted upon. The Tapajós and Chadin II cases already see serious adverse impacts, mainly related to meaningful stakeholder engagement, and face numerous serious human rights risks in the future.

The UNGPs provide a useful normative framework to identify and assess the divisions of responsibilities for these (potential) adverse impacts. Nevertheless, the UNGPs do still not guarantee protection of human rights affected by corporations. The UNGPs are not (yet) being implemented at the corporate level, most civil society organizations do not refer to the UNGPs when trying to hold corporations accountable, and the UNGPs lack implementation and enforcement in legislation or other binding (international) frameworks. However, the UNGPs are a first step in setting a moral benchmark on human rights responsibilities of corporate entities. In the coming years, the UNGPs should be implemented in legislation, policies and practice, to ensure that they become more than a mere promise on paper, but actually help to achieve better protection of human rights and sustainability.

Using the MEC theory in this study facilitates identifying responsible actors. The MEC has shown that mining companies are clearly linked to hydroelectricity dams and thus have a responsibility for all adverse human rights impacts related to the hydroelectric dams as they engage in business relationships with the hydroelectricity companies. The other way around, hydroelectricity companies are responsible for adverse impacts related to large-scale mining activities that (will) consume energy from the hydroelectric dams.

Strategies used by affected communities to hold corporations accountable differ considerably. In the Belo Monte case, resistance is mainly directed towards the Brazilian State. Corporate actors are being held accountable to a lesser extent. Furthermore, complaints are mainly directed against the Norte Energia consortium, and much less towards other actors involved in the project. Mining companies are not being held accountable for the adverse impacts related to the Belo Monte dam.

In the Tapajós and Chadin II case, resistance is relatively weak. Some organizations clearly oppose against the plans, mainly using the right to meaningful stakeholder engagement, but many people still put a lot of hope in the positive development the projects might bring to the region. Here the productive power of the MEC is clearly visible. The fact that local resistance is weak increases the risk of future adverse impacts, as the extent to which human rights are protected in the construction of hydroelectricity dams in Brazil clearly depends on the resistance of local organizations.

In general, the power of entities opposing against the dams is weak compared to the power block of the MEC they have to struggle against. These power imbalances make it difficult or nearly impossible for CSOs to be active actors for change for sustainability. Although international agreements such as the UNGPs ascribe larger and larger roles and responsibilities to CSOs to hold corporations accountable, this research has shown that in cases where power imbalances are large, such as in the MEC, it is very difficult for CSOs to actually fulfil this role.

None of the companies in either of the cases deems itself responsible for the (possible) adverse impacts it causes, contributes or is directly linked to. Companies do not accept the responsibility scenarios and most of them shift responsibilities to the State, to other actors involved, or claim that everything about the project is 'perfectly legal'. The fact that the State does not punish actors that cause adverse impacts, makes that companies can keep on defending this statement. Various companies point at the positive development impacts of the dams and use this as a way to neutralize adverse impacts. However, a failure to respect human rights in one area cannot be cancelled out by a benefit provided in another and adverse human rights impacts can thus not be compensated by some development projects or promises of increasing employment.

The responsibilities of state-controlled corporations are larger than those of other enterprises, as they fall under the State duty to protect human rights. However, Eletrobras and Eletronorte, corporations involved in two of the three cases and fully controlled by the Brazilian State, provide no transparency and do not engage in communication with affected stakeholders. BNDES, the Brazilian development bank, does not deem itself responsible for the adverse impacts.

The present research shows that it is very problematic to change corporate behaviour in the MEC based on the division of responsibilities under the UNGPs. Responsible actors deny adverse impacts, or shift responsibilities to other actors. They do not engage in meaningful stakeholder consultation, claims by affected communities are often being denied and various communities face repression or criminalization. The fact that State and corporate actors combine their powers contributes to the difficulties of bringing about change in corporate behaviour. This research shows that voluntary sustainability or human rights commitments do not guarantee protection of human rights. Therefore improvements in binding ways in which corporations can be held accountable for adverse human rights impacts, is highly needed. Only then human rights affected by corporations can be duly protected.

10. References

- AC Energía, 2013. La Energía nos trae el Progreso. Lima, AC Energía.
- AC Energía 2011. ODEBRECHT- Primer Taller- Chadin 2. Lima, AC Energía.
- AC Energía, Marañón Energía 2011-2013. La Energía nos trae el Progreso, edición 1-6. Lima, AC Energía & Marañón Energía.
- ActionAid Netherlands & 57 other CSOs, 2013. Breaking the Links between Natural Resources and Conflict: The Case for EU Regulation. Available at: < <http://somo.nl/news-en/somo-news/new-eu-law-could-lead-to-more-responsible-mineral-sourcing> > (Accessed on 18 September 2013).
- Adeyeye, A.O., 2012. Corporate Social Responsibility of Multinational Corporations in Developing Countries. Perspectives on Anti-Corruption. Cambridge, Cambridge University Press.
- AHIMOR (Administração das Hidrovias da Amazônia Oriental), 2013. Hidrovia Tapajós-Teles Pires. Belém, AHIMOR.
- Ahrens, S., 2003. O “novo” código florestal brasileiro: conceitos jurídicos fundamentais. Presented at VIII Brazilian Forest Congress, 25-28 August 2003, São Paulo.
- AIDA, Amazon Watch, International Rivers, 2013. Indigenous Rights Controversies Around Belo Monte Consume Brazilian Judicial System. Dam license could be suspended due to violations of social & environmental conditions. Available at: < http://www.aida-americas.org/sites/default/files/press_rel/130911%20Brazil%20PR%20FINAL.pdf > (Accessed on 18 September 2013).
- Alcoa, 2013. Alcoa in Brazil. Juruti (PA). Available at: < http://www.alcoa.com/brasil/en/info_page/Juruti.asp > (Accessed on 13 July 2013).
- Allen, A., 2002. Power, subjectivity and agency: between Arendt and Foucault. *International Journal of Philosophical Studies* 10(2): 131-149.
- Alliance for Rural Electrification, 2013. Energy Access in the World: Facts and Scenarios. Available at: < <http://www.ruralelec.org/9.0.html> > (Accessed on 29 September 2013).
- Alstom, 2011. Alstom will be a major provider to the Belo Monte Dam hydropower plant in Brazil. 9 February 2011. Available at: < <http://www.alstom.com/press-centre/2011/2/Belo-Monte/> > (Accessed on 7 May 2013).
- Alston, L.J., Libecap, G.D., Mueller, B., 1999. Titles, Conflict, and Land Use. The Development of Property Rights and Land Reform on the Brazilian Amazon Frontier. Michigan, University of Michigan Press.
- Alumina Rondon, 2013. Visit to the Alumina Project. Available at: < <http://www.aluminarondon.com.br/en-US/salaimprensa/noticias/Pages/ProjetoAlumina.aspx> > (Accessed on 13 May 2013).
- AMEC, 2011. Estudio de Impacto Ambiental del Proyecto Central Hidroeléctrica Chadin 2. Regiones Amazonas y Cajamarca. Lima, AMEC.
- Anaya, J.S., Williams, R.A., 2001. The Protection of Indigenous Peoples' Rights Over Lands and Natural Resources Under the Inter-American Human Rights System. *Harvard Human Rights Journal* 14.
- ANEEL (Agência Nacional de Energia Elétrica), 2013. Tarifas Médias por Classe de Consumo. Regional e Brasil (R\$/MWh). Tarifas referentes ao ano 2007. Janeiro a Dezembro. Available at: < <http://www.aneel.gov.br/area.cfm?idArea=507&idPerfil=11> > (Accessed on 27 November 2013).

- Anglo American, 2013. Nickel. Major Projects. Available at: <<http://www.angloamerican.com/business/nickel/projects>> (Accessed on 11 July 2013).
- Antamina, PNP, 2011. Convenio de Prestación de Servicios Extraordinarios Complementarios a la function policial entre la policia nacional del Perú y la compañía minera Antamina S.A., 22 June 2012.
- Araújo dos Anjos, R.S., 2006. Cartografia e Quilombos: Territórios Étnicos Africanos no Brasil. *Africana Studia* 9: 337-355.
- Araujo Zelada, G.E., 2012. Observaciones al Estudio de Impacto Ambiental del Proyecto Central Hidroeléctrica Chadin 2- Flora y Fauna.
- Arcadis, 2012. Arcadis wins large contract for Belo Monte hydroelectric power plant in Brazil. Available at: <http://www.arcadis.com/press/ARCADIS_WINS_LARGE_CONTRACT_FOR_BELO_MONTE_HYDRO_ELECTRIC_POWER_PLANT_IN_BRAZIL.aspx> (Accessed on 14 May 2013).
- Área de Integración Solidarida & Forum Solidaridad Perú, 2013. Ronderos de Cortegana denuncian abusos de empresa AC Energía S.A. Available at: <<http://derechoshumanos.pe/2013/05/ronderos-de-cortegana-denuncias-abusos-de-empresa-ac-energia-s-a/>> (Accessed on 23 September 2013).
- Atingidos pela Vale, 2012. Relatório de Insustentabilidade da Vale 2012. Articulação Internacional dos Atingidos pela Vale.
- Baloyi, B., 2012. Minerals Energy Complex and Comparative Industrialisation Working Group. Available online: <http://www.iippe.org/wiki/Minerals_Energy_Complex_and_Comparative_Industrialisation_Working_Group> (Accessed on 13 March 2013).
- Balthazar, R., 2010. Veja quanto receberam os grupos mais favorecidos pelo BNDES. Available at: <<http://www1.folha.uol.com.br/mercado/779517-veja-quanto-receberam-os-grupos-mais-favorecidos-pelo-bndes.shtml>> (Accessed on 25 August 2013).
- Banktrack, 2013. Dodgy Deal: Belo Monte Dam Project Brazil. Available at: <http://www.banktrack.org/show/dodgydeals/belo_monte_dam_project#tab_dodgydeals_companies> (Accessed on 20 September 2013).
- Barbier, E.B., 2012. Scarcity, frontiers and development. *Geographical Journal* 178(2): 110-122.
- Barbosa Magalhães Santos, S.M.S., Del Moral Hernandez, F. (eds.), 2009. Painel de Especialistas. Análise Crítica do Estudo de Impacto Ambiental do Aproveitamento Hidrelétrico de Belo Monte. Belém, September 2009.
- Bartelt, D.D., Moreno, C., de Paula, M. (eds.), 2012. Um campeão visto de perto. Uma Análise do Modelo de Desenvolvimento Brasileiro. Rio de Janeiro, Heinrich Böll Stiftung.
- BBC, 2012. Peru President Humala reshuffles team amid mine protests. Available at: <<http://www.bbc.co.uk/news/world-latin-america-18964804>> (Accessed on 29 September 2013).
- Bebbington, A.J., Bury, J.T., 2009. Institutional challenges for mining and sustainability in Peru. *Proceedings of the National Academy of Sciences of the United States of America* 106(41): 17296-17301.
- Beingoleado Delgado, A., 2013. Proyecto de Ley no. 2747/2013-CR. Proyecto de ley que declara de necesidad pública e interés nacional la prioridad de la construcción y operación de centrales hidroeléctricas concesionadas que se encuentren en ejecución. Available at: <[http://www2.congreso.gob.pe/Sicr/TraDocEstProc/Contdoc02_2011_2.nsf/0/829e59cf6ac0abc405257bf900818dd5/\\$FILE/PL02747031013.pdf](http://www2.congreso.gob.pe/Sicr/TraDocEstProc/Contdoc02_2011_2.nsf/0/829e59cf6ac0abc405257bf900818dd5/$FILE/PL02747031013.pdf)> (Accessed on 7 October 2013).

Belo Sun, 2013a. Belo Sun Mining Completes its Pre-Feasibility Study. Available at: < <http://www.belosun.com/News/News-Releases/News-Releases-Details/2013/Belo-Sun-Mining-Completes-Pre-Feasibility-Study/default.aspx> > (Accessed on 17 June 2013).

Belo Sun, 2013b. Mineral Resource Technical Report for the Volta Grande Gold Project, Pará, Brazil. SRK Consulting.

