Locals in the Sarawak area (Malaysia) braving the Balui river, where the Bakun Dam will be developed.

environmental justice

community rights, corporate wrongs

October 2011
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Friends of the Earth International is the world’s largest grassroots environmental network, uniting 76 diverse national member groups and some 5,000 local activist groups on every continent. With approximately 2 million members and supporters around the world, we campaign on today’s most urgent social and environmental issues. We challenge the current model of economic and corporate globalization, and promote solutions that will help to create environmentally sustainable and socially just societies.

Our vision is of a peaceful and sustainable world based on societies living in harmony with nature. We envision a society of interdependent people living in dignity, wholeness and fulfilment in which equity and human and peoples’ rights are realized. This will be a society built upon peoples’ sovereignty and participation. It will be founded on social, economic, gender and environmental justice and free from all forms of domination and exploitation, such as neoliberalism, corporate globalization, neo-colonialism and militarism.

We believe that our children’s future will be better because of what we do.

Friends of the Earth has groups in Argentina, Australia, Austria, Bangladesh, Belgium, Belgium (Flanders), Bolivia, Brazil, Cameroon, Canada, Chile, Colombia, Costa Rica, Croatia, Curaçao (Antilles), Cyprus, Czech Republic, Denmark, El Salvador, England/Wales/Northern Ireland, Estonia, Finland, France, Georgia, Germany, Ghana, Grenada (West Indies), Guatemala, Haiti, Honduras, Hungary, Indonesia, Ireland, Italy, Japan, Korea, Latvia, Liberia, Lithuania, Luxembourg, Macedonia (former Yugoslav Republic of), Malaysia, Malawi, Mali, Malta, Mauritius, Mexico, Mozambique, Nepal, Netherlands, New Zealand, Nigeria, Norway, Palestine, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Scotland, Sierra Leone, Slovakia, South Africa, Spain, Sri Lanka, Swaziland, Sweden, Switzerland, Tanzania, Timor Leste, Togo, Tunisia, Uganda, Ukraine, United States, and Uruguay.

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Friends of the Earth International promotes the respect and enforcement of community rights as a means to resist corporate power and create social change. Our member groups around the world are working closely with local communities, demanding a just transition towards sustainable rural and urban societies, in contrast to the current profit-driven, neoliberal paradigm.

Mobilisation and resistance against this dominant ideology open up space for more progressive demands and practices to unfold. Community rights form part of our transformational agenda that is being developed along with other proposals and demands.

This report focuses on campaigns that have the defence and enforcement of community rights at the heart of their struggles. The Subanon Indigenous communities in Mindanao, in the Philippines, for example, with the support of church groups and other civil society organisations, have stopped a mining concession and accompanying militarisation within their ancestral lands. In Sarawak, Indigenous communities displaced by a mega-dam are having their case heard, thanks to sustained legal support. In Indonesia, exclusionary conservation measures and alarming rates of deforestation, largely driven by expanding plantations, are being countered by communal forest management practices and proposals.

Local and national mobilisations against mining concessions in Costa Rica have led to a nation-wide ban on open pit mining. Shell has been shut out of Ogoniland in the Niger Delta since 1993 when there were mass protests, and its past and present environmental and human rights abuses are being challenged through legal cases brought by affected communities.

In the US and Canada, despite a powerful and influential corporate lobby, local communities, Indigenous Peoples and activists are resisting a tar sands oil pipeline that would stretch from Alberta to Texas. This is directly associated with calls to redirect investment towards renewable energy and energy efficiency, and to enforce community rights.

In Cameroon, Bagyeli Indigenous communities have been thrown off their land and denied access to hunting, gathering and sacred sites, in order to make way for a national park from which they have been excluded. Now they are threatened further by expanding plantations. Yet despite these developments, they continue to assert their rights, and are working with Friends of the Earth Cameroon/CED to demarcate ancestral territories. This has earned them the right to hunt and gather in certain ‘protected’ areas and is also opening up more opportunities to directly negotiate with the government and other agencies to secure their customary rights.

In France, there is potential to re-localise timber production and utilise domestic small-scale, sustainable wood processing. This could reduce imports of timber from unsustainable logging by unaccountable transnational corporations, and allow greater space for communities to secure their land rights in tropical rainforest countries. Food production is being re-localised by the recovery of native seeds in Uruguay and the promotion of local food markets in Colombia, which bring together peasant farmers, Indigenous Peoples and consumers. Food sovereignty is also being promoted around the world as more territories and regions declare themselves GM free.

These real solutions are helping to transform our societies by promoting new ways of organisation that respect the rights of communities and promote local, innovative approaches towards the sustainable management of natural resources. Rights that are being defended at the local level are also being scaled up to gain strength at the national level.

**foei’s vision**

Our vision is of a peaceful and sustainable world based on societies living in harmony with nature. We envision a society of interdependent people living in dignity, wholeness and fulfillment in which equity and human and peoples’ rights are realised. This will be a society built upon peoples’ sovereignty and participation. It will be founded on social, economic, gender and environmental justice and free from all forms of domination and exploitation, such as neoliberalism, corporate globalisation, neo-colonialism and militarism.
community rights

A central demand within many of Friends of the Earth International member group campaigns is the respect for and enforcement of local community and Indigenous Peoples’ rights. These are ancestral and collective rights that can protect traditional customs and are based on the collective management of natural resources. This implies the maintenance of balanced relationships with ecosystems through the sustainable use and conservation of biodiversity.

Within different countries there is a rich diversity of organisational forms, cultures, legal frameworks and belief systems. This informs and shapes approaches towards seeking justice and compensation for the historical and current oppression to which communities have been subjected.

Community rights are collective, universal, indivisible, interdependent and sovereign. They act as a counterbalance in the bid to resist monopolistic intellectual property rights, which undermine traditional knowledge and ownership, and seek private control of seeds, food, agriculture, and medicine through patenting laws.

