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- Brazil: Belo Monte, an illegal and immoral hydroelectric dam project that violates numerous rights
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OUR VIEWPOINT

- In confronting the climate crisis, what rights should hold precedence?

At the 18th meeting of the Conference of the Parties to the United Nations Framework Convention on Climate Change, held in Doha, Qatar, negotiations around REDD+ broke down primarily as a result of one issue in particular: how to verify the emission reductions achieved by avoiding deforestation through REDD+ projects.

While the countries of the North pushed for verification to be carried out through an external, international process, the countries of the South want to deal with verification domestically, in their own countries. Unless an agreement is reached on this point, it is unlikely that the countries of the North will make financial resources available for REDD+ projects. What can we say about this impasse?

To begin with, we should consider why the verification of carbon emission reductions is being discussed in the first place. Basically, it is because in discussions around REDD, forests are reduced to nothing more than carbon, i.e., the amount of carbon they store and/or release. This is the key point of interest to the countries of the North, as they desperately seek ways to reduce emissions of carbon and other greenhouse gases that lead to climate change, so that they can continue to postpone the drastic changes that are needed in their own models of production and consumption.

If the countries of the North had a broader vision of the importance of conserving forests and fighting deforestation, if they considered all of the essential functions of forests and their importance for the peoples who depend on them, there would be no need to discuss and implement carbon emission verification systems.

In the meantime, these systems are costly and not fully reliable, but they offer a great opportunity for a few big consulting firms or certification companies and other “specialists” to make large sums of money. It has been estimated that expenditure on the monitoring and verification of carbon emission reductions could account for more than half the cost of a REDD+ project. In other words: a huge waste of money, but a fantastic business opportunity.

An external verification system is meant to serve as a guarantee for REDD projects on the “carbon market”, that is, to make it possible for countries and corporations to buy REDD carbon credits and use them to offset their own emissions. Simply put, they would be purchasing the “right” to continue producing carbon emissions. The financial capital market, which is primarily interested in this new market because of its promise of lucrative new speculative activity, needs some form of guarantee, such as the verification of carbon emission reductions. Without such a

guarantee, it would be difficult to commodify the so-called “assets”, pieces of paper with a monetary value, that are generated by the “environmental service” of carbon storage.

What is also noteworthy is the exaggerated emphasis that the countries of the North place on the reduction of forest carbon emissions through REDD+ projects. It is currently estimated that deforestation accounts for around 15% of global carbon emissions. Even if this were a reasonable estimate, it is still a small amount compared to the remaining 85% of emissions, for which the countries of the North are overwhelmingly responsible from a historic perspective. This leads us to ask: If the countries of the South decided at some point to demand external verification of the drastic reductions needed in carbon emissions by countries of the North, would any country in the North actually accept it?

Even less discussed is the fact that, within the market-based REDD+ scheme, the idea of the “right” of countries and large corporations in the North to pollute is inherent. However, this is a “right” that is not established in any international agreement or declaration. It is something that has been imposed historically, since the colonial era, and facilitated by the current power wielded by the most industrialized countries of the North and their transnationals, as well as the rapidly rising power of other countries that apply the same logic.

In this issue of the WRM bulletin we want to talk about other rights, namely human rights. These rights are in fact enshrined in various international declarations and conventions, such as the right to a healthy environment, which includes the right to a balanced climate that allows communities to guarantee their livelihoods, well-being and way of life. Nnimmo Bassey, in his article on oil and human rights, warns that unless 80% of known fossil fuel reserves are left underground, the world will experience extreme global warming that would have catastrophic effects.

While the “right” to pollute of a small minority of the world’s population, headed up by multinational corporations, holds precedence, these corporations – as this edition demonstrates – constantly violate the human rights of the communities affected by their projects. They continue to destroy more and more tropical forests. But this was not discussed in Doha.

The human rights of all cannot be subordinated to the “right” to pollute of a small few as a means of ensuring profits for multinationals. It is unacceptable for this logic to be allowed to threaten the survival of humankind and the planet, particularly in the countries of the South. It is vital for the large majority of the world’s population to mobilize and organize, to an ever greater degree, in order to exercise, to an ever greater degree, their legitimate power, the power of the people.

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THE FOCUS OF THIS ISSUE: HUMAN RIGHTS

- Peasants: Holders of rights

Since its founding, WRM has worked in defence of human rights when denouncing deforestation brought about by oil drilling, mining, logging, the construction of dams and other megaprojects, and the expansion of monoculture tree plantations and agribusiness in general.

This is because, in every one of the cases denounced, the rights of communities who live in or depend on forests are systematically violated.

The very survival and identity of these communities are now threatened not only by the destruction of forests, but also by conservation schemes which aim for the forests to be empty, with no communities living in them. These reductionist, profit-driven conservation projects ignore history and are imposed on the local population, sometimes through manipulation, sometimes through force, trampling the full range of human rights: from first-generation civil and political rights, to second-generation economic, social and cultural rights, to third-generation or “solidarity” rights, which place emphasis on the unifying nature of their impact on the lives of everyone, and include the right to a healthy environment, clean air, clean water and uncontaminated food.

The current situation of concentration and expansion of capital, primarily in the framework of the financial market, has given rise to processes of commodification and financialization of nature, in which land grabbing has taken on an ever greater role. This advance of big business groups and financial speculation over the land has come at the cost of the displacement and dispossession of peasant communities, who have long been ignored and marginalized despite the fact that peasant farmers and rural workers make up 1.2 billion people around the world.

Many peasant communities are encompassed in our campaigns to defend forests and other equally important biomes, as well as our campaign against tree plantations, because they too suffer the consequences of deforestation and environmental destruction, losing the sustenance provided to them by forest products, or losing their way of life and future when monoculture tree plantations surround or invade their agricultural lands.

Up until now, the rights of peasants were not specifically recognized by the United Nations. However, after a long, hard-fought struggle by peasant movements, this past September 27 the UN Human Rights Council (HRC) adopted Resolution A/HRC/21/L23 on the promotion of the human rights of peasants and other people working in rural areas. Adopted by a vote of 23 in favour, 15 abstentions and nine votes against – including those of European Union member countries – the resolution calls for the preparation of a draft United Nations declaration on the rights of peasants and other people working in rural areas, on the basis of a draft submitted to the HRC by an advisory committee.

The initiative for the draft declaration emerged in 2008 during the International Conference on Peasants’ Rights, held in Jakarta. It was La Via Campesina that brought the initiative to the UN:

The draft declaration formulated by the HRC advisory committee establishes a number of new rights that address the specific concerns of peasant farmers, including the right to land and territory, the right to seeds and traditional agricultural knowledge and practice, the right to means of agricultural production, and the right to the protection of local agricultural values, among others.

The adoption of the HRC resolution represents a landmark victory in the struggle of peasant organizations. It serves as recognition of the essential role played by peasants in food production, as well as the importance of their contribution though proposals to deal with such challenges as growing conflicts over land and water, the climate crisis, and the critical rise in food prices.

It was peasant organizations, primarily through La Via Campesina, who raised the banner of food sovereignty, a strategy that means beginning to make changes to provide positive solutions for a number of the problems created by an agro-industrial model that has not taken human rights into account. Peasant organizations have brought to the table the need to give back agriculture to peasant farmers, taking away the power accumulated by agribusiness, because it is peasants, through small-scale, family farming, focused on what, how and for whom to plant, who can make a huge contribution to the well-being of millions of human beings and to the possibility of a liveable planet in the future.

In addition to feeding the world, peasant farmers can also help to cool the planet, providing a positive solution for climate change, as demonstrated by figures which show that shifting agriculture away from industrial large-scale agribusiness back to small-scale peasant farming could cut global greenhouse gas emissions by more than one half (see WRM Bulletin 149).

The United Nations resolution implies complete recognition of peasants and other rural workers as holders of human rights that must be defended. For their part, national governments have a responsibility to implement programmes and policies to promote food sovereignty, to improve rural living conditions, and to protect peasants, as well as being legally responsible for the protection of their human rights.

