

OUR VIEWPOINT

Destructive companies “creating more biodiversity”?

As we have already argued in previous bulletins, it is absurd to accept the idea that companies can freely destroy an area—for example to conduct mining activities—as long as they “offset” these activities. The World Bank, large corporations, conservationist NGOs and, increasingly, national governments argue that it is acceptable to “offset” the biodiversity destroyed by mining, as long as an “equivalent” area is protected or re-created elsewhere. The absurdity of this idea does not stop here. The World Bank, through its private sector arm—the IFC—claims that this kind of “offset” project should ideally result in “more biodiversity” (1): in technical terms this idea is called “net positive impact,” even when it involves the destruction of thousands of hectares of forest, and with it the livelihoods of forest-dependent communities.

The “biodiversity offsets” proposal is based, in the first place, on accepting mining and other destructive activities as inevitable. These activities must go on, as if they were the only way towards a “better future” or “progress”—which are some of the promises made to people when another major development project is announced. Continued destruction is so essential to the concept of “biodiversity offsets,” that this proposal would not be viable or even exist if there were no destruction. It is a perverse logic, since anyone with a bit of common sense would seek first to avoid destruction, rather than facilitate its continuance. But in the current capitalist economic system, destruction makes sense; from the perspective of those who continue to destroy with impunity in order to create new opportunities to profit.

In the perverse logic of “offsets,” its proponents seek an area “equivalent” to that which will be destroyed, and in the case of “biodiversity offsets,” in the same region or country. Then they invent a story – very much like what happens with [REDD+](#) projects – in which they claim that the area runs the risk of being destroyed or deforested in the future, not by the company, but by the population using the forest. The mining company appears, generally with the support of large conservationist NGOs, proposing conservation as a way to “save” the area from “destruction;” which involves restricting local communities’ access to the forest and their traditional activities, such as agriculture. A report soon to be released describes what this means for the people living in an “offset” area (2). It focuses on one of the most internationally known “biodiversity offset” projects, developed by mining company Rio Tinto in Madagascar. While local peoples are blamed for total destruction of the “offset” area, and have their rights to use the forest restricted, Rio Tinto QMM is allowed to freely deforest 1,500 hectares to install a mine and extract the mineral ilmenite.

But the perversity of such projects goes even further. In some cases companies claim they even “create” “more biodiversity,” for example, when—in addition to protecting the “offset” area—they carry out complementary activities such as tree-planting to “enhance” the region’s biodiversity. The project is thus even more perverse, since they present mining—which is extremely destructive—as an activity that contributes positively to the environment. It is also perverse because they usually promote

reforestation activities as social projects, when, in practice, participating community members—and it's never all of them—are paid very little. Meanwhile, communities are restricted in their livelihood activities, a situation which jeopardizes their food sovereignty. Worse yet is when reforestation involves monoculture plantations of fast-growing species that require a lot of water and chemicals, a frequent scenario.

In order for this “offset” logic to thrive, it is necessary to have laws and regulations protecting companies so that they can destroy legally, as long as they carry out “offset” activities. The World Bank, for example, encourages this. The first article of this bulletin addresses those dangerous changes in laws and regulations, offering a glimpse into the growth of this phenomenon in the global South. Another article reflects on how the green economy logic, which tries to reduce “biodiversity” and “nature” to a mere group of species and “ecosystem services,” increases the impunity of companies that destroy them. Another article describes how this logic has played out in Colombia, in the context of peace negotiations to end the armed conflict in the country. One article offers a critical reflection on local community “consultations,” which also abide by the logic that a destructive project is inevitable, and wherein decisions are usually taken long before the community knows about the project. This bulletin also includes an article on how REDD is failing to protect forests: After the Nigerian government implemented REDD projects restricting communities’ traditional use of forests, it proposed the construction of a mega-highway that not only will destroy forests and communal territories, but also cut through three REDD project areas. The final article, from India, shows how extractive industry’s corporate interests run roughshod over communities’ collective rights, even when these rights have been legally recognized.

False promises tied to proven destructive activities—both in terms of “offsets” and claims to create “more biodiversity,”—are not just restricted to “biodiversity offset” schemes. In the last Paris climate conference, different versions of the idea to “Capture and Store Carbon,” combined with activities like tree-planting, suggest it would be possible to develop projects that result in “negative emissions.” Corporate interests primarily spread these ideas. This means, for example, that oil companies could continue to burn this product, to “capture” the carbon emitted and to “store” it somewhere through a given technology, often uncertain. And, if a project like that is linked to another one that involves large monoculture tree plantations that “store” carbon from the atmosphere in a country in the global South, the company claims it has not only “offset” its emissions, but also helped solve the climate crisis, since it created a situation of “negative emissions.” Indeed, at the Paris Conference we saw ambitious plans to “reforest” Africa, and in this bulletin we have included an article about a conference that took place this month in Ghana, which seeks to promote this idea even more.

One positive aspect of these plans is that, in their absurdity, they make more evident how unviable the current destructive model of production and consumption is. We see this daily in the ever more serious environmental destruction and its impacts. We must therefore continue exposing and denouncing the increasingly absurd and irrational ways that such group of destructive businesses explore to preserve their interests.

1. http://www.ifc.org/wps/wcm/connect/bff0a28049a790d6b835faa8c6a8312a/PS6_English_2012.pdf?MOD=AJPERES
2. The report on the Rio Tinto project in Madagascar and the impacts of the company's “biodiversity offset” project, production of Re:Common and WRM, will be published shortly.

THE GREEN ECONOMY: TWEAKING LAWS TO PERPETUATE A DESTRUCTIVE MODEL

The “Green Economy”: giving immunity to criminals

“The goal is to transform environmental legislation into tradeable instruments”

Pedro Moura, founder of EcoSecurities, a carbon offsets company,
and creator and director of the “*Bolsa Verde Rio*”, Brasil’s green exchange stock market (1)

For over a decade, key national and international policy debate, aiming to introduce a new economic value to nature, has been re-defining forests as providers of “ecosystem services”. Promotional videos, slogans and attractive brochures promoting a “Green Economy”, repeat over and over how forests and biodiversity are essential for the “services” they provide to humanity. Policies and plans implementing the “Green Economy” are not about transforming the current damaging economy into a non-damaging one, but about something very different, about (re)creating “nature” itself. This new “nature” of the Green Economy reinforces the colonial understanding of “nature” as a collection of species, undisturbed by human interaction. This new “nature” denies even more the role of forest peoples in shaping nature over millennia, and puts “nature” at the service of the same economy that continues to destroy just as before. The result is a re-definition that reduces the underlying causes of the destruction of forests and other territories into an issue of numbers and units. In turn, technical discourses over how to measure each “service” and how to “compensate for” or “restore” the “unavoidable” destruction of “nature as a service provider” contribute to the creation of a smokescreen. These discourses silence the crucial issues of power relations and injustices inherent to the economic system, including the underlying causes of forest destruction and violation of forest and traditional communities’ rights. People, cultures, traditions, interconnections, among many other aspects in forests and territories, are not even considered as co-existing and inseparable with forests.