Considered as a defence mechanism, community rights can be defined as the legal framework on which to base the protection of cultural diversity in interaction with biological diversity through traditional knowledge. New national and international laws should enshrine and reinforce these collective rights. The contribution of women to the safeguarding of these rights also needs to be clearly defined and acknowledged in order to build more just and equal societies.

However, community rights extend beyond legal issues in many countries: they also underpin struggles for the defence of territories. They are human rights that can act as a tool to construct more sustainable societies where biological and cultural diversity can be respected in all spheres. In this sense, community rights constitute part of campaigns for social transformation that aim to overcome the dominant, existing ideology in order to make more progressive societies a reality.

Local communities around the world face multiple threats to their territorial and cultural integrity. Hence their struggles to enforce community rights are inevitably rooted in adaptable forms of resistance. One of the most insidious challenges to achieving success is the discourse that devalues resistance by claiming that no alternative is offered. This is simplistic and counter-productive.

By mobilising to protect rights, in varying local contexts, we can strengthen solidarity among communities and progressive organisations. Hard won victories at the local level can be replicated elsewhere and scaled up to enforce rights at national and even international levels.

For instance, we denounce and aim to roll back neoliberal ‘free’ trade promoted by governments on behalf of corporations that we consider harmful for sustainability, in order to allow local, sustainable production, consumption and exchange to take its place. Therefore, resistance is integral for societal transformation to take root in the shell of the old, and to guide us towards a more desirable world.

As this report shows, Friends of the Earth member groups participate in various struggles - defined by local factors and contingencies - to defend and implement community rights. Some of these organisations are utilising the legal system and others are not. But all are defending a society and way of life that are set apart from corporate-driven initiatives.
In Sarawak, the northwest part of the island of Borneo and home to various ethnic groups, the 2,400-megawatt Bakun dam project on the Balui river has displaced thousands of Indigenous people, and led to the clearance of large swaths of rainforests. It is also set to flood an area about the size of Singapore. Friends of the Earth Malaysia/Sahabat Alam Malaysia (SAM) is supporting affected communities by defending their native customary rights (NCR) through Malaysia’s legal processes.

In October 2002, the construction of the dam began, as part of a Malaysia-China joint venture. It was designed to tap into Sarawak’s potential hydropower, for energy-intensive industries including aluminium smelting. Sarawak is primarily an agriculture-based economy and the local communities, including those most adversely affected by the Bakun dam, practice sustainable farming, hunting and gathering. They only have small-scale energy needs.

In 1998, around 10,000 Indigenous people were evicted from their ancestral homeland to a resettlement site on the Asap River. However, five of the 15 longhouse communities representing some 100 families refused to move to the new resettlement site. In 2000, seven community leaders challenged the government’s decision to extinguish their native customary rights and sought compensation for the areas already destroyed. A representative action was filed against the State Government of Sarawak in 2000, through Friends of the Earth Malaysia’s lawyers.

Due to the size of the area in question, it took around three years to map territories in order to identify the boundaries and land use of traditional farmlands (a task that needed to be completed in preparation for the court case). Community testimonies and evidence of settlement, including the locations of ancient burial sites, were systematically gathered.

Indigenous People looking for evidence to support their struggle against the Bakun Dam (Sarawak, Malaysia)
Due to legal barriers, the case was first heard in the High Court in Kuching in 2008, where it was argued that the violation of the plaintiffs’ rights in the 1990s was unconstitutional as it deprived them of their right to life, livelihood and property. The plaintiffs lost, but purely on technical grounds. They appealed to the Court of Appeal, but lost once again on 13 April 2010. Having lost at both tiers, the plaintiffs filed an application for ‘leave to appeal’ to the Federal Court in order to have the case reopened.

Although the communities have been confronted with displacement, environmental destruction and legal barriers, they refuse to give up hope and are continuing to struggle for their rights, including through their refusal to be resettled.

Friends of the Earth Malaysia is working together with these communities to expose and denounce this project, and to support the recognition and enforcement of their rights. By standing alongside communities resisting destructive practices that will harm the environment and annihilate their rights to life and livelihoods, Friends of the Earth Malaysia is helping to protect the ancient cultural identity and traditions of Indigenous Peoples from the Balui region.

1. The various ethnic groups affected by the Bakun dam include Kayan, Penan, Lahanan, Ukit, Kenyah and Kajang.
2. The flooding began in October 2010 and the full flooding of the reservoir will take about 13 months to complete, depending on the rainfall. See http://www.internationalrivers.org/southeast-asia/bakun-dam-malaysia
3. Native customary rights (NCR) do not owe their existence to current legal statutes in Malaysia. In 2007, the Federal Court, which is the highest court, stated that common law respects the pre-existence of NCR. However, there are legal conflicts regarding the government’s implementation of policies that extinguish these rights.
4. These communities are all staying above the perimeter of the inundation area but still within their native customary land. Three of the longhouses had to move beyond the inundation area as the waters had risen to the impoundment. As for the two other longhouses, they live on higher ground, so have not been affected by the impoundment yet.
5. The names of the seven community leaders are Bato Bagi, Ngajang Midin, Jating Ibau, Adem Anyie, Siring Angah and Bit Buneng.
6. The State Government filed an application to have it determined that this case was suitable to be heard by way of issues of law, meaning that the court need not hear the evidence of witnesses on the factual issues at all. Friends of the Earth Malaysia opposed this as there were several issues of fact that the court had to determine, including the nature and extent of NCR and also the details of the inadequacy of compensation and the manner of determination of the compensation. The High Court merely heard our arguments on the question of whether the case ought to be determined by way of issues of law and did not give the opportunity for the Indigenous community representatives to argue the case on its merits. The Court of Appeal agreed with this decision but no grounds of judgement have been supplied.
7. At the time of writing, the case was postponed while submissions were being considered.
The PGB’s opposition to mining is anchored in the reality of the negative impacts it would have on their territories, resources, culture and identity. The mining issue is a divisive factor between community leaders and within communities themselves.

