

## **COPINH rejects FMO's Mission Report on the Agua Zarca Project**

COPINH rejects the biased report of the FMO's Mission, which seeks to whitewash the Agua Zarca Project and hide the systematic violence imposed by the project. The report clearly seeks to justify the continuation of the Agua Zarca Project after the murder of our General Coordinator Berta Caceres and to discredit, minimize, and criminalize COPINH and the dignified opposition to the project. The report selectively chooses to repeat DESA's narrative and allegations, often without verifying the facts, while excluding significant information that challenges this narrative and reflects the disastrous reality of the Agua Zarca Hydroelectric Project.

We condemn the report's efforts to re-write history to ignore DESA's responsibility for the violence in the area, and instead blame the communities. The report ignores the systematic violence and repression carried out by people associated with DESA, in conjunction with agents of the Honduran government, to silence the opposition to the project.

Furthermore, we reject the forceful imposition of western notions of development that in reality are the plundering of Lenca territory and our cosmovision and spirituality. The report treats the Agua Zarca Project as a magical solution for 'development' to be imposed no matter how many lives it costs.

We denounce that this report was set up to serve the interests of FMO and the Agua Zarca Project. The report includes numerous problems that could be the subject of a lengthy paper, but to start with it is important to establish and clarify that:

- FMO choose and oriented the Mission members. The biases of FMO were reflected in the comments of one of the Mission members on the first day of the Mission, before even visiting the communities. From what we understand, FMO also paid for the Mission.
- This Mission's visit to the communities impacted by the Agua Zarca Project was extremely superficial and short. There was not sufficient time or capacity to verify or investigate allegations.
- The Mission spent only 2 hours during its visit to 'La Tejera', and did not have time to take testimonies of victims of violence and retaliation for opposing the project. Nor was there time for the Mission to learn about the Lenca culture, which the report denigrates, nor the significance of the Gualcarque River for the Lenca people. In fact, COPINH members in Rio Blanco invited the Mission to go with them to the sacred Gualcarque River and see how the project affects them, and the Mission's response was that it did not have time.
- The Mission excluded testimony from people in communities other than 'La Tejera' who oppose the project and it did not provide a safe space or mechanism for people in communities other than 'La Tejera' to share their problems with the project without fear of retaliation. The Mission repeats DESA's claim that all communities besides 'La Tejera' support the project, when in reality their visit was set up so that it was extremely dangerous for someone to speak against the project, and they literally ignored testimony that was provided or attempted to be provided. This is evidenced by:

- The Mission completely ignored the testimony provided by a resident of Valle de Angeles who had his home burned for speaking out against the Agua Zarca project and was shot at by violent men connected to DESA in Valle de Angeles.
- Despite being informed of the presence of violent men in Valle de Angeles who have a history of attacking and threatening those who oppose the Agua Zarca Project, the Mission choose to hold its only meeting with 5 affected communities in Valle de Angeles, making it extremely unlikely they would receive testimony against the Agua Zarca Project, given that one would be risking being subsequently attacked or shot to do so.
- The Mission did not create a safe space or mechanism for people who oppose the dam in other communities to talk with them despite being warned of the violence and repercussions people in the region face for speaking out against the project. For instance, the Mission could have easily provided a phone number in the communities for people who wished to provide testimony but were afraid to do so given the circumstances of the meeting, to contact them for a confidential meeting. Yet the Mission failed to do this, despite COPINH informing them of the history of violence by men affiliated with DESA.
- The Mission literally refused to take the testimony of persons with problems with DESA in San Francisco de Ojuera whose contact information was provided to the Mission and who even tried calling one of the Mission members.
- By its own estimation, only 30 people spoke at the community meetings the Mission held, which supposedly represented 7 communities (La Tejera, El Barrial, Valle de Angeles, San Ramon, Santa Fe, La Estancia and Las Leonas). In La Tejera, 8-10 people spoke, so that leaves approximately 20-22 people to represent 6 communities, about 3-4 people per community, and definitively not enough to determine the predominant view in a community. On the basis of this very limited sampling, and in complete disregard for the DESA employees or violent men associated with DESA who could have been present, the Mission makes far-reaching conclusions.
- The Mission failed to meet with important actors that would have provided important information about the human rights violations related to the Agua Zarca Project:
  - The Mission did not meet with the Special Prosecutor for Indigenous Rights and Cultural Patrimony, despite COPINH's recommendation to do so, and the fact that this is the government entity prosecuting several legal cases related to the Agua Zarca Project, including the legal cases against the Mayor of Intibuca and the Vice Minister of SERNA for violating the Lenca people's right to free, prior, and informed consultation when providing the permits for the project.