The concept of “nature as a service provider” is central for the “Green Economy”. For this logic to function, “services” must be precisely defined and quantified, priced, marketed and traded (2). “Nature” must be re-defined as a collection of “ecosystem services” that can be measured, and different, unique habitats, territories and localities are split into units that can be shown to be “equivalent” in terms of their number and quantities of “ecosystem services”. It is based on the conversion of nature’s functions, cycles and capacities that are useful to humans into “services”, including water regulation, carbon storage, habitat for diverse species that in turn provide e.g. pollination of crops, etc. This has many parallels with the process where human work was turned into wage labour. Some aspects of nature that were previously not used as part of capital circulation are drawn into capital markets and the capital market logic. Even though the process of extracting marketable assets out of “nature” is old, there are new elements to the current attempts of turning “ecosystem services” into an asset. New in the sense that “nature’s” newly defined “services” are now being “packaged” into a number of measurable units or “assets” that allow comparison, compensation and trade. These “services” do not need to be extracted in order to be marketed, as with timber, minerals, etc. For example, saving a certain quantity of “biodiversity” in a forest at risk of being destroyed can be used to “compensate” for the destruction of an “equivalent” quantity of “biodiversity” in a “comparable” forest area elsewhere. Therefore, this creates a new way to extract from “nature”: the absence of an activity that would

destroy the “service” or the (re)creation of an area “equivalent” to the one that would be destroyed.

This “new economy with nature” is a process that is advancing with persistence and that is pursued by many actors as a means to different, even contradicting, ends. Among these are those actors that truly believe that by quantifying and pricing “nature” it can be saved from destruction, like some academics for example; others, like banks and brokers, have jumped in the boat for making financial gains out of the transactions of the newly created “assets”; the consultancy industry is profiting from this “new economy with nature” which requires many technical documents, certifications and auditing services; corporations in the extractive industries, agribusiness and infrastructure sectors are also powerful actors which directly benefit from this agenda: offering a way out from dealing with the destruction they create while receiving a “green” image for continue business as usual; and so on and so forth. And while some of these ends are advertised and thus publicly known through nice propagandas, others are carefully hidden. However, it is important to acknowledge the diverse agendas of the many actors active in re-defining nature, as considering only some of these motivations can easily prevent us from understanding why this idea has gained such prominence.

Conservation NGOs, ecologists, ecological economists, developmental cooperation agencies and banks, the World Bank and UN agencies have been crucial in assisting with the technical methodologies and delivering the “desired” image of nature. Mechanisms under the “Green Economy”, like REDD or biodiversity offsets, are top-down approaches which ensure that the power of how to define “nature”, how to “value” it and how to “protect” it remains in the same corporate and state hands that allowed and benefited from its degradation.

Consequently, a crucial point also for these actors (World Bank, UN agencies, conservation NGOs, etc.) is that governments revise their environmental legislation and regulations and create a legal basis for the compensation mechanisms proposed under the “Green Economy”. It is evident that, generally, laws with the potential to protect forests and peoples’ territories have shown to be easily broken or ignored when powerful interests are in play. Nonetheless, allowing destructive activities to expand legally, that is, *without* violating any law, exacerbates even further the threats to forests and the people for whom these forests sustain their way of life and provide their livelihoods.

Illusive limits: an open door for forest destruction

Immunity, according to the Oxford dictionary, means “protection or exemption from something, especially an obligation or *penalty*” (3). The changes to environmental accords, legislation and regulations that introduce compensation mechanisms such as [REDD](#) or [biodiversity offsets](#) – allow governments to limit nature’s destruction or pollution while at the same time enabling companies to legally ignore such limits, for example, when offsetting is introduced as one way of “achieving” these limits. In other words, the corporations, financial institutions and other actors behind the destruction of forests, biodiversity and forest peoples’ territories are being granted with a type of immunity: an exemption to the criminal acts they are responsible for when their operations destroy forests and territories. In this context, governments revising

legislation all over the world are accepting the destruction of “ecosystem services” in areas previously protected, considered as 'critical habitat' or where destruction would have faced significant opposition and criticism – as long as the loss of a specific “ecosystem service” is compensated for elsewhere. Numerous international, national and sub-national initiatives are underway that highlight the diverse approaches that attempt to (re)create nature as a “service provider” (See article of this bulletin “Environmental regulation in the Green Economy”).

Besides the legal changes, investment criteria of multilateral banks such as the regional developmental banks or the World Bank also aim to influence environmental legislation. The International Finance Corporation (IFC), the private arm of the World Bank, changed its Performance Standard Number 6 in 2012. Every company that wants an IFC loan and will destroy what the IFC considers “critical habitat” through its operations has to present a biodiversity offset plan, that is, a plan stating that the destroyed biodiversity will be compensated for elsewhere. With investments in over 100 countries, this “standard” allows the continuation of extractive industries while linking extraction with the (re)creation of nature as a provider of “ecosystem services”. This trend also threatens to facilitate extractive industries pursuing operations in protected areas.

Why is this transformation so crucial now?

The limits imposed by existing environmental legislation have increasingly become a problem for corporations to continue “business-as-usual”, either for carrying out their activities or for keeping their image intact. While on the one hand, companies and industries demand action to ease access to remaining areas of interest to them, an increasing part of society demands limits to the continued destruction. For politicians and investors, offsets are therefore an instrument that helps them out of a dilemma: citizens increasingly demand limits on destruction and pollution and call for the restoration of already damaged territories. At the same time, corporations demand that such limits not interrupt their business unduly and that such limits can be ignored where they would restrict corporate expansion. Legislation and regulation including offsets makes this possible: A company can ignore the limit in one place while pretending to comply with the limit through purchase of an offset credit. Environmental laws that include limits at the same time as they include the instrument to legally ignore such limits by promising “conservation”, “compensation” or “restoration” elsewhere are therefore the logical consequences.

What is crucial to recognise is that the “new economy with nature” is synonymous to an increased corporate and market control over territories since the “ecosystem service” certificates being sold need to be “protected”. REDD projects and plans have shown how very often these first blame forest loss – and thus the loss of the carbon stored in the forest - on peasant and forest communities while the corporations and government policies really responsible for large-scale deforestation continue unabated. Consequently, many denunciations of evictions, restrictions on communities’ use of their traditional forests, and even increase of pollution and deforestation in the quest of “protecting” the new “asset” are a result of projects that proclaim to reduce forest destruction (4). Besides, every offset project, apart from having an impact at the offset site, is also allowing the continuation of another destructive activity somewhere else, therefore impacting and grabbing land from yet another locality and territory. It is

therefore equally crucial to monitor and denounce the effects for the forest and traditional communities on the ground.