Dangen Subanen Gasal Gukom De Bayog (Traditional Council of Elders), also from Bayog, have filed a separate land titling application outlining their intention to file mining claims in their ancestral domain by organising a tribal corporation named Lupa Peggitawan Mining Inc. The application also covered the land areas currently mined and explored by companies granted permits by the government.

no longer ignored by government

Since PGB’s inception in 2005 through until 2007, there was little recognition or respect shown towards the PGB by the various local government agencies they came into contact with. They continued to advocate for Indigenous Peoples’ rights, along with other Indigenous Peoples, and church-based and other civil society organisations, but their leaders were rarely listened to by government officials, who seemingly ignored Indigenous Peoples’ rights.

This prompted the PGB to engage more in the political arena, with the aim of asserting their rights and with the ultimate goal of protecting their territories and resources from the onslaught of aggressive development including mining. However, this is not an easy route since there may be conflicts between the legal and customary rights frameworks.

This new and more forceful promotion of Indigenous Peoples’ rights and ancestral domain protection came to the fore in the 2007 and 2010 barangay elections. Frustrated by unceasing pressure from government agencies, who were intent on providing opportunities for outsiders to take advantage of the resources within the ancestral domain, PGB believed that one of the best options to engage with the issue of community rights was to be elected as heads of the barangays. This would enable greater control and influence over resource management, including the prospect of engaging with two legal processes relating to mining consent matters: the Local Government Code that requires mandatory consultation, and the FPIC requirement under the Indigenous Peoples’ Rights Act (IPRA).
Today PGB leaders who have been elected as barangay chairpersons enjoy the recognition they are entitled to because of their position, and are exercising their right to use dispute settlements, both in the traditional and the legal domains. This consists of exercising existing customary laws and also national laws whenever the traditional practices fail\textsuperscript{10}. Their political positions have also afforded these leaders the opportunity to strengthen the assertion of their rights against mining, by engaging with the formal processes on the issue of consent and other legalities.

Recently, the problem of the tribal mining corporation, which aggravated the conflict between the PGB and the other domain title claimant, had been partially mitigated by the positive response of the municipal government. Subanon chairpersons issued complaints against this tribal mining company’s illegal activities, including the deployment of armed guards within their ancestral territories, and a ‘cease and desist’ order was issued by the local government authority, Mines and Geosciences Bureau (MGB). It announced that the mining company lacked the necessary legal requirements for it to operate, and was thus acting illegally. There is an ongoing appeal to ensure that these legal demands are upheld and the armed guards hired by the mining company leave the territories.

The PGB believes that such a successful outcome—halting a mining concession and the official demand to end its accompanying militarisation—would have been impossible had some of their leaders not held their current leading political positions in their respective barangays. The assertion of community rights is now being taken into account and local communities’ voices are being heard.

During 2010 there were several major campaigns against metal mining in Costa Rica, including against the Crucitas mining project, which led to a court ruling banning open pit mining throughout the country. The concession for the open pit gold mine at Las Crucitas, a small town in the northern part of the country, near the border with Nicaragua, was also repealed due to strong opposition. This ruling annulled the government mining concession previously granted to Industrias Infinito, S.A., a Costa Rican subsidiary of the Canadian mining company, Infinito Gold.

This victory paved the way for a bill, which was passed by parliament in November 2010, banning open pit metal mining throughout the country. This major achievement was only possible because of sustained campaigning against mining, which was started 18 years ago by affected communities and then supported by many civil society organisations throughout the country. This allowed the campaign to receive technical and legal support from various sources whilst remaining faithful to a strategy based on mobilisation. Lobbying various relevant public bodies was a key element in this successful campaign.

The resistance took many forms, including marches between Crucitas and the presidential building, concerts and public events, a sustained fast and letters from all parts of the world petitioning the government. Public opinion was firmly on the side of the anti-mining campaigners with national polls indicating that over 90% of the population opposed mining. Within the existing legislative assembly there are MPs who also took part in this struggle and contributed to this victory.
Shell has earned itself international notoriety for its well-documented environmental destruction and complicity in human rights abuses in the Niger Delta. Shell has faced over three decades of resistance in the region as impoverished communities - affected by oil pollution and gas flares - have been violently repressed by police and military forces summoned by Shell (CJP/ERA, 2005; Amnesty, 2009; HRW, 1999).

This culminated in the formation of the Movement for the Survival of the Ogoni People (MOSOP) in the Niger Delta, led by Ken Saro-Wiwa and other community leaders from the Ogoni region. Mass peaceful protests, including a 300,000 people-strong march on 4 January 1993 against Shell, have demanded basic rights and access to clean air, clean water and a clean environment. In November 1995, Ken Saro-Wiwa and eight others were executed by the military dictatorship, and legal actions have ensued, charging Shell with complicity in these killings.

In June 2009, a landmark case against Shell was resolved out of court, ahead of a pending trial in New York. It was resolved in favour of the plaintiffs, as Shell paid US$15.5 million in compensation to the victims of human rights abuses in Ogoniland (FoE Nigeria/ERA, 2009). The Ogoni plaintiffs alleged that Shell financed, armed, and colluded with the Nigerian military forces during the Sani Abacha reign, which used deadly force and conducted massive, brutal raids against the Ogoni people in the Niger Delta. Despite its decision to settle rather than be taken to court, the corporation issued a statement that claimed, “Shell had no part in the violence that took place.” (Shell, 2009)

Lawyers from FoE Nigeria/ERA were part of the defence team for the late Ken Saro-Wiwa and are supporting ongoing cases against pollution. On 3 December 2009, a unique legal action issued by four Nigerian victims of Shell oil leaks in three communities, in conjunction with FoE Netherlands/Milieudefensie, began at the court in The Hague. This is the first time in history that a Dutch company has been brought to trial in a Dutch court for damages occurring abroad.

