

THE FORGOTTEN ONES OF THE CHANGUINOLA RIVER

**NGÄBE COMMUNITIES CONTINUE
TO DEMAND JUSTICE FOR THE
CHAN-75 HYDROELECTRIC PROJECT**

October 2026



INTRODUCTION

In September 2007, the UN General Assembly adopted the Declaration on the Rights of Indigenous Peoples. That same year, in Ngäbe territory in the Changuinola River valley in Panamá, the construction of the CHAN-75 hydroelectric dam began, without the consent of the Indigenous communities.

Nearly two decades later, the displacement of the Ngäbe families, the deterioration of the river on which they depended, and the repression of the communities—which included the arrest of an 11-month-old baby—have gone uncompensated.

The Inter-American Commission on Human Rights (IACHR) has concluded that Panama violated the rights of these communities. The State has not complied with its obligations and, meanwhile, has already granted a concession for a second dam on the same river.

The hydroelectric dam known as Chan-75 was built by the company AES Panamá and had the backing of the Panamanian government. The project was established on the territory of the Ngäbe Peoples without even ensuring basic standards for participation, adequate information, or territorial protection.

The dam, viewed from Corte Culebra



WHAT HAPPENED WITH THE NGÄBE COMMUNITIES OF THE CHANGUINOLA RIVER VALLEY?

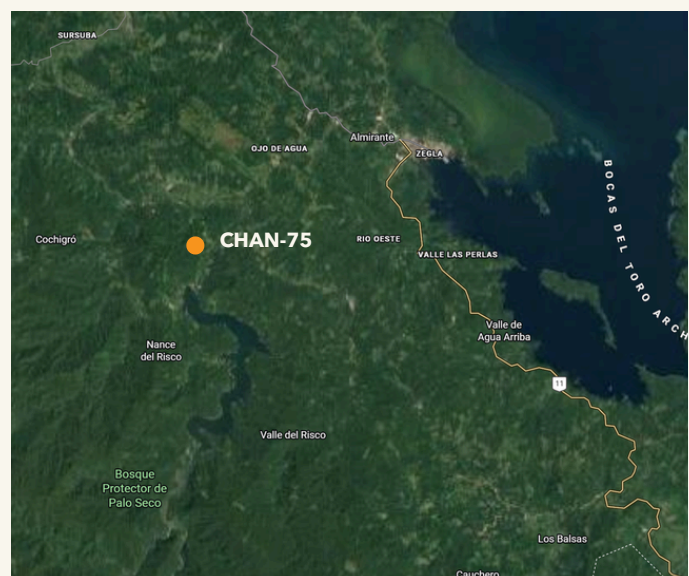
The Changuinola River has been and continues to be a fundamental part of the lives of these communities. On its banks grew families and communities whose lives were built in close relationship with the river and the forest. The river provided food, water, medicines, and materials for daily life, as well as spaces of cultural and spiritual significance which strengthened their connection to the territory. Fish were abundant, and the river also served as a route and connection among communities. For generations, the communities came to know its cycles: when it rose, when it dropped, when it was possible to cross, and when it was a good time to fish. This knowledge of the river was part of life and was transmitted from generation to generation.

It was in this territory, specifically in the areas historically inhabited by Ngäbe communities including Charco la Pava, Valle del Rey, Guayabal, and Changuinola Arriba (located in the area known as “upriver”), that development of the CHAN-75 hydroelectric project began in 2007, presented as an initiative that would bring development and better living conditions. However, its construction proceeded without adequate consultation or the Free, Prior and Informed Consent of all of the affected communities; the dam affected the communities upriver but also the 12 communities located on the banks of the Changuinola in the area known as “downriver”: Boca Chica, Cable Vía, Guabo, Corriente Grande, Isla Venao, Sursuba, Cochigró, Quebrada la Mina, Selvina, Santa Rosa, Alto Sorí y Zegla. The negotiations were conducted in profoundly unequal conditions, marked by language and cultural barriers, largely inaccessible information, negotiations with individuals, offers of benefits and compensation, and pressure that generated divisions within the communities.