Belo Sun, 2013c. Patrocinio Project. Available at: < <http://www.belosun.com/Projects/Patrocinio/default.aspx> > (Accessed on 17 September 2013).

Bermann, C., 2012. O projeto da Usina Hidrelétrica Belo Monte: a autocracia energética como paradigma. *Novos Cadernos NAEA* 15(1): 5-23.

Blaikie, P., Jeanrenaud, S., 1996. *Biodiversity and Human Welfare*. Geneva, United Nations Research Institute for Social Development.

Blitt, R.C., 2012. Beyond Ruggie's Guiding Principles on Business and Human Rights: Charting an Embrasive Approach to Corporate Human Rights Compliance. *Texas International Law Journal* 48(1): 33-62.

Bloomberg Businessweek, 2012. ARCADIS Logos Ltda. Wins contract for Belo Monte Hydroelectric Power Plant in Brazil. 3 April 2012. Available at: < <http://investing.businessweek.com/research/stocks/private/snapshot.asp?privcapid=8739250> > (Accessed on 7 May 2013).

BN Americas, 2011. Grupo BB & Mapre takes lead in insuring mega Belo Monte hydro Project. Available at: < <http://www.bnamericas.com/news/insurance/grupo-bb-mapre-takes-lead-in-insuring-mega-belo-monte-hydro-project> > (Accessed on 13 July 2013).

BNDES (Banco Nacional de Desenvolvimento Econômico e Social), 2012a. BNDES aprova financiamento de R\$ 22,5 bilhões para Belo Monte. Available at: < http://www.bndes.gov.br/SiteBNDES/bndes/bndes_pt/Institucional/Sala_de_Imprensa/Noticias/2012/energia/20121126_belomonte.html > (Accessed on 8 July 2013).

BNDES (Banco Nacional de Desenvolvimento Econômico e Social), 2012b. Contrato de financiamento mediante abertura de crédito no 12.2.1238.1, que entre si fazem o banco nacional de desenvolvimento econômico e social – BNDES e a Norte Energia S.A., com interveniência de terceiros. Rio de Janeiro, BNDES.

Boekhout van Solinge, T., Kuijpers, K., 2013. The Amazon Rainforest: A Green Criminological Perspective. In South, Nigel, Brisman, Avi (eds.) *Routledge International Handbook of Green Criminology*. London, Routledge.

Boekhout van Solinge, T., 2010. Deforestation Crimes and Conflicts in the Amazon. *Critical Criminology* 18(4): 263-277.

Booher, D.E., Innes, J.E., 2011. Network Power in Collaborative Planning. *Journal of Planning Education and Research* 21:221-236.

Bramatti, D., Roberto de Toledo, J., 2010. Metade do financiamento da campanha de Dilma vem de apenas 27 empresas. Available at: < <http://blogs.estadao.com.br/vox-publica/2010/12/01/metade-do-financiamento-da-campanha-de-dilma-vem-de-apenas-27-empresas/> > (Accessed on 20 August 2013).

Brandt Meio Ambiente, 2012. RIMA. Relatório de Impacto Ambiental. Projeto Volta Grande. Belo Sun Mineração Ltda.

Branford, S., 2013. Transparency in Jacareacanga: Don't you dare talk to me! Available at: < http://lab.org.uk/transparency-in-jacareacanga-dont-you-dare-talk-to-me!?fb_action_ids=10201468224642014&fb_action_types=og.likes&fb_source=other_multiline&action >

_object_map=%7B%2210201468224642014%22%3A586212901416984%7D&action_type_map=%7B%2210201468224642014%22%3A%22og.likes%22%7D&action_ref_map=%5B%5D > (Accessed on 16 September 2013).

Bueno, G., 2010. América do Sul sem fronteiras. *Revista Furnas*, 375: 28-30.

Burron, N., 2012. Commentary. Ollanta Humala and the Peruvian Conjuncture. *Democratic Expansion or "Inclusive" Neoliberal Redux? Latin American Perspectives* 182(39-1): 133-139.

Bury, J., 2005. Mining mountains: neoliberalism, land tenure, livelihoods, and the new Peruvian mining industry in Cajamarca. *Environment and Planning A* 37: 221-239.

Bury, J., 2004. Livelihoods in transition: transnational gold mining operations and local change in Cajamarca, Peru. *The Geographical Journal* 170(1): 78-91.

Cabral de Sousa Júnior, W., 2013. Hidrelétricas na Amazônia: dos riscos econômicos e ambientais assumidos em Belo Monte aos impactos socioambientais sinérgicos no Tapajós. In Franco Morreira, P., Millikan, B. (eds.), 2013. *O setor elétrico Brasileira e a sustentabilidade no século 21: Oportunidades e Desafios*. 2a edição. Brasília, International Rivers.

Cabral de Sousa Júnior, W., Reid, J., 2010. Uncertainties in Amazon Hydropower Development: Risk Scenarios and Environmental Issues around the Belo Monte Dam. *Water Alternatives* 3(2): 249-268.

Cabral de Sousa Júnior, W., Reid, J., Silvestre Leitão, N.C., 2006. Custos e benefícios do complexo hidrelétrico Belo Monte: Uma abordagem econômico-ambiental. *Conservation Strategy Fund* 4, May 2006.

Cancilleria Ecuador, African Group, Arab Group, Pakistan, Sri Lanka, Kirguistán, Cuba, Nicaragua, Bolivia, Venezuela, Perú, Ecuador, 2013. Declaración en nombre de un grupo de países en la 24a edición de sesiones del Consejo de Derechos Humanos. Available at: < <http://cancilleria.gob.ec/wp-content/uploads/2013/09/DECLARACION.pdf> > (Accessed on 18 September 2013).

Cancino, L., Escamilo, L., 2012. Cuenca del Marañón. Lima, Colectivo Amazonía e hidroeléctricas.

Carroll, Archie B., 1999. Corporate Social Responsibility: Evolution of a Definitional Construct. *Business Society* 38: 268-295.

Carta Capital, 2013. Criada contra desmatamento, força militar ambiental atua para garantir hidrelétricas. Available at: < <http://www.cartacapital.com.br/sociedade/criada-contra-desmatamento-forca-militar-ambiental-atua-para-garantir-hidreletricas-7948.html> > (Accessed on 3 October 2013).

Carvalho, C., 2013. Três mil garimpos clandestinos no Pará ameaçam Rio Tapajós. Available at: < <http://oglobo.globo.com/pais/tres-mil-garimpos-clandestinos-no-para-ameacam-rio-tapajos-8710538> > (Accessed on 23 August 2013).

Carvalho, G.A., 2006. Environmental Resistance and the Politics of Energy Development in the Brazilian Amazon. *Journal of Environment and Development* 15(3): 245-268.

Carvalho, G.O., Nepstad, D., McGrath, D., del Carmen Vera Diaz, M., Santilli, M., Barros, A.N., 2002. Frontier expansion in the Amazon: Balancing Development and Sustainability. *Environment: Science and Policy for Sustainable Devevelopment* 44(3): 34-44.

Castells, M., 1997. *The Power of Identity, The Information Age: Economy, Society and Culture Vol. II*. Cambridge & Oxford, Blackwell Publishers.

Castells, M., 1996. *The Rise of the Network Society. The Information Age: Economy, Society and Culture Vol. I*. Cambridge & Oxford, Blackwell Publishers.

Castro, E., 2012. Expansão da fronteira, megaprojetos de infraestrutura e integração sul-americana. *Caderno CRH* 25(64):45-61.

CDDPH (Conselho de Defesa dos Direitos da Pessoa Humana), 2010. Relatório Comissão Especial "Atingidos por Barragens". Brasília, CDDPH.

Celendín Libre, 2013a. Plataforma Interinstitucional Celendina denuncia caso Conga ante el CDDHH ONU. Available at: < <http://celendinlibre.wordpress.com/2013/09/12/plataforma-interinstitucional-celendina-denuncia-caso-conga-ante-el-cddhh-onu/> > (Accessed on 17 September 2013).

Celendín Libre, 2013b. Violenta represión de policía contra opositores a Mega Hidroeléctrica Chadín 2. Available at: < <http://celendinlibre.wordpress.com/tag/chadin-2/> > (Accessed on 27 September 2013).

Cemig, 2013. Shareholder Structure. Available at: < http://cemig.infoinvest.com.br/static/enu/estrutura_acionaria.asp > (Accessed on 8 October 2013).

Chaudhuri, S., 2012. Public Eye award singles out mining company Vale, Barclays. Available at: < <http://www.theguardian.com/environment/2012/jan/27/public-eye-awards-vale-barclays> > (Accessed on 3 October 2013).

CNEC, 2013. Estudos e planejamento. Available at: < <http://www.cnec.com.br/htmls/estudoseplanej.php> > (Accessed on 23 August 2013).

Colossus, 2013. High Grade Brazilian Opportunity. Serra Pelada. Available at: < <http://www.colossusminerals.com/projects/serra-pelada/default.aspx> > (Accessed on 12 June 2013).

Comisión Andina de Juristas, 2011. Lineamientos para una agenda pública en derechos de los pueblos indígenas. Lima, Comisión Andina de Juristas.

CooperAcción, 2013a. Mapas de concesiones de la Región Cajamarca. Available at: < <http://www.cooperaccion.org.pe/mapas/regional/cajamarca> > (Accessed on 9 November 2013).

CooperAcción, 2013b. Mapas de concesiones de la Región Amazonas. Available at: < <http://www.cooperaccion.org.pe/mapas/regional/amazonas/amazonas/amazonas-2012/amazonas-20121-277> > (Accessed on 9 November 2013).

Copel, 2013. Composição Acionária. Available at: < <http://www.copel.com/hpcopel/root/nivel2.jsp?endereco=%2Fhpcopel%2Facopel%2Fpagcopel2.nsf%2Fdocs%2F7333BF89C0F53ADC032573FA006C8A67> > (Accessed on 22 August 2013).

Cotta, E., 2010. Camargo Corrêa vende a CNEC por R\$ 170 milhões. Available at: < <http://www.brasileconomico.com.br/noticias/nprint/74328.html> > (Accessed on 23 August 2013).

Couly, C., Sist, P., 2013. Use and knowledge of forest plants among the *Ribeirinhos*, a traditional Amazonian population. *Agroforestry Systems*, 87: 543-554.

CPT (Comissão Pastoral da Terra), 2013. Conflitos no Campo 2012. Goiânia, CPT.

CPT (Comissão Pastoral da Terra), 2012. CPT denuncia ameaças de morte contra os que se opõem ao Complexo Hidrelétrico do Tapajós. Available at: < <http://terradedireitos.org.br/en/biblioteca/cpt-denuncia-ameacas-de-morte-contra-os-que-se-opoem-ao-complexo-hidreletrico-do-tapajos/> > (Accessed on 27 July 2013).

Cragg, W., Arnold, D.G., Muchlinski, P., 2012. Guest Editors' Introduction. *Human Rights and Business. Business Ethics Quarterly*. 22(1): 1-7.

Cueto la Rosa, V. (ed.), 2011. Acuerdo para el suministro de electricidad al Perú y exportación de excedentes al Brasil: Buscando la gobernanza energética en el Perú. Programa de Energía Sostenible. Lima, DAR (Derecho, Ambiente y Recursos Naturales).

Da Costa Tavares, M.G., Nunes Coelho, M.C., Osório Machado, L., 2007. Redes de distribuição de energia e desenvolvimento regional na Amazônia Oriental. In Maria Célia Nunes Coelho, Maria Célia, Maurílio de Abreu Monteiro (eds.), 2007. Mineração e reestruturação espacial na Amazônia. Belém, NAEA.

Da Silva Soito, J.L., Vasconcelos Freitas, M.A., 2011. Amazon and the expansion of hydropower in Brazil: Vulnerability, impacts and possibilities for adaptation to global climate change. *Renew. & Sustain. Energy Rev.* 15: 3165-3177.

Datamark, 2012. Alcoa postpones expansion plan of its Juruti bauxite mine. Available at: < <http://www.datamark.com.br/en/news/2012/12/alcoa-postpones-expansion-plan-of-its-juruti-bauxite-mine-136874/> > (Accessed on 13 July 2013).