Shell requested a ruling that the Dutch court has no jurisdiction over Shell Nigeria. However, on 30 December 2009 the court held that the Dutch court does indeed have jurisdiction over the operations of Shell Nigeria. In December 2010 the court also rejected Shell’s claim that one of the cases could not be heard in a Dutch court before a related court case in Nigeria had been concluded. In 2011 the court had to decide about the ‘exhibition’ of documents that Shell does not want to disclose.

The dutch court however decided that Shell does not have to disclose the internal documents requested by the plaintiffs. This kind of ‘exhibition’ is only possible under Dutch law if it is proven that essential evidence is being withheld.

Shell has, however, lost on crucial points, and important hurdles have been overcome. In the second half of 2011 the ‘real’ lawsuit can begin. The court hearing is expected in the first half of 2012.

Shell continues to be pursued by further legal cases. In January 2011, Friends of the Earth International, Friends of the Earth Netherlands/Milieudefensie and Amnesty International filed a complaint against the oil company before the Organisation for Economic Co-operation and Development (OECD), over the company’s claims that oil spills in the Niger Delta are almost entirely due to acts by local communities. The plaintiffs are challenging the validity of the figures that Shell has given regarding the causes of oil leaks in Nigeria, which Shell claims are primarily due to sabotage (FoE Nigeria/ERA).

In 2011 a scientific study conducted by UNEP, on request of the Nigerian Government and paid by Shell, underpinned the devastation of Ogoniland. Oil pollution as deep as 5 meters, poisoned ground water and polluted waterbodies have been the result of oil production. UNEP also identified flaws in the way Shell operated its facilities, lacking safeguards for pipeline infrastructure and a remediation approach that resulted in an only superficial clean-up. Shell nor the government identified that even clean-up operations were ineffective.

Shell remains shut out of Ogoniland, and until it cleans up its pollution and ends gas flaring throughout the Niger Delta, it will be forced into courtrooms until justice is served.

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11 When oil is pumped out of the ground, the gas produced is separated and, in Nigeria, most of it is burnt as waste in massive flares. The burning of this ‘associated gas’ is extremely wasteful and environmentally damaging. Along with coal burning in South Africa, the flaring is the largest source of greenhouse gas emissions. For around five decades, gas flaring has continued despite being prohibited by Nigerian law since 1984 and a loss of yearly government revenues estimated at US$2.5 billion (see FOE/ERA 2008, CJP/ERA, 2005).

12 This date, 4 January, is now also known as Ogoni Day.

13 Shell left the area in 1993 but has yet to clear up the damage caused by its operations.
community rights, corporate wrongs

standing with communities resisting tar sands in the US and Canada

Tar sands oil is mined from the black oily material, bitumen, found beneath the vast boreal forest in Alberta, Canada. To extract tar sands crude, oil companies clear-cut old growth forests, strip mine the soil beneath it, and use huge quantities of fresh water and natural gas to separate the oil from the bitumen. The process results in giant toxic lakes that are linked to abnormally high rates of cancer in communities downstream (IEN, 2011).

Only 20% of tar sands can be extracted using mining technologies, the other 80% has to be recovered using in situ technology pumping steam under the earth to make the bitumen flow through wells. By 2010, tar sands generated eight billion tons of waste sand and one billion cubic meters of wastewater (IEN, 2010). Some of these toxic tailing ponds are located next to the Athabasca River, a major tributary in northern Alberta. These tailings pond leach eleven million litres of toxic waste per day into the watershed (ED Canada, 2010).

The Canadian oil and gas company TransCanada is seeking a presidential permit from the Obama administration to begin building a new oil pipeline that would stretch over 2,000 miles from Alberta to Texas. The tar sands in Alberta constitute the second-largest source of oil in the world (Government of Alberta, 2011). An area the size of Florida has been earmarked for extraction to help feed this pipeline and other planned production (FoE US, 2011c). If constructed, the pipeline, known as the Keystone XL, would jeopardise ecosystems and water sources, including the largest aquifer in the United States known as the Ogalla Aquifer. It would harm public health and displace communities in its wake.
challenging pro-fossil fuels corporate power

Environmentalists and communities campaigning against dirty energy policies and projects are struggling to make their voices heard as the Obama administration continues to renege on promises to ‘green’ the economy15 amidst the popular resurgence of anti-environmental, right-wing politics, which has swept the country over the last two years.

To illustrate, half of the new Republican Party members serving in the House of Representatives (which Republicans took control of in the mid-term elections in November 2010 with major support from the fossil fuel interests16) are climate change denialists (ThinkProgress, 2010). 70% of Tea Party Republican voters, whose movement was funded by pro-fossil fuel billionaires17, now say there is no evidence for global warming18 (Pew, 2010).

Meanwhile, communities and campaigners are urging the Obama administration to stand up to vested corporate interests that are contaminating the government, and to phase out fossil fuel investment as a matter of urgency, which would include scrapping TransCanada’s plans to construct this transborder pipeline for one of the world’s dirtiest fossil fuels.

defending rights and the environment

Indigenous communities living downstream from extraction sites have experienced dramatic increases in the rates of rare cancers, renal failure, lupus and hyperthyroidism. For instance, in the lakeside village of Fort Chipewyan in Northern Alberta, 100 of the town’s 1,200 residents have died from cancer (FoE US, 2011c). The current exploitation of tar sands is violating Indigenous communities’ rights by damaging health, destroying livelihoods and undermining human rights (IEN, 2011).

The Keystone XL pipeline would carry 900,000 barrels of dirty tar sands oil into the US daily, resulting in climate-damaging emissions equal to adding more than six million new cars to US roads (FoE US, 2011c).