In response to the project's advance, the communities organized to defend their lands. In late 2007, they requested the project be halted and, on December 19, initiated a peaceful protest in front of the dam site. Over the following days, police presence increased, with visits to homes and restrictions on access to the territory. On January 3, 2008, a police action against the protest resulted in dozens of people being arrested and complaints of excessive use of force.

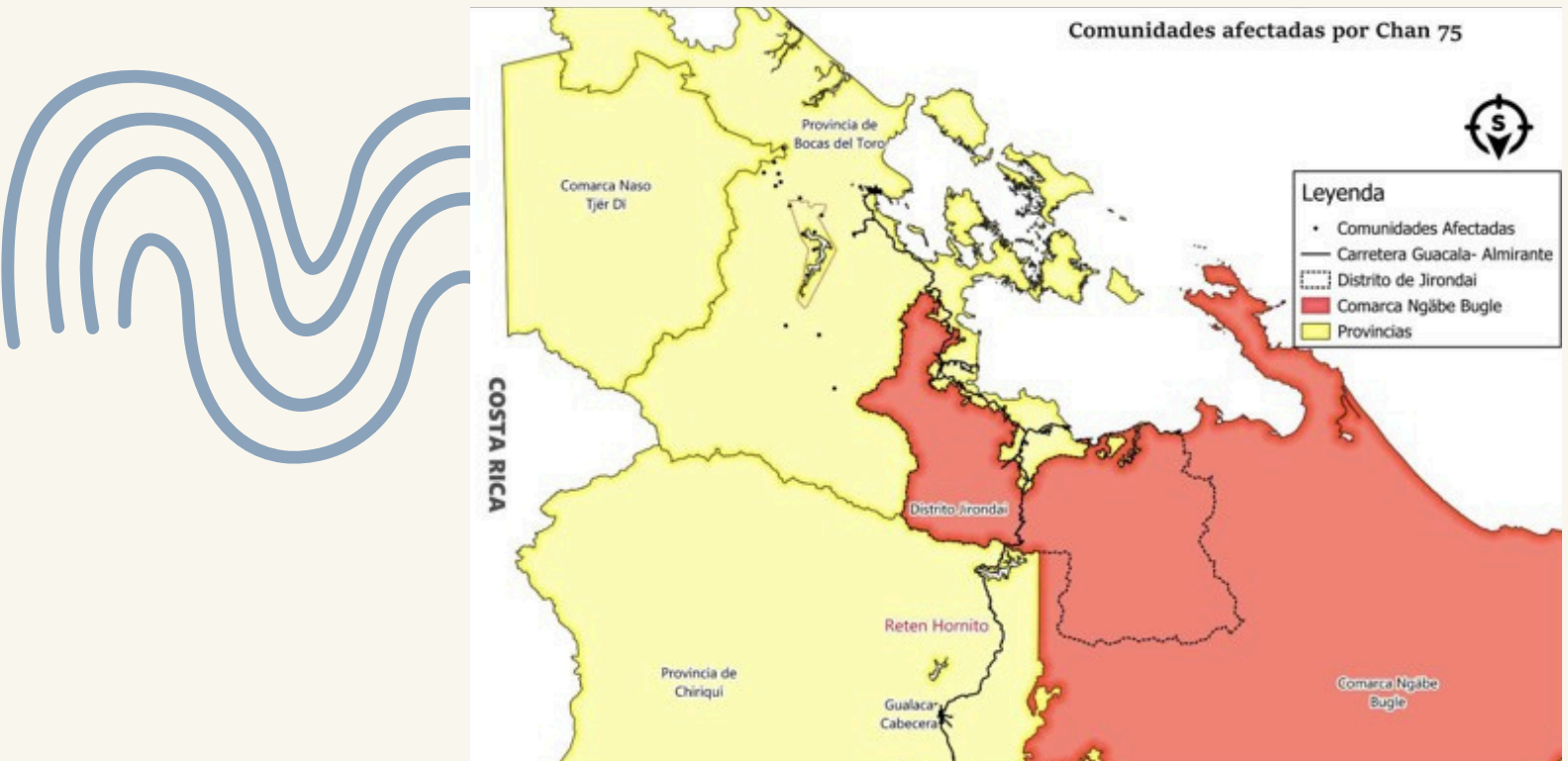
According to conclusive accounts, the meetings organized by the State regarding Chan-75 were limited to providing information—without offering opportunities for dialogue or translation into the Ngäbe language—and they sowed division within the community.