This is a momentous victory in the peasant movement struggle against marginalization, extreme poverty, forced evictions, and criminalization when they take action to defend their rights to their land and territory and fight back not only against the appropriation and destruction of ecosystems but also the violation of their human rights as peasants. In many parts of the world, peasant movements face threats, campaigns to discredit them, imprisonment, unfair trials, repression and death.

This is why La Via Campesina welcomes the UN resolution, but emphasizes: “The struggle continues.”

Based on the Portuguese-language article “Vitoria na defesa dos direitos humanos dos camponeses depois de luta dificil”, sent by Isabelle Dos Reis, La Via Campesina, Africa Region 1 (Southern, Eastern & Central Africa), Maputo, Mozambique, <http://viacampesinaafrica.blogspot.com/>, vcafrica@gmail.com

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MEGAPROJECTS, DEFORESTATION AND VIOLATION OF HUMAN RIGHTS: CASES AND DENOUNCES FROM THE SOUTH

AFRICA

- Oil and Human Rights



Fossil fuels have driven current modes of civilisation for over one and a half centuries. Coal, crude oil and gas enabled the world to shift from humans and animals as energy generators to machines that opened the highway to endless consumption. Crude oil appears cheap because the real costs are externalised. Today, with the days of easy oils ending we are seeing a push into extraction in deep waters and fragile ecosystems.

Some of the fragile ecosystems already being drilled include those in the Niger Delta, Amazon forest and the Rift Valley of East Africa where oil and gas are being exploited in pristine environments and nature reserves. Already, oil companies and partner politicians are seeking to drill in the Arctic region (where melting glaciers are seen as an opportunity and not an alarm), Yasuni ITT in Ecuador and offshore Lofoten in Norway. These and similar places should be clearly off limits to polluting activities.

The end of easy oil is equally driving the increased adventures into fracking (hydraulic fracturing) and deadly extraction of tar sands in Canada and elsewhere. While fracking is increasing domestic supply of oil and gas in the USA, tar sands increase fossil fuel exports from Canada; they are equally bringing up higher levels of environmental degradation with attendant health impacts that clearly impinge on human rights of citizens.

Agents of market fundamentalism such as the World Bank have issued warnings that except 80% of known fossil fuel reserves are left underground the world is set to experience extreme global warming that would have catastrophic effects. Unfortunately, the same World Bank is promoting dirty fossil fuels energy projects including coal-fired power plants.

Humanity urgently needs to get off the fossil fuels anesthesia to be able to see that the extractive logic is simply not the way to keep a development path that has gone bankrupt. Consumption and endless growth present the dilemma of systemic greed overtaking inherent human greed and desire for accumulation of resources. Endless growth does not recognise that nature has boundaries and requires huge spans of time to replenish depleted resources.

I have a dream. I have the dream that one day, offshore oil platforms and floating stations will become wind and solar farms. I have a dream.

The impunity of oil spills

Coming from a country where there is an equivalent of one Exxon Valdez volume of crude oil spewed into our environment yearly, it is inescapably clear that the petroleum sector is a very polluting sector. According to Senator Saraki, chair of Nigerian Senate's committee on environment, "Oil spillage is not an oil business it is an environmental problem. Oil spill is an irresponsible environmental behaviour. The fact that it is as a result of oil exploration does not detract from the impact on the environment. Nigeria has lost over 13 million barrels of oil to

preventable spills.” Senator Saraki added, “It has been acknowledged by several reports including the UNEP Report that fifty per cent (50%) of oil spills in Nigeria has been due to corrosion of oil infrastructure, twenty eight per cent (28%) to sabotage and twenty one per cent (21%) to oil production operations. One per cent (1%) of oil spills is due to engineering drills, inability to effectively control oil wells, failure of machines, and inadequate care in loading and unloading oil vessels. It is the responsibility of the spiller to rehabilitate oil spill sites. It is as simple as that. The number of identified sites is over 2,000. The majority of these sites are sites with identified spillers. This gives an indication of the problem we already have in our hands.” (1)

It is obvious that there cannot be this level of ecological impunity without human rights being consistently trampled on. One quote from a Shell general manager in Nigeria in 1995 underscores the fact that impunity is good for some business:

“For a commercial company trying to make investments, you need a stable environment... Dictatorships can give you that.” (2) This statement was made in early 1995 and by November Ken Saro-Wiwa and eight other Ogoni compatriots were hung by the dictatorship in power in Nigeria at that time.

Earlier in 1990, when the community of Umuechem protested against Shell’s oil operations, Shell sent an urgent request for government security protection, requesting the “Mobile Police” – units well-known for their brutality. The result was a two-day wave of violence that left 80 people dead and nearly 500 houses destroyed. (3)

Umuechem heralded a reign of terror that was visited upon the Ogoni people when, a few years later, they rose up in protest against oil operations that had resulted in minuscule local benefits but tremendous environmental costs. Again Shell relied on Nigerian security forces to secure its operations. Hundreds of Ogonis were arrested, tortured, and killed.

Efforts to obtain justice have taken impacted Nigerians to courts in Europe and USA. There is the case of four farmers and fishermen suing Shell in The Netherlands over pollution in Nigeria. Judgement is expected on 30 January 2013 in that case.

In 2002, a group of Nigerian plaintiffs brought suit under the ATS in a U.S. federal court against a Shell’s parent company, Royal Dutch Petroleum, for assisting in extrajudicial killings, torture, and crimes against humanity against the Ogoni people. These plaintiffs were living in the United States because they had received asylum from the U.S. government due to their persecution in Nigeria. On February 28, 2012, the case, *Kiobel v. Royal Dutch Petroleum (Shell)*, was argued before the U.S. Supreme Court. Since then, the Supreme Court has ordered a second round of arguments, which took place on 1 October 2012. This case is currently before the US Supreme Court with Shell launching a critical attack on human rights protections before the court by trying to gut a 200-year-old American law called the Alien Tort Statute (ATS). This law was originally used to bring cases against pirates but has developed into a way to bring suit against individuals and corporations that commit the worst types of human rights abuses like genocide, torture, and crimes against humanity.

The oil company’s arguments are interesting: They argue that U.S. law should not allow holding companies responsible for committing the most severe atrocities. They also claim that domestic U.S. courts have no business in holding multinational corporations responsible for human rights abuses, especially those that happen in other countries.

If the Supreme Court does what Shell's asking it to do — grant immunity for human rights abuses committed overseas — this would allow mega-corporations to operate by a different set of rules around the world and would turn the clock back more than 200 years.

Oil has not only driven global warming, it drives human rights abuses including destroying environments and human lives.

(1) Abubakar Bukola Saraki.2012. Lead Debate on a Bill for an Act to Amend the National Oil Spill Detection and Response Act 2006 to provide for Penalties and Compensation for Oil Spills and for Other Related Matters 2012. Abuja, Nigeria

(2) Eduardo Galeano. 2000. Upside Down – A Primer for the Looking-glass World. Translated by Mark Fried. New York, Picador USA

(3) Nnimmo Bassey. 2012. Why Human Rights protection Matter. Extracts from this Op-ed article provides the material on this case.

By NnimmoBassey, Environmental Rights Action (ERA) and Oilwatch Africa, email: nnimmo@eration.org

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- Liberia: Our future is now - communities gather to discuss oil palm expansion and to repair and prevent human rights violations



Under the slogan 'Our Future is Now', more than 150 people – men, women, youth and elderly - from communities inside oil palm concession areas in Liberia gathered between 27 and 29 November in Bopolu City – Gbarpolu County - to discuss the expansion of export-oriented oil palm plantations in Liberia and the impacts of this expansion on their livelihoods. Two big oil palm companies are active in Liberia: the Malaysia-based company Sime Darby with a 311,187 ha concession area, conceded through a 63-years contract with the Liberian government, signed in 2009. The company is allowed to plant 220.000 ha of oil palm. The other company active in Liberia is Golden Veroleum, controlled by the Singapore-based Golden Agri company, with a 65-years contract for a concession area totaling 350,000 ha.