Compared to conventional oil, refining tar sands oil results in increased emissions of toxic gases such as sulphur dioxide and nitrous oxide, making an increasing US reliance on tar sands oil a threat to the health of Americans in communities in Michigan and Texas, where the refining would take place. Environmental justice is at stake, as it is often low-income communities and communities of colour that face the worst impacts of refinery pollution19.

In August 2010, Friends of the Earth and allies blocked TransCanada’s attempts to seek a safety waiver to build the pipeline with substandard, thinner steel and to pump oil at unsafe pressures. However, the threat of spills remains. In July 2010 a million gallons of tar sands oil poured from a pipeline into the Kalamazoo River in Michigan causing long-term damage to the local economy and ecosystem (FoE US, 2011). The Keystone XL pipeline would traverse six US states and cross major rivers, including the Missouri, Yellowstone, and Red rivers, as well as key sources of drinking and agricultural water, including the Ogallala Aquifer, which supplies drinking water for two million Americans.

Fierce domestic resistance to tar sands and this planned pipeline is gaining momentum in both countries. The Indigenous Environment
Network (IEN) is empowering Canada’s Indigenous First Nations and US-based Native American Nations, which are facing fatal diseases and the pollution of their traditional lands and rivers. Acting in solidarity with these communities affected by tar sands, activists have carried out successful campaigning across the US, forcing the Obama administration to slow down its plans and consider environmental and public health impacts (see FoE US, 2011b). In August and September 2011 acts of civil disobedience against the pipeline took place outside the White House, which led to 1,253 arrests and turned a regional campaign into a national and even global issue (Tar Sands Action, 2011). By slowing down the process, activists have put TransCanada on the defensive and freed up more time to work with communities on the ground, toward the ultimate goal of ensuring the project is halted altogether.

alternatives

This resistance to dirty energy investment serves as a call to action to phase out fossil fuels and implement a rapid, just transition to sustainable, low-carbon economies. Energy and climate policy should focus on switching investment towards the creation of new jobs in appropriate renewable energy sectors such as solar and wind power, investment in energy-efficient buildings, and the preservation of biodiversity. Further, the rights of the affected communities in these areas should be respected and enforced (IEN, 2009; FoE US, 2011d).

more glimpses of hope

Despite dark, corporate-dominated times, the anti-tar sands campaigns provide glimpses of optimism, along with other democratic uprisings that are taking place in the US. Hard-won rights and the protection of the environment are being fought for, from the on-going workers’ protests for bargaining rights, health benefits and pension entitlements in Wisconsin, through to the recent victory to stop one of the largest mountaintop removal coal mining operations ever proposed in Appalachia (EarthJustice, 2011; MacAskill, 2011).

Source: http://www.foe.org/keystone-xl-pipeline

references

Platform (2010) link needs to be changed to http://platformlondon.org/files/cashingmontarsandsweb.pdf
Community rights are tools that strengthen community-based forest governance (CFG). Community-based forest governance refers to the regulations and practices used by many communities for the conservation and sustainable use of the forests with which they coexist.

This type of governance is communal and is traditionally identified with the protection of the forests in contrast to their industrial and commercial use. It is identified with traditional knowledge as an alternative to classic ‘forest science’. The latter approach is based on simplified models, which assume that destruction is ‘reversible’. Such models have also facilitated multiple cases of forest devastation as well as severe social injustice.

CFG is a concept that opens new horizons and spaces for communities to exercise political control over their territories and resources through horizontal decision-making and transparent mechanisms (FoEI, 2008).

key actors

The principle actors within this framework have typically been villagers who have traditionally lived in forests and maintained their traditional knowledge and practices. However, since many of these communities have suffered cultural and organisational deterioration, and because many other rural and urban communities have been increasing their efforts toward sustainable forestry, it is necessary to expand the range of possible actors.

The presence of a forest at the outset may not be a necessity: it is possible that a forest or other type of original ecosystem could be restored as a result of CFG. Community-based forest governance can include Indigenous Peoples living in a territorially-defined community or those who have lost their communal territory and a considerable share of their traditional knowledge. It can also encompass rural or urban communities that own communal forest areas, or restore, conserve and make use of forest areas.

key characteristics

Communities that have successfully organised and sustainably governed their forests share a series of characteristics. The presence or absence of one or several of these characteristics can be decisive to the success or failure of community-based forest governance.

These characteristics include clarity on community forest area boundaries, to ensure greater confidence about ‘communities’ land tenancy, and local knowledge of the sustainable planning and use of forests and biodiversity resources. High levels of participatory community engagement, for both younger and older generations, are also supportive of the regulation of and respect for natural resource use.

A system of vigilance and flexible monitoring also helps to ensure compliance with demands imposed by forest-use regulations, and to improve governance and accountability. Conflicts over community resources are common, so capacity for conflict resolution, including mechanisms to encourage dialogue, monitoring and accountability, all help to enable the community to resolve internal conflicts in a creative and transparent manner.

Legal recognition by the state and national legislation are also important, to guarantee that governance is decentralised towards communities, which in turn promotes sustainable resource use.

Basic tools for administration, decision making, governance and innovation are also needed to deal with CFG (FoEI, 2008).
deforestation, conservation and land rights in Indonesia

Indonesia’s deforestation rate is higher than that of any other country, imperilling the livelihoods of tens of millions of Indonesians who depend on forests (CFR, 2009; World Bank, 2007). The resulting emissions mean that it also ranks as the third largest emitter of greenhouse gases in the world. Concessions for monoculture tree plantations and extractive projects are driving deforestation and the displacement of forest-dependent communities.