De Echave, J., Diez, A., 2013. Más allá de Conga. Lima, Red Peruana por una Globalización con Equidad.

Defensoría del Pueblo, 2010. El reconocimiento estatal de las rondas campesinas compendio de normas y jurisprudencia. 2da. Edición. Lima, Defensoría del Pueblo.

Deheza, E., Ribet, U., 2012. Latin America's Mining Boom. The socio-environmental and security dynamics in the case of Colombia. *The RUSI Journal* 157(5): 22-31.

DF, 2013. Perú: Gobierno planteará proyecto para que consumidores financien las centrales hidroeléctricas. Available at: < http://www.df.cl/peru-gobierno-planteara-proyecto-para-que-consumidores-financien-las-centrales-hidroelectricas/prontus_df/2013-09-12/190403.html > (Accessed on 19 September 2013).

Diário do Pará, 2013. Governo proíbe atividade de garimpo no Tapajós. Available at: < <http://diariodopara.diarioonline.com.br/N-167764-GOVERNO+PROIBE+ATIVIDADE+DE+GARIMPO+NO+TAPAJOS.html> > (Accessed on 23 August 2013).

Diniz, J.R., 2013. A nova guarda pretoriana de Dilma Rousseff. Available at: < <http://reporterbrasil.org.br/2013/04/a-nova-guarda-pretoriana-de-dilma-rousseff/> > (Accessed on 29 August 2013).

Dirección de Promoción Minera, 2013. Cartera Estimada de Proyectos Mineros. Lima, Ministerio de Energía y Minas. Available at: < <http://www.minem.gob.pe/minem/archivos/file/Mineria/INVERSION/2013/CARTERA08.pdf> > (Accessed on 16 September 2013).

Dirección General de la Electricidad, 2012. Perú Electricity Subsector- Promotion Document 2012. Lima, MINEM.

Directorio Minero del Perú, 2011. Perú: Proyectos Mineros del Futuro. Lima, Directorio Minero del Perú.

DNPM (Departamento Nacional de Produção Mineral), 2013a. A Mineração Brasileira. *Engineering & Mining Journal*, Global Business Reports.

DNPM (Departamento Nacional de Produção Mineral), 2013b. SIGMINE. Sistema de Informações Geográficas da Mineração. Available at: < <http://sigmine.dnpm.gov.br/webmap/> > (Accessed on 10 October 2013).

DNPM (Departamento Nacional de Produção Mineral), 2012. Economia Mineral do Estado do Pará 2011. Belém, DNPM.

Dourojianni, M., Barandiarán, A., Dourojeanni, D., 2009. Amazonía Peruana en 2021. Explotación de recursos naturales e infraestructuras: Que esta pasando? Que es lo que significan para el futuro? Lima, ProNaturaleza.

- Dreyfus, H., 2004. *Being and Power: Heidegger and Foucault*. Berkeley, University of California.
- Driessen, P.P.J., Dieperink, C., Laerhoven, van, F., Runhaar, H.A.C., Vermeulen, W.J.V., 2012. Towards a Conceptual Framework for the Study of Shifts in Modes of Environmental Governance – Experiences From The Netherlands. *Environmental Policy and Governance* 22: 143-160.
- Dubbink, W., 2003. *Assisting the Invisible Hand. Contested Relations Between Market, State and Civil Society*. Dordrecht, Kluwer Academic Publications.
- EDF, 2013. Shareholding structure. Available at: < <http://shareholders-and-investors.edf.com/edf-share/shareholding-structure-42691.html> > (Accessed on 22 August 2013).
- Eldorado Gold, 2013. Brazil Exploration. Available at: < <http://www.eldoradogold.com/s/Brazil.asp> > (Accessed on 17 September 2013).
- Eletrobras, 2009. RIMA, Relatório de Impacto Ambiental. Aproveitamento Hidrelétrico Belo Monte. Available at: < <http://www.eletrobras.com/elb/data/Pages/LUMIS46763BB8ITEMIDE2EF79C255994721B37DDE2105C8E90CPTBRIE.htm>> (Accessed on 15 June 2013).
- El Peruano, 2013. Normas Legales, 22 de Mayo 2013. Año XXX, no 12462, 495187. Lima, El Peruano.
- Endesa, 2013. About Endesa, Enel Group. Available at: < <http://www.endesa.com/en/aboutEndesa/ourStrategy/Enelgroup> > (Accessed on 23 August 2013).
- Enneking, L., 2013. Foreign direct liability: recent developments in the US and in the Netherlands. Presentation at the NJCM seminar 'Human Rights Violations as a Business Risk. From soft law to hard law'. Amsterdam, 14 February 2013.
- Estronioli, E., 2013. Sem política de Direitos, Estado brasileiro abandona atingidos por barragens. *Brasil de Fato* 11(549): 7.
- Fearnside, P.M., Figueiredo, A.M.R., Bonjour, S.C.M., 2013. Amazonian forest loss and the long reach of China's influence. *Environment Development Sustainability* 15: 325-338.
- Fearnside, P.M., Millikan, B., 2013. Hidrelétricas na Amazônia: fonte de energia limpa? In Franco Moreira, P., Millikan, B. (eds.), 2013. *O setor elétrico Brasileira e a sustentabilidade no século 21: Oportunidades e Desafios*. 2a edição. Brasília, International Rivers.
- Fearnside, P.M., 2012. Belo Monte Dam: A Spearhead for Brazil's Dam Building Attack on Amazonia? GWF Discussion Paper 1210. Canberra, Global Water Forum.
- Fearnside, P.M., 2011a. As hidrelétricas de Belo Monte e Altamira (Babaquara) como fontes de gases de efeito estufa. *Novos Cadernos NAEA* 12(2): 5-56.
- Fearnside, P.M., 2011b. Greenhouse Gases in the Environmental Impact Study for the Belo Monte Hydroelectric Dam. *Novos Cadernos NAEA* 14(1): 5-19.
- Fearnside, Philip M., 2006. Dams in the Amazon: Belo Monte and Brazil's Hydroelectric Development of the Xingu River Basin. *Environmental Management* 38(1): 16-27.
- Federación Regional de Rondas Campesinas Urbanas E Indígenas de Amazonas, 2012. Nota de Prensa, 14 November 2012. Available at: < http://www.scribd.com/fullscreen/113350978?access_key=key-9hrudrungecalgoy34x&allow_share=true&view_mode=scroll > (Accessed on 23 September 2013).

- FIDH, Justiça Global, Justiça nos Trilhos, 2011. Brazil. How much are human rights worth in the Brazilian mining and steel industry. The human rights impacts of the steel and mining industry in Açailândia. Paris, FIDH.
- Fine, B., 2012. Assessing South Africa's New Growth Path: framework for change? *Review of African Political Economy* 39(134): 551-568.
- Fine, B., Rustomjee, Z. 1998. Debate 1: Debating the South African minerals-energy complex: A response to Bell and Farrell. *Development Southern Africa* 15(4): 689-701.
- Fine, B., Rustomjee, Z. 1996. *The Political Economy of South Africa. From Minerals-Energy Complex to Industrialisation*. London, Hurst & Co.
- Finer, M., Jenkins, C.N., 2012. Proliferation of Hydroelectric Dams in the Andean Amazon and Implications for Andes-Amazon Connectivity. *PLoS ONE* 7(4) e35126.
- Fonseca, B., Mota, J., 2013. Trabalhadores reféns em obras bilionárias na Amazônia. Available at: < <http://www.apublica.org/2013/11/bndes-trabalhadores-refens-em-obras-bilionarias-na-amazonia/> > (Accessed on 10 November 2013).
- Forsberg, B.R., Araujo-Lima, C.A.R.M., Martinelli, L.A., Victoria, R.L., Bonassi, J.A., 1993. Autotrophic Carbon Sources for Fish in the Central Amazon. *Ecology* 74(3): 643-652.
- Flávio Pinto, L., 2013. Carajás é da China. Available at: < <http://v1.justicanostrilhos.org/nota/1274> > (Accessed on 17 September 2013).
- Foucault, M., 1991. Governmentality. In G. Burchell, C. Gordon, P. Miller (eds.), 1991. *The Foucault Effect*. Chicago, University of Chicago Press: 87-104.
- Foucault, M., 1990. The history of sexuality: volume 1. In S. Rutherford, 2007. *Green governmentality: insights and opportunities in the study of nature's rule*. *Progress in Human Geography* 31(3): 291-307.
- Fumerton, M., 2001. *Rondas Campesinas* in the Peruvian Civil War: Peasant Self-defence Organisations in Ayacucho. *Bulletin of Latin American Research* 20(4): 470-497.
- FUNAI, 2013. Terras Indígenas na área de influência do empreendimento. Available at: < http://www.funai.gov.br/home/BeloMonte/Txt_TrabFunai/TI_area_influencia.html > (Accessed on 8 August 2013).
- Funtowicz, S.O., Ravetz, J.R., 1993. Science for the Post-normal Age. *Futures* September 1993: 739-755.
- Galeano, E., 1997. *Open Veins of Latin America (Las Venas Abiertas de America Latina)*. 25th ann. edition. New York, Monthly Review Press.
- Galindo da Fonseca, P., Bourgoignie, A., 2011. The Belo Monte Dam Case. *National Affairs* 41(2): 104-107.
- Gamboa Balbín, C., Cueto la Rosa, V., 2012. *Matriz Energética en el Perú y Energías Renovables. VI. Hidroeléctricas y Conflictos Sociales: Recomendaciones para una mejor gestión ambiental*. Lima, Fundación Friedrich Ebert & DAR.
- Gaventa, J., Cornwall, A., 2001. Power and Knowledge. In Reason, P., Bradbury, H. (eds.), 2001. *Handbook of Action Research: Participative Inquiry and Practice*. London, Sage Publications.
- GDF Suez, 2013. Shareholder Structure. Available at: < <http://www.gdfsuez.com/en/shareholders/gdf-suez-share/shareholder-structure-2/> > (Accessed on 23 August 2013).
- Global Witness, 2012. *A hidden crisis? Increase in killings as tensions rise over land and forests*. London, Global Witness.

Gobbi, F.P., 2013. Brazil's Belo Monte Dam Project. Financial impact, indigenous peoples' rights & the environment. Brussels, Library Briefing Library of the European Parliament, 20 June 2013.

Goldfields, PNP, 2010. Convenio de prestación de servicios extraordinarios complementarios a la function policial entre la policia nacional del Perú (XIV-Dirtepol-Cajamarca) y Gold Fields la Cima S.A. 11 January 2010.

Grandin, G., 2010. Fordlandia. The rise and fall of Henry Ford's forgotten jungle city. London, Icon Books.

Grufides, 2013. Caso: Vale: San Marcos. Malas Practicas y Violaciones de Derechos Humanos. Available at: < http://grufides.dtdl.pe/index.php?title=Caso:Vale:San_Marcos > (Accessed on 16 September 2013).

Grupo de Estudos Tapajós, 2013a. Aproveitamento Hidrelétrico Jatobá. Estudos de Viabilidade. Itaituba, Diálogo Tapajós.

Grupo de Estudos Tapajós, 2013b. Quem Somos. Available at: < <http://www.grupodeestudostapajos.com.br/quem-somos/> > (Accessed on 22 August 2013).

Grupo de Estudos Tapajós, 2012. Aproveitamento Hidrelétrico São Luiz do Tapajós. Estudos de Viabilidade. Itaituba, Diálogo Tapajós.

Guzman, C., Mello, R., 2012. Preliminary Economic Assessment for the Jardim de Ouro Project, Pará State, Brazil. NCL Ingeniería y Construcción Ltda.

Habermas, J., 1977. Hannah Arendt's Communications Concept of Power. In Hinchman, Lewis P., Hinchman, Sandra K. (eds.), 1977. Hannah Arendt. Critical Essays. New York, State University of New York Press.

Hall, A., Branford, S., 2012. Development, Dams and Dilma: the Saga of Belo Monte. Critical Sociology 38(6): 851-862.

Harvey, D., 2003,. The New Imperialism. New York, Oxford University Press.

