

ISSN: 2221-4135



Revista Andina de Estudios Políticos

<http://www.iepa.org.pe/raep>

Ferraco, Anaide Luzia.(2018). Belo Monte Dam: A case for Third Generation Rights Legitimacy. *Revista Andina de Estudios Políticos* 8(1), pp. 104-122.

Artículo Publicado por: Instituto de Estudios Políticos Andinos – IEPA

www.iepa.org.pe

Todos los Derechos Reservados

El presente producto está licenciado por Creative Commons. El Instituto de Estudios Políticos Andinos se reserva el derecho de publicación de los artículos. Cada uno de los artículos es publicado con los permisos correspondientes de los autores. La Revista Andina de Estudios Políticos es una revista publicada bajo la plataforma OJS que garantiza la distribución del presente artículo de manera libre y gratuita.

BELO MONTE DAM: A CASE FOR THIRD GENERATION RIGHTS LEGITIMACY

BELO MONTE DAM: UN CASO PARA LA LEGITIMIDAD DE DERECHOS DE TERCERA GENERACIÓN

Anaide Luzia Ferrazzo

Leiden University – The Netherlands

Received: 21.07.2018 / Accepted: 06.06.2018

Abstract

With the increasing threats that climate change represents, environmental preservation needs to be urgently addressed. Economic growth and increasing energy demand have been pushing the Brazilian government to expand energy generation. The construction of the Belo Monte Dam in the Amazon promises to solve the problem. Nevertheless, the dam has caused great environmental and social impact and harmed local people livelihood which has made them engage in the struggles for their rights. MAB is the representative body of this population and has put forward the new agenda of third-generation rights. Over the years, the movement has grown into a national organization but still has not been able to enforce policies to protect the rights of dam-affected people. Since the beginning of the construction of the dam in 2011, entire communities have been displaced while an enormous contingent of workers and immigrants have moved to the area. As a result, there has been an increase in social problems, such as unemployment, drug abuse, prostitution, etc., in the urban periphery around the dam site. Without much governance, these problems together with high violence rates have become a threat to human rights.

Keywords: human rights, third-generation rights, energy governance, Belo Monte Dam, MAB.

Resumen

Con las crecientes amenazas que representa el cambio climático, la preservación del medio ambiente debe abordarse con urgencia. El crecimiento económico y la creciente demanda de energía han estado presionando al gobierno brasileño para expandir la generación de energía. La construcción de la represa Belo Monte promete resolver el problema. Sin embargo, la represa ha causado gran impacto ambiental y ha dañado socialmente los medios de subsistencia de las poblaciones locales, lo que la ha llevado a involucrarse en las luchas por sus derechos. MAB es el cuerpo representativo de esta población y ha presentado la nueva agenda de los derechos de la tercera generación. Con los años, el movimiento se ha convertido en una organización nacional, pero aún no ha podido aplicar políticas para proteger los derechos de las personas afectadas por la represa. Desde el comienzo de la construcción, comunidades enteras han sido desplazadas, mientras que un enorme contingente de trabajadores se ha trasladado al área. Como resultado, ha habido un aumento de los problemas sociales como el abuso de drogas, la prostitución, violencia, etc. en la periferia urbana alrededor de la represa. Sin mucha gobernabilidad, estos problemas se han convertido en una amenaza para los derechos humanos.

Palabras clave: derechos humanos, derechos de tercera generación, gobernanza energética, represa de Belo Monte, MAB.

Anaide Luzia Ferrazzo is PhD candidate at the University of Leiden. Her email is:
annaferrazzo@hotmail.com

BELO MONTE DAM: A CASE FOR THIRD GENERATION RIGHTS LEGITIMACY

Introduction

Since 1987 when the report of the World Commission on Environment and Development led by Norwegian Prime Minister Gro Brundtland was released highlighting the need of environment protect strategies for sustainable development, the subject has been discussed by policymakers around the world in all areas of governance. With regard to human rights, strategies for sustainable development have come to be considered necessary for the fulfillment of civil and political rights as well as social, economic and cultural rights also known as first and second-generation human rights, respectively. In order to enhance the efforts to sustainable development and at the same time guarantee the fulfillment of first and second-generation rights, a new category of rights named the third-generation human rights was idealized based on the right to a clean and ecologically balanced environment.

This new range of human rights has been recognized by regulatory agencies, scientists, and scholars and has become the foundation upon which grassroots movements base the struggle for their right, creating for themselves a new identity of resistance. The Movement of Dam-Affected People (*Movimento dos Atingidos por Barragens-MAB*) is one example of these groupings. MAB has been fighting against the construction of large dams in Brazil and is the representative organization for those who have their lives affected by the extractive development police of the Brazilian government and its electricity expansion strategy. Under the growth acceleration program (*Programa de Aceleração do Crescimento-PAC*) implemented by President Lula da Silva and designed to enhance prosperity for and economic opportunities to the Brazilian people, the Belo Monte Dam was approved to be built in the Amazon region. However, since the construction started in 2011, tens of thousands of people have had their lives changed for the worse, direct or indirectly, due to social-environmental impacts caused by the dam. Social displacements caused by the dam site itself, flooded areas and job-related migration, have created a new vulnerable population in the region which has been facing not only economic uncertainty but also human rights violation.