They focused exclusively on the project's alleged benefits, omitting critical information about the environmental, sociocultural, and spiritual impacts that the construction of the dam would entail.



As the construction progressed, families were displaced and separated from their lands, and homes, crops, and culturally important places were damaged. The communities denounced health effects related to changes in water quality, dust, and other conditions resulting from the construction. The transformation of the territory altered diet, food production, traditional medicine, and knowledge transmission, with particular impacts for women. Whereas previously the river, their own crops, and the forest had provided the majority of what families needed to live, they now began to depend increasingly on money to meet their daily needs.

The impacts were not limited to the areas directly touched by the project, nor did they end when construction was completed. The Ngäbe communities who live along the Changuinola River, and others with territorial, social, and cultural ties to the river, have experienced changes to fishing, access to water, and traditional transportation methods, as well as decreased availability of medicinal plants and other materials and resources from the river and the forest. These changes have had lasting effects on their lives, their means of subsistence, and their relationship with the territory. CHAN-75 not only meant the loss or transformation of lands and water; it also altered familial and community relations, means of subsistence, cultural practices, spirituality, and intergenerational knowledge transmission.



Since 2005, Ngäbe communities have suffered the devastating impact of the construction of the Chan-75 hydroelectric dam by the U.S. company AES. This megaproject has displaced entire communities, stripping them of their lands, homes, and natural resources essential for their survival.

THE QUEST FOR JUSTICE IN THE INTER-AMERICAN SYSTEM

The Ngäbe communities organized to defend their territory and brought their pursuit of justice to the Inter-American Human Rights System. In 2008, Petition 286-08 was filed before the Inter-American Commission on Human Rights (IACHR); after being declared admissible, it began to be processed as Case 12.717.

In 2021, the IACHR concluded in Merits Report 401/21 that the Panamanian State is responsible for the violation of the human rights of the communities affected by the construction of the CHAN-75 hydroelectric dam and laid out a series of recommendations. Five years on, the State continues to fail to comprehensively comply with these recommendations. Despite the fact that the Commission has granted at least 15 opportunities for the State to comply with the recommendations, to date, the communities continue to await justice and reparations, which reinforces the urgency for Case 12.717 to be sent to the Inter-American Court of Human Rights.

Cultural Survival has accompanied the communities as one of the petitioning organizations before the IACHR. In 2009, Cultural Survival participated in a hearing related to the case and to precautionary measures which were granted that same year to members of Ngäbe communities along the Changuinola River. Subsequently, in 2016, Case 12.717 was the subject of a hearing in which community members themselves gave testimony. Since then, accompaniment has continued via community work, workshops, documentation of the impacts, and advocacy actions at the national and international levels.

Dam site,
Lazo Santa Fe,
Bocas del Toro





SIX OBLIGATIONS AND SIX BREACHES: THE STANDARDS VIOLATED IN THE CHAN-75 CASE

The Panamanian legal system expressly recognizes Indigenous Peoples' rights regarding cultural identity, collective property, consultation, and Free, Prior and Informed Consent. However, CHAN-75 makes evident a structural breach between legal recognition of these rights and their effect in practice. This breach is exacerbated in communities whose territories lack registration and title when they face energy, infrastructure, or extractive projects.

According to Articles 1.1 and 2 of the American Convention on Human Rights, the Panamanian State is obligated to respect and guarantee the rights recognized therein, without discrimination, and to adopt the necessary domestic measures to give them effect. In light of these obligations, the standards developed by the Inter-American System and the United Nations human rights framework, and the conclusions in Case 12.717, the State is in breach of the following obligations:

1 Collective Property Rights to Ancestral Territory (ACHR Art. 21; and Mayagna (Sumo) Awas Tingni Community v. Nicaragua and Sawhoyamaya Indigenous Community v. Paraguay (IACtHR))

According to international human rights law, Indigenous Peoples have the right to collective ownership of the lands and territories they have traditionally used and occupied, such traditional possession having equivalent effect to full property title granted by the State. However, the IACHR confirmed that Panama did not guarantee the legal recognition or effective protection of the Ngäbe communities' territorial rights before granting the concession for the construction of CHAN-75. It also determined that under the legal framework in force during the time of the events, the communities had no opportunity to effectively access their collective property rights, and thus the State failed to comply with its obligations to delimit, demarcate, and title the Indigenous communities' lands. To date, the communities lack legal certainty of their territory and regarding their use of basic resources, and the State has made no specific advances towards titling the lands.

