

Important lessons: Sinohydro, the Agua Zarca dam and the murder of Berta Cáceres

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The Agua Zarca dam in Honduras is one of the unique cases in which a Chinese company withdrew from a project and publicly cited doing so because of “unpredictable and uncontrollable” resistance from the community and the inability of the project owner to acquire the environmental and social licenses to operate. As details related to this project continue to unfold eight years later, they present a grim reminder that conducting proper due diligence is not just a matter of ticking boxes.



Photo taken from France24

This week, Roberto David Castillo, the former head of the Honduran hydroelectric company Desarrolladora Energética S.A (DESA), was sentenced with the maximum applicable penalty of 25 years in jail for masterminding the 2016 murder of Berta Cáceres, a world renowned indigenous environmentalist. Berta was the co-founder and leader of COPINH, the National Council of Popular and Indigenous Organisations of Honduras. She had spent twenty years defending the territory and rights of the Lenca people in a country where destructive megaprojects are built primarily to enrich elites who act with great impunity.

Berta Cáceres’ leadership in community resistance and opposition to the construction of the Agua Zarca dam convinced Sinohydro, the world’s largest dam builder and the lead contractor for this project to terminate its contract with DESA in 2013. Sinohydro cited ‘conflicts of interest between DESA and local communities’ and DESA’s inability to acquire the environmental and social licenses for this project. That same year, the International Finance Corporation, a key financier for the pro-

ject cited [concerns about human rights violations](#) related to Agua Zarca and also pulled out.

Despite the strong community opposition, losing the main contractor and a key financier for the project, DESA continued efforts to build the dam, proving that their primary motivation was enrichment. DESA leadership continued to harass and intimidate Berta Cáceres, her family and her colleagues at COPINH. This culminated when their plan to murder her was successfully orchestrated in March 2016. In the months that followed, two of Berta's colleagues, Nelson García and [Lesbia Urquiza](#), were also killed. Public outrage then convinced other international funders, the [Dutch development bank FMO and FinnFund](#), to [suspend their involvement in the project](#).

The seven hitmen associated with killing Berta Cáceres were found, arrested and sentenced to 30 to 50 years in jail. Five years later, the Honduran high court has formally ruled that David Castillo, the president of DESA was central to the elaboration of plans to monitor, intimidate and murder Berta Cáceres.

Berta's family and COPINH have tirelessly worked to raise attention to this case, honor Berta Cáceres and her legacy to stand up against irresponsible development. An immense network of supporters say that [Berta has multiplied and become thousands](#).

This case is a reminder to all companies and investors of the importance of conducting proper due diligence and of including indigenous peoples in any discussions that impact their lands, territories and sovereignty. Sinohydro withdrew from Agua Zarca after heeding advice from NGOs that indigenous communities firmly opposed and had not been consulted about the project.

These events add urgency for the China Banking and Insurance Regulatory Commission (CBIRC) to implement a Grievance Mechanism that will apply to all Chinese banks. In Latin America, many projects are financed by Chinese Banks, many of which do not respect the rights of local communities and result in high levels of social unrest. Without clear Grievance Mechanisms, Chinese banks miss the opportunity to hear from local communities early on so that they can avoid future conflicts that lead to loss of lives and economic damages such as the case of Agua Zarca and Berta Cáceres.

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必读的一课： 中水电、萨尔卡水电站、 与伯塔·卡塞雷斯谋杀案



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洪都拉斯的萨尔卡水电站 (Agua Zarca) 是一个少见的案例，中国公司退出项目，并公开宣布其退出原因，“社区不可预测和无法控制的阻力，以及项目业主无法获得环境与社会许可”。八年后，该项目的相关细节逐渐为人所知，这些都在提醒人们，恰当的尽职调查不仅仅是一道可有可无的选择题。

本月（7月5日），洪都拉斯水电能源发展公司（下称“洪都拉斯水电”）的前负责人被判刑罗

伯特·大卫·卡斯蒂利亚（Roberto David Castillo）被定罪，刑期为洪都拉斯有期徒刑的最高刑期二十五年，定罪理由是其在2016年策划、并实施了对伯塔·卡塞雷斯(Berta Cáceres)对谋杀案。卡塞雷斯是一名环保卫士，也是洪都拉斯人民与土著组织公民委员会 (COPINH) 的联合创始人和负责人。在生前二十余年的时间里，卡塞雷斯致力于捍卫兰卡族 (Lenca) 的领土和原住民权利。在洪都拉斯，很多大型商业项目都带有破坏性，只有社会精英阶层从中收益，并不受法律约束。

伯塔·卡塞雷斯带领当地社区抵制萨尔卡大坝建设，他的努力最终说服了中水电--世界上最大的大坝建设公司和该项目的主承包商--，于2013年终止了与洪都拉斯水电的合同。中水电表明，合同终止的原因为“洪都拉斯水电与管理不当的当地社区之间的利益冲突，以及该项目无法获得的环境与社会许可”。

同年，该项目的的主要资助者国际金融公司 (IFC) 也退出了该项目，理由是对与萨尔卡项目侵犯人权的行为表示担忧。

尽管项目遭到当地社区的强烈反对，并失去了项目主要承包商和融资方，但洪都拉斯水电仍坚持修建大坝，这证明了经济收益是该项目的主要目的。洪都拉斯水电的管理层持续骚扰和恐吓贝尔塔·卡塞雷斯本人、她的家人、及她在公民委员会的同事。这一切以2016年3月贝尔塔·卡塞雷斯被谋杀而告终。接下来的几个月里，卡塞雷斯的两名同事尼尔森·加西亚 (Nelson García) 和 (Lesbia Urquia) 也被谋杀了。公众的愤怒使得其他国际融资方也退出了该项目，其中包括荷兰开发银行 (FMO) 和芬兰政府基金 (FinnFund)。

七名与卡塞雷斯谋杀案有关的罪犯被发现、逮捕并判处三十至五十年监禁。五年后，洪都拉斯高等法院裁定，时任洪都拉斯水电总裁的戴维·卡斯蒂略 (David Castillo) 在制定监视、恐吓和暗杀贝尔塔·卡塞雷斯的策略方面发挥了重要作用。

卡塞雷斯的家人和公民委员会不知疲倦地努力，引起大众对这个案子的关注，以此纪念贝尔塔·卡塞雷斯和她留下的遗产：反对不负责任的商业行为。今天，声势浩大的支持者汇聚在一起，贝尔塔·卡塞雷斯不再是一个人，而是成千上万。

这一案例应提醒所有企业和融资方开展全面的尽职调查，并将领土和主权受项目影响的土著人民纳入对话过程中。这次中国水电及时退出该项目，主要是由于原住民社区和非政府组织坚决反对这个项目，而其中原住民社区未得到事先咨询。

这一事件也证明了中资银行投诉机制的紧迫性，该机制由中国银保监会今年公布实施。在拉丁美洲，中资银行融资的项目众多，其中很多项目并未尊重当地社区的权利，是产生严重社会冲突的隐患。如果没有申诉机制，中资银行就会错过机会听取当地社区意见、避免未来冲突。其中的一些冲突甚至可能以人员伤亡和经济损失而告终，就像萨尔卡项目和贝尔塔·卡塞雷斯的事件一样。

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