From 1972 onward different international representative bodies have put forward the agenda of sustainable development and the need to preserve the environment for present and future generations. Theoretically, the right to a clean and ecologically balanced environment acknowledges but empirically, this reality may vary. This study

contributes to the current research on third-generation rights and its legitimacy since it analyzes a case study in which this topic is the core subject matter. The aim of this study investigate Brazilian governmental policies on energy generation expansion and its effects on the human right; evaluate MAB's representativeness for dam-affected people and analyze to what extent the agreement between stakeholders around the construction of the Belo Monte Dam recognizes and respects third-generation human rights. For this purpose, the following steps were carried out: pertinent literature review, analysis of MAB's reports and local media coverage.

The first session of this study illustrates the origin and meaning of the third-generation human rights and the arguments for and against this new category of rights. The second session presents the Brazilian government's policy for the expansion of hydropower generation and its effects on local people's human rights. The third section demonstrates the actions of dam-affected people and its struggle for their rights. In the last session, the article evaluates the extent to what third-generation human rights have been recognized, validated and fulfilled in the region. Finally, a conclusion drawn from this study is presented.

A third-generation of human rights: origin and content

Since society changes so should the human rights' umbrella. This was the thoughts of director of Unesco's Division of Human Rights and Peace, Karel Vasak when he coined the term 'third-generation rights'. Thirty years after the proclamation of the Universal Declaration of Human Rights (UDRH) by the General Assembly of the United Nations in 1948, Vasak wrote: "The rights proclaimed in the Universal Declaration fall into two categories: on one hand, civil and political rights and, on the other, economic, social and cultural rights. Because of the changing patterns of society in recent years, it has become imperative to formulate (...) the third-generation of human rights" (1977, 29). The two categories mentioned in the quotation are first and second-generation human rights, respectively. Vasak also proposed that human rights should be perceived according to three categories, confirming the French Revolution's ideals of liberty, equality, and fraternity. In that way, first generation or civil rights are equal to the ideal of liberty; a second generation or economic, social and cultural rights match with the ideal of equality and finally, third generation rights correspond to the ideal of solidarity (Downs 1993).

According to Viljoen (2009), the three generations discourse, in both national and international levels, disclosed a chronological evolution of human rights, as following: The struggle for civil and political rights began in the eighteenth and nineteenth centuries aimed at the rights of free speech, association and religion and the right to vote which were denied by authoritarian regimes. At the same time, with the industrialization phenomenon, the role of the state changed and in the face of an increasing wealth disparity, the importance of economic, social and cultural rights gained more recognition. In the second half of the twentieth century, as a result of the growing globalization process -especially after World War II- the increasing poverty and environmental concerns, "third-generation" rights have been acknowledged worldwide.

First generation rights or Civil and political rights are outlined in the International Covenant on Civil and Political Rights (ICCPR), in force since 23 March 1976. This category of rights includes freedom and engagement in political life. They are individual-oriented and have a negative applicability as they imply no state interference in individual lives.

Throughout almost seven decades after the creation of the UDHR, the array of recognized human rights has grown. This adjustment is a result of social evolution which has changed the understanding of human dignity and also because the world has been experiencing a new range of opportunities and risks. It was in the face of this reality that a new category of rights was idealized. Third-generation rights emerged as the result of "a deeper understanding of the different types of obstacles that may stand in the way of realizing the first and second generation rights" (Council of Europe 2017). The starting point of the third-generation of rights is the value of solidarity. This third category of human rights comprehends an array of collective rights of all people e.g. the right to peace, to self-determination¹, to sustainable development, to a clean and ecologically balanced environment. Third-generation rights "may be invoked against and demanded of the state" (Downs 1993, 363). According to Ruppel, "this grouping has been distinguished from the other two categories of human rights in that its realization is predicated not only upon both the affirmative and negative duties of the state but also upon the behavior of each individual"(2009, 103). Solidarity rights are the most advanced and hard to define. Their rights engage directly with the problems faced by

¹"It presents the notion that individuals are guaranteed the right to decide their own paths in life without undue burdens by the state. However, the term "self-determination" also holds more specific meanings, one of which can include the right to independence and sovereignty. The key debate for indigenous rights touches on the latter" (Globalization101 2016, 57).

populations in the age of globalization and include the rights to culture (especially for indigenous peoples), development, and environmental protection. They address issues of global concern: preservation of the diversity of the world's cultural heritage, environmental issues that affect multiple nations such as climate change, and global development in an era dominated by international trade (Globalization101 2016).