Another crucial consequence for communities or community groups in resistance to the “Green Economy” is that these legal changes result in affected communities losing the possibility of bringing “environmental/territorial criminals” to court: When the law itself allows a company to exceed legal limits to pollution or destruction as long as additional “protection” or “re(creation)” is ensured elsewhere, such excess pollution or destruction is no longer an offence. In a nutshell, the right to ignore a legal limit can be bought. This, in turn, translates into another push to aggravate the grabbing of more territories, allowing corporate control. This new form of territorial grab through compensation measures, however, might be more difficult to grasp, because it does not require ownership or property rights to the land itself or the trees or biodiversity. It is about protecting “ecosystem services” that are converted into “asset-units”. And if (the absence of) an activity that would otherwise have harmed the “services” is what creates the asset, there has to come regular control and surveillance to make sure the activity remains absent – nature’s “services” need to remain intact over a long period of time or the compensation loses its validity! And these new “assets” being “protected” are located in territories of peasant and forest communities, not on land occupied by corporations. As a result, peasant communities are the ones blamed for deforestation. New technologies of surveillance, such as drones, are used to monitor the new “asset” by monitoring local land use. This also leads to increased criminalization and abuse for local communities.

Consequently, it is imperative to be vigilant of this process. And to further reflect on why is it that even though no global “ecosystem services” market is in sight, the momentum for creating a “new economy with nature” remains or has even grown. Maybe the creation and trade of new assets based on “nature” was not the main motivation, but rather to be able to put more territories under the control of capital instead of communities. To pursue more changes of legislations so that limits on environmental destruction or pollution are easier to ignore without any consequence for corporations or investors appears to be a high priority of the “Green Economy”.

(1) Environmental Finance (2011): EcoSecurities co-founder launches Brazilian environmental exchange. 20 December 2011. http://www.bvrio.org/site/images/clipping/Environmental_Finance-BVRio.pdf

(2) In 2012, WRM addressed two related topics in its February and August bulletin issues: *'Environmental Services'* and *'The Financialisation of Nature'*.

(3) <http://www.oxforddictionaries.com/definition/english/immunity>

(4) <http://wrm.org.uy/books-and-briefings/redd-a-collection-of-conflicts-contradictions-and-lies/>

Environmental regulation in the Green Economy: Changed to facilitate destruction

In 2011, the State of Biodiversity Markets report, published by the pro-markets group Forest Trends, identified 45 biodiversity compensation programmes, laws or regulations in operation worldwide, with the majority of initiatives in the USA and Australia. (1) The report also notes that as many as 27 additional initiatives were underway and that more countries were in the process of changing environmental laws and regulation, such as environmental impact assessment regulation, to enable the use of compensation measures, and [biodiversity offsets](#) in particular. While the numbers may aim at giving

the impression of more enthusiasm for the concept of biodiversity offsets than there exists in reality, it is likely to be the case that most of these 27 initiatives reported as “under development” in the 2011 State of the Biodiversity Market report were being developed for countries in the global South. A more recent academic paper states that 17 countries worldwide already have national policies requiring biodiversity offsets, and that more than 29 countries have national policies that suggest or enable the use of biodiversity offsets. (2) Furthermore, biodiversity offsetting is enjoying increasing popularity among the corporate sector. The Biodiversity Consultancy, a consulting firm based in the UK, reported that in 2012, 38 companies had what they call “no net loss-type commitments”, which basically refers to the use of offsets for “compensating” “loss” of biodiversity. 15 of these corporations were from the mining and related industries, including Rio Tinto and Holcim, among others.

Four things stand out when looking for information on these biodiversity offset initiatives. First, the existing regulatory framework – environmental impact assessments, licensing laws, environmental legislation, financing regulations of development banks, etc. – needs to be changed so that it allows destruction of biodiversity in places that were off-limits to corporate expansion before the introduction of biodiversity offsetting. Second, very little information is available about the actual status of the large majority of biodiversity offset projects already said to be implemented by companies as part of their “biodiversity conservation plans”. Third, the **World Bank** and international conservation groups such as **The Nature Conservancy**, **Conservation International**, **Wildlife Conservation Society** or **IUCN** are key actors in the preparation of the regulatory framework as well as the actual implementation of biodiversity offset initiatives. (3) And fourth, the majority of initiatives and regulatory changes make specific reference to extractive industries or large-scale infrastructure projects – activities that have become increasingly controversial, and always involve destruction on a large scale.

International Finance Corporation as trendsetter for offsetting initiatives in the global South

In 2012, the International Finance Corporation (IFC), the part of the World Bank that provides funding to the private sector, introduced biodiversity offsetting in one of its key regulatory instruments, the Performance Standards. Since 2012, any company applying for financing from the IFC has to present a "Biodiversity Action Plan" that often will include biodiversity offsetting if the project will destroy what the IFC calls "critical habitat". (4) But in many countries in the global South environmental regulations of the country where the project will take place do not require such offsetting. To change this, the World Bank has been pushing for changes to environmental laws and regulations in countries, particularly in the global South.

In **Mongolia**, the Anglo-Australian mining giant **Rio Tinto** controls 66 per cent of the Oyu Tolgoi mining project, the largest mining investment ever licensed in Mongolia. The open pit and underground copper and gold mine received IFC funding and is expected to account for about 30 per cent of Mongolia's GDP. The ministry of environment approved the Environmental Impact Assessment for the mine in 2013, following modification of environmental regulation. One crucial aspect of the modification, advised by the World Bank, was the introduction of biodiversity offsetting, and the Environmental Impact Assessment and related biodiversity

management plan for the mining site refer to biodiversity offsets. (5) An international civil society field investigation in April 2015 found that while mining has already started, the actual offset project mentioned in the impact assessment, and presumably a condition for its approval, is still under preparation.

In **Liberia**, the New Liberty Gold Project, located in northwest Liberia, some 20 kilometers from the Sierra Leone border, involves the construction of an open pit gold mine. The mine is being developed by **Aureus Mining Inc.**, a Canadian mining company active in Liberia and Cameroon. IFC is considering investing up to GBP 6.6 million pounds (around USD 8.3 million dollars), which means the project will require a biodiversity offset plan, since mining will destroy “critical habitat”. The IFC website states that “Aureus will develop and implement, in partnership with a recognized biodiversity institution, a Biodiversity Offset Strategy, aligned with the requirements of PS 6 [Performance Standard 6] and integrate it with country-level aggregate offsets scheme in Liberia, if feasible”. (6) And the World Bank is working to make such aggregate offset schemes feasible in Liberia: In March 2015, the World Bank presented “A National Biodiversity Offset Scheme: A Road Map for Liberia’s Mining Sector”. The report “explores the feasibility of implementing a national biodiversity offset scheme in Liberia to help minimize adverse impacts on biodiversity and ecosystem services resulting from mining.” (see [WRM Bulletin 213, May 2015](#)). In the report, the World Bank explains that it sees potential not only for the mining industry but also oil palm and forestry corporations profiting from such a national biodiversity offset scheme in Liberia.