The conference meeting was organized by the Liberian NGOs Sustainable Development Institute (SDI), Save my Future Foundation (SAMFU) and Social Entrepreneurs for Sustainable Development (SESDev), and facilitated by members of the Development Education Network in Liberia.

The event allowed an important 3-days exchange of information between communities from Cape Mount County, already affected by the Sime Darby oil palm plantations, and communities

from other three counties in the concession area who are still not affected.

Also the participation of international activists from countries with a large experience on the impacts of industrial oil palm plantations, like Indonesia and Nigeria, contributed so that communities could have access to all the relevant information on oil palm plantations and their impacts and listen to what happened in other places to people's lives and, most important, know about how people organize and struggle in other places to halt industrial tree plantations and, at the same time, guarantee their rights over their territories and livelihoods.

One general complaint that could be heard during the meeting was the fact that people have not been informed, neither asked if they wanted that oil palm plantations would cover huge areas of their territories. Instead they have got many promises from the company of which little or nothing has happened in practice. Several testimonies from the people in Cape Mount County, affected by Sime Darby, mentioned serious human rights violations such as losing of farm land crucial to secure food and food sovereignty to the families. Other complaints included water pollution and the resulting lack of access to safe drinking water. Also the lost of forest areas, on which people severely depend for their livelihoods, was mentioned. Forests also play a role in maintaining religious traditions, which are at risk when oil palm plantations destroy sacred sites in forest areas. Although jobs have been created, also many complaints could be heard about the type of job that has been given – unskilled and often temporary labour – and only to some of the communities; furthermore, people complained about the low salary and the lack of a labor contract that includes the respect of fundamental rights of workers. (More on the impacts of the Sime Darby oil palm plantations can be found in <http://www.wrm.org.uy/publications/Liberia.html>, a recent publication of SDI produced in collaboration with WRM).

It was concluded that the ongoing large-scale oil palm expansion in Liberia is benefiting especially the companies, and not the communities neither the Liberian state that through its government signs the concession contract with the companies. It was also mentioned that the contracts cover a much too long period of more than six decades, during which the oil palm companies can make use of the peoples' lands almost for free. The companies also have right to tax breaks. And after this period, the lands instead of being returned to the communities will be given to the Liberian state.

A new land law now under discussion in Liberia was seen as a crucial process that must be accelerated and could contribute to preventing human rights violations by oil palm expansion in future through guaranteeing effectively the rights of communities over their territories, farmlands and forests on which they depend. Another basic policy that needs to be put in place and emphasized by representatives of farmers organizations, is that governments should support peoples agriculture and strive to food sovereignty for their nations. It is more than evident from all the experiences in Southern countries that small-scale agriculture can guarantee much more effectively peoples livelihoods than large-scale oil palm development. Nowadays, ministers of agriculture from Southern countries that deal both with oil palm concession and with the support to the agriculture of communities use to prioritize the concession to large-scale agribusiness projects, in the detriment of small-scale agriculture that the huge majority of the people practice, and that potentially can much more benefit these people and countries in terms of food sovereignty. Large-scale agribusiness concessions tend to lead to food imports and increases in food prices, which is another violation of people's basic right to food.

The meeting ended with the formulation and approval of a declaration, signed by the

participants from the communities. The document makes an appeal to the Liberian authorities for justice, and declares e.g. that “We are the rightful owners of the land where our communities have made our farms, raised our children, and practiced our traditions”.

The complete declaration can be accessed (in English) in http://www.wrm.org.uy/publications/Declaration%20on%20Oil%20Palm_Bopolu_11_29_2012.pdf, and also a press release was published and can be accessed at <http://www.wrm.org.uy/publications/OilPalmLandDeals.LiberiaPresser.12312.pdf>

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- Sierra Leone: Socfin’s oil palm plantations violating human rights



On 1st of December 2012, aggrieved landowners from 36 villages in Malen Chiefdom, affected by large-scale oil palm plantations of the Socfin company, sent a letter through their local association (MALOA) to the Human Rights Commission in Sierra Leone, denouncing human rights abuses such as ongoing harassment, molestation and intimidation. They declare in the letter that “...we will no longer allow the Socfin Agricultural Company personnel and or their machines to enter upon or operate on our land.” They oppose the land deal the company made with the Paramount Chief and Chiefdom authorities.

Socfin Agricultural Company S.L. Limited (SAC) is a subsidiary of the Belgium company, Socfin. SAC leased over 6,500 hectares for oil palm and rubber plantations in Malen chiefdom, Pujehun District, for more than 50 years with a possible extension of 21 years. The compensation of US\$ 5 per acre is only half going to the land owners, while women are not compensated at all. Only unskilled employment is offered against a very low payment of 10,000 Leones (about US 2.30) per day. Expansion of the plantations for another 5,500 ha under similar conditions is in progress.

Research of local NGOs confirm the complaints of the communities and add that communities neither were consulted, nor gave their consent to the plantations, and that communities lost farmland. The local authorities are aware of the situation, including of a complaint of communities that Socfin employees destructed their tree-crop plantations. In spite of several initiatives of the authorities to address the situation, the communities’ grievances have not been solved.

The communities end their letter saying “It is in this regard that we are humbly requesting for your timely intervention so as to forestall any further eventuality. We are now desperate and can

no longer tolerate the operations of the Socfin Company on our family land.”

Green Scenery and other NGOs in Sierra Leone that are working on large scale investments in agriculture are calling for a moratorium on land deals, a review of signed lease agreements and Memorandum of Understandings and binding regulations. Up to date more than 20% of the arable land in Sierra Leone is leased or is about to be acquired by large scale foreign investors.

Main shareholder of Socfin is the French Bolloré group, a key player in oil palm and other business, present in many African countries and, for example, known for its abusive practices in Cameroon.

Sent by Joseph Rahall (jorahall@yahoo.com). The letter and resolution of MALOA can be accessed at <http://www.greenscenery.org/> . For more information see also http://www.oaklandinstitute.org/sites/oaklandinstitute.org/files/OI_brief_socfin_agricultural_company.pdf. On Bolloré in Cameroon, see <http://www.wrm.org.uy/bulletin/155/Bollore.html>

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ASIA

- Indonesia: Oil palm plantations and Industrial “Plantation Forest” (HTI) violate human rights destroying Indigenous People’s Identity



Elimination of customary laws through regulations

In 1950, Indonesia’s forests spanned over 162,290,000 hectares, covering 80% of the country’s 192,257,000-hectare land area. According to the 1999 Forestry Law, the forest area owned by the state accounted for 133,876,645.68 hectares.

When it comes to forest and land resource policy in Indonesia, there are two key problems. One is the government’s views of forests and the way it translates them into practice. The other is the difference between how the government regulates land affairs and how the people regulate land ownership.

A closer examination of the ongoing agrarian conflicts in the country reveals that the nation and the state do not lie in one single, unified legal realm. Local communities and indigenous peoples in Indonesia are dispersed, forming their respective administrative territories, each governed by different laws and cultures in the form of clans or tribes. Tribe or “suku” is used for identification of population distribution, while clan or “marga” is used for identification of an

administrative territory. In some places, clan is also used for identification of population distribution based on genetic lineage.

In almost all regions in Indonesia, communities practise territorial management, including the management of forest and land use, in the form of laws that are generally known to the members of the community and that are passed down orally, known as customary/local laws. These laws are respected and observed from one generation to another, and become a legal system that ensures that the rights of all the community members are maintained and respected. They cannot be changed without an agreement among all of the community members. At the same time, all of the community members can directly act as supervisors and enforcers of the law, to protect the rights of others from harm. Under this system, land and forests are the basis of the identity and existence of a particular indigenous group and seem to be safely protected.