Vasak believed that a co-operative endeavor is needed to guarantee third-generation rights: "Since these rights reflect a certain conception of community life, they can only be implemented by the combined efforts of every one: individuals, states, and other bodies, as well as public and private institutions" (Vasak 1977, 29). The solidarity aspect of this new category of human rights was argued against after Vasak's opening speech at the Tenth Study Session of the International Institute of Human Rights, in July 1979. In the occasion, questions were raised about the objectivity of solidarity rights; the risk of collective rights overpowering the individual-oriented ones and also concerning judicial enforcement possibilities, which should be the case on the matter of human rights. Alston (1982) states that Vasak's response to these queries were, respectively: the first two categories of rights faced the same issues in the beginning, beyond that, a guarantor is not mandatory for a contemporary right concept; all rights are collective to some extent, in addition, the indivisibility and complementarity principles of rights are also applicable to the third-generation rights; and finally, means of enforcement do not define whether or not certain rights exist.

In the following years after the introduction of the term 'third-generation rights' debate was carried on over whether this group of claims is indeed human rights. According to Downs, "The validity of third generation rights often focuses on the alleged "collective" quality of such rights" (1993, 362). Nowadays, the debate concerning the collective aspect of solidarity rights remains, firstly because human rights are perceived as being fundamentally individualistic and secondly, if the international community is responsible for its fulfillment, accountability cannot be assured (Council of Europe 2017). Opposers believe that the introduction of the term 'collective' could become a pretext for violating (individual) human rights in order to achieve national economic growth, for example. On the other hand, defenders assert that third-generation rights have the same individualistic meaning as the first and second-generation ones and that, within all three generations the individual is preserved as the center of human rights. Moreover, "theorists who favor a third generation of human rights argue for a dynamic view of human rights that considers and accommodates

changing international situations and the increasing international capacity to cope with impediments to the enjoyment of freedoms and life by many of the world's people” (Downs 1993, 363).

Despite the controversy about the validity of the third-generation rights, it has gained the attention of international policymaker throughout the years. A resolution passed at the United Nations Conference on the Human Environment in Stockholm in 1972, states that “a growing class of environmental problems, because they are regional or global in extent or because they affect the common international realm, will require extensive co-operation among nations and action by international organizations in the common interest” (United Nations 1972, 4). The African Charter on Human and Peoples in its Article 24 declares that “all peoples shall have the right to a general satisfactory environment favorable to their development” (Organization of African Unity 1981, 67:4). The Vienna Declaration and Programme of Action Adopted by the World Conference on Human Rights in 1993 assert that “all human rights are universal, indivisible and interdependent and interrelated. The international community must treat human rights globally in a fair and equal manner, on the same footing, and with the same emphasis” (United Nations 1993, 49:3). The United Nations Declaration on the Rights of Indigenous Peoples states that “indigenous peoples have the right to the full enjoyment, as a collective or as individuals, of all human rights and fundamental freedoms as recognized in the Charter of the United Nations, the Universal Declaration of Human Rights and international human rights law” (United Nations 2008, 61:4).

The intricate features of the solidarity rights lead to frequent debates among the international community, nevertheless, those rights are not yet included in the UDHR or systematized agreements and have not been embraced by international human rights law (Bonacquisti, Freedman and Langford 2018). The official acceptance of third-generation rights and its fulfillment requires the engagement of the industrially developed countries which are reluctant to commit to it. At the same time, with the increase of globalization, borders between countries become progressively more flexible, mostly because of high trade volume. On this matter work have been done in order to safeguard human rights. In 2008, John Ruggie, the Special Representative of the United Nations Secretary-General presented a report on the issue of human rights and transnational corporations and other business enterprises which has been unanimously approved by UN Human Rights Council. These framework called ‘Protect, Respect and Remedy’ shapes and intensify the debate on transnational corporations responsibilities

for protecting human rights especially concerning their activities in underdeveloped and developing nations, in both conflict zones and under dysfunctional governance.

Since the concept of third-generation rights was proposed for the first time, the discourse around it has gone back and forth, with advances and barriers. Currently, with the increasing evidence of climate changes, it is important to note that the right to a healthy and balanced environment is necessary to make the fulfillment of the first and second-generation rights possible. “When the natural environment is damaged and contaminated to the extent that it threatens life, health, food, shelter, and minimum work standards, it also becomes a threat to established human rights” (Downs 1993, 351).

The reasoning that third-generation rights are implied under the scope of first- and second-generation rights is convenient because it maintains the current state of affairs which benefits the industrialized countries. However, this understatement about the third-generation human rights denies its eligibility for a legal status, necessary for the implementation of enforcement mechanisms. The urgent call for action against climate change makes the creation of an independent binding covenant on third-generation rights a top priority in global governance.