Furthermore, the Indonesian government defines conservation very narrowly: it considers it simply as the management of biological resources, without considering the need to enforce the rights of communities that have traditionally lived in harmony with the environment in their ancestral territories. Friends of the Earth Indonesia/WALHI promotes community-based forest conservation, in contrast to the exclusionary models of conservation employed in Indonesia’s national parks, and the development of monoculture tree plantations and mining which have displaced communities previously dwelling in forest areas.

Throughout Kalimantan, on the island of Borneo, Indigenous Dayak communities have had their ancestral rights ignored by the government and are faced with increasing encroachment by oil palm plantation companies, which is forcing them off their lands. The intentional use of forest fires to make way for industrial oil palm plantations has also adversely affected millions of Indonesians and destroyed valuable habitat for rare and endangered species.

The Dayak communities in central Kalimantan constantly face such threats to their customary and territorial rights. The total area of Central Kalimantan is 15.1 million hectares; around 83% of this is earmarked for conversion or destruction through either oil palm, monoculture pulp plantations or mining permits issued by state authorities (WALHI, 2011).

FoE Indonesia and other organisations are also campaigning against forestry pilot projects in the region, which are being promoted under the framework of Reducing Emissions from Deforestation and Degradation (REDD), which is further undermining community rights of Dayak communities in the region (WALHI, 2011; FoE 2010).

rights, moratoria and communal forest management

FoE Indonesia is calling on foreign governments and donors that wish to reduce emissions from deforestation and forest degradation in Indonesia to work with the government to impose an effective moratorium on the conversion of natural forests whilst providing incentives to protect forests and enforce land rights.

Despite the huge challenges Indonesia faces in terms of sustainable forest management, local Indigenous communities are still implementing communal forest management systems in Kalimantan, Java, Papua, Sulawesi, and Maluku. The principles underpinning local forest management systems ensure that the main actors are local communities who possess demarcated territory within an ecosystem that supports local livelihoods. Indigenous traditional knowledge helps to guarantee a sustainable use of biodiversity and an economic system based on common well-being.

20 Globally, Indonesia accounts for approximately 27% of greenhouse gas emissions from land use change and forestry, and up to 84% of Indonesia’s national greenhouse gas emissions arise from land use change and deforestation (WRI, 2010).
Friends of the Earth Cameroon/CED\textsuperscript{21} has been working with communities to carry out participatory mapping since the late 1990s in the southern forest regions in Cameroon. This process of participatory mapping consists of the deployment of hi-tech Global Positioning Systems (GPS) devices to pinpoint the location of sacred sites, hunting and gathering territories, and other areas where traditional activities have been carried out by Bagyeli communities\textsuperscript{22}.

The Bagyeli are nomadic hunter-gatherers that form part of a group of African forest-dwelling Indigenous Peoples commonly called ‘Pygmies’ (Owono, 2001). Due to their nomadic character, it is difficult to put exact figures on the number of Bagyeli people living in the area but estimates put it at about 700 people (CED, 2011).

### Campo Ma’an National Park

Bagyeli communities have traditionally lived in and around what is now the Campo Ma’an National Park\textsuperscript{23}, a protected area created as a means of compensating for the environmental impacts of the infamous Chad-Cameroon Oil Pipeline project in 1999\textsuperscript{24}. This signalled a new era for the local Bagyeli communities living in the forest who had begun to be evicted from the park, were prohibited from accessing natural resources, and had been forced to squat on lands in the outskirts of the park (Owono, 2001). There had been a total absence of consultation processes involving the Indigenous Bagyeli hunter-gatherers, whose sustainable, traditional land use practices had not caused harm to the surrounding environment (Owono, 2001).

But in 2002 Friends of the Earth Cameroon and its local partners including the Bagyeli Association, ADEBAGO, began to assist the Bagyeli communities with participatory mapping of their use of natural resources and their cultural use of territories, within the area earmarked for conversion into plantations.

The resulting information supported negotiations between the Bagyeli and the government, the World Bank (which was involved in securing funding for the Chad Cameroon-Pipeline project) and WWF. WWF is the conservation organisation that has been responsible for drawing up the management plan and also supervising the management of the park since 2003.

Despite the fact that national law generally prohibits hunting, gathering and sacred activities within national parks, the negotiation process that took place during the early 2000s led to provisions in the park’s management plan allowing Indigenous Bagyeli to continue their traditional practices of hunting, gathering and sacred ceremonies inside the boundaries of the national park.

While this does not redress the previous violations of their rights (the Bagyeli continue to demand the right to return to their lands), this recognition of their rights to gather natural resources is a positive development that can be built upon.
new threats from the expansion of industrial plantations

In addition to the hardships caused by the establishment of the National Park, the expansion of industrial monoculture tree plantations, in particular palm oil and rubber, are threatening the rights of Bagyeli communities.

The Akom Il-Niette area in southwestern Cameroon suffers from high land-use demand. Adjacent to the Campo Ma’an National Park, protected because of its wealth of biodiversity, are two agro-industrial plantations. These are rubber plantations previously owned by the Government of Cameroon, HEVECAM25 (which is now owned by the Singapore-based GMG group), and palm oil plantations owned by La Société Camerounaise de palmeraies (SOCAPALM)26. There are also two logging concessions and a timber-processing plant in the area. Recently a protected area, the Okoumé plantation reserve (intended to protect the okoumé tree species) was converted into a forest management unit earmarked for logging.

All these land-use demands make it difficult for the Indigenous and local communities to have full access to their traditional lands. The emergence of biofuels, destined primarily for European and Asian markets, has resulted in high demand for palm oil, and thus SOCAPALM has begun negotiations with government and local communities to increase and extend its plantations even further. HEVECAM is investing in the expansion of rubber plantations.

demarcating land and securing community rights

Participatory mapping projects27 seek to inform local communities and create national public awareness about the rights of the Bagyeli with respect to forested lands. It is important to explain that the conversion of ancestral lands into plantations will not only jeopardise the ancient and rich culture of the Bagyeli people: it will threaten their entire livelihoods and survival as well.