In the formal regulatory realm, the 1945 Constitution and the Basic Agrarian Law normatively recognize customary laws that have been observed and developed by indigenous peoples over time. The government sets requirements for the recognition and application of customary laws in a number of regulations, such as those under the Foreign Investment (PMA) Law, the Estate Crops Law and Forestry Law No. 41 of 1999. However, regulations issued under the Basic Agrarian Law both negate customary laws as well as positioning the government as the authority governing forests and the agrarian regulator.

Hundreds of provincial and district heads, with the authority granted by the 2004 Regional Law, have issued thousands of plantation permits and, along with the forestry minister, have issued industrial "plantation forest" permits on tens of millions of hectares of community and customary land. This dualism of ownership arising as a result of the different perspectives of land ownership now applies to some 80 million hectares of land on Indonesia's islands. Under these plantation permits, customary laws and the right of communities to maintain and manage their forests are abolished, leading to the destruction of forests by concessionaires that cannot be controlled by either the government or communities.

Expropriation of living space through concessions

In 2010, oil palm plantations in Indonesia spanned over 7.3 million hectares, dispersed in 17 provinces in Sumatra, Java, Kalimantan, Sulawesi, Maluku and Papua. In 2012, the plantations had grown to occupy 9.1 million hectares. Based on current regulatory processes, we can predict that this expansion will continue until reaching at least 30 million hectares and spreading to another five provinces.

In addition to the so-called borrow-and-use permit (izin pinjampakai), the government is involved in forest degradation by issuing licences for the utilization of "production forests", known as IUPHHK-HA, which permit the production of timber from natural forests, as well as permits known as IUPHHK-HTI, which allow the conversion of primary and secondary forests into economic-oriented monoculture plantations and drive concessionaires to "steal" (i.e. take control of) natural forests. Up until November 2011, forest concessions had been issued on 34.6 million hectares out of the total 77.5 million hectares of "production forests". Of the remaining 37.1 million hectares of "production forests", the forestry ministry is currently processing permits for another 5.7 million hectares.

Out of the nearly 39 million hectares of forest on which utilization permits have been issued,

only 0.5% have been granted for the people's benefit, in the form of People's Plantation Forests (Hutan Tanaman Rakyat/HTR) covering 189,903 hectares, Community Forests (Hutan Kemasyarakatan/HKM) covering 30,387 hectares, and Village Forests (Hutan Desa) covering 18,908 hectares. Meanwhile, out of 40,859 villages in 17 provinces, 1,500 villages covering an area of 11,135,011 hectares are included as part of forest areas, and another 8,662 villages covering an area of 28,456,324 hectares border on the state's forests. While these villagers could be charged with violating the law by utilizing the state's forests, the government provides protection for oil palm companies operating in the state's forests through Government Regulation No. 60 of 2012, which allows these companies to legally use the forest by applying for borrow-and-use permits or through forest relinquishment.

Change of land identity and its associated impacts

The large-scale development of oil palm and HTI industrial plantations is not aimed at boosting the economy, but it is rather intended for the benefit of a number of businesses, which try to mould laws and regulations for their own financial gain. As we all know, the large political parties that occupy the government and serve for the benefit of provincial and district heads are made up of plantation and forestry businesspersons. While the capital sector grabs political room in land tenure, in forest management there is a shift in paradigm within the government as the regulator of forest policies. The government's interest is to ensure that the authority over forests remains in their hands, not to develop policies that would save the ecological functions of forest.

Hundreds of companies that hold forest concessions not only deprive communities of their rights through the government's formal regulations, but also violate the regulations themselves through forest clearing and other environmentally destructive practices. Examples include the destruction of peat forests in Aceh's mangrove ecosystems, peat forests in Riau province and in all the provinces of Kalimantan, and primary forests in Papua.

The practices of oil palm and timber plantation companies have directly placed numerous native species on the verge of extinction in the remaining primary forests. For a growing percentage of the population, these companies have created poverty and communities without identity. While some communities are driven away from their customary lands, others are driven into poverty through dependence on low-paid work in oil palm plantations.

Indigenous people's belief in the customary laws they have always observed and low distribution and socialisation of the government's formal laws, will trap them in a position where they can suddenly lose their right to their territory. Thousands of conflicts have arisen and are growing, forcing farmers to face the bitter choice of either losing and leaving their motherland, receiving insufficient compensation and working for the company, or defending their rights at the risk of being criminalized (e.g. charged with encroaching) by the company and the police.

Up to 2012 WALHI had received complaints and advocated communities with regard to 113 cases of land grabbing by companies which led to the criminalization and arrest of 147 people. In addition, WALHI received 66 reports of intimidation and violence, not to mention the shooting of 28 people and death of 10 people including women and children.

On the island of Sumatra in particular, in addition to grabbing farmers' sources of livelihood and creating trauma through violence, oil palm plantations contribute greatly to environmental degradation, for example, the siltation of rivers, floods and droughts, as well as pollution-driven

poverty among coastal communities.

By Zenzi Suhadi, WALHI/Friends of the Earth Indonesia, <http://zenzie.blogspot.com>

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- Philippines: The death toll of oil palm and mining



The community-based organization Pangalasag is a member organization of the regional alliance Kalumbay and an organization of Higaonon indigenous people in the municipality of Opol, Misamis Oriental. “Pangalasag”, which means indigenous shield, was created to become a driving force in the resurgence of Higaonon customary laws especially in decision-making and granting of consent, aside from its literal meaning to defend against aggressors.

Indeed, the Higaonon have had to defend themselves from decades of dispossession of their ancestral lands which have eroded their culture and customary laws. But some of their leaders stood up and formed the “Pangalasag”.

Now the fight is to resist the expansion of the oil palm plantation of A. Brown Company, which in the last two years has invaded the ancestral domain of the Higaonon occupying traditional lands of barangays (villages) Tingalan and Bagoceboc.

Not only the indigenous people who reside in these areas have been suffering adverse effects on their health and the environment due to the chemical-intensive activities in the production of oil palm but also since the beginning of the plantation’s operations, Higaonons and other villagers have experienced severe human rights violations such as forced eviction, illegal arrest, strafing and harassment. This was denounced by an International Fact-Finding Mission carried out in May of this year, conducted by the Pesticide Action Network-Asia and the Pacific (PAN AP), Peasant Movement of the Philippines (KMP), the Asian Peasant Coalition (APC), and the Kalumbay Regional Lumad Organization (see WRM Bulletin 180).

Gilbert Paborada,47, was the chairperson of Pangalasag. On October 3, at around 3 p.m., he was about to alight from a motorela (public tricycle) when he was shot at by two motorcycle-riding men, according to the initial data gathered by the Rural Missionaries of the Philippines (RMP)-Northern Mindanao Region (NMR).

Witnesses said one of the men moved closer to Paborada and fired at him again in the head. Paborada sustained five gunshot wounds: two on his chest, one in the abdominal area and another on his hand. He was dead on the spot. The gunmen on board a white motocross-type motorcycle quickly sped away.

Since March 2011, Paborada had left Bagoceboc and had relocated to Punto, Cagayan de Oro City to evade threats to his life though he still frequented their village to lead community-based campaigns of Pangalasag. On the day of the killing, Paborada had just come from Bagoceboc.

Gilbert Paborada is said to be the fourth member of the indigenous people's group Kalumbay who became a victim of extrajudicial killings in Northern Mindanao under President Benigno Aquino III administration.

Not only oil palm but also mining operations in the Philippines are leaving a death toll.

In the area of the towns of Kiblawan in Davao del Sur, Tampakan in South Cotabato and Columbio in Sultan Kudarat, Sagittarius Mines Inc (SMI) is undertaking exploration activities.

In 2002, SMI acquired a Financial and Technical Assistance Agreement from the Australia uranium mining corporation Western Mining Corporation (WMC) for mining. In partnership with the Anglo-Swiss company Xstrata, SMI develops the large-scale Tampakan Copper-Gold Project, which covers the areas of Columbio, Sultan Kudarat, Kiblawan, Davao del Sur and Tampakan, South Cotabato, encroaching the ancestral domain of indigenous peoples.