Hydropower expansion in the Brazilian Amazon and its impact on human rights

In order to reach the Paris agreement's goals, the decarbonization of the energy system is required. The use of alternative energy sources e.g., winds and solar energy, as well as smart off-grid solutions has been proved to be a realistic solution for a more sustainable and clean energy system. Brazil has grown its reputation as a green energy power because of its reliance on hydroelectricity. However, at the beginning of the 2000's, Brazil experienced a drop in energy supply, which resulted in rationing for the period from June 2001 to March 2002. From then on, not only the search for different alternative energy sources has increased, but also the interest in new projects for the generation of hydroelectricity. In order to facilitate the implementation of these new projects, a growth acceleration program (PAC-Programa de Aceleração do Crescimento) was formulated. The first phase of the PAC1 was launched in 2007 by former President Lula da Silva and ended in December 2010. The second phase, called PAC2, was launched in March 2010 still under Lula's mandate but was executed during Dilma Rousseff's presidency (2011-2016) and is still in force. These developmentalist policies are meant to stimulate the Brazilian economy through investments in the fields of

energy, transport, housing and sanitation (Programa de Aceleração do Crescimento 2013). The PAC program is based on the exploitation of natural resources (Kuijpers 2013) and has promoted the execution of diverse large hydropower projects. These new projects, for the most part, face strong opposition from local people and civil society in general, in Brazil and abroad, due to their high socio-environmental costs, especially on the Amazon (Fearnside 2015; Lees et al. 2016). Brazil has great potential for generating renewable energy, contradictorily; the Brazilian government has chosen to increment its electricity generation capacity by planning and implementing large hydroelectric power plants. Resistance to hydropower projects in Brazil is not unreasonable since the country's 2011-2020 energy-expansion plan forecasts the construction of about 30 hydroelectric dams in the Amazon region which, according to Carvalho, "will have significant environmental and social impacts and skewed cost-benefit distribution"(2006, 246).

Brazil's hydrological resources are considered a matter of international significance, and their maintenance or exploitation has become a controversial subject (McCormick 2010). The country's most promising hydrological resources are located in the northern region which concentrates a great deal of Amazon rainforest and its exploitation may contribute to global climate change (McCormick 2010). Brazil has the third largest installed hydroelectric capacity in the world and the greatest potential of any nation, even larger than some entire continents. "It is understandable that Brazil has equated hydrological resources with electric power. However, with the advent of new technologies for generating electricity, the sacrifice of these large tracts of Amazon rainforest and the fragmentation of the watershed is not only unnecessary but will hurt Brazil in the future" (Kahn, Freitas, and Petrere 2014, 6065).

Presently, the construction of dams in the Amazon region has already caused serious environmental impacts and social displacement, which may increase with the implementation of new large-scale hydropower projects planned for the Xingu River in the future. "In addition to their impacts on tropical forests and indigenous peoples, these dams would make the Xingu a source of greenhouse-gas emissions, especially methane (CH₄) which forms when dead plants decay on the bottom of a reservoir where the water contains no oxygen" (Fearnside 2012), 3). Currently, Belo Monte is the biggest hydroelectric plant in construction in the Amazon region. Located nearby Altamira city on the Xingu River in the state of Pará, the dam is one of the priority projects of PAC1. It will be the world's third-largest hydroelectricity with an installed

capacity of 11,233 MW and cost over US\$18 billion. Furthermore, it is believed that after the Belo Monte Dam has been finished, the Brazilian government will build a few more dams upstream with bigger storage capacity to ensure that Belo Monte will generate electricity during the whole year² (Amazon Watch 2011).

The first building plan for the Belo Monte Dam was made by the state-owned company Eletronorte in 1975. Originally, two dams would be constructed on the Xingu river and a total area of 14,500 km would be flooded along with an entire indigenous reserve and would displace around 6000 people. In addition, as the first phase was completed the project would be extended with the construction of another four dams which would result in a 22.000 km flooded area in the Xingu basin, affecting directly the lives of 12 indigenous groups (Carvalho 2006). When the Belo Monte Dam was announced in December of 1987, the government had given little transparency concerning the hydroelectric project, which led to the organization of the 'First Encounter of the Indigenous Nations of the Xingu'. The mobilization of local indigenous tribes gained the attention of environmentalists worldwide including from Sting, the famous British singer (Hall and Bradford 2012). The protests make the government reconsider its plan and between 1989 and 2002, the project was redesigned. In 2002 a new environmental impact assessment was presented and another one in 2008. Finally, in 2011 a license was granted authorizing the initial activities for the realization of the project.

Despite the fact that the project was redesigned, the implementation of Belo Monte has been very costly regarding social displacement, environmental impact, and public investments. According to Carvalho, "critics have made credible arguments that it would be possible to supply the country's growing energy demand at comparable prices- and with lower environmental and social impact- by creating incentives for the use of renewable energy sources" (2006, 246). The alternatives would be the decentralization of electricity generation by exploring the country's small hydro, solar, and wind potential; the enlargement of ethanol and biodiesel production and the efficiency improvement of the transmission systems, among other possibilities. Contradictorily, the Brazilian Social Development Bank (BNDES - *Banco Nacional de Desenvolvimento Econômico e Social*) has

²Due to relevant seasonal variation, the flow of the Xingu River oscillates and therefore, the dam will operate at full installed capacity only a few months a year and generate merely an average of 4,500 MW, which makes the project inefficient, as it is extremely expensive. "Since the Belo Monte Dam itself will be essential 'run-of-the-river', without storing water in its relatively small reservoir, economic analysis suggests that the dam by itself won't be economically viable" (Fearnside 2012, 2).

invested a great amount of money on the construction of Belo Monte. “The single largest loan in the dataset³, for the Belo Monte hydroelectric dam, was considerably larger than those for all of the wind and small hydro projects together, and it ultimately may generate less electricity annually than their total” (Hochstetler and Tranjan 2016, 505). Through BNDES, the Brazilian federal government has been financing many electricity projects since its creation in 1952. Even though environmental impact assessment was undertaken prior to projects approval, BNDES has been held accountable for social and environmental impacts caused by projects under its loan program.