Hayward, C., Lukes, S., 2008. Nobody to shoot? Power, structure, and agency: A dialogue. Journal of Power 1(1): 5-20.

Hayward, T., 2001. Biodiversity, Human Rights and Sustainability. Roots 1(22).

Hobbes, T., 1651. Leviathan, or the Matter, Form, and Power of a Common-wealth, Ecclesiasticall and Civill. In N. Bobbio, 1989. Democracy and Dictatorship. The Nature and Limits of State Power. Cambridge, Polity Press.

Human Rights Council, 2011. Report of the Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises, John Ruggie. Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect, and Remedy" Framework. UN Human Rights Council.

Humphreys, S., 2010. Introduction: human rights and climate change. In Humphreys, S., 2010. Human Rights and Climate Change. Cambridge, Cambridge University Press.

Hurwitz, Z. 2011. Mining Giant Joins Belo Monte Dam. Available at: < <http://www.internationalrivers.org/blogs/258/mining-giant-joins-belo-monte-dam> > (Accessed on 12 June 2013).

Hydro, 2013a. Annual Report 2012. Infinite Aluminium. Oslo, Hydro.

Hydro, 2013b. Nossa história. Available at: < <http://www.hydro.com/pt/Aluminio/A-Hydro-no-Brasil/Sobre-a-Hydro/Nossa-historia/> > (Accessed on 29 May 2013).

Hydro, 2011. New global bauxite & alumina business. Available at: < http://www.hydro.com/upload/Documents/Presentations/Quarterly/2011/Bauxite_Alumina_presentation_Q1-2011.pdf > (Accessed on 30 May 2013).

IACHR (Inter-American Commission on Human Rights), 2011. PM 382/10, ch. III. Indigenous Communities of the Xingu River Basin vs. Brazil. Available at: < <http://www.oas.org/en/iachr/docs/annual/2011/TOC.asp> > (Accessed on 13 July 2013).

IAEA (International Atomic Energy Agency), 2007. Energy Indicators for Sustainable Development: Country Studies on Brazil, Cuba, Lithuania, Mexico, Russian Federation, Slovakia and Thailand. Vienna, International Atomic Energy Agency & United Nations Department of Economic and Social Affairs.

IBAMA (Instituto Brasileiro do Meio Ambiente e dos Recursos Naturais Renováveis), 2013. Análise do 3o Relatório Consolidado de Andamento do PBA da UHE Belo Monte. PAR. 004933/2013. Brasília, IBAMA.

IBRAM (Instituto Brasileiro de Mineração), 2013. Informações sobre a Economia Mineral do Estado do Pará. Belém, IBRAM.

ICMBio (Instituto Chico Mendes de Conservação da Biodiversidade), 2013. Carta aberta a Sociedade. ICMBio.

IIRSA (Iniciativa para la Integración de la Infraestructura Regional Suramericana), 2013. IIRSA en el COSIPLAN. Available at: < <http://www.iirsa.org/Page/Detail?menuItemId=27> > (Accessed on 10 July 2013).

ILO (International Labour Organization), 2012. Report of the Committee of Experts on the Application of Conventions and Recommendations. Report III (Part 1A). General Report and Observations Concerning Particular Countries. Geneva, International Labour Office.

ILO (International Labour Organization), 1989. C169 - Indigenous and Tribal Peoples Convention. International Labor Organization, Geneva. Available at: <http://www.ilo.org/dyn/normlex/en/f?p=1000:12100:0::NO::P12100_INSTRUMENT_ID:312314> (Accessed on 22 October 2012).

IMD (Instituto Mais Democracia) 2013. Quem são os Proprietários do Brasil? Available at: < <http://www.proprietariosdobrasil.org.br/index.php/en/> > (Accessed on 20 August 2013).

INEI (Instituto Nacional de Estadística e Informática), UNFPA (Fondo de Población de las Naciones Unidas), 2010. Perú: Análisis Etnosociodemográfico de las comunidades nativas de la Amazonía, 1993 y 2007. Colección Análisis de Resultados Censos 2007. Lima, INEI.

INEI (Instituto Nacional de Estadística e Informática), 2010. Información SocioDemográfica, Encuesta Nacional de Hogares. Available at: < <http://www.inei.gob.pe/Sisd/index.asp> > (Accessed on 15 September 2013).

Infoamazonia, 2013. Mapa Mineração. Available at: < <http://infoamazonia.org/pt/maps/mining-2/#!/story=post-6729> > (Accessed on 25 August 2013).

INPE (Instituto Nacional de Pesquisas Espaciais), 2013. PRODES. Desflorestamento nos Municípios da Amazônia Legal para o ano de 2012. Available at: < <http://www.dpi.inpe.br/prodesdigital/prodesmunicipal.php> > (Accessed on 27 November 2013).

Instituto Humanitas Unisinos, 2012. Pastorais repudiam Eletronorte e Eletrobrás que estão gerando conflitos no Tapajós. Available at: < <http://www.ihu.unisinos.br/noticias/515042-nota-de-repudio-a-eletronorte-e-eletobras-que-estao-gerando-conflitos-no-tapajos> > (Accessed on 23 August 2013).

International Council on Human Rights Policy, 2008. Climate Change and Human Rights: A Rough Guide. Versoix, International Council on Human Rights Policy.

International Rivers, 2013. Defensores de los Rios. Available at: < <http://www.internationalrivers.org/node/8062> > (Accessed on 27 September 2013).

International Rivers, 2011. Brazil Eyes the Peruvian Amazon. Wild rivers and indigenous peoples at risk. Berkeley, International Rivers.

ISA (Instituto Socioambiental), 2013a. ISA solicita declaração de inviabilidade de projeto de mineração na região do Xingu. Available at: < <http://site-antigo.socioambiental.org/nsa/detalhe?id=3721> > (Accessed on 17 September 2013).

ISA (Instituto Socioambiental), 2013b. Belo Monte- Cronologia do projeto. Available at: < <http://www.socioambiental.org/esp/bm/hist.asp> > (Accessed on 7 November 2013).

ISA (Instituto Socioambiental), 2012. Áreas Protegidas Terra do Meio. Available at: < http://imaflora.org/desenvolvimento-local-sustentavel_terra-do-meio.php > (Accessed on 12 November 2013).

Jaichand, V., Andrade Sampaio, A., 2013. Dam and Be Damned: The Adverse Impacts of Belo Monte on Indigenous Peoples in Brazilian Human Rights Quarterly 35(2): 408-447.

JDP, 2012. Complexo Tapajós: Areas Protegidas Afetadas. Levantamento cartográfico da extensão do alagamento previsto nos rios Tapajós, Jamaxim e Teles Pires. JDP, 2012.

Juliano Barros, C., 2012. Rio de Ouro e Soja. Available at: < <http://www.apublica.org/2012/12/rio-de-ouro-soja/> > (Accessed on 7 November 2013).

Juntos, 2013. Misión y visión. Available at: < http://www.juntos.gob.pe/?page_id=4 > (Accessed on 17 September 2013).

Justiça Federal de 1a Instância, 2012. Decisão Processo no. 3883-98.2012.4.01.3902. Seção Judiciário do Pará, 2a Vara, Subseção de Santarém.

Kingsford, R.T., 2000. Ecological impacts of dams, water divisions and river management on floodplain wetlands in Australia. *Austral Ecology* 25(2): 109-127.

Kingstone, P.R., Power, T.J., 2008. Introduction. In: Kingstone, P.R., Power, T.J. (eds.) 2008. *Democratic Brazil Revisited*. Pittsburgh, University of Pittsburgh Press.

Knight Piésold Consulting, 2010. Minera Yanacocha S.R.L. Proyecto Conga. Estudio de Impacto Ambiental. Informe Final. Febrero 2010. Lima, Knight Piésold Consulting.

Lafferty, W. M., 2002, Political Evaluation: Premises, Approaches and Methods. Working Paper No. 2/02. Oslo, Program for Research and Documentation for a Sustainable Society (ProSus).

Langford, M., du Plessis, J., 2006. Dignity in the Rubble? Forced Evictions and Human Rights Law. Geneva, Centre on Housing Rights and Evictions.

Langfur, H., 2006. The forbidden lands. Colonial identity, frontier violence, and the persistence of Brazil's Eastern Indians, 1750-1830. Stanford, Stanford University Press.

Lavoie, C., Copland, A., Morrison, N., Leuangthong, O., Couture, J.F., Weiershauser, L., Guzman, C., Franca, P., 2013. Pre-Feasibility Study on the Volta Grande Project, Pará, Brazil, NI 43-101 Technical Report. Ontario, AMEC Americas Limited.

Lemos, M.C., Roberts, J.T., 2008. Environmental policy-making networks and the future of the Amazon. *Philos. Transact. R. Soc.* 363: 1897- 1902.

Leroy, J.P., Malerba, J., 2010. IIRSA, energia e mineração. Ameaças e conflitos para as terras indígenas na Amazônia Brasileira. Rio de Janeiro, FASE.

Leroy, J.P., Acselrad, H., Santos Souza, A.P., do A. Mello, C.C., Malerba, J., Laschefski, K., Novoa Garzon, L.F., 2009. Por avaliações sócio-ambientais rigorosas e responsáveis dos empreendimentos que impactam o território e as populações. In Barbosa Magalhães Santos, S.M.S., Del Moral Hernandez, F. (eds.), 2009. Painel de Especialistas. Análise Crítica do Estudo de Impacto Ambiental do Aproveitamento Hidrelétrico de Belo Monte. Belém, September 2009.

Light, 2013. Shareholding Structure. Available at: < <http://ri.light.com.br/static/enu/composicao-acionaria.asp?idioma=enu> > (Accessed on 8 October 2013).

Little, P.E., 2013. Megaproyectos en la Amazonía. Un análisis geopolítico y socioambiental con propuestas de mejor gobierno para la Amazonía. Lima, DAR (Derecho Ambiente y Recursos Naturales).

Lukes, S., 2005. Power: A Radical View. Basingstoke, Palgrave Macmillan.

Lula da Silva, L.I., García, A., 2010. Acuerdo para el Suministro de Electricidad al Perú y Exportación de Excedentes al Brasil. Available at: < <http://www.minem.gob.pe/minem/archivos/file/Electricidad/Acuerdo%20Peru-Brasil%203%20may%202010.pdf> > (Accessed on 17 September 2013).

MAB (Movimento dos Atingidos por Barragens), 2013. Política Nacional de Direitos das Populações Atingidas por Barragens. São Paulo, MAB.

MAB (Movimento dos Atingidos por Barragens), 2011. Violação dos Direitos Humanos na Construção de Barragens. Síntese do Relatório Comissão Especial “Atingidos por Barragens” Conselho de Defesa dos Direitos da Pessoa Humana. São Paulo, MAB.

Magellan Minerals, 2013. Porquinho. Available at: < http://www.magellanminerals.com/projects/other_gold/porquinho/ > (Accessed on 17 September 2013).

Majestic Diamonds & Metals, 2013. Tapajós Gold. Available at: < <http://www.majesticdm.com/s/TapajosGold.asp> > (Accessed on 17 September 2013).

Mangueira, C., 2012. Metso fornecerá equipamentos para Belo Monte. Veja 3 February 2012. Available at: < <http://veja.abril.com.br/noticia/economia/metso-fornecera-equipamentos-para-belo-monte> > (Accessed on 7 May 2013).

Mann, M., 1984. The autonomous power of the state: its origins, mechanisms and results. *European Journal of Sociology* 25(2): 185-213.

Mares, R., 2012. Business and Human Rights after Ruggie: Foundations, the Art of Simplification and the Imperative of Cumulative Progress. In: Mares, Rudy (ed.), 2012. *The UN Guiding Principles on Business and Human Rights- Foundations and Implementation*. Leiden, Boston, Martinus Nijhoff Publishers.

Marques, G., 2010. A incorporação Amazônica no desenvolvimento capitalista brasileiro. *Boletim Museu Paraense Emílio Goeldi. Ciências Humanas*. 5(1): 67-88.