18 Blaan families or clans are strongly resisting mining for their impacts on their lives. A solidarity mission found that the Blaan of Bong Mal were prohibited from going to the forest and river to get food, herbal medicine or water.

Despite the food blockades, intimidation, harassment and vilification in these areas, they remain to be anti-mining. And because of the many human rights abuses in Bongmal, the Blaan clan tasked one of its members, Daguil Capion, to protect their ancestral domains. He declared a "pangayaw"(traditional warfare) against Xstrata-SMI.

In his community, Daguil is a warrior hero. However, he and other Blaan men who are in "pangayaw" are considered fugitives and now charged with criminal cases by the military.

On October 18, 2012, a military raid assaulted Daguil's house killing his wife Juvy Capion and two of their three children – as well an unborn child. In a mobile phone interview with the Catholic radio network DxCP in General Santos City, Capion denied he was in the house when the soldiers rained it with heavy fire with his wife and children still sleeping inside.

Juvy Capion was known not only because of her husband's Daguil Capion leading role in the pangayaw cause but because she herself was a woman fighter in her homeland. Juvy was one of the Blaan women in Bong Mal who strongly oppose the operations of Xstrata-SMI, being the frontlines during protest actions, barricades and dialogues. Juvy was a leader of Kalgad, an organization of Blaan indigenous peoples resisting the mining operations in their ancestral domains. She had said that they have been protesting against Xstrata-SMI but no actions were taken by the government to solve their issue.

Juvy had denounced that with the entry of the mining company in their territory they were hampered to ensure food for the family and community, they were restricted in their "uma" or upland farms, they could not longer neither freely plant crops in the mountains nor practice "aksafu" (sharing of food or any fruit of their labor with other Blaan families).

"Unless the SMI stops its operations and leaves, there will be no peace in our community", Juvy had said in a focus group discussion held four days before the massacre that took her life

and that of her children, John and Pop. She had accused the company of intimidating the people with the military so they give in to the mining project. She had added that almost every place in Bong Mal has a military detachment and there is one just near the school so children are sometimes afraid to go to school because of this.

Worse, mining has deteriorated the relationship among members of the community. As Juvy had explained, SMI induced fake tribal leaders appointed by the local government unit with material things such as four-wheel drive vehicles; they eventually gave the permission to the project. The company also hired community members as members of the Resettlement Committee (RC) which is being used to convince the people to agree to the project and discuss with them the resettlement plan and other “benefits”. “SMI causes disunity even among families,” Juvy had reiterated. The community is now divided into pro and anti-mining families.

Juvy had encouraged the Blaan to recover unity, to be one and help each other, like before when Xstrata-SMI had not yet encroached their ancestral territories. She also added that their struggle should inspire the next generation to preserve and protect their ancestral domains in the future. “Maganda na mapalakas ang pagtuturo sa kasaysayan ng tribo namin laban sa Xstrata-SMI (We should teach our young generation the history of our struggles against Xstrata-SMI),” were her words.

Article based on (1) Campaign Alert - Justice For Gilbert Paborada, by Aldaw Indigenous Network, email: aldaw.indigenousnetwork@gmail.com, <http://www.facebook.com/Aldaw.network.palawan.indigenous.advocacy?v=wall>; (2) “Juvy Capion, Blaan woman fighter”, by Philippine Task Force for Indigenous People’s Rights, sent by The ALDAW Team; (3) “Philippines: Another Indigenous Tribal Leader Slain In Misamis Oriental”, Indigenous Peoples Issues and Resources, http://indigenouspeoplesissues.com/index.php?option=com_content&view=article&id=16402

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- Malaysia: Industrial acacia plantations violate and threaten the rights of Indigenous Peoples



The state government of Sarawak has conceded a total area of 490,000 hectares for industrial tree plantations of acacia, the biggest area of this type in Malaysia. A consortium called Grand Perfect Sdn. Bhd., composed of three companies, is believed to set up 150,000 ha of acacia plantations in the plantable area within this concession. An environmental impact assessment identified 240 indigenous Dayak communities – longhouses – within the concession area.

In 2011, 5 indigenous Iban (Dayak) communities – longhouses –, that share two common customary territories inside the concession area, one in the Satai area, including the communities of Rumah Mering, Rumah Mujah and Rumah Belaja, and the other territory in Sungai Binyo (Binyo River), including Rumah Sengok and Rumah Mikai communities, expressed their concern about this concession in a memorandum to the Sarawak state authorities and to the federal government.

Firstly, they declared they were not informed, not consulted and never gave their permission, to the concession for the acacia plantations, issued by the government. This is a profound violation of the rights of these peoples that has taken place.

In the same document sent to the authorities, the communities claim that they have customary land rights. Moreover, documentation shows their historical settlement in the region, including a letter of the government of Malaysia from 1939 giving them authority over their land, as well as a document from 1955 that shows the boundary of their territory, as agreed upon with neighboring communities, besides other documental evidence.

However, the Bintulu Lands and Surveys Department issued a letter, stating that the communities were living on state land without a license. Given the aforementioned documentation, the communities allege that this affirmation of the Department in its letter is totally baseless, and the communities reaffirm their customary land rights, based on historical documental evidence. And they add that although not possessing land titles, several Malaysian laws, including the Constitution of the country, protect and recognize customary land rights, and also jurisprudence exists that decided in favor of these rights.

Moreover, the communities question that if the leaders of their five communities have been officially appointed by the government, how can the government then not recognize the rights of these communities to their lands they traditionally need for their survival as indigenous communities?

The communities not only have problems with tree plantations in the concession area; they also complain that part of their customary lands was declared forest reserve land in 2009 – the Sujar Forest Reserve – without informing them and without asking their permission.

Furthermore, the communities denunciate that the Bintulu Lands and Surveys Department has instructed them to vacate farm huts on their farm lands and they alerted them that their property will be destroyed, removed or relocated (which they have done previously to a few landowners). All this is done so that their customary lands where they built up their lives and livelihoods can be taken over for plantation development.

The process of losing farming land is already ongoing and affecting the communities, making it more difficult to get food. Other necessary materials and food from communal forest areas also get restricted. And to worsen the situation, hundreds of workers from the outside, contracted by the plantation company, have invaded their forests to collect and hunt. The rivers, the only water source available to provide drinking water for the communities, have become muddy and badly polluted by the plantation activities.

Also, the communities complain that the only 'response' they have got until now on their objections against the conceded license has been pressure and many threats, both from the project proponent as well as from outsiders.

In the memorandum, the five communities demand from the Sarawak state government that:

- (a) "The Sarawak Forestry Department must urgently withdraw the plantation license (LPF001 / LPF043) for the Reforestation Project by Grand Perfect Sdn Bhd which is within our native customary territory.
- (b) The Bintulu Lands & Surveys Department must withdraw its notices requiring us to vacate our lands in the Sungai Satai and Sungai Binyo areas.
- (c) The Forestry Department must remove our customary territory from the Sujau Forest Reserve. This is because the declaration of the forest reserve has violated our fundamental rights as natives of Sarawak.
- (d) The Sarawak State Government should provide for special protection for our customary land so that we can continue to practice our culture and tradition as Ibans. This is in line with the Government's ethical responsibility and fiduciary duties towards indigenous peoples.
- (e) The most important development we need right now is the construction of roads from Bintulu to our longhouses in Sungai Satai, Binyo, Pandan, hospitals, clinics, clean potable water and other amenities. These are some of the infrastructure that should be given to us and not the clearing of customary territories for acacia plantations which would bring about many problems and threaten our lives and livelihoods".

The communities declare at the end of their memorandum that ".we hope that the government would immediately find an amicable and fair solution by fulfilling our demands. We, the Iban people of Sungai Satai, Pandan and Binyo will never sell or release our customary lands to outsiders".