The reason why the Belo Monte Dam is a disputed project has to do with its size, the number of affected people and licensing process, which has been considered irregular, since it disrespects the country’s constitution and environmental law (Kuijpers 2013). The Dam’s implementation has caused a great deal of biodiversity loss and impacted the livelihood of indigenous people, riverine communities, and small-farmers since it has flooded an area of 668 km² including 400 km² of forest. In fact, by the end of construction of the dam a total area of 1,522 km² will be affected by it (Amazon Watch 2011). Moreover, along with displaced local people from the dam site and surroundings, Altamira —Belo Monte’s nearest city— has gained great contingent of new inhabitants. The job possibility offered by the construction companies has brought thousands of workers and migrants from all over Brazil to the city, which has grown beyond its capacity of governance. The standards of living in the area have worsened considerably since the construction of the dam started and human rights violation are common.

Given Brazil’s great hydrological resources, it is easy to understand the country’s reliability on hydropower. However, with nowadays’ range of new technologies to explore alternative sources of electricity, it is possible to supply Brazil’s growing energy demand, without causing as much environmental and social impact, and at the same time, being able to commit with the realization of human rights agenda including the fulfillment of third-generation rights.

³Data on electricity project loans from BNDES.

Struggle for third-generation rights: resistance against large dams in Brazil

As a result of a developmental policy that made possible the planning and implementation of the Belo Monte Dam, a resistance movement emerged against the government's agenda. In fact, the construction of Belo Monte is not the first hydroelectric project to have an effect on the local population in Brazil. Also in the northern region, the affected people by the Tucuruí dam, constructed between 1974 and 1985 on the Tocantins River, organized themselves to guarantee their rights. In the late 1970s, in the southeast region, the construction of the Sobradinho hydroelectric power plant on the São Francisco River caused the displacement of more than 70,000 people and later on, in 1980's, the construction of the Itaparica dam was a scenario of many struggles and popular mobilization. In the south, the construction of the Itaipu power plant in the Paraná River started in 1978, and almost simultaneously, the government announced the construction of the Machadinho and Itá dams in the Uruguay River Basin. These events caused a large mobilization process in the region (Corrêa 2015). Despite the vulnerability of the local communities they managed to organize themselves to fight for their rights against the extractive resource governance.

The manifestations contrary to the construction of dams in Brazil led to the formation of the grassroots movement called *Movimento dos Atingidos por Barragens* (MAB), in English: Movement of Dam-Affected People. In 1989 the 1st National Meeting of Workers Affected by Dams took place in the city of Goiânia. The assembly decided to establish an organization at the national level to take action against the construction of large dams in Brazil. In March 1991 in Brasília the I National Congress of the Affected by Dams took place when the Movement of the Affected dams (MAB) was officially constituted. At the convention, March 14th was declared the Anti-Dams national day. Since then, MAB has supported activism for the rights of the population living nearby dammed areas across the country. Over the years, MAB has grown and gained strength, credibility, and representativeness within civil society and government agencies. The Movement has a partnership with organizations in seventeen Brazilian subnational divisions out of a total of twenty-seven. Since 1991, MAB has been the leading voice in the struggles against social and environmental injustices caused by the construction of hydroelectric dams. Within MAB, individuals and families directly or indirectly affected by dams organize themselves to fight for their rights in defiance of government policies and private enterprise that disown the real socio-environmental impact caused in the

dammed areas. According to MAB, the Belo Monte Dam has affected the lives of at list 40 thousand inhabitants living in the adjacent areas.

At a local level, MAB organizes a range of activities in order to promote awareness among stakeholders, e.g., lectures, debates to articulation with other social movements and churches. At a broader level of resistance, "specifics tactics are used by the community included occupation of construction sites, roadblocks, coordinated participation in consultation processes, collaboration with scholars, and collective lawsuits" (Hochstetler and Tranjan 2016, 506).

Throughout the years that MAB has been active, the movement has achieved some important results e.g. its impact on the drafting of laws and interference in state decisions which led up to the legislation of the National Environmental Council (CONAMA- Conselho Nacional de Meio Ambiente). This legislation enforces studies of environmental impact prior to the construction of dams (Braga 2018). In addition, MAB participated in the roundtable discussion organized by Lula's administration to address movement's claims, which result in an interministerial working group set up in October 2003 to evaluate the demands and find solutions for the problems of the dam-affected people (Costa 2014). Furthermore, during the 27 years of MAB's existence, several national meetings were organized. The eighth and last one took place in October 2017 in the City of Rio de Janeiro. The conference brought together an audience of about 4,000 people who are directly and indirectly affected by the construction of dams all over Brazil. Among other objectives, the meeting aims to strengthen popular pressure for the approval of the rights of Dam-affected People. (Movimento dos Atingidos por Barragens – MAB 2011). What at the beginning was a movement for guaranteeing fair compensation and resettlement for the people affected by the dam construction, it became a national organization in the fight for a new energy model in Brazil and beyond.