In the **Republic of Guinea**, two large mining projects are receiving IFC financing even though they will destroy “critical chimpanzee habitat”. The projects will also destroy the livelihood of many communities living in the area, but biodiversity offsetting always ignores these inseparable connections between biodiversity and livelihoods – or blames local use of an area as the cause of deforestation so restricting such use can be turned into a biodiversity offset for large-scale destruction. Biodiversity offsetting helped pave the way for the Simandou and Guinea Alumina Corporation mining projects. (7) The Simandou project became the largest combined iron-ore and infrastructure project ever developed in Africa when the Government of Guinea, **Rio Tinto**, Chinese mining corporation **Chinalco** and the IFC signed an Investment Framework in 2014 for expansion of the Simandou mine. The project includes an open-pit iron-ore mine in the Simandou mountain range; some 670 km of railway across Guinea to transport ore to the coast; a new port facility to export the ore; and associated infrastructure, such as housing, roads, quarries, and power generation and distribution. Moreover, an environmental impact report for another mining project in Guinea, Guinea Alumina Corporation's (GAC) Sangarédi mine, owned by **Emirates Global Aluminium** of Dubai, states that “it is strongly recommended that GAC invest in biodiversity offsets for the Sangarédi mine by boosting conservation efforts elsewhere in Guinea to better manage the uncertainty associated with the impacts on chimpanzees in the concession and the inevitable negative short- and medium-term impacts on the population.” Whether the projects are actually implementing biodiversity offset projects, and how these affect communities depending on the areas considered as “offsets”, is not known. (2)

Elsewhere in Africa, the government of **South Africa** has been developing biodiversity compensation schemes at national level and state level that include biodiversity offsets;

neighbouring country **Namibia** is said to be integrating biodiversity offset requirements into the country's Strategic Environmental Assessment; and in 2015, *Agence Française de Développement* (AFD – The French Developmental Agency) and the *Fonds Français pour l'Environnement Mondial* (French Funds for the Global Environment) provided a four-year, 3 million euro grant to the Wildlife Conservation Society “to work in four countries on promoting biodiversity offsets: **Uganda, Mozambique, Madagascar, and Guinea.**” (8) **Gabon**, in central Africa, adopted a “Sustainable Development Law” in 2014 that foresees the use of offsets for a variety of compensation purposes. The law establishes offset credits for among others, biodiversity, carbon and “community development capital”. (9)

Colombia was the first country in Latin America, according to Ecosystem Marketplace, to implement rules and regulations specifically designed to support biodiversity offsetting. The biodiversity regulation requires projects such as mining, oil and gas infrastructure “to offset residual biodiversity impacts by restoring or protecting an equivalent habitat elsewhere.” “With over 8 million hectares under mining titles, over 130 oil and gas companies, with operations in the country over at least 1.5 million hectares, including Shell, Oxy, Chevron, ExxonMobil, and Petrobras, and thousands of kilometers of highways in the pipeline that will affect critical biodiversity hotspots, one of the key questions is where are the hundreds of thousands of hectares needed in offsets going to come from,” Colombian NGO Fundepublico wrote. One of the mining operations required to implement biodiversity offsets is the Gramalote gold mining projects, which involves the South African company **Anglogold Ashanti** and Canadian **B2Gold Corp.** (10)

In **Peru**, a policy requiring biodiversity offsets has been developed but its adoption has been delayed. The policy will be implemented through the environment ministry's specialised agency - SENACE. Created in December 2012 (Law 29968), SENACE is expected to be the authority responsible for the technical review and approval of all Environmental Impact Assessments for large-scale investments. If the new policy is adopted, companies wishing to obtain an environmental license are required to develop a biodiversity offset plan.

NGOs **Forest Trends** and **Wildlife Conservation Society** received funding from the **Interamerican Development Bank** (IDB) to prepare interim advice to the Peruvian ministry of environment on the calculations and measurements involved in biodiversity offsets. The *Deutsche Gesellschaft für Internationale Zusammenarbeit* (GIZ - The German Development Agency) and the Peruvian agrarian university *Universidad Nacional Agraria La Molina* have also worked closely with the ministry of environment to further advance the methodology and metrics for biodiversity offsetting in Peru. “The choice was made to focus initially on the highland grasslands of Peru, given that much of the country’s mining is carried out in this region and the availability of base line information on biodiversity and ecosystem characterization,” one report notes. (11)

Brazil’s 2012 Forest Code provides an increased role for offsetting mechanisms, in particular “forest restoration credits” (CRAs, acronym in Portuguese). The 2012 Forest Code obliges land owners to restore illegally cleared forest, or risk losing access to agricultural credit lines. The tradable “forest restoration credits” allow a landowner to continue using illegally cleared land e.g. for cattle ranching and fulfil the legal obligation to restore illegally cleared land by buying “forest restoration credits” (see

[article in WRM Bulletin 219](#), and WRM publication “[Trade in Ecosystem Services](#)”). “Compensation in Legal Reserve opens market in the billions”, news reports commented, seeing the inclusion of such offset credits in the Forest Code as large speculative market in the making. (12)

In **Papua New Guinea**, even though there seems to be no national legislation or regulation requiring biodiversity offsets, offsetting plays a role in licensing decisions. “One of the Permit Conditions for Horizon Oil (Papua) Limited is to develop and implement a Biodiversity Offset Program (BOP) consistent with applicable regulations, which includes a biodiversity offset plan,” the Papua New Guinea Department of Environment and Conservation stated when granting an Environmental Permit to the Australian multinational **Horizon Oil Limited** to develop the Stanley Gas Project PNG's Western Province.

Esso Highlands Limited (EHL), a subsidiary of the oil and gas company **Exxon Mobil**, also developed a Biodiversity Offset Delivery Plan with “the overall objective of achieving no net loss of biodiversity and the offset of residual impacts and losses” caused by its Papua New Guinea Liquefied Natural Gas Project (PNG LNG). EHL signed a collaboration agreement with **Conservation International** (CI) in June 2011, under which CI provided recommendations on the Biodiversity Offset Delivery Plan. CI's role is described as follows: “to develop a technical rationale for offset selection, identify potential offset areas and activities, assess potential partners and consider offset implementation feasibility.” (13)

And it is not only the mining industry that is using biodiversity offsets to facilitate financing and passing through the licensing processes for their harmful projects. Project documents for the World Bank–funded Bumbuna Hydroelectric Project in Sierra Leone and the Lom Pangar Dam in Cameroon, backed by funding from the **World Bank**, the **African Development Bank**, the **Central African States Development Bank**, and *Agence Française de Développement* (**The French Developmental Agency**), also make reference to biodiversity offsets. (2) Operators of the Bumbuna “Hydroelectric Environmental and Social Management project” are also considering presenting some offset activities as a REDD+ project. (14)

Why do we hear so little about concrete biodiversity offset projects in the global South?