Source: based on information sent by Sahabat Alam Malaysia (Friends of the Earth Malaysia)

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LATIN AMERICA

- Brazil: Belo Monte, an illegal and immoral hydroelectric dam project that violates numerous rights



In early December of this year, the Brazilian National Development Bank (BNDES) announced that it was granting a new loan of 22.5 billion reais, the largest in its history, to the Belo Monte hydroelectric dam project. When this is combined with the two previous loans already granted to the Norte Energia Consortium which is responsible for the dam's construction – 1.1 billion reais in mid-2011 and 1.8 million reais in February 2012 – the bank has contributed 25.4 billion reais to a project that violates all of the technical, legal and economic requirements that are mandatorily applied to this type of operation.

With the least power-generating capacity of all of the hydroelectric projects in the country, based on its announced potential of 11,000 MW, Belo Monte will produce on average only 39% of the electricity promised by the government. Due to illegalities in the issuing of licences and permits, the displacement of the population affected, and lack of adequate consultation with indigenous peoples, dozens of legal actions have been filed against Belo Monte since 2001. These include 15 actions undertaken by the Federal Public Prosecutors' Office (MPF), 21 by the Public Defenders' Office, and 18 by civil society organizations. An appeal filed by the MPF is currently awaiting judgment of merit proceedings in the Federal Supreme Court. When questioned by the MPF, BNDES did not present any evidence of having assessed the economic viability or risk of the Belo Monte complex, as required under Resolution No. 2.682/99 of the National Monetary Council.

Although BNDES has no specific socio-environmental guidelines to govern financing for the hydroelectric sector, as required by Resolutions 2022/10 and 2025/10 relating to the Social and Environmental Responsibility Policy and the new Socio-Environmental Policy of the BNDES System, the bank claims that it applies certain criteria in its financing operations, including:

1. Beneficiary assessment with regard to its socio-environmental policies, practices and management, including the external environment, considering their articulation with public policies and sustainable local and regional development and taking as a reference the concept of Social and Environmental Responsibility.
2. Beneficiary assessment with regard to its legal compliance with environmental agencies, judicial disputes and effectiveness of environmental actions.
3. Project assessment with regard to aspects related to eco-efficiency, the adoption of socially and environmentally sustainable processes and projects, and greenhouse gas emissions.
4. Assessment of compliance with environmental requirements, particularly in relation to ecological-economic zoning and agro-ecological zoning, and verification of the non-existence of practices that entail crimes against the environment.
5. The potential inclusion of social and/or environmental conditions established on the basis of the analysis undertaken (of the client and the project), as a complement to the requirements stipulated by law.
6. Verification, during the stage of monitoring of operations, of:
 - compliance with tax, social security and environmental requirements by the beneficiary and the project;
 - fulfilment of eventual mitigation measures, requirements for the adjustment of conduct, and conditions established in the contract and environmental licences;
 - monitoring of social and environmental indicators for the monitoring and assessment of the beneficiary and project.

In the case of Belo Monte, however, BNDES did not apply these criteria before granting loans for the project. The hydroelectric dam is currently facing 53 legal actions (since only one has been tried in court so far), which suggests that there has been no assessment of the project's "legal compliance".

The social, environmental and indigenous population-related conditions for the Belo Monte dam – which fall under the responsibility of Norte Energia and FUNAI (the Brazilian government agency responsible for indigenous affairs), and were stipulated by the government to minimize the impacts of the project – have not been met, resulting in repeated protests by those affected. BNDES clearly did not verify the "fulfilment of mitigation measures and conditions established

in the contract and environmental licences” for the project.

Rates of deforestation in the area around Altamira, where the dam is being constructed, have reached new record highs month after month, according to data from the Real-Time Deforestation Detection System (DETER). The same is true for rates of violence and homicides, as well as the cost of living for the local population, in terms of prices for food, housing, health care and other basic goods and services. BNDES has obviously not been monitoring the “social and environmental indicators” of the project.

Health care and educational facilities, sanitation, security and other basic services in towns in the region, especially in Altamira, have collapsed. BNDES clearly did not assess the project’s “socio-environmental policies, practices and management, including the external environment, considering their articulation with public policies and sustainable local and regional development.”

In early 2012, Norte Energia was fined seven million reais by the Brazilian environmental agency, IBAMA, for non-compliance with various conditions, a fact that was ignored by BNDES. Dozens of riverbank dwellers and farmers lost their houses and lands with no compensation (leading to numerous legal actions against the project), a fact that was ignored by BNDES. The drastic decrease in fish stocks and death of turtles in Volta Grande do Xingu is a documented fact. And yet the bank has not proposed any “social and/or environmental conditions established on the basis of the analysis undertaken (of the client and the project), as a complement to the requirements stipulated by law.”

Year after year workers have staged repeated strikes and revolts due to irregular working conditions, which recently culminated in an action that destroyed the installations and brought work to a standstill.

All of these factors demonstrate planned and conscious violation of national legislation and socio-environmental standards by the Brazilian government, whose pressure on BNDES and regulatory agencies like IBAMA and FUNAI led to the concession of the needed licences, permits and financing for Belo Monte. Authorities who have disagreed with this practice, such as IBAMA presidents Roberto Messias and Abelardo Bayma, have been forced to resign from their posts.

Belo Monte has received a pledge for another 22,5 billion reais in financing from BNDES in order to continue with construction – and with the violation of human rights in Xingu. Much of this money comes from PIS-PASEP and FGTS contributions, which are meant to feed the Workers Assistance Fund (FAT). This money therefore belongs to the Brazilian people, who were never consulted as to whether or not they agree with the construction of the Belo Monte hydroelectric dam.

Dozens of civil society organizations from throughout Brazil and abroad have joined together to call on the Brazilian justice system to deal with the many legal actions pending against Belo Monte. Petitions, letters and requests for hearings have been sent to the Federal Supreme Court, Federal Regional Court and National Council of Justice demanding speedy resolution and sentencing in these legal proceedings, which are all currently languishing at a standstill in various courts. The organizations have also appealed to the MPF and to BNDES, asking that no new financial resources be released for the Belo Monte project until all of the illegalities involved in its execution have been assessed. In the face of a government that violates rights,

and an illegal and immoral project, it is now up to the justice system to ensure that justice is served.

Sent by Verena Glass, email: verena@reporterbrasil.org.br For more information on Belo Monte visit www.xinguvivo.org.br and <http://www.prpa.mpf.gov.br/news/2010/noticias/belo-monte-os-problemas-do-projeto-e-a-atuacao-do-mpf>

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- Honduras: Bajo Aguán – Cry for the Land: New video denounces rights violations under the exploitative oil palm plantation model



The documentary video “Bajo Aguán: Grito por la Tierra” (Bajo Aguán: Cry for the Land) (1) was presented in Honduras on December 10 during a Human Rights Forum organized by the Committee of Relatives of the Detained and Disappeared in Honduras.

The documentary is aimed at exposing to the international public the state of constant threat faced by peasant farmers in the Bajo Aguán region of Honduras. Its goal is to “unmask an exploitative model of production, based on large-scale monoculture plantations, in this case of oil palm, which violates human rights in the broadest sense.

The oil palm plantation industry concentrates land ownership, displaces local populations, and denies them the right to access to land, infringing on their food sovereignty. But it also criminalizes and violently represses social protest, denying the most basic rights to thousands of organized peasant families,” said Giorgio Trucchi, a Rel-UITA correspondent, at the presentation of the video. (2)

The Inter-American Development Bank (IDB) began to promote monoculture oil palm plantations in Honduras in the 1970s. Beginning in the 1990s, the Law on the Modernization and Development of the Agricultural Sector fostered land grabbing and the concentration of land ownership, mainly in the hands of three very powerful economic groups, and promoted large-scale plantations.

Over time, and in response to the growing world demand for palm oil, the large landholders tried to forcibly evict thousands of peasant families in order to expand their plantations.