The hydropower plants constructed in Brazil from the second half of the last century onwards have a History of popular struggle for the rights of those affected by the dams and a range of unsettled solutions for the social and environmental problems left behind. Nowadays, the large population affected by the hydropower expansion in Brazil may not be able to avoid the construction of dams but "many communities can apparently organize at least to affect implementation (...) riverine communities have been able to draw on MAB and other national and international activists in support of their challenges" (Hochstetler and Tranjan 2016, 505). At personal and local levels, Belo

Monte-affected people may have been fighting for their immediate livelihood but, at a broader level, their struggle gives them a new identity of resistance both to fight for and to legitimate the third-generation of human rights.

Third-generation rights of Belo Monte-affected people

Dam-affected people's call for third-generation human rights has been a long-standing struggle; the violation of their rights has been likewise. After the electricity sector's privatization process, which started in the 1990s the situation of dam-affected people has worsened. The entry of private corporations in the sector has intensified the assaults against all social and environmental achievements. In the early 2000s, MAB experienced an intense process of criminalization. Only in the Uruguay River Basin in the south of Brazil, more than 120 leaders were brought to court; others were arrested and persecuted (CDDPH 2011). Throughout MAB's history, the rejection of the rights of those affected by dams has been accumulating. In places where resistance and mobilization were more intensive, some rights were taken into account and respected. In other places, families were unjustly evicted from their land without resettlement plan and with most rights denied (Movimento dos Atingidos por Barragens – MAB 2011). Retaliation against protesters is not unusual. In May 2015, hundreds of farmers were victims of an attack during a protest against the construction of the Belo Monte Dam. In the demonstration that blocked the BR-230, in the city of Vitoria do Xingu, in the estate of Pará, two people died, a 13-year-old boy was hospitalized in a serious condition and several others suffered minor injuries after a car broke through the crowd. In a note published on the occasion, the MAB declared: "it is inadmissible to continue losing our comrades only because they are fighting for their rights." (ANDES-SN 2015)

In all, the implementation of the Belo Monte Dam is foreseen to displace between 20,000 and 40,000 people from their homes and damage the means of subsistence of many more, including river and urban dwellers, small-scale farmers, and indigenous people. According to Little "scientists from many disciplines are indicating that the magnitude of environmental impacts on the tropical forest by these mega-projects is of such intensity and scope that the ecological dynamics of the Amazon watershed are being disrupted and pose a threat to it as a functioning ecological system. Amazonian indigenous peoples and local Amazonian communities are the social groups who bear the greatest negative impact of these projects, even though they have little say in the neodevelopmentalist push for economic growth" (2014, 58). In order to build the dam, the river's flow has been changed which has impacted local people's rights to reasonable

living standards. The local population has been dealing with the risk of losing their fish stocks, no access by boat to Altamira city where they sell and buy goods (Little 2014, Greenpeace 2016). Furthermore, the environmental changes caused by the construction of the dam has been affecting the local agriculture, water quality as well as causing the death of the surrounding rainforest and leaving behind a perfect aquatic habitat for the reproduction of malaria-carrying mosquitoes.

Even though environment impact assessment has been conducted, this regulation mechanism has been proven insufficient for measuring the damages that a mega-project such as the Belo Monte Dam can cause. There has been no transparency in the planning process and viability analyzes to implement the dam (Little 2014). It is clear that financial benefits have been given priority at the expense of the environment and social welfare. Both government and private corporations benefit from the fact that needy communities are less willing to fight against infrastructure implementation as they may financially profit from it or simply because they lack the ability to resist. In fact, governments may choose less challenging communities to implement a project such as the Belo Monte Dam in order to avoid environmental and social justice claims (Hochstetler and Tranjan 2016). In its turn, construction companies endeavor to create confusion, disagreement, and animosity between the local people in order to dismantle resistance to dams. In addition, the persecution of resistance leaders is not uncommon (Benincá 2010). The public-private partnership for the exploitation of the Belo Monte Dam has not only been a barrier for the fulfillment of third-generation rights but it has also been infringing human rights. According to Kruijpers, “various national and international human rights authorities have reported numerous human rights violations related to the dam. These notifications were largely ignored by the Brazilian government” (Kruijpers 2013, 48).

Since the beginning of construction of the dam in 2011 more than 30 thousand workers from different regions of Brazil found a job at Belo Monte (Norte Energia SA) and up to 100 thousand migrants have been drawn to the city of Altamira (Greenpeace 2016). Aside from the precarious conditions of life and work to which most of these workers were subjected, a disorderly occupation of the city provoked the increase of social problems such as violence, use, and commercialization of drugs, prostitution, etc. “The influx of people is invariably greater than the housing and jobs available and the residual population is obliged to relocate themselves on the outskirts of nearby cities. In the process, these cities' existing limits on public services such as sanitation, health care,

electric grids, and schools become even more acute. The lack of political control leads to a surge in illicit activities and violence, resulting in the economic and social marginalization of large segments of the urban population" (Little 2014, 62). With the arrival of a large contingent of workers and migrants, the price of goods and services increased considerably, harming the living standards of local residents. With the termination of employment contracts, construction workers and other migrants move out to the surrounding aggravating the impacts on the forest's wildlife and threaten indigenous peoples. (Greenpeace 2016).