Considering the large number of countries and institutions requiring some sort of biodiversity offset plan, surprisingly little information is available on the concrete status of implementation of such biodiversity offset projects mentioned in impact assessments or biodiversity action plans.

One possible reason for this paucity of information is that locally, the companies and their partners from the conservation sector do not refer to conservation initiatives as “offsets”. The Rio Tinto biodiversity offset for its ilmenite mine in south-eastern Madagascar is one example. At the offset location, the project was introduced as a “conservation project”, with no mention to villagers that the reason for the restrictions put on their use of the forest was that this forest had been chosen to provide biodiversity offsets for the Rio Tinto mine some 50 kilometers to the south. The situation might be similar in the case of the Cobre Panama copper-mine project, which is expected to result

in the loss of around 5,900 hectares of forest in the Central America's Mesoamerican Biological Corridor. To compensate, the Canadian company **First Quantum Minerals** will contribute to the costs of managing two existing national parks (Santa Fe and Omar Torrijos), and of a new protected area to be established nearby. The Panamanian government can list these national parks when reporting the country's progress towards its previously agreed conservation targets without having to declare the concomitant damage to biodiversity caused by the mine.

Another possible reason is that while projects are mentioned in environmental impact assessments, and biodiversity offset plans are developed, the actual implementation of the offset project may start long after the mining or infrastructure project has begun operations, if ever.

Thus, while biodiversity offsets are not yet easily detectable in many places - or not presented as such - reference to biodiversity offsetting as with the IFC Performance Standards already paves the way for extractive and infrastructure industries such as hydropower dams expanding into ever more controversial areas. Where implemented, there also is a high risk of such biodiversity offset projects contributing to a double land grab where communities lose their territories for the mine or infrastructure project as well as for the biodiversity offset, as is the case with the Rio Tinto biodiversity offset in Madagascar. (15)

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(1) Forest Trends (2011): State of Biodiversity Markets. Update 2011.

(2) Rebecca Kormos et al. (2014): Great Apes and Biodiversity Offset Projects in Africa: The Case for National Offset Strategies. Plos One Vol. 9 (11).

<http://journals.plos.org/plosone/article/authors?id=10.1371%2Fjournal.pone.0111671>

(3) See for example the Conservation International Brochure "Leadership in Focus: Biodiversity Offsets" for a glance at CI's co-operation with mining and energy corporations on biodiversity offsetting:

http://www.conservation.org/publications/Documents/2013_Leadership_in_Focus_BiodiversityOffsets.pdf

(4) Paragraphs 16-18 of the IFC Performance Standard 6:

http://www.ifc.org/wps/wcm/connect/bff0a28049a790d6b835faa8c6a8312a/PS6_English_2012.pdf?MOD=AJPERES

(5) The Biodiversity Consultancy presentation about the Oyu Tolgoi biodiversity offset:

http://www.forest-trends.org/documents/files/doc_4589.pdf

(6) IFC project page:

<http://ifcextapps.ifc.org/ifcext/spiwebsite1.nsf/78e3b305216fcd8a85257a8b0075079d/08adee4304164e2185257cda00502f08?opendocument>

(7) Documents referring to the Biodiversity Action Plan and offsets: Simandou:

[http://ifcext.ifc.org/ifcext/spiwebsite1.nsf/0/A87B7EA570082C41852578E700569CED/\\$File/Simandou%20Project%20ESAP%20July%202013%20FINAL.pdf](http://ifcext.ifc.org/ifcext/spiwebsite1.nsf/0/A87B7EA570082C41852578E700569CED/$File/Simandou%20Project%20ESAP%20July%202013%20FINAL.pdf)

Global Aluminium's Sangarédi mine:

[http://ifcext.ifc.org/ifcext/spiwebsite1.nsf/0/8A0EE1048673CB16852576BA000E2CAC/\\$File/Guinea%20Critical%20Habitat%20Assessment%20Report.pdf](http://ifcext.ifc.org/ifcext/spiwebsite1.nsf/0/8A0EE1048673CB16852576BA000E2CAC/$File/Guinea%20Critical%20Habitat%20Assessment%20Report.pdf)

(8)<http://www.environmentjobs.co.uk/green-jobs/biodiversity-offsets-project---project-director.54785.htm>

(9) Video by Gabonese NGO Brainforest about the 2014 Sustainable Development law (in French):

<https://www.youtube.com/watch?v=rgdX8QWsZWs>.

(10) Presentation Forest Trends. http://www.forest-trends.org/documents/files/doc_4612.pdf

(11) Inter-American Development Bank (2014): Towards the development of metrics for no net loss of biodiversity in Peru / Ernani Pilla, editor. IDB Technical Note 708.

(12)<http://www.observatorioflorestal.org.br/noticia/compensacao-em-reserva-legal-abre-mercado->

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(13) Esso biodiversity offset plans Papua New Guinea
http://pnglng.com/downloads/1284_67_Ch09_1.pdf and

<http://www.ipieca.org/topic/biodiversity/biodiversity-case-studies/exxonmobil-detailed-program-protecting-biodiversity>

(14) REDD Desk profil of Bumbuna REDD project proposal:

<http://thereddesk.org/countries/initiatives/sierra-leone-bumbuna-hydroelectric-environmental-and-social-management-project>

(15) WRM and Re:Common (2016): Rio Tinto's biodiversity offset in Madagascar: Double landgrab in the name of biodiversity? Forthcoming.

“New forests for Africa”: A nice slogan for promoting industrial tree plantations?

A conference called “Forests for the Future: New Forests for Africa” has taken place on March 16 and 17 in Ghana (1). A promotional video on the Conference’s website showing many wonderful images from forest areas states that the event “serves as the starting point to learn from each other and to boost reforestation in Africa”. But what can we really expect from this Conference? What is meant for example with the term “reforestation”? Considering that industrial tree plantations are called “planted forests” by the UN Food and Agriculture Organization (FAO), the institution that defines what forests are at the international level, what are the implications of the “new forests” promoted by the Conference? And which are the Conference partners that are supposed to share experiences in order “to learn from each other”, in other words, what are Conference participants going to “teach” each other, if we look at their experiences and specific agendas?

Africa got a lot of attention at the UN climate talks last December in Paris. The discussions were not about the fact that it is the continent that contributes far less to the climate crisis while probably being hit the most by it than any other continent. The attention was there because Africa is being announced as having “the largest restoration opportunity of any continent” (2) by, for example, the World Bank supported AFR100 initiative, that aims to plant 100 million hectares of trees in Africa (3). The Conference in Ghana is clearly organized as a follow-up to these climate-related initiatives. It states in its introduction text that “reforestation and landscape restoration as means of combating climate change are now high on the agenda of many governments and organizations”. The WRM has explained and stated many times that although planting trees sounds good at a first glance and may be necessary in many cases, it is crucial to make the question of how they are being planted and for whose benefit.