But the peasants also needed land, especially after Hurricane Mitch in 1998, which left many families destitute. From that point on, peasant farmers created a large number of cooperative agricultural ventures on Agrarian Reform lands which benefited more than 20,000 people. Beginning in 2000, after drawn-out and fruitless negotiations, the peasants decided to recover their lands, initiating a process of taking back lands planted with oil palm which they claimed as

their own. (3)

The land conflict intensified against an increasingly polarized political backdrop, until the most conservative sectors staged a coup d'état in 2009. The new government of right-wing Porfirio Lobo did not provide a solution for the needs of the peasants. It was then that the peasant organizations launched a major offensive to recover more than 20,000 hectares of land. The reaction was swift: as the peasant mobilization grew stronger, the repression, torture and murder of peasant farmers were stepped up. The perpetrators were different actors in the service of large landholders in the region.

Although the situation now appears to have been normalized, the tension in the Bajo Aguán continues, and the repression of the peasant movement – organized in the struggle to defend their right to the land – has expanded in a context of total impunity. Those responsible for these crimes and human rights violations have never been charged.

“After the coup, human rights violations have grown much worse here, because there have been more murders. These are no longer sporadic murders, but are now carried out continuously. The problem is that the authorities have always governed for the oligarchy, for the big business owners. And so here, for the neediest people, for the poorest, there is no justice. This is the problem that the peasants have faced. They have been murdered, they have been shot at, and they have been persecuted,” Haydee Sarabia, general secretary of the Coordinating Committee of Popular Organizations of the Aguán Valley (COPA), declares in the video.

According to Gilberto Ríos of FIAN Honduras, the large landholders “have also created a private army with security guards who at some point could even be considered mercenaries. They capture, torture and investigate as if they were a state institution. Most of the murders that have occurred in the Bajo Aguán have been attributed to the security guards.”

But, despite the repression, peasant farmers continue to organize in the Bajo Aguán, defending their right to the land. “We have many peasant comrades who have died for the same cause, because our crime is that of fighting back, of reclaiming our rights, our lands, where as peasant farmers we grew corn, beans, cassava, all those things, and suddenly the landowner doesn't want us to, he says that we peasants cannot cultivate our land. But that is why we are fighting, and we will continue to fight with our banner held high,” declares Francisco Correa, of the Nueva Vida community.

1.- Video produced by Alba Sud and Rel-UITA, with the collaboration of the World Rainforest Movement (WRM), FIAN International and the Coordinating Committee of Popular Organizations of the Aguán Valley (COPA). The video is available in Spanish at:

http://wrm.org.uy/paises/Honduras/Grito_por_la_Tierra.html

The video will soon also be available in English, French and Portuguese.

2.- See “Monocultivo: Un ataque directo a la soberanía alimentaria. Fue presentado video sobre el Bajo Aguán”

http://www6.rel-uita.org/agricultura/alimentos/soberania_alimentaria/monocultivo-ataque_directo_a_la_soberania_alimentaria.htm

3.- See WRM Bulletin 176 <http://www.wrm.org.uy/boletin/176/Honduras.html>

- Chile: Mapuche communities reclaim ancestral lands stolen by tree plantation companies



Chile is currently debating amendments to Decree Law 701, which was passed during the first years of the military dictatorship and has been used for decades to promote the expansion of large-scale monoculture tree plantations. This expansion is driven by hefty government subsidies, and has been achieved at the expense of the violation of the rights of Mapuche indigenous communities, who have been violently evicted from their lands and left marginalized in their own ancestral territory.

The amendments are aimed at enabling the further expansion of tree plantations onto peasant and indigenous lands, in order to raise the total plantation area from the current 2.6 million hectares to 5.7 million hectares. The government is promoting tree plantations with false promises of the benefits this activity will bring to peasant and indigenous communities. It is estimated that there are two million hectares of land currently under the control of peasant farmers and indigenous people on which tree plantations could be expanded.

But Mapuche communities are all too familiar with the results of decades of policies promoting the spread of this so-called “forestry” activity. Above all, because it is precisely on their lands that this expansion has taken place. Moreover, as a result of this “forestry” model, the municipalities with the largest areas of tree plantations are the poorest in the country, with some of the lowest rankings on the Human Development Index.

The three regions in the south where tree plantation activity is concentrated are the poorest in Chile. The Mapuche have also witnessed the disappearance of native forests, the destruction of water sources, the loss of biodiversity, forced migration to the cities, and the destruction of their culture.

The Mapuche have been struggling to recover their territory for years. As a result, they have faced violent repression and been criminalized when they fight back against the occupation of their lands. Nevertheless, they are not prepared to give up. Today there are numerous ongoing processes of resistance and the reclaiming of ancestral lands.

Lafkenche Mapuche communities in the municipalities of Carahue and Tirúa Sur have initiated one of these processes. A total of 60 families have taken back 2,000 hectares of land that belongs to them and was being illegally occupied, primarily by the plantation company Forestal Mininco, which forms part of one of the most powerful business groups in Chile.

While the families have still not moved into the area recovered to live, as first steps they uprooted newly planted pine trees and then began to fence off and sow the land. They have now planted 300 hectares of crops and the first harvests are expected in February. They have also carried out inspections of the land. This is because, although they are familiar with this

territory, they do not know what condition the soil is in, and how productive it is, after so many years of being subjected to chemical spraying by the plantation companies. They first needed to conduct tests to determine if crops were actually able to grow here.

These Mapuche communities have also begun to carry out religious ceremonies called “guillatunes” (1) here on their sacred land. “We have been holding guillatunes and working on planting crops,” they report.

Mininco, which is currently in the process of having its plantations certified by the FSC, does not appear to be prepared to negotiate, nor to recognize that these lands rightfully belong to the Mapuche communities. On the contrary, there have been violent confrontations, and some community members have even been unjustly slapped with criminal charges.

The Mapuche have been accused of setting fires in tree plantations, despite evidence demonstrating that companies have started fires on their own plantations in order to collect the insurance, since the pine trees planted there had been killed and thus rendered unusable by an infestation of wood wasps.

Mapuche communities are rewriting their history. In the words of one of our Mapuche brothers, “We want to go down in history as the ones who recovered our territory.”

(1) The guillatun (also spelled nguillatun) is a Mapuche ceremony that connects our world to the spirit world in order to ask for well-being, to strengthen the unity of the community, or to offer thanks for what has been received. It may be carried out to ask for good weather, for successful sowing and harvests, for good health and an abundance of food, and for physical and spiritual strength. Individual communities carry out these ceremonies periodically, usually at least once a year.

Teresa Pérez, WRM, teresap@wrm.org.uy, based on data obtained during a visit to the region with members of the Chilean organization Observatorio Latinoamericano de Conflictos Ambientales (OLCA), carried out in November 2012.

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PEOPLES IN ACTION

- Senegal: Final declaration of the Family Farms International Forum

Representatives of the CNCR member farmers' and producers' organizations, as well as other national platforms member of the ROPPA (Network of West-African Farmers' and Producers' Organizations), met from 20 to 22 November, 2012 in Dakar in the framework of the international forum "Family farms constitute the primary food and wealth suppliers in West Africa".

The participants confirmed the significance of the potential and current function of family farms and recognized that as long as family farms are facing many constraints associated with an unfavorable socioeconomic environment, they have not yet deployed their full potential and still enjoy opportunities to grow and considerably contribute to the different functions pertaining to agriculture, namely feeding the population, creating wealth and employments, and managing natural resources in a sustainable manner.

Land grabbing, agro-business and development and growth programs elaborated without consultation and negotiation with family farms through farmers' organizations were condemned.

The need today is to respond to this issue: What investments, for which production systems, for which product, for which market, and for the benefit of whom?

Read the whole declaration at <http://viacampesina.org/downloads/pdf/en/final-statement-forum-dakar-cncr.pdf>

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- Indonesia: RSPO fails to take action against a company bulldozing ancestral forests and perpetrating human rights abuses

The certifying body Roundtable on Sustainable Palm Oil (RSPO) has failed to act against a company looking for RSPO's seal which has bulldozed farmland and forests belonging to the indigenous community of Muara Tae, assisted by the intimidation of armed police brought in to protect the company.