Despite the attention given to Belo Monte Dam by Brazilian well-known artists at the beginning of its construction in 2011, the current media coverage about the daily life struggles of those affected by the dam is not large. The fate of many people who lost their home and means of subsistence is illustrated by the following cases: Antonio das Chagas with his wife Dulcinéia Dias and their family of six lost their home because of the power plant. They owned an island on the Xingu River, a piece of the forest with a range of livelihood option they lived from, now they have learned what hunger can do. After the expropriation, the couple rented a house with bars in the windows on the outskirts of Altamira, the most violent city in Brazil. Raimundo Braga Gomes who used to live by the river claims that he is now living among drug dealers. Leonardo Batista used to be a leader in the struggle for their rights; he was resettled in Jatobá, another urban area in the surroundings. He now lives monthly on 50 *reais* months and also discovery hunger. He argues he lost his past. His current situation is a nightmare and he wonders how his future will be like (The Guardian 2018). These are only a few examples among the contingent of people who lost their livelihood with the constructions of the Belo Monte Dam. Their rights to a clean and ecologically balanced environment have been violated. They lost their homes, their means of subsistence, their dignity and much more. It is clear that when third-generation rights are violated; the fulfillment of first and second regeneration rights becomes impossible.

Conclusion

In order to achieve the fulfillment of the human rights of first and second-generations, the third-generation human rights must be respected. The new development model designed by the Brazilian government -which includes large hydropower projects in the Amazon region- disregard Brazil's general obligation to respect, protect and fulfill human rights. The construction of the Belo Monte Dam is

expected to increase energy generation at lower prices for the Brazilian population as well as to improve the living conditions of local people. Contradictorily, the dam has been responsible for great social-environmental impact surrounding its construction area and beyond. In addition, it has become the setting where a violation of third-generation human rights happens at all levels. Despite the fact that environmental preservation has become a worldwide everyday discourse; that we came to the agreement that we all have the right to a healthy environment and that third-generation right have been acknowledging by many official agencies, tens of thousands of people were affected by the Belo Monte Dam and had their livelihoods permanently disrupted. Brazil's policy of hydroelectricity expansion, especially in the Amazon, clashes with the international effort to protect the environment, which is the core subject matter of the third-generation rights and hinders the fulfillment of universal human rights.

Bibliography

- Alston, Philip. 1982. "The Third Generation of Solidarity Rights: Progressive Development or Obfuscation of International Human Rights Law?" *Netherlands International Law Review* 29 (3): 307–22.
- Amazon Watch. 2011. "The Belo Monte Dam." International Rivers and the Rainforest Foundation. <https://amazonwatch.org/assets/files/2011-august-belo-monte-dam-fact-sheet.pdf>.
- ANDES-SN. 2015. "Agricultores São Assassinados Em Protesto Contra Usina de Belo Monte." <http://www.andes.org.br/andes/print-ultimas-noticias.andes?id=7508>.
- Benincá, Dirceu. 2010. "Água e Energia Para a Vida. O Movimento Dos Atingidos Por Barragens No Brasil (1991- 2009)." Doctoral thesis, São Paulo: Pontifícia Universidade Católica de São Paulo, PUC.
- Braga, Fernanda. 2016. "Land yes, dam not!": The Movement of People Affected by Dam and Their Role in the Construction of Waterscape During the Civil-military Dictatorship in Brazil: Approaches". *História Unicap*, v. 3 , n. 5, jan./jun.
- CDDPH- Conselho de Defesa dos Direitos da Pessoa Humana. 2011. "Violação dos Direitos Humanos na construção de barragens". Movimento dos Atingidos por Barragens- MAB.<http://www.mabnacional.org.br/Violação+dos+Direitos+Humanos+na+construção+de+barragens>
- Carvalho, Georgia. 2006. "Environmental Resistance and the Politics of Energy Development in the Brazilian Amazon." *The Journal of Environment & Development* 15 (3): 245–68. <https://doi.org/doi.org/10.1177/1070496506291575>.
- Corrêa, Sergio. 2015. "'Novos Atores Em Cena e a Reconfiguração Dos Conflitos Sociais e Do Debate Do Desenvolvimento No Brasil e Na Amazônia: A Emergência Do Movimento Dos Atingidos Por Barragens." *Cadernos de Pesquisa Interdisciplinar Em Ciências Humanas* 16 (108): 113–31. <https://doi.org/10.5007/1984-8951.2015v16n108p113>.
- Costa, Agnes da. 2014. "Sustainable Dam Development in Brazil: The Roles of Environmentalism, Participation and Planning." In *Evolution of Dam Policies*.