The community maps generated by the project and other documented information are being used to lobby and advocate for the recognition of the land rights of Bagyeli people at the local and national level. This increases the effectiveness of their claims to forests and access to forest resources and will improve their economic, environmental and social well-being. Ultimately, this is intended to be a tool that can be strategically deployed to stop the conversion of forests into plantations.

In January 2011, Bagyeli communities met with local government representatives and the media (plantation companies who were invited did not attend). They presented their maps in order to show how forests are vital for their livelihood and that their destruction will lead to the erosion of their culture and subsistence. This mapping appears to be influencing the national government. The Ministry of Social Affairs, which is in charge of Indigenous Peoples’ issues, has requested mapping reports, and the Ministry of Forests is showing interest in this field-based analysis. FoE Cameroon hopes that this will have a major positive impact on stopping the expansion of plantations through governmental regulatory measures.

FoE Cameroon is now attempting to replicate this elsewhere in Cameroon, scaling up successful policy changes at the local level to push for national policy reforms, including to the forestry law, which is currently being revised (CED, 2011).

25 Local testimonies have highlighted the deforestation wrought by HEVECAM (Société des Hévées du Cameroun) as well as its slave-like working conditions (see WRM, 2008).
26 In 2000 SOCAPALM (Société camerounaise de palmeraies) was privatised: the PALMCAM Company (Palmeraies du Cameroun, a Cameroonian holding) became the majority shareholder with close to 70% of the shares, while the Cameroonian State retained control of 27%. The remaining 3% were attributed to SOCAPALM employees (see CED et al., 2010).
27 Since 2003, Friends of the Earth Cameroon/CED, the Forest People’s Project and the Rainforest Foundation have been supporting the Bagyeli in documenting their use of the forest and its resources using hi-tech Global Positioning Systems (GPS) devices to pinpoint the location of sacred sites, and hunting and gathering territories.
breaking dependence on imported timber in France?

France is highly dependent on timber imports while its forests are generally under-exploited in terms of timber use. Reducing over-consumption in the North is essential to reduce the pressure on tropical rainforest countries that sustain local communities (Amis de la Terre, 2010). But would it also be possible for France to forego the importation of timber by harvesting timber locally? (FoE France, 2009).

With the decline of national agriculture production over several decades, forests have generally expanded in size in France. Timber harvesting remains well below its potential in terms of organic production, which suggests that more wood could be gathered without damaging the environment. However, harvesting that does take place tends to be concentrated in more easily exploitable areas, which could lead to overexploitation and environmental degradation in these specific places. Heavily logged forests lack naturally fallen trees and deadwood, which are essential to maintaining biodiversity. Therefore, the priority would be to restore the ecology of forests and plan the distribution of sustainable harvesting over a wide geographical area.

making small timber firms an asset rather than a handicap

In France, small-sized companies in the domestic timber industry are characterised by a lack of financial support and low capacity for investment and growth. However, there are solutions to this, such as sharing facilities, as is the case with the creation of a collective sawmill in the Regional Natural Park of Chartreuse.

The government could also play a role in funding research into the use of local timber for construction and promoting related technology. Currently, such technologies are not being applied to the processing of local hardwood varieties, due to a lack of government investment. Furthermore, the local processing of wood would indirectly feed the wood energy sector without putting additional pressure on forests: a saw mill produces an average of 40% wood waste that could be used as wood-based fuel.

The concentration of timber production in the hands of a few large timber firms, as proposed by the current government, is a dangerous solution. This would increase the concentration of harvesting around a few large mills, jeopardise biodiversity and lead to the disappearance of many small rural businesses. Conversely, creating tools to restructure the local timber industry, allocating timber harvesting appropriately and strengthening the law by, for instance, requiring landowners to leave dead wood in the forest, would break the addiction to imports in a much more intelligent and sustainable way.

Source: Friends of the Earth France/Amis de la Terre

Child in front of a logged Moabi tree, Congo

Illegally logged timber from Congo in Nantes, France
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CED (2011), Personal correspondence with Samuel Nnah, CED/Friends of the Earth Cameroon from 22 February to 4 March 2011.


In 1993, the global peasant farmers’ social movement La Via Campesina was founded, with the primary goal of realising food sovereignty and stopping the destructive neoliberal process. In 1996, at the World Food Summit, the concept of food sovereignty was launched internationally, to promote the rights of peoples to healthy and culturally appropriate food produced through sustainable, small-scale methods and defined through their own food and agricultural systems (Via Campesina, 2011).

Since then these principles have been developed further: Friends of the Earth International actively participated in the Nyeleni Forum on Food Sovereignty28 in Mali in 2007, along with peasant farmers, fisherfolk, pastoralists and other grassroots organisations.

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In Colombia, Friends of the Earth Colombia/CENSAT, and Agrovida, an organisation which supports sustainable practices for peasant farmers, have been promoting local markets. Peasants from Agrovida and other regional organisations from the Garcia Rovira Province participated in the first Peasant Ecological Market that was held at the Industrial University of Santander, in Malaga, northern Colombia in June 2002.

This market facilitated a first exchange of products among the associated families, especially peasants from the highlands, who brought products such as potatoes, onions, and blueberries. They exchanged these for products from the lowlands including cassava, papaya, oranges and bananas. This exchange promoted agricultural diversity and also strengthened alliances between peasant families from each one of these areas, meaning that the markets continue.

During this time, there were important debates that resulted in a decision to commercialise each peasant’s surplus production; and also to sell at prices equal to those of non-organic products. Peasants would sell their products directly and there would be processes to raise awareness among consumers including by establishing a product certification process, and developing commercial relationships based on trust. This new association of peasants decided to leave the market on Malaga Park and start Peasant Ecological Markets at the central market. Each family brought their products and sold them directly or gave them to the market’s administration, leaving a percentage to the association. This experience has been replicated elsewhere.