How the “reforestation” that is being talked about in the Conference will be done is a crucial question. It can be done at a small scale with a local community or group of farmers by replanting different native species aiming at having some diverse forest back of what existed in the past with ownership and benefits for the local people. But it can also be done by planting thousands of hectares of an industrial tree monoculture with many negative impacts for the local populations and environments; this form is always pushed by companies and investors seeking for profits, and supported by governments and multilateral institutions like the FAO or the World Bank. It is therefore crucial to understand what the Conference partners mean by “reforesting Africa”. The latter practice of “reforestation” seems to prevail if we only look at the program and one of the main Conference organizers, the Dutch forest management and consultancy

company Form, and its Ghana branch called Form Ghana. Form Ghana promotes “reforestation” mainly with teak monoculture tree plantations. The “reforestation” also generates carbon credits that can be sold. Even though they try to promote their plantations as sustainable through the FSC-certification, as WRM pointed out many times, this certification system is above all a mechanism in the benefit of companies, allowing the wood demand and thus plantations to expand more.

Besides, Form Ghana claims that “sustainable (plantation) forestry offers an interesting investment opportunity”. No surprise that also the Conference that the Form company helps to promote gives a lot of attention to “reforestation” as an investment opportunity, and necessary changes in legislation are therefore also essential, as the Conference video explains, highlighting the importance “to ensure a secure and growing return on investment”. UN ex-secretary general, Kofi Annan, from Ghana, also appears in the same video stressing this point, when he says: “You always have to have an enabling environment and the right regulatory system to encourage the investors to invest, (...)”. However, the experience in countries in the global South, where industrial tree plantations have expanded with millions of hectares in the past decades, shows that governments passed laws and regulations like tax breaks, and even in some countries like Brazil tax money was given to plantation companies through national development banks, always with the aim of creating as much benefits as possible for plantation companies and investors, including flexible labour and environmental legislation. (4)

Industrial tree plantation companies are among the Ghana Conference speakers. For example, the Norwegian Green Resources company, that portrays itself as Africa’s largest forestation company, will talk, among others, about the “successes” of the company. Green Resources has tripled the size of its industrial tree monoculture area – eucalyptus and pine plantations - during the last five years. The company is present in Tanzania, Uganda and Mozambique (5). But for communities in Mozambique, for example, the experience with this company is far from a “success” story. During a WRM visit to the area, we heard a number of serious complaints about how the company with its “reforestation” activities with eucalyptus plantations invaded fertile lands crucial for their food crop production and thus affected severely their food sovereignty. Promises of employment and other benefits did not or very poorly concretize (6).

Another indication of how corporate interests, and thus the industrial tree plantation lobby, are present at this Conference is having also consultancy companies from the North on the speakers lists, such as the Finnish Indufor, one of the main ones. They are key actors in the industrial tree plantation lobby of Northern countries like Finland with a wood-based economy (7). Together with the tree plantation business, pulp and paper companies, like Finish Stora Enso and UPM, are spreading the monoculture tree plantation model across several countries in the global South, aiming to produce at a lower cost and thus be able to profit more.

Plantations are not Forests!

No doubt that reforestation is an urgent and real need in many African countries. But reforestation should not be inverted into the promotion of industrial tree plantations, because plantations are not forests! Large-scale monoculture tree plantations create

more business opportunities and profits for companies and investors, while creating more problems for local communities.

If the communities directly impacted by these “new forests” would meaningfully be part of the speakers list of this Conference, participants could learn that the “successes” of corporate models based on amount of trees and profits from investments are not real, and definitely not the way forward! And let’s not forget that besides all the severe impacts of industrial tree monoculture plantations at the local level (see WRM’s [website section on the impacts of industrial plantations](#)), this model has also severe impacts on the climate to which it is supposed to contribute by the Conference in Ghana and related initiatives. They are promoted as steps forward to “help” fighting the climate crisis. But promoting large-scale industrial monoculture plantations is a heavily oil and natural gas-dependent activity. It requires heavy mechanization, the intensive use of fertilizers and pesticides, the transportation of products over long distances, and different forms of deforestation.

To promote this model - instead of stopping with it - will only worsen the climate crisis. It is therefore essential to support and strengthen communities in their struggles against large-scale tree plantations.

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- (1) <http://newforestsforafrica.org/>
- (2) <http://www.wri.org/our-work/project/AFR100/about-afr100>
- (3) <http://www.wri.org/our-work/project/AFR100/impact-investors#project-tabs>
- (4) <http://wrm.org.uy/books-and-briefings/an-overview-of-industrial-tree-plantations-in-the-global-south-conflicts-trends-and-resistance-struggles/>
- (5) <http://www.greenresources.no/Plantations.aspx>
- (6) <http://wrm.org.uy/articles-from-the-wrm-bulletin/section1/the-face-of-smart-forestry-the-cases-of-green-resources-in-mozambique-and-suzano-in-brazil/>
- (7) <http://wrm.org.uy/books-and-briefings/an-overview-of-industrial-tree-plantations-in-the-global-south-conflicts-trends-and-resistance-struggles/>

Forests to the highest bidder in Nigeria: how REDD proves unable to stop deforestation

The rainforests of Cross River State, southeast of Nigeria, have been recognised for many years as being globally important for their exceptional diversity. The state also contains more than half of the remaining 10% of Nigeria’s tropical forests. With one of the highest rates of deforestation in the country, the government decided to develop a national REDD+ programme in 2009. This was to be a two-track process: the development of a national REDD framework and a more “grounded” framework to be piloted at the state level in Cross River state (one of 36 states in the country). The process of implementing REDD by the Cross River state involved a task force embedded within the Forestry Commission with the mandate to enforce a moratorium on all logging activities. Without any adequate consultation with the directly affected populations, the task force has been harassing communities that have depended on the forests for generations (1). Cross River state is also part of the “Governor’s Climate and Forests Taskforce”, which aims to establish REDD carbon trading between 29 states

and provinces from Brazil, Indonesia, Ivory Coast, Mexico, Nigeria, Peru, Spain and the United States.

In parallel with the development of the National REDD programme, the government of Cross River state announced in 2009 a 3-year moratorium on all logging to give the state time to plan for the “wise” use of its forests, which was then extended indefinitely. As one might imagine, the logging ban was highly unpopular and very controversial indeed. It is debatable whether it actually took the pressure off the forests and certainly generated a great deal of resentment and tension between the government, communities and small-scale loggers. The moratorium meant a complete ban on woodcutting in all forests, including those not delineated as reserves by the state or federal government, affecting local livelihoods that depended on the wood and timber resources.