- Evidence from the Big Hydropower States*, edited by W. Scheumann and O. Hensengerth, 13–53. Switzerland: Springer-Verlag Berlin Heidelberg.
- Council of Europe. 2017. “The Evolution of Human Rights.” COMPASS, the Manual on Human Rights Education with Young People. 2017. <https://www.coe.int/en/web/compass/the-evolution-of-human-rights>.
- Downs, Jennifer. 1993. “A Healthy and Ecologically Balanced Environment: An Argument for a Third Generation Right.” *Duke Journal of Comparative & International Law* 3 (2): 351–86.
- Fearnside, Philip. 2012. “Belo Monte Dam: A Spearhead for Brazil’s Dam-Building Attack on Amazonia?” Global Water Forum, the Challenges of Water Governance in the 21st Century. 2012. <http://www.globalwaterforum.org/2012/03/19/belo-monte-dam-a-spearhead-for-brazils-dam-building-attack-on-amazonia/>.
- . 2015. “Environmental and Social Impacts of Hydroelectric Dams in Brazilian Amazonia: Implications for the Aluminum Industry.” *World Development* 77: 48–65. <https://doi.org/10.1016/j.worlddev.2015.08.015> ISSN: 0305-750X.
- Globalization101. 2016. “Three Generation of Human Rights Human Rights.” The Levin Institute - The State University of New York. <http://www.globalization101.org/uploads/File/HumanRights/humanrights.pdf>
- Greenpeace. 2016. “Damning the Amazon: The Risky Business of Hydropower in the Amazon”. https://www.greenpeace.de/sites/www.greenpeace.de/files/publications/20160420_greenpeace_tapajos-report_amazonas.pdf
- Hall, Anthony, and Sue Bradford. 2012. “Development, Dams and Dilma: The Saga of Belo Monte.” *Critical Sociology* 38 (6): 851–62.
- Hochstetler, Kathryn, and Ricardo Tranjan. 2016. “Environment and Consultation in the Brazilian Democratic Developmental State.” *Comparative Politics* 48 (4): 497–516. <https://doi.org/10.5129/001041516819197593>.
- Kahn, James R, Carlos E. Freitas, and Miguel Petrere. 2014. “False Shades of Green: The Case of Brazilian Amazonian Hydropower.” *Energies* 7: 6063–82. <https://doi.org/10.3390/en7096063>.
- Kuijpers, Karlijn. 2013. “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.” Master Thesis, Utrecht: Utrecht University & Basel University.
- Lees, Alexander C., Carlo Peres, Philip Fearnside, Maurício Schneider, and Jansen Zuanon. 2016. “Hydropower and the Future of Amazonian Biodiversity.” *Biodiversity and Conservation* 25: 451–466. <https://doi.org/10.1007/s10531-016-1072-3>.
- Little, Paul E. 2014. “Mega-Development Projects in Amazonia: A Geopolitical and Socio-Environmental Primer.” Lima: Derecho, Ambiente y Recursos Naturales DAR.
- McCormick, Sabrina. 2010. “Damming the Amazon: Local Movements and Transnational Struggles Over Water.” *Society and Natural Resources* 24 (1): 34–48. <https://doi.org/10.1080/08941920903278129>.
- Movimento dos Atingidos por Barragens – MAB. 2011. “Violação Dos Direitos Humanos Na Construção de Barragens.” Relatório da Comissão Especial Atingidos por Barragens. Conselho de Defesa dos Direitos da Pessoa Humana. <https://issuu.com/mabnacional/docs/direitoshumanos>.
- Organization of African Unity. 1981. *The African Charter on Human and Peoples’ Rights. OAU Doc.* Vol. 67.

- Programa de Aceleração do Crescimento. 2013. "Sobre o PAC." Brasília: Ministério de Planejamento.
- Ruppel, Oliver. 2009. "Third-generation Human Rights and the Protection of the Environment in Namibia" in *Human Rights and the Rule of Law in Namibia* edited by Nico Horn and Anton Bösl. Macmillan. Windhoek. Namibia.
- The Guardian. 2018. "They Owned an Island, Now They Are Urban Poor: The Tragedy of Altamira." 2018. <https://www.theguardian.com/cities/2018/feb/06/urban-poor-tragedy-altamira-belo-monte-brazil>.
- United Nations. 1972. "Report of the United Nations Conference on the Human Environment." United Nations Publications. <http://www.un-documents.net/aconf48-14r1.pdf>.
- . 1993. *The Vienna Declaration. United Nation World Conference on Human Rights. A/RES*. Vol. 49.
- . 2008. *Declaration on the Rights of Indigenous Peoples. A*. Vol. 61.
- Vasak, Karel. 1977. "A 30-Year Struggle: The Sustained Efforts to Give Force of Law to the Universal Declaration of Human Rights." *The Unesco Courier* 30 (10): 29–32.
- Viljoen, Frans. 2009. "International Human Rights Law: A Short History." *UN Chronicle. The Magazine of the United Nations*, 2009. <https://unchronicle.un.org/article/international-human-rights-law-short-history>.



Source: ISTOÉ – Agency Brazil – December 11, 2011