In March 2005, the National Meeting of Ecological Markets was organised and peasant organisations from Cauca, Cordoba, Bogota and Boyaca participated. In 2007, they decided to create a communal ‘solidarity economy’ store, and further consolidated their organisation. This communal store allowed them to sell basic provisions and excludes products such as beverages from transnational companies (such as Coca-Cola or Nestle), cigarettes and alcohol.

Priority was given to local food produced by peasants, and this production was based on solidarity rather than competition, helping to raise awareness among farmers of the benefits of healthy, agricultural products.

Extracted from Declaration of Nyéléni, http://www.nyeleni.org/
native seed banks in uruguay

Friends of the Earth Uruguay/REDES participates in alliances that have been built up to recover and defend native seeds, together with the Association of Organic Farmers of Uruguay (APODU), the Pereira Foundation, and the Southern Regional Center (CRS) of the Agronomy School at the University of the Republic.

This focuses on collective ways of working on a small-scale, including through collaboration in the actual location of production, within family-based production models and also with producers who live elsewhere but commute to production areas.

In the first year, 20-30 producers participated and began to collaborate in the production and exchange of local seeds, increasing the volumes of seeds for certain crops that are important for organic production. This became a collective for the conservation of native seeds in situ called the Native Seeds Network. This network promotes the Native Seeds Network, which promotes the exchange of seeds and associated traditional knowledge.

In 2010, after several years of development, nearly 120 producers participated. Thanks to this work, onion, garlic, potato, sweet potato, carrot, pumpkin, strawberry, oats, wheat, corn, tomato, pepper, beans and sunflower seeds have been produced. In addition, there have been assessments of different kinds of onion, garlic, strawberry, sweet potato, tomato, wheat and potato. Over 30 varieties, most of them produced in an ecological way, have been distributed to farmers so they can use them in their fields.

Source: Friends of the Earth Uruguay/REDES
Food sovereignty is constantly under threat especially since it is diametrically opposed to the interests of powerful agribusinesses. One of the major developments that undermines food sovereignty is the promotion of genetically modified organisms (GMOs).

After more than a decade of GMO commercialisation, biotech companies have weakened farmers’ control over seeds, expanded industrial monoculture plantations, put health at risk and increased reliance on harmful pesticides.

FoEI member groups have participated in many struggles against GMOs and have managed to persuade and encourage authorities and municipalities to declare themselves GMO-free areas. In Europe, public opposition to GMOs has risen to 61%; and the area of agricultural land dedicated to GM crops declined by 23% between 2008 and 2010. GM crop bans on Monsanto’s MON 810 maize are now in place in France, Germany, Austria, Greece, Hungary and Luxemburg, and there is a de facto ban on all GM crops in Bulgaria. The 2010 launch of a new GM potato, Amflora, resulted in bans of that product in Austria, Luxembourg and Hungary (FoEI, 2011).

In the US, the corporation Bayer, which is responsible for contaminating rice crops and causing major harm to non-GM rice farmers in 2006, is now losing court cases and being forced to pay compensation.

In India, a moratorium imposed on the commercial release of Bt brinjal (GM aubergine), has remained in place since February 2010. GM rice trials are also being opposed by peasant farmers, who have torn up field trials in protest against the move to commercialise this important food crop.

This trend also persists in Latin America. In July 2010, in response to civil society organisations who had highlighted the lack of impact assessments, the Federal Court of Paraná, in Brazil, suspended the commercial release of Bayer’s GM maize, Liberty Link, thereby preventing cultivation of this GM maize variety across Brazil.

Farmers and local communities have also expressed strong opposition to GM crops in various regions of Uruguay, including the Department of Montevideo, which has implemented precautionary measures with respect to GM crops. Furthermore, in the province of Santa Fe, Argentina, local residents who have been adversely affected by the aerial spraying of the pesticide glyphosate (Roundup) over GM soy crops, won a lawsuit banning the use of Roundup and other agrochemicals near homes (FoEI, 2011).
resistance and transformation through alliance building

Alliance building is an integral part of Friends of the Earth International’s campaign strategy as the work that we promote and carry out would not be possible without joint collaboration with other social sectors at national, regional and international level. FoEI has established a global strategic alliance with La Via Campesina.

In Central America, the local struggles are linked to a multitude of regional and hemispheric social processes. Some are linked to one or several actors, for instance La Via Campesina or the Latin American Coordination of Rural Organisations (CLOC). Others are linked to the Convergence of Movements of Peoples of the Americas (COMPA), Grito de los Excluidos (The Cry of the Excluded) or the Latin American Network against Dams (REDLAR).

There is also the Hemispheric Social Alliance (HSC), Jubilee South, the Meso-American Forum, the Hemispheric Conference against Militarisation, the World March of Women (WMW), mining networks, Indigenous peoples groups and the continental Indigenous network known as Abya Yala. MOVIAC (the Movement of Victims and People Affected by Climate Change which was established in 2008 by Friends of the Earth Central American members and the communities that they work with), the Pesticide Action Network Latin America (RAPAL), the Red Vida, the Network against Tree Monoculture Plantations (RECOMA), OilWatch, the Network against GMOs, the establishment of Permanent Peoples’ Tribunals, and many other networks and groups.

Despite the rich variety and even apparently separated nature of social movements, the movements are working together based on their local struggles and specific problems, albeit on diverse issues relating to water, mining, dams, agrofuels, monoculture plantations, highways, land, privatisation, biodiversity and community rights. This multi-pronged approach helps these social movements to become stronger as it focuses on specific goals but integrates these within a broader, global vision. In other words: working locally, thinking globally.

Source: FOE Coecoeiba/Costa Rica, FOE Mexico/Otras Mundos

references


Children at the ‘Brinjal Fair’ (aubergine fair) in Mysore, India