Martinez-Alier, 2002. The Environmentalism of the Poor. Paper prepared for the conference on The Political Economy of Sustainable Development: Environmental Conflict, Participation and Movements. Johannesburg, University of Witwatersrand.

McCann, F., 2005. Brazil: A Country Study. US Library of Congress. Available online: < <http://lcweb2.loc.gov/frd/cs/brtoc.html#br0008> > (Accessed on 2 August 2013).

- McGoldrick, D., 1996. Sustainable Development and Human Rights: An Integrated Conception. *International and Comparative Law Quarterly* 45(4): 796-818.
- McLellan, B.C., Corder, G.D., Giurco, D.P., Ishihara, K.N., 2012. Renewable energy in the minerals industry: a review of global potential. *J. Clean. Produ.* 32: 32-44.
- Meadowcroft, D., 2007. Who is in Charge here? Governance for Sustainable Development in a Complex World. *Journal of Environmental Policy & Planning* 9(3-4): 299-314.
- Michalowski, R., Kramer, R., 2000. The Critique of Power. In Michalowski, R., Kramer, R., 2000. *State-Corporate Crime: Wrongdoing at the intersection of business and government*. London, Rutgers University Press.
- MINEM (Ministerio de Energía y Minas), 2013. Proyecto Hidroenergético Chadin II. Available at: < <http://www.minem.gob.pe/minem/archivos/Chad%C3%83%C2%ADn%20II.pdf> > (Accessed on 17 September 2013).
- MINEM (Ministerio de Energía y Minas), 2007. Elaboración de Resúmenes Ejecutivos y Fichas de Estudios de las Centrales Hidroelectricas con Potencial para la Exportación a Brasil. Lima, MINEM.
- Mineração Rio do Norte, 2013a. Porto Trombetas. Available at: < <http://www.mrn.com.br/en-US/Sobre-MRN/Porto-Trombetas/Pages/default.aspx> > (Accessed on 23 August 2013).
- Mineração Rio do Norte, 2013b. MRN's Shareholding Structure. Available at: < <http://www.mrn.com.br/en-US/Sobre-MRN/Perfil/Pages/default.aspx> > (Accessed on 23 August 2013).
- MME (Ministerio de Minas e Energia), 2011. Belo Monte vai produzir energia com respeito ao meio ambiente. Available at: < http://www.mme.gov.br/mme/menu/belo_monte.html > (Accessed 23 May 2013).
- Monteiro, T., 2012. Funai confirma que Terras Indígenas serão afetados pelo Complexo Tapajós. Available at: < <http://telmadmonteiro.blogspot.com.br/2012/07/funai-confirma-que-terras-indigenas.html> > (Accessed on 23 August 2013).
- Monteiro, T., 2011. Rio Tapajós: Resolução do CNPE oficializa destruição. Available at: < <http://telmadmonteiro.blogspot.com/2011/07/rio-tapajos-resolucao-do-cnpe.html> > (Accessed on 13 September 2013).
- Monteiro, T., Millikan, B., 2011. Dams and Hidrovias in the Tapajos basin of Brazilian Amazonia: Dilemmas and Challenges for Netherlands-Brazil Relations. Amsterdam, BothEnds.
- Movimento Tapajós Vivo, 2012. Complexo Tapajós: Áreas Protegidas Afetadas. Available at: < <http://www.socioambiental.org/pt-br/noticias-socioambientais/indios-acusam-governo-de-atropelar-negociacao-com-uso-da-policia-para> > (Accessed on 8 October 2013).
- MPF (Ministério Público Federal), 2013a. Processos caso Belo Monte. Available at: < http://www.prpa.mpf.mp.br/news/2013/arquivos/Tabela_de_acompanhamento_atualizada_23-10-13.pdf > (Accessed on 7 November 2013).
- MPF (Ministério Público Federal), 2013b. Justiça suspende operação Tapajós. Available at: < <http://www.prpa.mpf.mp.br/news/2013/justica-suspende-operacao-tapajos> > (Accessed on 15 September 2013).
- MPF (Ministério Público Federal), 2013c. MPF adverte Secretaria de Meio Ambiente e Procuradoria do Estado do Pará contra licença a Belo Sun. Available at: < <http://www.prpa.mpf.mp.br/news/2013/mpf-adverte-secretaria-de-meio-ambiente-e-procuradoria-do-estado-do-para-contra-licenca-a-belo-sun> > (Accessed on 17 September 2013).
- MPF (Ministério Público Federal), 2013d. Monitoramento das Condicionantes de Belo Monte. Available at: <

<https://www.google.nl/url?sa=t&rct=j&q=&esrc=s&source=web&cd=2&cad=rja&ved=0CDgQFjAB&url=http%3A%2F%2Fwww.prpa.mpf.mp.br%2Fnews%2F2010%2Fnoticias%2FMonitoramento%2520das%2520Condicionantes%2520de%2520Belo%2520Monte.pdf%2Fdownload%2Ffile&ei=9Hc8UuqbHovk9gSwooCIBQ&usq=AFQjCNFb-I9HbyDaCmcdCZXg00kTDb6Mtw&sig2=OaRZuF4Rpm3cDcb6TUN8uw> > (Accessed on 20 September 2013).

MPF (Ministério Público Federal), 2013e. Laudos mostram que Norte Energia constrói casas irregulares para atingidos por Belo Monte. Available at: < <http://www.prpa.mpf.mp.br/news/2013/laudos-mostram-que-norte-energia-constroi-casas-irregulares-para-atingidos-por-belo-monte> < (Accessed on 28 September 2013).

MPF (Ministério Público Federal), 2013f. MPF reforça pedido de suspensão da Operação Tapajós. Available at: < <http://www.prpa.mpf.mp.br/news/2013/mpf-reforca-pedido-de-suspensao-da-operacao-tapajos> > (Accessed on 29 September 2013).

MPF (Ministério Público Federal), 2013g. Problemas nas casas para os atingidos levam MPF a Justiça pela vigésima vez contra Belo Monte. Available at: < <http://www.prpa.mpf.mp.br/news/2013/problemas-nas-casas-para-os-atingidos-levam-mpf-a-justica-pela-vigesima-vez-contr-belo-monte> > (Accessed on 7 November 2013).

MPF/PA (Ministério Público Federal do Pará), 2013. MPF debate direito a consulta prévia com índios Munduruku. Available at: < <http://www.brasildefato.com.br/node/26542#.Un4sUcAtEaQ.facebook> > (Accessed on 11 November 2013).

MPF (Ministério Público Federal), 2012. Ação Civil Pública Ambiental no 1.23.002.000087/2009-91. Santarém, Ministerio Publico Federal.

MPF (Ministério Público Federal), 2011a. Ação Civil Pública Ambiental no 0028944-98.2011.4.01.3900. Altamira, Ministerio Publico Federal.

MPF (Ministério Público Federal), 2011b. Ação Civil Pública com Pedido de Liminar no 1.23.003.000380/2010-82 and PA 1.23.003.000365/2010-34. Altamira & Belém, Ministerio Publico Federal.

MPF (Ministério Público Federal), 2011c. Ação Civil Pública com Pedido de Liminar no. 1.23.000.002831/2008-21. Altamira & Belém, Ministerio Publico Federal.

MPF (Ministério Público Federal), 2010. Ação Civil Pública com Pedido de Liminar ANEEL & IBAMA. Altamira, Ministério Público Federal.

MPF (Ministério Público Federal), 2009a. Executivos de empreiteiras são denunciados por fraude a licitação e formação de cartel. Available at: < <http://www.prba.mpf.mp.br/mpf-noticias/patrimonio-publico-e-social/executivos-de-empreiteiras-sao-denunciados-por>> (Accessed on 5 August 2013).

MPF (Ministério Público Federal), 2009b. Ação Civil Pública com pedido liminar IBAMA, Eletrobrás, Eletronorte. Altamira, 5 October 2009.

MPF (Ministério Público Federal), 2007a. Ação Civil Pública Ambiental, com pedido de liminar no 00.001.180/0002-07. Altamira, Ministerio Publico Federal.

MPF (Ministério Público Federal) 2006. Ação Civil Pública Ambiental no. 2006.39.03.000711-8/709-88.2006.4.01.3903. Altamira, Ministerio Publico Federal.

MPT (Ministério Público do Trabalho), 2013. MPT move ação contra CCBM por terceirização irregular. Available at: < <http://www.prt8.mpt.gov.br/site/node/285> > (Accessed on 25 August 2013).

Munich Re, 2013. Annual General Meeting on 25 April 2013. Countermotions. Munich, Munich RE. Available at: <

http://www.munichre.com/app_pages/www/@res/pdf/ir/agm/2013/countermotions_en.pdf > (Accessed on 13 July 2013).

MXVPS (Movimento Xingu Vivo Para Sempre), 2013a. Trabalhadores fazem protesto e denúncias em Belo Monte. Available at: <<http://www.xinguvivo.org.br/2013/04/08/trabalhadores-fazem-protesto-e-denuncias-em-belo-monte/>> (Accessed on 2 August 2013).

MXVPS (Movimento Xingu Vivo Para Sempre), 2013b. Quem Somos. Available at: <<http://www.xinguvivo.org.br/quem-somos/>> (Accessed on 20 August 2013).

MXVPS (Movimento Xingu Vivo Para Sempre), 2013c. Resposta do Xingu Vivo a nota do CCBM sobre atuação da Força Nacional em Belo Monte. Available at: <<http://www.xinguvivo.org.br/2013/04/18/resposta-do-tingu-vivo-a-nota-do-ccbm-sobre-atuacao-da-forca-nacional-em-belo-monte/>> (Accessed on 3 October 2013).

MXVPS (Movimento Xingu Vivo Para Sempre), Terra de Direitos, CIMI (Conselho Indigenista Missionário), SDDH (Sociedade Paraense de Direitos Humanos), Justiça Global, Comitê Metropolitano do Movimento Xingu Vivo, Prelazia do Xingu, CPT Pará (Comissão Pastoral da Terra), Rede FAOR, Associação de Defesa Etno-ambiental- Kanindé, 2010. Letter to Ms. Gabriela Carina Knaul de Albuquerque e Silva, Special Rapporteur of the Human Rights Council on the Independence of Judges and Lawyers, Office of the UN High Commissioner for Human Rights. Curitiba & Altamira, 10 May 2010.

NCP Netherlands, 2013. Final Statement ABP/APG- Lok Shakti Abhiyan, KTNC Watch, Fair Green and Global Alliance, Forum for Environment and Development. The Hague, NCP Netherlands.

NCP Norway, 2013. Final Statement ForUM vs. NBIM. Available at: <http://www.regjeringen.no/pages/36798927/nbim_final2.pdf> (Accessed on 7 November 2013).

Neoenergia, 2013. Acionistas. Available at: <<http://www.neoenergia.com/Pages/A%20Neoenergia/acionistas.aspx>> (Accessed on 8 October 2013).

Nepstad, D., McGrath, D., Alencar, A., Barros, A.C., Carvalho, G., Santilli, M., Vera Diaz, M. del C., 2002. Frontier Governance in Amazonia. *Science* 295: 629-631.

Neumayer, E., 2011. Sustainability and Inequality in Human Development. Human Development Research Paper 2011/04. New York, UNDP.

Newell, P., 2010. Climate change, human rights and corporate accountability. In Humphreys, S., 2010. *Human Rights and Climate Change*. Cambridge, Cambridge University Press.

Nigam, A., 1996. Marxism and Power. *Social Scientist* 24(4/6): 3-22.

Norte Energia, 2013. Composição acionária da Norte Energia. Available at: <<http://norteenergiasa.com.br/site/portugues/composicao-acionaria/>> (Accessed on 1 May 2013).

Norte Energia, 2011. Usina Belo Monte. Available at: <<http://blogbelomonte.com.br/usina-belo-monte/>> (Accessed on 12 June 2013).

Nussbaum, Martha, 2000. *Women and Human Development*. Cambridge: Cambridge University Press.

O’Riordan, T., Cameron, J., 1994. *Interpreting the Precautionary Principle*. London, Earthscan Publications.

Odebrecht, 2013. Obras ejecutadas. Desarrollo de la mina Yanacocha (1996-2001), Cajamarca. Available at: <<http://www.odebrecht.com.pe/obras-ejecutadas/infraestructura-minera>> (Accessed on 16 September 2013).