PT Borneo Surya Mining Jaya (PT Borneo), a subsidiary of First Resources Ltd, falsely claimed that it had obtained the consent of local communities for an oil palm plantation on their land in Kutai Barat, East Kalimantan and had conducted Social and Environmental Impact Assessments in line with its obligations as an RSPO member. However, the London-based Environmental Investigation Agency (EIA) submitted a comprehensive complaint to the RSPO on October 17 this year, outlining First Resources' breaches of the body's Principles and Criteria and New Planting Procedure.

According to its own guidelines, the RSPO should have determined whether the complaint was legitimate within two weeks of its submission to its Grievance Panel. Accepting the complaint as legitimate would have obligated First Resources to cease operating in Muara Tae until the dispute was resolved. However, the RSPO secretariat has to date not done so and has repeatedly failed to inform EIA of the deadline for its decision, three weeks after receiving the complaint.

The community has repeatedly rejected the proposed plantation, a view which has been entirely ignored. Indeed, while offering the prospect of dialogue to Masrani, the village head, in Singapore, First Resources was simultaneously preparing to bulldoze his father's land (see a reference to the film Manufacturing Consent in the Recommended section below).

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- Laos: Social activist Sombath Somphone is missing

Sombath Somphone, a respected social activist winner of the international Ramon Magsaysay award in 2005 for community leadership and founder and former director of the Participatory Development Training Centre has disappeared since December 15 of this year. Family members said he had not returned home and they had no information on his whereabouts.

On December 18, a group of Thai civil-society organizations sent an urgent letter to several

local agencies, including the PM's Office, the National Assembly, the Foreign Ministry and Public Security Ministry, requesting an investigation into his disappearance.

Human-rights activists in Thailand who know Sombath believe he might have some conflict with the Lao state authorities, as he has opposed many government development projects with a serious social or environmental impact. <http://www.nationmultimedia.com/politics/Concern-grows-as-Laos-denies-knowledge-of-missing--30196412.html>

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- Statement of Asia Social Movements on Climate Change at the Asia Social Movements Assembly

On 26-30 November 2012, the 5th World Social Forum on Migration (WSFM) was held in Manila, Philippines. The WSFM is one of the thematic processes of the World Social Forum (WSF).

In the meeting, Asian social movements made a statement on the situation of the ongoing climate negotiations denouncing, among other things, that "with the current proposals on the table, not only are developed countries going to be able to escape commitments by watering obligations down to voluntary pledges but they will also be able to create more carbon markets and loopholes in order to not take any action at all." And they end saying: "Humanity and Nature are standing at a precipice. But it is not too late. We know what needs to be done, and if we do it together, we can change the system."

The full statement can be read at: <http://viacampesina.org/en/index.php/actions-and-events-mainmenu-26/-climate-change-and-agrofuels-mainmenu-75/1349-statement-of-asia-social-movements-on-climate-change-at-the-asia-social-movements-assembly>

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- Chile: Suspension of work on Pascua Lama mine project

A resolution adopted by the Chilean government's National Geology and Mining Service ordered a temporary but total stoppage of drilling and clearing work on the Pascua Lama mine project in the province of Huasco in the Atacama region. Work was halted due to a contravention of mining safety regulations, namely excessive levels of dust that pose a serious risk to the health of workers.

Members of the National Resources Commission announced that they will visit the site and did not rule out the possibility of requesting the environmental reclassification of the project if irregularities are found. <http://www.biobiochile.cl/2012/11/10/sernageomin-determina-cierre-temporal-de-trabajos-de-proyecto-minero-pascua-lama.shtml>

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- Ecuador: Ancestral peoples of the mangrove forests attacked and evicted

At 9:00 a.m. on December 4, uniformed officers of the National Police set fire to the homes and crops of residents and families in Bilsa, located in the canton of Muisne in Esmeraldas province. This community has ancestrally inhabited this spot, where they make a living through gathering crabs and agro-ecological farming practices. The fact that they have lived here for more than 20 years means they have the right to legal title to the land in compliance with the provisions of the country's Civil Code.

The Ancestral Peoples of the Mangrove Ecosystem, grouped together in the National Coordinating Committee for the Defence of the Mangrove Ecosystem (C-CONDEM), energetically and categorically reject this criminal act, and denounce that "this violation of the human rights of the peoples of the mangrove forests is just one more in a string of incidents of this kind along the Ecuadorian coast in recent months, in which peoples of the mangrove are evicted under orders from the authorities, as is the case of Verdún in the province of Manabí, Bajo Alto in the province of El Oro, and the inhabitants of the estuary in Guayas. These evictions are ordered either at the request of the alleged owners of the land, or due to allegations of environmental damage, while government policies legalize the occupation of thousands of hectares by industrial shrimp farming operations that usurp our land."

<http://www.ccondem.org.ec/boletin.php?c=1238>

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- Bolivia: Letter from the Pan-Amazonian Peoples

The 6th Pan-Amazon Social Forum was held on December 1 in Cobija, in Bolivia's Amazon region, on the triple border between Peru, Brazil and Bolivia. "Under the protection of the rubber and chestnut trees, symbols of the Bolivian Amazon," the Amazonian peoples launched a call for unity to transform the world.

They declared: "In our lands and rivers, a decisive battle for the fate of humanity is being fought. On one side, transnational corporations, agribusiness and large mining companies promote the destruction of our forests and our waters in the name of a progress that benefits only the owners of capital. On the other, we – indigenous peoples, peasants, quilombolas, workers of the fields, forests and cities – are fighting for our lands, for the rights of Mother Earth, for our cultures, and for our right to live well, in harmony with nature."

The full text of the letter is available at: http://wrm.org.uy/paises/Amazonia/Carta_de_Cobija.html

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RECOMMENDED

- "Manufacturing Consent" is a film that features evidence and first-hand testimony of the abuses of PT Borneo Surya Mining Jaya (PT Borneo) in Muara Tae. The company, a subsidiary of First Resources Ltd, bulldozed farmland and forests belonging to the indigenous community of Muara Tae, assisted by the intimidation of armed police brought in to protect the company, while trying to obtain RSPO certification under fake information. The film, released by the London-based Environmental Investigation Agency (EIA), lays bare the impact that First Resources' land-grab is having on the lives of the people of Muara Tae. Manufacturing Consent can be viewed at <https://vimeo.com/52941829> and EIA's formal grievance can be read at

<http://ow.ly/f5vhE>

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- “Mining, plantation firms reported for rights abuses”, a Jakarta Post headline informs that mining and plantation companies are among the actors that should be held responsible for numerous human rights abuses in the country, according to a National Commission on Human Rights (Komnas HAM) report. The rights commission revealed that companies ranked second — trailing behind the National Police — in its list of institutions reported for human rights violations. <http://www.thejakartapost.com/news/2012/12/12/mining-plantation-firms-reported-rights-abuses.html>

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- “World Summit on Sustainable Forest (-destruction)”, a satirical blog on the summit that will be held on March 5th-6th 2013 in Stockholm (Sweden). You are invited to attend or follow this World Forgery Summit on sustainable forest destruction. Some of the key questions in the agenda:

*Can we find a way to rebrand monoculture plantations as being sustainable?

*Is there a way to make the bankrupt carbon trading system look like a part of the solution to the climate crisis?

*To which forests can we apply this emerging sister of the Cash Development Mechanism (also known as the Clean Development Mechanism)?

*How can we make a list of deforestation drivers without mentioning capitalism and over-consumption in rich countries?

*How do we make our so-called activist friends look like heroes for the environment (and thus neglect all real activists)?

<http://www.ejolt.org/2012/12/world-summit-on-sustainable-forest-destruction/>

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- The Observatory of Mining Conflicts in Latin America (OCMAL) and Latin American Observatory of Environmental Conflicts (OLCA) have developed the “Map of Mining Conflicts in Latin America” to serve as a database and information system for community management of mining-related social and environmental conflicts in the region.

http://basedatos.conflictosmineros.net/ocmal_db/

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