In the meantime, Nigeria was awarded through the United Nations “forest carbon scheme” (UN- REDD) a USD\$4 million grant to define its REDD programme. Part of this grant went to the Federal Government and part to Cross River State, as this was the pilot state for the country. After 7 years, it’s hard to see what impact, if any, these funds have had. As research from the Nigerian NGO Social Action points out, “forestry laws of Cross River State, which were derived directly from British colonial era laws dating back to 1956, empowers the state government to constitute forest reserves and declare areas as protected forests under state control... All that is needed is for local government and chiefs to be notified. Following such notice, government agents are empowered to prohibit collecting of any forest produce at short notice. In addition, the Land Use Act, which was promulgated as a military decree in 1978, vests all land comprised in the territory of each state in the governor of that state. This Act overrides all communal and customary titles. It was with the combination of the forestry and land laws that the Cross River State Government created the framework for REDD” (2), without actually establishing any new legal structures or institutions.

The Ekuri community has the largest communally controlled area of forest in Nigeria. This community has a unique experience of community-based forest management, which has helped them to fend off logging interests that would have threatened their forests. It is also where one of Cross River State’s three REDD pilot projects was being developed. Environmental Rights Action (Friends of the Earth Nigeria) reported that in a local forum organized in 2011 the sentiment was that “REDD had started causing division among forest communities such as Ekuri as a result of deceptive tactics implored by REDD consultants, and contractors of Government in Cross River state.” (3) Moreover, the NGO Social Action affirms that “Movement and trade of products deemed to have been derived from the forests are confiscated. At Nwanga Ekoi in Akpabuyo Local Government Area (LGA) for instance, the task force routinely seizes agricultural products like kola nuts and fruits meant for the market on account that they are derived from forests earmarked for REDD. The harvesting of Afang leaves, a local vegetable consumed in West and Central Africa, is now banned in affected forests. The hunting for bush meat, a main source of protein in the communities, as well as the tapping of palm wine from the raffia palm and associated brewing of kaikai, a local beverage, has been stopped.” (4)

With the recent elections in Nigeria, a new Governor has come to power in Cross River State, Senator Ben Ayade. Within a matter of weeks, the Governor wasted no time in stating publicly that the UN-REDD process needed to be “re-examined”. He said that he

openly disagreed with the need to conserve old growth forest and wanted to move towards forest “management”, so that old trees could be cut down “since young ones sequester carbon more quickly”. In the same space of time, the Governor lifted the logging moratorium and gave the state’s forestry commission targets for the amount of revenue they had to generate for forest logging to contribute to the state’s finances.

At the same time, he has flagged off a project to construct a 260 km long superhighway, right through the middle of the state’s rainforests and through the middle of forestland belonging to over 40 communities. On the 22nd of January, he also announced that all land within 10 km at either side of the highway was being acquired “in the over-riding public interest”. So almost overnight he made over 40 forest dependent communities technically landless and homeless. Furthermore, the highway will pass right through the middle of all 3 of the proposed REDD pilot sites in the state. So the REDD programme is all but dead effectively.

This superhighway will obliterate the entire 33,600 ha Ekuri forests, destroying the way of life of these forest communities forever and leaving them homeless.

As one can imagine, forest communities are outraged. It is ironic to see how fast REDD means no protection for forests as soon as “better investment” (from the government’s perspective) comes in. Not only does the highway make communities landless, but also it is well known that once the forest is opened up, illegal loggers, migrant farmers and hunters will flood in and the forest will be gone in no time. Local communities have stated that there is no need at all for the planned highway and are now working with a coalition of national and international NGOs, including the WRM, to fight the superhighway which threatens their very existence.

It is ironic, a logging moratorium and REDD programs were put in place to restrict the perceived threat to the forests from communities’ traditional forest use and small-scale logging. But now, the real threat to the forests has appeared in the form of a government-backed superhighway and the rights of Nigeria’s forest people are threatened as never before.

Sign the petition to stop the destruction of the Ekuri people’s rainforest:

<https://www.rainforest-rescue.org/petitions/1045/stop-the-destruction-of-the-ekuri-people-s-rainforest-in-nigeria?mtu=140661639&t=1757#>

And write letters to the relevant authorities in Nigeria to support the fight against the highway. You can find a sample letter here:

<http://wrm.org.uy/all-campaigns/please-sign-on-stop-the-destruction-of-the-ekuri-peoples-ancestral-rainforest-in-nigeria/>

Tunde Morakinyo

- (1) http://saction.org/books/SEEING_REDD.pdf (Warning: this is a heavy document to download)
- (2) http://saction.org/books/SEEING_REDD.pdf (Warning: this is a heavy document to download)
- (3) <http://www.redd-monitor.org/2011/04/15/a-wolf-in-sheeps-clothing-redd-questioned-in-cross-river-state-nigeria/>
- (4) http://saction.org/books/SEEING_REDD.pdf (Warning: this is a heavy document to download)

Corporate peace and the Green Economy in Colombia

The current situation in Colombia can be understood as a historic opportunity to try to overcome decades of armed, social and political conflict. Without a doubt, the end of the war through political negotiations with insurgents is an effort that should be broadly backed by all organizations, processes and social movements; and it should be on the general society's horizon for rebuilding the country. Yet support for these processes cannot ignore how the government of Juan Manuel Santos is brokering facets that directly contradict the institutional rhetoric of peace. These facets warn us of a government that—while outwardly showing strides in peace—is declaring low intensity war on the people, in a country increasingly affected and rocked by social injustice and the environmental impacts of its development model.

What the government presents as Peace is actually negotiations with one of the insurgent groups of the armed conflict – the Revolutionary Armed Forces of Colombia (FARC, for its Spanish acronym) – and the prospect of negotiating with another – the National Liberation Army (ELN, for its Spanish acronym). However, peace building requires the participation of society as a whole, and achieving it concretely implies achieving social and environmental justice. Nonetheless, it appears the pursuit of justice, in its different manifestations, is not one of the government's objectives. On the contrary, this path is far-removed from the interests of a ruling class that continues to privatize public resources, establish laws and decrees for dispossession that facilitate invasion and transnational impunity in economic spheres, and—through regressive tax reforms—asphyxiate Colombians and gradually strip them of their rights. It seems to be, therefore, a nominal peace that the government declares in order to promote a transnational corporate model.

Among the many contradictions and fallacies of the current government, I want to make explicit the collateral environmental effects of negotiations with the FARC, currently moving forward in the Cuban city of Havana. The environmental and climate crises are undeniable manifestations of a development model designed and imposed with its back turned to environmental balance, and with a blind eye to participation and popular and sovereign decision-making on land use.

A good way to understand the analysis of the United Nation (UN)'s attempts to implement and impose green capitalism in Colombia can be found in the publication, *Environmental considerations for the construction of a territorial, stable and lasting peace (Consideraciones ambientales para la construcción de una paz territorial, estable y duradera)*, initiated in September of 2014 and published in January of 2015, during which time Santos' second National Development Plan was being drafted (1).