OECD (Organization for Economic Development and Cooperation) 2011. OECD Guidelines for Multinational Enterprises 2011 Edition. Paris, OECD Publishing.

OHCHR (Office of the High Commissioner for Human Rights), 2013. Letter on the issue of the applicability of the Guiding Principles on Business and Human Rights to minority shareholdings. Available at: < http://www.regjeringen.no/pages/36798927/ohchr_nbim.pdf > (Accessed on 7 November 2013).

Online Maps, 2013. Amazon River Map. Physical Map of Amazon river basin. Available at: < <http://onlinemaps.blogspot.nl/2013/03/amazon-river-map.html> > (Accessed on 9 November 2013).

PAC Energia, 2013. PAC Energia, Relatório 5, PAC 2. Available at: < <http://www.brasil.gov.br/pac/pac-2/pac-2-relatorio-5> > (Accessed on 18 September 2013).

PAC (Programa de Aceleração do Crescimento), 2013a. Sobre o PAC. Available at: < <http://www.pac.gov.br/sobre-o-pac> > (Accessed on 10 July 2013).

PAC (Programa de Aceleração do Crescimento), 2013b. Usina Hidrelétrica- Belo Monte- PA. Available at: < <http://www.pac.gov.br/obra/9059> > (Accessed on 24 August 2013).

PAC (Programa de Aceleração do Crescimento), 2013c. Usina Hidrelétrica- São Luiz do Tapajós-PA. Available at: < <http://www.pac.gov.br/obra/8396> > (Accessed on 29 September 2013).

PAC (Programa de Aceleração do Crescimento), 2013d. Usina Hidrelétrica- Jatobá- PA. Available at: < <http://www.pac.gov.br/obra/8521> > (Accessed on 4 October 2013).

Pawson, R., Tilley, N., 1995. Whither (European) evaluation methodology? *Knowledge & Policy* 8(3): 20-34.

Peluso, N.L., Lund, C., 2011. New frontiers of land control: Introduction. *Journal of Peasant Studies* 38(4): 667-681.

Peng, M.W., Parente, R.C., 2012. Institution-based weaknesses behind emerging multinationals. *RAE* 52(3): 360-364.

Penna-Firme, R., Brondizio, E., 2007. The risks of commodifying poverty: rural communities, *quilombola* identity, and nature conservation in Brazil. *Habitus Goiânia* 5(2): 355-373.

Pereira, R., Goy, L., 2010. Odebrecht, Camargo e Andrade vão construir usina de Belo Monte. *O Estado de São Paulo*, 15 August 2010.

Pensión 65, 2013. Qué es Pensión 65. Available at: < <http://www.pension65.gob.pe/que-es-pension-65/> > (Accessed on 24 September 2013).

PIC (Plataforma Interinstitucional Celendina), Rondas Campesinas Unitarias de Celendín, Central Única Nacional de Rondas Campesinas del Perú, 2013. Pronunciamiento por la defensa del Rio Marañón y nuestros derechos. Available at: < <http://olca.cl/articulo/nota.php?id=103297> > (Accessed on 23 September 2013).

Picolli, E., 2008. Legal and political pluralism in Peru. The case of peasants patrols in Cajamarca. *Iconos. Revista de Ciencias Sociales* 31: 27-41.

Place, M., 2013. Eletrobras signals A-5 hydro intent. Available at: < <http://www.bnamerica.com/news/electricpower/eletrobras-signals-a-5-hydro-intent1> > (Accessed on 20 September 2013).

Pontes Júnior, F., Beltrão, J. F., 2004. Xingu, Barragens e Nações indígenas, Belém, Núcleo de Altos Estudos Amazônicos (NAEA), Universidade Federal do Pará.

Presidência da República, 2007. Decreto no. 6.040 de 7 de fevereiro de 2007. Brasília, Presidência da República, Casa Civil, Subchefia para Assuntos Jurídicos.

Reis Oliveira, C., 2013. Quem é quem nas discussões do novo código da mineração. Rio de Janeiro, Ibase.

Repórter Brasil, 2011. O BNDES e sua política socioambiental. Uma crítica sob a perspectiva da sociedade civil organizada. São Paulo, Repórter Brasil.

Ribeiro, L., 2013. Força Nacional reforça segurança de Belo Monte. Available at: < <http://exame.abril.com.br/brasil/noticias/forca-nacional-reforca-seguranca-de-belo-monte> > (Accessed on 3 October 2013).

Ricardo, B., Rolla, A., 2012. Amazonía bajo presión. São Paulo, RAISG.

Rivero, S., Cooney Seisdedos, P., 2010. The Amazon as a frontier of capital accumulation: Looking beyond the trees. *Capitalism Nature Socialism* 21(4): 50-71.

Rockström, J., Steffen, W., Noone, K., Persson, A., Chapin, F.S. III, Lambin, E., Lenton, T.M., Scheffer, M., Folke, C., Schellnhuber, H.J., Nykvist, B., de Wit, C.A., Hughes, T., van der Leeuw, S., Rodhe, H., Sörlin, S., Snyder, P.K., Costanza, R., Svedin, U., Falkenmark, M., Karlberg, L., Corell, R.W., Fabry, V.J., Hansen, J., Walker, B., Liverman, D., Richardson, K., Crutzen, P.I., Foley, J., 2009. Planetary Boundaries: Exploring the Safe Operating Space for Humanity. *Ecology & Society* 14(2), art. 32.

Rodrigues da Cunha Soares, M., 2007. Lei Kandir: Breve Histórico. Brasília, Consultoria Legislativa, Câmara dos Deputados.

Rojas, B., Amorim, L., 2013. Responsabilidade socioambiental do BNDES em Belo Monte é “para inglês ver”. Available at: < <http://www.socioambiental.org/pt-br/blog/blog-do-xingu/responsabilidade-socioambiental-do-bndes-em-belo-monte-e-para-ingles-ver> > (Accessed on 10 June 2013).

Rose, N., 1999. Powers of Freedom. Reforming Political Thought. Cambridge, Cambridge University Press.

Ruggie, J., 2008. Protect, Respect and Remedy. A Framework for Business and Human Rights. Report of the Special Representative of the United Nations Secretary-General on the issue of human rights and transnational corporations and other business enterprises. *Innovations* spring 2008: 189-212.

Ruggie, J.G., 2007. Business and Human Rights: The Evolving International Agenda. *The American Journal of International Law* 101: 819-840.

Russau, C., 2013. Who owns Belo Monte? The foreign equity participation in the Belo Monte dam project. Potsdam, Gegenströmung.

Rutherford, S., 2007. Green governmentality: insights and opportunities in the study of nature's rule. *Progress in Human Geography* 31(3): 291-307.

Safford, F., Palacios, M., 2002. Colombia. Fragmented Land, Divided Society. New York, Oxford University Press.

Salamon, L.M., Siegfried, J.L., 1977. Power and Political Influence: The Impact of Industry Structure on Public Policy. *The American Political Science Review* 71(3): 1026-1043.

Salomon, M., 2012. Presidente já reduziu áreas protegidas em prol das hidrelétricas. Available at: < <http://www.estadao.com.br/noticias/impreso,presidente-ja-reduziu-areas-protegidas-em-prol-das-hidreletricas-,857927,0.htm> > (Accessed on 3 October 2013).

Santana, R., 2013. Governo quebra acordo com povo Munduruku e inicia operação military no Pará. Available at: < <http://www.brasildefato.com.br/node/17781> > (Accessed on 24 August 2013).

Sattersfield, A.J., Crosby, M.J., Long, A.J., Wege, D.C., 1998. Endemic bird areas of the world: priorities for biodiversity conservation. Birdlife International.

Scalabrin, L., 2013. Presentation by Leandro Scalabrin, advocate MAB. 'Os Direitos dos atingidos, o marco legal'. São Paulo, National Encounter of Dam-Affected People, 4 September 2013.

Schwartzman, S., Villas Boas, A., Yukari Ono, K., Gesteira Fonseca, M., Doblaz, J., Zimmerman, B., Junqueira, P., Jerozolimski, A., Salazar, M., Prates Junqueira, R., Torr s, M., 2013. The natural and social history of the indigenous lands and protected areas corridor of the Xingu River basin. *Philosophical Transactions of the Royal Society* 308: 1-12.

Scott E. Wilson Consulting, 2012. Technical Report Southern Legacy Minerals Inc. Antakori Property, Yanacocha-Hualgayoc Mining District, Department of Cajamarca, Peru. Scott E. Wilson Consulting, July 2012.

Secreto, M.V., 2007. A ocupa o dos "espa os vazios" no governo Vargas: do "Discurso do rio Amazonas" a saga dos soldados da borracha. *Revista Estudos Hist ricos* 2(40): 115-135.

Sen, A., 1979. Equality of What? The Tanner Lecture on Human Values. Stanford, Stanford University.

Seoane, J., Taddei, E., Algranati, C., 2005. The New Configurations of Popular Movements in Latin America. Buenos Aires, Consejo Latinoamericano de Ciencias Sociales.

Serra Vega, J., 2013. Audiencias P blicas del Proyecto Hidroel ctrico Chadin 2, Rio Mara n. A.C. Energ a S.A., Cortegana y Chumuch (Celend n, Cajamarca), 5 y 6 julio 2013. J. Serra Vega, Consulent Energy and Environment, University of California, Berkeley.

Soldados da Borracha, 2013. Nossa Hist ria. Available at: < http://www.soldadodaborracha.com.br/index.php?option=com_content&view=article&id=69&Itemid=55 > (Accessed on 18 September 2013).

Sosa, M., Zwartveen, M., 2012. Exploring the politics of water grabbing: The case of large scale mining operations in the Peruvian Andes. *Water Alternatives* 5(2): 360-375.

Stiglitz, J., 2012. The Price of Equality. London, Penguin.

Stickler, C.M., Coe, M.T., Costa, M.H., Nepstad, D.C., McGrath, D.G., Dias, L.C.P., Rodrigues, H.O., Soares-Filho, B.S., 2013. Dependence of hydropower energy generation on forests in the Amazon Basin at local and regional scales. *Proceedings of the National Academy of Sciences of the United States of America* 110(23): 9601-9606

Stone, N., 2013. Odebrecht Closes On Chaglla With a BNDES First. Available at: < <http://www.powerintelligence.com/Article/3236343/Odebrecht-Closes-On-Chaglla-With-A-BNDES-First.html> > (Accessed on 29 September 2013).

Stufflebeam, D.L., 1998. Conflicts between Standards-Based and Postmodernist Evaluations: Toward Rapprochement. *Journal of Personnel Evaluation in Education* 12(3): 287-296.

Stufflebeam, D. L., 1980. An interview with Daniel L. Stufflebeam, *Education Evaluation and Policy Analysis* 2(4): 85-90.

Sustainable Finance Advisory. 2013. Environmental and social risk due diligence in the financial sector. Available at: <<http://mneguidelines.oecd.org/globalforumonresponsiblebusinessconduct/WS1.pdf>> (Accessed on 12 July 2013)

Taylor, M.M., 2012. Defining Compliance: Why recent developments in law and policy should matter to the corporate accountability movement. International Corporate Accountability Roundtable.

Taylor, L., 2011. Environmentalism and Social Protest: The Contemporary Anti-Mining Mobilization in the Province of San Marcos and the Condebamba Valley, Peru. *Journal of Agrarian Change* 11(3): 420-439.

Terra de Direitos, 2013. Justiça suspende operação Tapajós. Available at: <<http://terradedireitos.org.br/biblioteca/justica-suspende-operacao-tapajos/>> (Accessed on 24 August 2013).

Tockner, K., Pusch, M., Borchardt, D., Lorang, M.S., 2010. Multiple stressors in couples river-floodplain ecosystems. *Freshwater Biology* 55(1): 135-151.

Tockner, K., Stanford, J.A., 2002. Riverine flood plains: present state and future trends. *Environmental Conservation* (3): 308-330.

Tsing, A.L., 2005. *Friction. An Ethnography of Global Connection*. Princeton & Oxford, Princeton University Press.