2

Consultation and Free, Prior and Informed Consent (ACHR Arts. 13, 21, 23; UNDRIP Art. 32; and *Saramaka People v. Suriname* and *Kichwa Indigenous People of Sarayaku v. Ecuador* (IACtHR))

CHAN-75 proceeded via negotiations with individuals, using biased information and pressure which divided the communities. The State authorized the hydroelectric dam without the participation, consultation, or consent of the communities and did not inform them of the consequences and limitations that the project would impose on their lives and territories. Panama has not at any stage respected nor guaranteed the rights to participation, consultation, and Free, Prior and Informed Consent of the Ngäbe communities.

3

Protected Areas Compatible with Indigenous Rights (ACHR Arts. 13, 21, 23; CBD Art. 8(j); and *Kaliña and Lokono Peoples v. Suriname* (IACtHR)):

The State argued that the territories of the affected communities were part of the Bosque Protector Palo Seco (BPPS) protected area. However, it has been established that the communities were already there before the creation of the protected area. In accordance with international standards, its establishment, management, and oversight should have entailed the full and effective participation of the communities, who moreover should have been informed as to the possible impacts on their territories and natural resources. None of this happened, as the Panamanian State created the protected area as well as the dam without the communities' participation, consultation, or consent.

4

Prohibition of Forced Removal and Comprehensive Reparation (ACHR Arts. 13, 21, 23; UNDRIP Arts. 10, 28):

Since the beginning, the State questioned the legitimacy of the complaint, maintaining that only families who had been resettled due to the construction of CHAN-75 could demand reparations and not the rest of the affected communities. The State maintains this position to this day, failing to recognize that the social, cultural, and environmental impacts were, and continue to be, suffered by all of the communities who have lived with the Changuinola River for generations. Panama still does not recognize all of them as rightsholders.

In accordance with international standards, the State should have offered effective mechanisms to repair the damages caused by the forced removal and relocation of the families. However, after nearly two decades of impunity, the communities remain without access to just compensation, and the lands offered are not remotely comparable to their original territories.

5

Economic, Social, Cultural, and Environmental Rights (ACHR Arts. 24, 26; and Indigenous Communities of the Lhaka Honhat (Our Land) Association v. Argentina (IACtHR)):

The hydroelectric dam produced negative impacts on the economic, social, cultural, and environmental rights of the communities, which have continued and worsened over time. The State had the obligation to guarantee the communities a dignified life and ensure that the project did not significantly alter their life plans and cultural legacy; and it did not. It also has not developed policies proportional to the magnitude of the consequences experienced by the Ngäbe families and communities, nor has it adopted necessary and effective measures to guarantee the rights to a healthy environment, food sovereignty, access to water and to dignified housing, and access to justice. As the IACHR indicated, this behavior reflects a context of systematic discrimination, deliberate indifference, and the lack of presence of a State which has had full knowledge of the problem suffered by the Ngäbe communities.

6

Right to Protest and to Personal Integrity (ACHR Arts. 5.1, 7.1, 19, 22.1; and Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women, Art. 7):

The IACHR has affirmed that there is proof of threats and aggression against the communities by the company and its contractors, as well as the police, during CHAN-75's construction. Furthermore, during the 2008 protests, the State's response was repression. State agents used excessive force and arbitrarily detained dozens of people, in violation of the absolute prohibition of arbitrary deprivation of liberty. Among the people detained were boys and girls, including an 11-month-old baby, whom the State had the heightened duty to protect. Also verified were specific and differentiated acts of violence against women and elders, as well as the persecution of Indigenous leaders in order to detain them. After their release, these individuals were forced to seek shelter and find alternative routes to return to their homes.



Traditional foods of the Ngäbe communities: cacao, fish (tilapia), and quince.