- The Mission did not meet with anybody investigating or prosecuting Berta Caceres' murder case, and the report does not even try to address the context and history of the threats against Berta Caceres.
  - Similarly, the Mission did not meet with the family of Berta Caceres, despite the fact that the report was motivated by the assassination of Berta. Luckily, one of Berta's daughters was at COPINH's center when the Mission came, but the Mission tried to leave before she could speak, and she had to request they listen to her.
  - The Mission did not meet with several other actors recommended by COPINH, including human rights organizations who have followed the situation.
- The Mission quotes the Mayor of La Esperanza about the 'need for private investment in the area,' despite that fact that his jurisdiction does not even include the project area.
  - The Mission's report contributes to the criminalization of COPINH and the protests of the communities who oppose the imposition of the project by making assertions and repeating grave allegations on behalf of persons linked DESA without investigating or verifying the reality. The report does not even consider the criminalization campaign against COPINH by DESA and the Honduran government, despite the fact that COPINH has publicly denounced it and human rights organizations publicly criticized that the spurious charges against Berta Caceres for opposing the project, brought by DESA and the Honduran government.
  - The report ignores the systemic nature of the violence, death threats, and repression by DESA employees and persons connected to DESA against those who oppose the project, the control they have in the region through violence, and the effect the repression has on if people are able to speak out against the project. The section on 'Allegations of Violence, Intimidation, and Corruption' is extremely superficial and does not consider nor investigate the majority of attacks. It is worth noting that:
    - The report completely ignores the murders of William Jacobo Rodriguez and Maycol Rodriguez, both members of COPINH.
    - The Mission did not take testimony of victims of violence or threats by DESA employees during its visit to Rio Blanco.
    - The report ignores COPINH's public communiqués about threats, attacks, hit men and murders, as well as other public articles and interviews about the threats and violence in the region, as well as a document sent to the Mission detailing many of these incidents. A real analysis of the systematic repression and the hit men in the region would expose DESA as source of aggressions, violence, and terror.
    - The report blames the victim. It literally attributes the violence in the region to the 'dissatisfaction of the community of La Tejera with the socialization process' and other factors, none of which actually explain violent incidents.

It suggests the communities are violently attacking each other, while DESA has its head in the sand, and can express ‘complete surprise’ when one of its senior employees is indicted for the murder of Berta Caceres. The report does not even consider DESA as a cause of violence nor the implications of the fact that DESA employees and people associated with DESA have been threatening and attacking those who oppose the project for years. The report does not even try to investigate who is responsible for instigating and financing the violence.

- The report distorts and manipulates the concepts relating to international obligations in ILO Convention 169 and the UN Declaration on the Rights of Indigenous Peoples.
  - There was not free, prior, and informed consultation nor consent for DESA’s Agua Zarca Hydroelectric Project on the Gualcarque River. The report tries to justify this in several ways, but that does not change the fact that none of the actions by the Honduran state and DESA constitute a process in which the communities were able to make a free, prior, and informed decision. It is important to mention that the actions by the state took place after the approval of the project. Moreover, the report completely ignores that the Lenca people of Rio Blanco met in October 2010 to declare their rejection of a dam on the Gualcarque River, and again rejected the project during meetings with the mayor in 2011. The project was imposed in violation of the will of the Lenca people. The report ignores the 2010 rejection of the project, despite the fact they were informed of this on two occasions.
  - Free, prior, and informed consultation is not something applied at the discretion of businesses, banks, or states. Honduras has ratified ILO Convention 169 and it is a binding international standard, meaning it is obligatory. The lack of compliance with this fundamental right of the Indigenous Peoples constitutes in and of itself an illegality.
  - The responsibility of ensuring compliance with international conventions is not the exclusive responsibility of the state, it is also a responsibility of companies and banks. The fact that the Honduran government did not comply with the requirement of free, prior, and informed consent prior to authorizing the project means that banks, such as FMO, Finnfund, and CABEL, should not have signed contracts to finance to this project. We denounce that the report tries to excuse the behavior of the banks instead of examining the implications of the fact that they financed a project in flagrant violation of the rights of the Lenca people.
  - The lack of a national law or regulation regarding the implementation of free, prior, and informed consultation is not an obstacle to complying with it. This international convention is a law in and of itself and should be respected.
- The report attempts to discredit information provided by COPINH, claiming lack of evidence or insufficient information. For instance, the report states *‘The Mission*