UN (United Nations), 2008. United Nations Declaration on the Rights of Indigenous Peoples. New York, United Nations. Available at: <http://www.un.org/esa/socdev/unpfii/documents/DRIPS_en.pdf> (Accessed on 18 January 2012).

UN (United Nations), 1992a. Rio Declaration on Environment and Development, 1992. Rio de Janeiro, UN.

UN (United Nations), 1992b. Convention on Biological Diversity. Rio de Janeiro, UN.

UNDP Brazil (United Nations Development Program), 2010. Ranking IDHM Municípios 2010. Available at: <<http://www.pnud.org.br/atlas/ranking/Ranking-IDHM-Municipios-2010.aspx>> (Accessed on 24 August 2013).

UNESCO (United Nations Educational, Scientific and Cultural Organization), 1997. Declaration on the Responsibilities of the Present Generations Towards Future Generations. Paris, General Conference UNESCO.

UNESCO (United Nations Educational, Scientific and Cultural Organization), 1972. World Heritage Convention. Paris, UNESCO.

UNFCCC (United Nations Framework Convention on Climate Change), 1992. United Nations Framework Convention on Climate Change. New York, UNFCCC.

UNHRC (United Nations Human Rights Council), 2013a. Membership of the Human Rights Council 19 June 2007-18 June 2008 by year. Available at: <<http://www.ohchr.org/EN/HRBodies/HRC/Pages/Year20072008.aspx>> (Accessed on 5 November 2013).

UNHRC (United Nations Human Rights Council), 2013b. Membership of the Human Rights Council 19 June 2010-18 June 2011. Available at: <<http://www.ohchr.org/EN/HRBodies/HRC/Pages/Year20102011.aspx>> (Accessed on 5 November 2013).

UNHRC (United Nations Human Rights Council), 2013c. Report of the Working Group on the issue of human rights and transnational corporations and other business enterprises. A/68/279.

UNHRC (United Nations Human Rights Council), 2013d. Report by the Special Rapporteur on the situation of human rights defenders, Margaret Sekaggya. Observations on communications transmitted to Governments and replies received. A/HRC/22/47/Add.4. New York & Geneva, United Nations.

UNHRC (United Nations Human Rights Council), 2010a. The UN “Protect, Respect and Remedy” Framework for Business and Human Rights. Available at: < <http://198.170.85.29/Ruggie-protect-respect-remedy-framework.pdf> > (Accessed on 5 November 2013).

UNHRC (United Nations Human Rights Council), 2010b. Report by the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, James Anaya. Cases examined by the Special Rapporteur (June 2009-July 2010). A/HRC/15/37/Add.1. New York & Geneva, United Nations.

UN News Centre, 2013. Addressing social, economic inequalities crucial to achieve sustainability- UN officials. Available at: < <http://www.un.org/apps/news/story.asp?NewsID=45361&Cr=inequality&Cr1#.Unz-hpRYRZQ> > (Accessed on 8 November 2013).

UNOHCHR (United Nations Office of the High Commissioner for Human Rights), 2013. Forced Evictions. Available at: < <http://www.ohchr.org/EN/Issues/Housing/Pages/ForcedEvictions.aspx> > (Accessed on 3 October 2013).

UNOHCHR (United Nations Office of the High Commissioner for Human Rights), 2012. Interpretive Guide for the Corporate Responsibility to Respect Human Rights. Available at: <<http://www.ohchr.org/Documents/Issues/Business/RtRInterpretativeGuide.pdf>> (Accessed on 12 July 2013)

UNOHCHR (United Nations Office of the High Commissioner for Human Rights), 2011a. Guiding Principles on Business and Human Rights. Implementing the United Nations “Protect, Respect and Remedy”, New York & Geneva, United Nations.

UNOHCHR (United Office of the High Commissioner for Human Rights), 2011b. Basic Principles and Guidelines on Development-Based Evictions and Displacement. Annex 1 to the Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context, Raquel Rolnik. New York & Geneva, UNOHCHR.

Vale, 2013a. Conselho de Administração. Available at: <<http://www.vale.com/PT/aboutvale/leadership/board/Paginas/default.aspx>> (Accessed on 26 June 2013).

Vale 2013b. Composição Acionária da Vale, julho 2013. Available at: < http://assets.vale.com/docs/Documents/pt/investors/Company/shareholding-structure/Shareholder_structure_p.pdf > (Accessed on 25 August 2013).

Vale, 2012a. Vale obtains environmental license for S11d. Available at: < <http://saladeimprensa.vale.com/en/releases/interna.asp?id=21706>> (Accessed on 26 June 2013).

Vale, 2012b. Vale obtains operation licence for Salobo. Available at: < <http://saladeimprensa.vale.com/en/releases/interna.asp?id=22000>> (Accessed on 26 June 2013).

van Huijstee, M., Ricco, V., Ceresna-Chaturvedi, L., 2012. How to use the UN guiding principles on Business and Human Rights in company research and advocacy. Amsterdam, SOMO.

Vargas, M., 2013. IIRSA-COSIPLAN and European capital’s responsibility. In Vargas, M., Brennan, B. (eds.), 2013. Impunity Inc. Reflections on the “super-rights” and “super-powers” of corporate capital. Amsterdam, Transnational Institute.

Vasquez, M., 2012. Presentación al Seminario Internacional El Dorado. Una Lucha Legal. Cajamarca, 14 September 2012.

Verweij, P., Schouten, M., van Beukering, P., Triana, J., van der Leeuw, K., Hess, S., 2011. Keeping the Amazon Forests Standing: A Matter of Values. Amsterdam, WWF Netherlands.

Vioculescu, A., 2011. Human rights and the normative ordering of global capitalism. In Vioculescu, A., Yanacopulos, H. (eds.), 2011. *The Business of Human Rights: an evolving agenda for corporate responsibility*. London, ZedBooks.

Wachenfeld, M., 2013. Recent decisions clarify investor responsibility to address human rights concerns. How the OECD Guidelines for Multinational Enterprises relate to investors. *Responsible Investor*. Available at: < http://www.responsible-investor.com/home/article/ncp_decision_analysis/ > (Accessed on 10 October 2013).

Wilde-Ramsing, J., 2013. *Quality Kilowatts: A Normative-Empirical Analysis of Corporate Responsibility for Sustainable Electricity Provision in the Global South*. Doctoral dissertation. University of Twente. Enschede, Netherlands.

Wilkinson, J., Reydon, B., Di Sabbato, A., 2012. Concentration and foreign ownership of land in Brazil in the context of global land grabbing. *Canadian Journal of Development Studies/ Revue canadienne d'études du développement* 33(4): 417-438.

World Bank, 2004. *Involuntary Resettlement Sourcebook. Planning and Implementation in Development Projects*. Washington, World Bank/ International Bank for Reconstruction and Development.

World Commission on Dams, 2001. *The Report of the World Commission on Dams- Executive Summary*. *American University International Law Review* 15(6): 1435-1452.

World Commission on Dams, 2000. *Dams and Development. A New Framework for Decision-Making. The Report of the World Commission on Dams*. Kent, Earthscan Publications.

WorleyParsons, 2013. *Human Rights*. Available at: < <http://www.worleyparsons.com/AboutUs/corporateresponsibility/Pages/HumanRights.aspx> > (Accessed on 13 September 2013).

Yanacocha & PNP, 2011. *Convenio de Prestación de servicios extraordinarios complementarios a la función policial entre la policía nacional del Perú XIV-dirección territorial de la policía- Cajamarca y Minera Yanacocha SRL*. 31 March 2011.

Yanacocha, 2010. *Declaración de Impacto Ambiental del Proyecto de Exploración Minera Yuro Perlita- La Carpa*. Octubre, 2010.

Yellishetty, M., Mudd, G.M., Ranjith, P.G., 2012. The steel industry, abiotic resource depletion and life cycle assessment: A real or perceived issue? *Journal of Cleaner Production* 19(1): 78-90.

Annex 1. Protocol

Question	Hydro companies	Mining companies	NGOs	State entities
Links hydro-mining companies	<ul style="list-style-type: none"> - in which ways do mining companies support hydro projects (financially, organizationally, lobbying)? - to what extent is future distraction of energy by mining companies taken into account when planning a hydro dam? - which percentage of generated energy goes to mining sector? - what if the dam has financial problems; more to mining? 	<ul style="list-style-type: none"> - origin of the energy they use - planned future distraction of energy - decision on where to expand activities (related to availability of energy?) - personal contact with mining companies (persons with different jobs)? - lobbying with hydro companies to distract energy? - collaboration with hydro companies for easing expansion? 	<ul style="list-style-type: none"> - in which ways do the two sectors work in mutually beneficial relationships? - which percentage of energy goes to mining? - why did mining companies come to the region (competitive advantage) 	<ul style="list-style-type: none"> - which factors influence the decision where to build a dam? - what is the primary aim of building dams? - what does the government do to create an attractive business environment for mining companies?
Links state	<ul style="list-style-type: none"> - lobbying activities - financial state support - links with BNDES - support BNDES crucial? 	<ul style="list-style-type: none"> - what does the state do to support mining companies? - what does the company/ sector do to increase state support? - where does the company lobby? - what does the company do to increase access to cheap energy? - is the state supportive of mining companies? In which sense? 	<ul style="list-style-type: none"> - which financial incentives does the state give to mining and hydro companies? - which regulatory advantages are given? - which military/ other forms of support are given? - what are the structures of the links between mining/hydro and state? 	<ul style="list-style-type: none"> - what does the government do to create a positive business environment for hydro and mining? - why does BNDES mainly finance infrastructure/ resource projects?
Human rights violations	<ul style="list-style-type: none"> - which HR violations are linked to your business? - which HR violations are linked to your sector? - which HR violations are linked to mining sector? 	<ul style="list-style-type: none"> - which HR violations are linked to your business? - which HR violations are linked to your sector? - which HR violations are linked to mining sector? 	<ul style="list-style-type: none"> - which types of HR violations? - against whom? - by who? - official recognition of violations - change over time 	<ul style="list-style-type: none"> - are there HR violations related to hydro and mining? - what is the role of your agency in these violations? - what is the state's role in these violations?
How have complaints been addressed	<ul style="list-style-type: none"> - HR complaints addressed to your company/ sector? 	<ul style="list-style-type: none"> - HR complaints addressed to your company/ sector? 	<ul style="list-style-type: none"> - what done to address complaints (which violation, against which actor, with what aim, what mechanisms, which form) - why or why not chosen for a specific strategy/ actor/ violation - support from other actors? 	<ul style="list-style-type: none"> - HR complaints addressed to your agency/ the state?
What has been the response of responsible actors	<ul style="list-style-type: none"> - what has your company done in response to HR violation? - how has your company reacted on complaints? - how has your company prevented HR violation? - due diligence 	<ul style="list-style-type: none"> - what has your company done in response to HR violation? - how has your company reacted on complaints? - how has your company prevented HR violation? - to what extent/ to which actor leverage used? - due diligence 	<ul style="list-style-type: none"> - how have the actors reacted on complaints? - which actors reacted/ which not? 	<ul style="list-style-type: none"> - what has your agency done in response to HR violation? - how has your agency reacted on complaints? - how has your agency prevented HR violation? - due diligence - what has your agency done to prevent HR violations by enterprises?
Why have actors responded this way?	<ul style="list-style-type: none"> - do you find your company responsible for a certain HR violation? - why/ why not? - who else is responsible for HR violation? 	<ul style="list-style-type: none"> - do you find your company responsible for a certain HR violation? - why/ why not? - who else is responsible for HR violation? 	<ul style="list-style-type: none"> - which reasons were given why/ why not to react or take action? 	<ul style="list-style-type: none"> - do you find your agency responsible for a certain HR violation? - why/ why not? - who else is responsible for HR violation?