IN THE FACE OF ABANDONMENT, THE STRUGGLE, RESISTANCE, AND ORGANIZATION OF THE COMMUNITIES

Nearly two decades of waiting have not meant silence. The communities have kept alive the memory of what happened, shared their testimonies, documented the impacts, and brought their demands to national institutions and international spaces. Generation after generation, they have sustained the defense of their rights, their territory, and their connection with the river.

Yet the passage of nearly twenty years weighs heavily, too. Some of the older people who initiated the struggle have died without seeing compensation. At the same time, a new generation has grown up with the consequences of the transformation of the territory and the weakening of knowledge and practices that, before, were transmitted from generation to generation: the language, the stories, the dances, the knowledge of the river and the forest, the traditional medicine and the communities' own foodways. Thus, repair, for the communities, does not only mean answering for what happened in the past; it also means preventing the continued loss in generations to come of that which sustains the identity and collective life of the Ngäbe People.

Affected communities downriver continue living connected to the Changuinola River and confronting its transformations daily. Their inhabitants continue experiencing changes in the water and the behavior of the river, fearing its rises and sudden changes in level. For the families living along its banks, the river that for generations they knew as a source of food, a medium for transportation, and a part of community life is, today, a source of uncertainty. This reality is exacerbated in the context of climate change, in which the communities must adapt to changes in the cycles of rain and water in a watershed that has already been profoundly transformed.

Added to this is a territorial insecurity that remains unresolved. The relationship between the territories historically inhabited and utilized by the Ngäbe communities and the Bosque Protector Palo Seco protected area has generated restrictions and uncertainty with respect to the use of lands and resources. In the context of the climate and biodiversity crises, conservation efforts contradict themselves if they are disconnected from territorial rights and the knowledge and effective participation of Indigenous Peoples.

The view of Oriente from Valle Risco, Bocas del Toro.

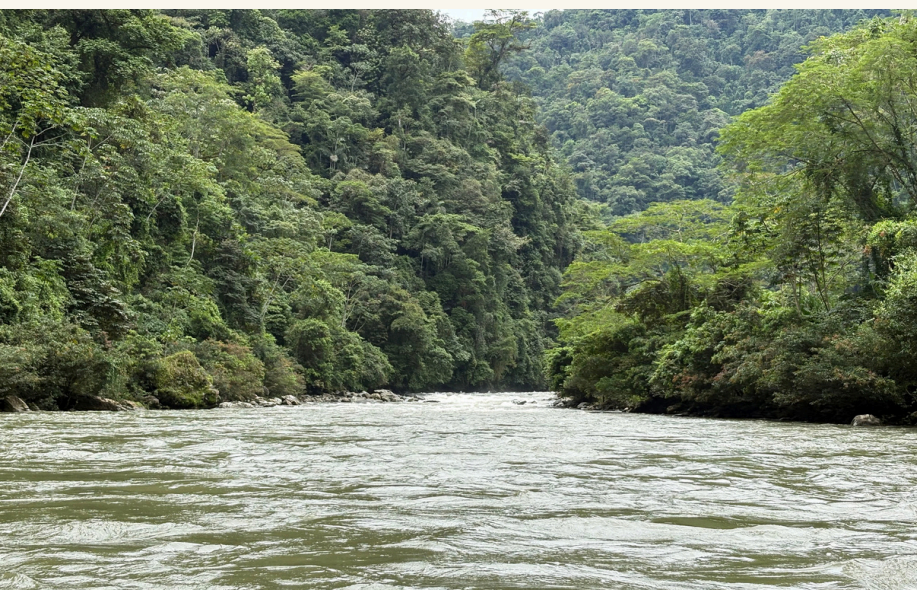


Changuinola Arriba,
Miranda Guerra Family



This situation acquires even greater relevance in the face of Changuinola II (CHAN II), another hydroelectric project with a concession on the Changuinola River. For the Ngäbe communities still living with the consequences of CHAN-75, without having achieved any kind of comprehensive reparations nor effective guarantees of non-repetition, the possibility of a new intervention on the same river reinforces the urgent need for Case 12.717 to advance towards an effective resolution. Justice and reparations for the effects of CHAN-75 are also fundamental in order to guarantee that future decisions about their territories do not reproduce rights violations or the damage to the territory and livelihoods that the communities continue to denounce.