*has not received any evidence supporting the falsification of signatures*’ despite the fact that people whose signatures were falsified have denounced this in a video that is publicly available and COPINH sent the link for the video to the Mission. This is in stark contrast to its treatment of information from DESA and prior consultants; information from the prior consultants or DESA is repeated as fact, often without verification. This is illustrative of the imbalance and inequality that characterized the process of the report.

- Another example of this inequality in how information is treated is that the report falsely repeats the claim of prior consultants there are ‘*no traditional authorities in place*’ in Lenca communities even though it then contradicts that by admitting COPINH informed them of the Indigenous Council and Council of Elders. Then it bizarrely claims ‘*The Mission was not informed of these bodies and did not have the opportunity to meet with them*’ when COPINH in fact arranged a meeting for the Mission with the President of the Indigenous Council of Rio Blanco and other members of the Council as well as the Council of Elders spoke to the Mission during its visit to Rio Blanco.
- The report does not even try to understand Indigenous cosmovision or visions of development based on Indigenous self-determination and harmony with the river and Mother Earth. It does not even consider the right to self-determination about models of development. It operates on a western worldview that dismisses Indigenous culture, cosmovision, and way of life. The report is premised on the false assumption that the Agua Zarca Project is a magic bullet for ‘development’ and creates the false dichotomy between poverty or the project, despite the fact that the report itself admits the majority of jobs are short-term. We reject the imposition of western and colonial notions of ‘development’ that in reality are the plundering of our territory, spirituality, and cosmovision.

The report’s clear bias results in a manipulation of reality to suit the interests of justifying the continuation of the project. The report’s true interest in justifying the project despite the human lives taken is shown in its statement that ‘*The lenders could also have insisted on a more strategic and comprehensive communication management by DESA when opposition to the Project started to gain traction in the international domain. The failure by DESA to adequately and comprehensively manage information about the Project has allowed opponents to gain traction with their campaign, garner significant international support and open access to networks of resources. This has had a corollary negative reputational impact on the lenders.*’ We ask what concern is there for the negative impact on the lives of those murdered and their families? Is the problem actually the grave violations of human rights or the international attention these have generated?

No report will change the fact that human beings have been violently killed for opposing the Agua Zarca Project. Nor does the report change the fact that this project flagrantly violates the right of the Lenca people to free, prior and informed consultation and consent, as well as our right to defend our sacred river. Even if banks cannot understand why the river is sacred, that does not give them the right to denigrate our rights and culture. Even with its manipulations, the report cannot change the reality that this project was illegally

approved and has been violently imposed. The threats to our lives and physical integrity continue.

We demand that the FMO, Finn Fund, and the Central American Bank for Economic Integration (CABEI) immediately and definitively withdraw from the Agua Zarca Hydroelectric Project. We also demand FMO, Finn Fund, and CABEI never again invest in projects that violate the right of free, prior, and informed consultation. In addition to immediately exiting the project, the banks must take responsibility for the death and destruction the Agua Zarca Hydroelectric Project has caused and make reparations to those affected, including communal reparations to the communities in the region.

We affirm our struggle for life, for our right to coexist and live in harmony with Mother Earth. We continue our struggle in defense of the Gualcarque River in the spirit of Berta Caceres, Tomas Garcia, Wiliam Rodriguez, Maycol Rodriguez, and the spirits of the female children that join us in defending this sacred river.