Annex 2. Interviewees

	Name	Organization	Date interviewed	Concerning
1.	Carlos Tautz	Instituto Mais Democracia (Institute More Democracy), researcher	9 July 2013	BNDES MEC
2.	João Roberto Lopes Pinto	Instituto Mais Democracia (Institute More Democracy), coordinator, political scientist	16 July 2013	BNDES MEC Belo Monte
3.	Tarcísio Feitosa	Federal Public Prosecutor, technical assessor	21 July 2013	Belo Monte Tapajós
4.	David Araújo Leal	SEICOM (State Secretary of Industry, Commerce and Mining), head of mining affairs	22 July 2013	Mining potential Pará MEC Corporate accountability
5.	Ronaldo Lima	IBRAM (Brazilian Mining Association), executive manager	24 July 2013	Mining potential Pará MEC Corporate accountability
6.	Sergio Guédes Martins	SDDH (Society for Human Rights Defenders of Pará), advocate	25 July 2013	Belo Monte Access to remedy
7.	Dr. Eliane Cristina Pinto Moreira	Professor Law Federal University of Pará; Public Prosecutor	26 July 2013	Belo Monte São Luiz do Tapajós Access to remedy MEC
8.	Marcelo Salazar	Instituto Socioambiental, Programme Xingu, Terra do Meio	31 July 2013	Belo Monte Access to remedy
9.	Andreia Baretto	Public Defender Altamira, coordinator of all Belo Monte cases	2 August 2013	Belo Monte Belo Sun Access to remedy
10.	Antônia Melo	Movimento Xingu Vivo Para Sempre (Movement Xingu Alive for Always), leader	2 August 2013	Belo Monte Access to remedy MEC
11.	Pedro Blanco	Norte Energia, press relations	5 August 2013	Belo Monte Corporate responsibility
12.	Jose Aparecido dos Santos	STTR (Rural Workers' Union), president; FETAGRI (Federation of Agricultural Workers), regional coordinator	6 August 2013	Belo Monte Access to remedy
13.	João Batista	Fundação Viver, Produzir e Preservar (Live, Produce and Preserve Foundation), general coordinator	8 August 2013	Belo Monte Access to remedy
14.	Cleidiane Santos	MAB (Movement of Dam-Affected People),	15 August 2013	Tapajós Corporate behaviour

		national coordinator		MEC
15.	Thiago Alves	MAB (Movement of Dam-Affected People), national coordinator	15 August 2013	Tapajós Corporate behaviour MEC
16.	Raione Lima	CPT (Pastoral Land Commission)	15 August 2013	Tapajós Corporate behaviour MEC
17.	Edilberto Sena	Movimento Tapajós Vivo, leader; Radio Rural, president	19 August 2013	Tapajós Social resistance
18.	Nair Rodrigues	STTR (Rural Workers' Union) Itaituba, president	21 August 2013	Tapajós Corporate behaviour
19.	Oldair Lamarque	DNPM (National Department of Mining Research)	22 August 2013	Tapajós MEC
20.	Gil Rodrigues	Diálogo Tapajós	22 August 2013	Tapajós Corporate behaviour Communication communities
21.	Francisco Coelho Oliveira	Colônia dos Pescadores Itaituba (Fishermen Union), president	26 August 2013	Tapajós Communication companies
22.	Naldo	Colônia dos Pescadores Jacareacanga (Fishermen Union), president	27 August 2013	Tapajós Communication companies
23.	Vizenique	Gabinete Prefeitura Jacareacanga (Municipality of Jacareacanga), president	27 August 2013	Tapajós
24.	Cândido Munduruku	Associação Indígena Puserú (Indigenous Association Puserú), leader/ president	27 August 2013	Tapajós Impacts Munduruku
25.	José Antunes	Associação dos Mineradores de Ouro do Tapajós (Association of Goldminers of the Tapajós), vice-president; Simeos (labour union for miners in western Pará), secretary-general	29 August 2013	Tapajós Impacts garimpeiros MEC
26.	Braselito Munduruku	Leader indigenous Munduruku community	3 September 2013	Tapajós Impacts Munduruku
27.	Domingo	Resistance group Pimental	4 September 2013	Tapajós Impacts Pimental
28.	Antonio Zambrano Allende	Movimiento por el Poder Popular/ Forum Solidaridad Peru	6 September 2013	Chadin II Impacts MEC
29.	Julia Cuadros	CooperAcción, director	11 September 2013	Chadin II MEC
30.	Fabian Simeon	Forum Solidaridad Perú	12 September 2013	Chadin II Impacts MEC
31.	Romina Rivera Bravo	Forum Solidaridad Perú	12 September 2013	Chadin II Impacts MEC
32.	Mirtha Villanueva Cotrina	Grufides	16 September	Chadin II

			2013	Impacts MEC
33.	Roy Leon Rabanal	Grufides	19 September 2013	Chadin II Impacts MEC
34.	Jorge Chavez Ortiz	Journalist, Plataforma Interinstitucional Celendina	22 September 2013	Chadin II MEC Impacts
35.	Walter Castañeda Bustamante	Rondas Campesinas Cortegana, president; Frente de Defensa del Rio Maraón, coordinator Cajamarca	22 September 2013	Chadin II Impacts Access to justice
36.	Roger Ponce	Rondas Campesinas Unitárias de Celendín, president	24 September 2013	Chadin II Impacts Access to justice
37.	Carlos Navas del Aguila	Frente de Defensa del Rio Maraón, coordinator Amazonas	27 September 2013	Chadin II

Email Interviews

	Name	Organization	Date e-mail contact	Concerning
1.	Central de Atendimento do BNDES	BNDES	30 July 2013	Belo Monte & Tapajós Human rights policies
2.	Gleuza Jesué	Vale, directorate Environment	5 August 2013	Belo Monte Human rights policies
3.	Jacqueline Scotton	Serabi Mineração, finances	14 August 2013	Tapajós MEC
4.	Danilo Chammas	Justiça nos Trilhos	25 August 2013	Vale BNDES Access to justice
5.	Fale Conosco	Andrade Gutierrez	5 September 2013	Belo Monte Responsibilities
6.	Ana Beatriz Tallarico	Norte Energia, Socio- Environmental Directorate	11 September 2013	Belo Monte Responsibilities
7.	Luiz Eduardo Camargo Outeiro Hernandes	Ministerio Publico Federal Santarém	16 September 2013	Tapajós
8.	Fábio Couto	Communication advisor, Grupo de Estudos Tapajós (FSB Comunicações)	17 September 2013	Tapajós Responsibilities

Companies that provided no response

	Company	How contacted
1.	Eletrobras	Went to the office, said I had to fill in contact form on the website Filled in contact form on the website three times
2.	Eletronorte	No contact details available, only an office in Brasília
3.	CCBM	No contact details available, or outdated
4.	Camargo Corrêa	Sent email. Company asked for a stamped letter from the University. Based on this letter they would decide whether or not to respond my questions. I sent the letter but never received another response.
5.	Odebrecht	Emailed three times, no response.
6.	Belo Sun	Had an appointment for an interview, interviewee did not show up. Promised to answer questions by mail, but received no response.

		Later they said that Belo Sun does not give any comment on the Volta Grande project until the environmental license is being issued.
7.	Concremat	Email sent, but Concremat responds that Concremat provides services to Grupo de Estudos Tapajós, and therefore all questions should be directed to Grupo de Estudos Tapajós.
8.	IBOPE	Email sent, but IBOPE claims they cannot communicate on their policies, as these are the responsibility of Grupo de Estudos Tapajós.
9.	Geosul	Email sent, but Geosul argues that all questions should be directed to the companies that contracted Geosul.

Annex 3. Lists of Signatures Public Hearings Chadin II

CASERIO Distrito: Calvario

TOTAL DE EMPADRONADOS 270

Nº	NOMBRES Y APELLIDOS	DNI	FIAMA
70	Juan Carlos Escobar	27091940	[Signature]
71	Maria Flor Diaz Castro	27092004	[Signature]
72	Elie Mercedes Valdivia	27092076	[Signature]
73	Fernando Alvarado Fernandez	27092078	[Signature]
74	Fernando Ruiz Tamayo	27092082	[Signature]
75	Yolanda Fernandez Castañeda	27092084	[Signature]
76	Yolanda Fernandez Castañeda	27092086	[Signature]
77	Yolanda Fernandez Castañeda	27092088	[Signature]
78	Yolanda Fernandez Castañeda	27092090	[Signature]
79	Yolanda Fernandez Castañeda	27092092	[Signature]
80	Yolanda Fernandez Castañeda	27092094	[Signature]
81	Yolanda Fernandez Castañeda	27092096	[Signature]
82	Yolanda Fernandez Castañeda	27092098	[Signature]
83	Yolanda Fernandez Castañeda	27092100	[Signature]
84	Yolanda Fernandez Castañeda	27092102	[Signature]
85	Yolanda Fernandez Castañeda	27092104	[Signature]
86	Yolanda Fernandez Castañeda	27092106	[Signature]
87	Yolanda Fernandez Castañeda	27092108	[Signature]
88	Yolanda Fernandez Castañeda	27092110	[Signature]
89	Yolanda Fernandez Castañeda	27092112	[Signature]
90	Yolanda Fernandez Castañeda	27092114	[Signature]
91	Yolanda Fernandez Castañeda	27092116	[Signature]
92	Yolanda Fernandez Castañeda	27092118	[Signature]
93	Yolanda Fernandez Castañeda	27092120	[Signature]
94	Yolanda Fernandez Castañeda	27092122	[Signature]
95	Yolanda Fernandez Castañeda	27092124	[Signature]
96	Yolanda Fernandez Castañeda	27092126	[Signature]
97	Yolanda Fernandez Castañeda	27092128	[Signature]
98	Yolanda Fernandez Castañeda	27092130	[Signature]
99	Yolanda Fernandez Castañeda	27092132	[Signature]
100	Yolanda Fernandez Castañeda	27092134	[Signature]

Calvario

1	Benigno Llanos Garcia	4484849	[Signature]
2	Adelfinda Ortega Gomez	4484850	[Signature]
3	Juana Barrera Llanos	4484851	[Signature]
4	Sergio Eliseo Torres Vazquez	4484852	[Signature]
5	Aurelio Barrera Llanos	4484853	[Signature]
6	Diosdado Diaz Moya	4484854	[Signature]
7	Pablo Llanos Castiblanco	4484855	[Signature]
8	Antonia Castiblanco Medina	4484856	[Signature]
9	Francisco Diaz Moya	4484857	[Signature]
10	Emilio Fernandez Calvario	4484858	[Signature]
11	Dolores Maria Llanos	4484859	[Signature]
12	Alfonso Barrios Barrera Fernandez	4484860	[Signature]
13	Walter Gabriel Sanchez Burgos	4484861	[Signature]
14	Alfonso Diaz Moya	4484862	[Signature]
15	Sobania Fernandez Llanos	4484863	[Signature]
16	Heleno Garcia Tardifino	4484864	[Signature]
17	Eulalia Maria Machi	4484865	[Signature]
18	Emmanuel Antonio Gomez	4484866	[Signature]

San Isidro

1	Evangelina Vazquez Llanos	4484867	[Signature]
2	Lucia Vargas Llanos	4484868	[Signature]
3	María Victoria Torres	4484869	[Signature]
4	Yolanda Torres Llanos	4484870	[Signature]
5	Yolanda Torres Llanos	4484871	[Signature]
6	Yolanda Torres Llanos	4484872	[Signature]
7	Yolanda Torres Llanos	4484873	[Signature]
8	Yolanda Torres Llanos	4484874	[Signature]
9	Yolanda Torres Llanos	4484875	[Signature]
10	Yolanda Torres Llanos	4484876	[Signature]
11	Yolanda Torres Llanos	4484877	[Signature]
12	Yolanda Torres Llanos	4484878	[Signature]
13	Yolanda Torres Llanos	4484879	[Signature]
14	Yolanda Torres Llanos	4484880	[Signature]
15	Yolanda Torres Llanos	4484881	[Signature]
16	Yolanda Torres Llanos	4484882	[Signature]
17	Yolanda Torres Llanos	4484883	[Signature]
18	Yolanda Torres Llanos	4484884	[Signature]
19	Yolanda Torres Llanos	4484885	[Signature]
20	Yolanda Torres Llanos	4484886	[Signature]

Annex 4. Police Presence at Public Hearings Chadin II