Almost twenty years later, the Ngäbe communities affected by CHAN-75 continue organizing, transmitting their ancestral memory, and defending their rights. Their struggle is not just to repair the past. It is also a struggle so that the new generations can keep their identity alive, make decisions about their territory, and build a future in which the history of CHAN-75 does not repeat itself.



Changuinola River

RECOMMENDATIONS



To the Panamanian State:

- Comply fully with the recommendations of the Inter-American Commission of Human Rights in Case 12.717, recognizing all Ngäbe people, families, and communities impacted by the CHAN-75 hydroelectric dam as affected parties, and cease the practice of limiting compliance measures to the families who were resettled, which constitutes a breach of said obligations..
- Effectively delimit, demarcate, and title the ancestral territory of the affected Ngäbe communities, with their full participation and guaranteeing the lands' legal certainty.
- Establish effective participation mechanisms and access to accurate information for making decisions and taking actions for all of the Indigenous people, families, and communities affected by CHAN-75, in accordance with the highest standards regarding Indigenous Peoples' right to prior consultation and to Free, Prior and Informed Consent.
- Adopt legislative, administrative, and any other measures necessary to adapt the law on the creation and management of natural protected areas in accordance with international standards on the rights of Indigenous Peoples.
- Adopt the necessary measures to guarantee to all people, families, and communities affected by CHAN-75 their rights to a dignified life; to a healthy environment; to adequate food; and to water and housing, with respect for and guaranteeing their Ngäbe cosmovision and ways of life.
- Take all of the necessary prevention and mitigation measures to safeguard the Changuinola River valley's environment, biodiversity, and water that were affected by the construction of CHAN-75.
- Effectively apply Law No. 37 (2016) on Free, Prior and Informed Consent and guarantee prior consultation, in accordance with the highest international standards, regarding any measure that may affect Indigenous Peoples.
- Abstain from authorizing or proceeding with the Changuinola II project in the absence of the Free, Prior and Informed Consent of the affected Indigenous communities and in the absence of comprehensive reparations for the damage caused by CHAN-75.
- Adopt guarantees of non-repetition that prevent new impacts for the Indigenous Peoples of Panama, including:
 - Ratifying International Labor Organization Convention 169 as an additional guarantee of non-repetition, notwithstanding that the obligations of consultation and consent are already required by the American Convention on Human Rights and Inter-American case law.
 - Guaranteeing the full and effective participation of Indigenous Peoples and Indigenous defenders in the implementation of the roadmap of the Escazú Agreement, including its effective representation in the National Consultative Sub-Commission.

RECOMMENDATIONS



To the Inter-American Commission on Human Rights:

- Send the case of the Ngäbe communities affected by the construction of the CHAN-75 dam to the contentious jurisdiction of the Inter-American Court of Human Rights, given the Panamanian State's repeated and ongoing non-compliance with the recommendations..
- Utilize the mechanisms available to provide constant monitoring and make effective the recommendations presented to the Panamanian State in Case 12.717 due to the violations of the human rights of all Ngäbe communities and community members affected by CHAN-75.
- Conduct a detailed evaluation of the level of compliance with the recommendations presented to the Panamanian State, considering the time that has passed, the current status of the Ngäbe communities, the new events which have occurred after the presentation of the Merits Report, and the type and quality of the measures taken by the Panamanian State.
- Evaluate the possibility of an in loco visit to the Changuinola River valley with the aim of directly observing the impacts of the construction of the CHAN-75 dam on the territory; meeting with the Indigenous communities and hearing from all affected people and families; seeing and conceptualizing the territorial, environmental, cultural, economic and social impacts; dialoguing with the pertinent state authorities; and thus gathering information firsthand.

TO THE UNITED NATIONS SYSTEM

To the Special Rapporteur on the Rights of Indigenous Peoples:

- Monitor the situation of the Ngäbe communities affected by CHAN-75, requesting information from the Panamanian State on compliance with the IACHR's recommendations and on the concession for the Changuinola II project, and consider a monitoring visit to the communities.

To the Expert Mechanism on the Rights of Indigenous Peoples and the Permanent Forum on Indigenous Issues:

- Bring visibility to the CHAN-75 case within the context of the 20th anniversary of the UN Declaration on the Rights of Indigenous Peoples as an example of the gap between the recognition of rights and their implementation.

RECOMMENDATIONS



TO THE INTERNATIONAL COMMUNITY

To Member States of the Organization of American States:

- Support compliance with the recommendations of the IACHR in Case 12.717 and the strengthening of the Inter-American System, including expanding victims' access to the Inter-American Court.

To International Cooperation and Donors:

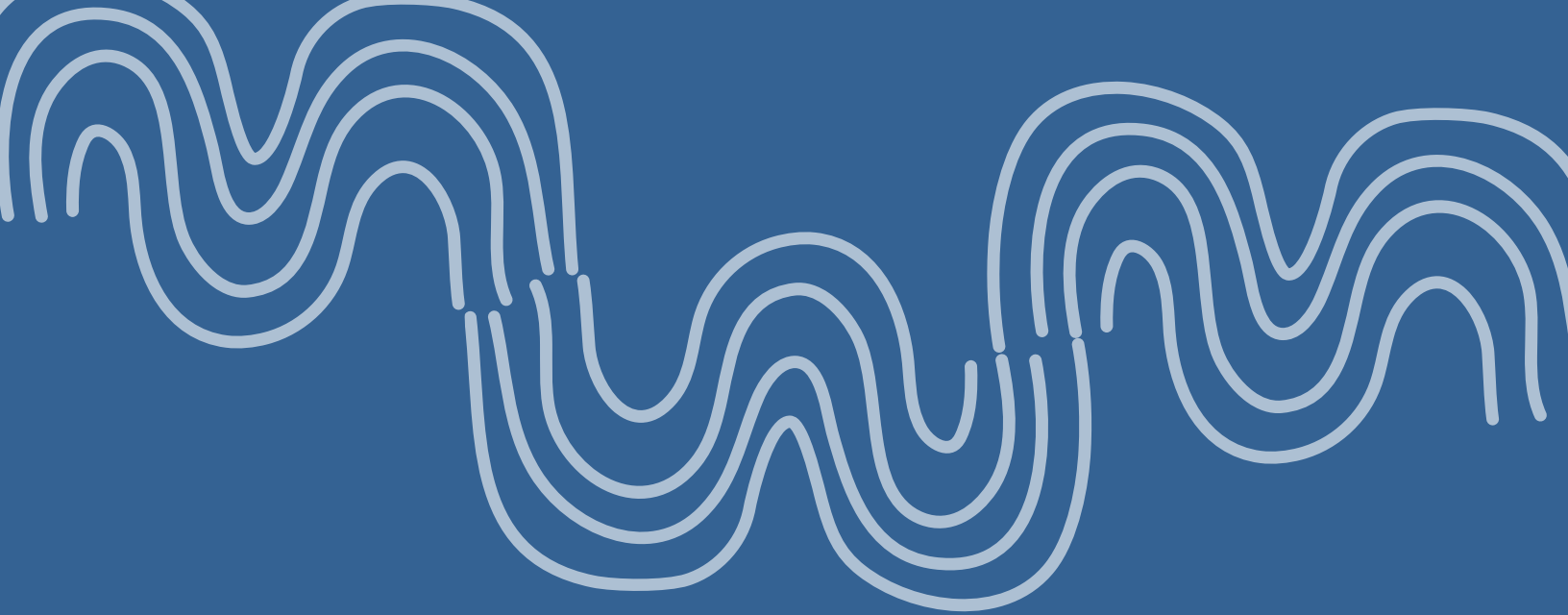
- Support the Ngäbe communities' own processes of documentation, ancestral memory, and cultural revitalization, as well as their participation in national and international spaces where decisions are made that affect their rights.



Ismael Quintero,
Ngäbe Indigenous
leader from the
Guayabal
community.

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Cover image:
Valle Rey Indigenous Community, Bocas del Toro



Cultural Survival advocates for Indigenous Peoples' rights and supports Indigenous communities' self-determination, cultures, and political resilience since 1972. We envision a future that respects and honors Indigenous Peoples' inherent rights and dynamic cultures, deeply and richly interwoven in lands, languages, spiritual traditions, and artistic expression, rooted in self-determination and self-governance. For more information, go to www.cs.org.