The UN recognizes the problems associated with the FARC's withdrawal from regions where, thanks to this military presence, favorable environmental conditions have been maintained. It recognizes the contradiction that those places may be destroyed with the arrival of corporatism and the extractive model favored by the government's "democratic prosperity."

In this context, the UN has developed hypotheses and proposals under a green economy framework. This is a double contradiction and a paradox: Avoiding potential destruction of lands using green economy schemes is a regressive return to a model that

since the 1990s has deepened social and environmental injustice in Colombia—under the fallacy of sustainable development. Let's have a look.

The United Nations Environment Programme (UNEP) presented the green economy that is being sought as the environmental solution to implement in post-agreement Colombia, in the last UN Conference on Environment and Development in 2012 in Rio de Janeiro. Official documents state that the environmental problems and crises are the result of misallocation of capital in development projects, and thereby absolve the capitalist system of responsibility. In other words, instead of getting to the heart of the problem, this view leaves it intact. It presents corporate governance as one of the solutions to the global crisis, viewing state environmental and territorial administrations as weak, and corporations as saviors with the necessary technology and capital to address the problem. It ignores any rights perspective on the commons; favors privatization via public-private partnerships as the only way to manage the commons; and presents false solutions to the global environmental crisis (such as Reducing Emissions from Deforestation and Forest Degradation -REDD- and Payments for Ecosystem Services -PES-).

Returning to Colombia, after pointing out the environmental contradiction that could occur in the post-agreement, the UN presented a series of proposals in four areas, namely:

a) **Land Use Planning.** In a post-agreement setting, there is a clear necessity to reconcile national and regional views with local views. It is an aspect that seems necessary, yet the UN later states that in order to accomplish this, it is important to recognize biodiversity in terms of *natural capital* (NC). The concept of natural capital seeks the mercantilization of nature. Yet nature is not equitable to capital, and in fact the capitalist system has caused its very destruction.

b) **Local development and sustainable production.** Rethinking 'rural' beyond agriculture is the UN's premise. It is an interesting approach, especially given the absence of the farmer as a subject throughout the whole document. 'Rural' is thought of as *a field without farmers*, reinforcing the government's attempts to clear the land. Additionally, there is a proposal to innovate in the "use of biodiversity," clearly through industrial rural development tied to transnational capital and control. The UN also discusses redefining the relationship between country and city, wherein social and sectoral co-responsibility is expressed as *payment for ecosystem services*. Payment for ecosystem services is a capitalist re(de)construction of the relationship between human beings and nature, and in Colombia could involve *eviction by administrative means* after five years of payment.

c) **Extractive activities in the post-agreement.** Appropriately, the need to rethink the notion of "public utility" and "general interest" arises, which in the case of mining and dams has meant displacement of people and destruction of productive, ancestral and traditional lands in Colombia. Yet the proposal discusses the pressing need to conduct *sustainable mining* in order to reduce environmental impacts, share the benefits of this activity, and create jobs for local communities, victims and former soldiers. In no way can mining be considered a sustainable activity. Sustainable mining is a contradiction in terms, since this extractive activity has unforeseen consequences and irreversible impacts.

d) **Institutions and governance.** Perhaps one of the most controversial and critiqued aspects of the UN document refers to environmental institutions in Colombia and how to strengthen them. Even as it is acknowledged the dismantling of the National Environmental System and the corruption and politicking that has absorbed the Autonomous Regional Corporations, the document presents the possibility to strengthen these institutions economically *using funds generated by PES and REDD*. Colombian environmental institutions reliant on false solutions to climate change, like PES and REDD, will serve corporate capital and landholders that favor current governments, deepening the predatory model and the relaxation of environmental controls.

These ideas—erroneously emphasizing the green economy as a viable option in the post-agreement context—underpin the green growth concept that the Santos administration implemented as a cross-cutting feature of its 2015 National Development Plan. Yet, another contradiction in the discourse and application of Santos’ model is the promotion of sustainable development while moving forward with extractive development. At best, green growth is nothing more than greenwashing of a National Development Plan developed by transnational interests and the oligarchy that Santos represents, and is based on privatizing the commons and destroying nature in all its forms.

Resistance and Social Proposals.

As organizations like CENSAT Agua viva – Friends of the Earth Colombia have pointed out, despite the onslaught of the neoliberal model with its discourse about promoting peace while imposing reactionary territorial policies that harm social welfare, many historic resistance movements remain strong; such as the U’wa ancestral peoples in the face of oil exploitation. Democratic alternatives have arisen also in popular consultations, which use participatory mechanisms to make decisions on land use and to autonomously exercise the right to territorial definition. New narratives have emerged, such as the Water Yes, Oil No movement from the Sumapaz paramo; the National Coal Workers Union’s opposition to deviation of the Bruno Stream—by which transnational company El Cerrejón would initiate expansion of the coal frontier in the state of La Guajira; the construction of the Colombian Movement in Defense of Land and Peoples Affected by Dams – “*Ríos Vivos*”, which has organized important resistance efforts such as that against the El Quimbo dam, jeopardizing transnational plans to exploit rivers; among many others.

These manifestations, supported by energy sovereignty proposals which in turn are grounded in concrete experiences with publicly managed energy production and distribution—by and for the people—are building and fostering an informed and critical discussion on “development.” It is important to debate displacement from mega development projects as an issue in and of itself, and to discuss redefining categories like “affected peoples,” as the *Ríos Vivos* movement has been doing. Many organizations, movements and territorial processes have also proposed a moratorium on energy mining in Colombia until an independent commission analyzes the titles and licenses given out for these projects—many of which are in violation of the law (2).

In the background, and in this crucial moment of negotiations to end the conflict, recognizing nature as a war victim is being discussed, since complete reparations to

human victims is impossible without reparations to nature. In this process of negotiations with insurgents there are also requests for the creation of an environmental truth commission, which would also determine the responsibility of transnational structures.

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1. The document presented by the UN and German Cooperation can be viewed at: <http://www.oidhaco.org/uploaded/content/article/1588248879.pdf>
2. The mining moratorium has been discussed with the current national government of Juan Manuel Santo in the framework of dialogues at the National Agricultural Summit: Peasant, Ethnic and Popular. However proposals submitted to the government have not moved forward.
3. Roa Avendaño and Urrea. *La cuestión ambiental, un asunto clave en el proceso de paz. En: negociaciones gobierno – ELN, y sin embargo se mueve.* Victor de Currea Lugo editor. 2015.

India: annulling rights to allow mining

On 8 January 2016, the Government of Chhattisgarh (GoC), India, passed an order cancelling the rights of the villagers of Ghatbara over a “community forest” area, which had been granted to them several years back under the Forest Rights Act (1). Even though the affected communities and legal experts question the legality of the state government’s action, there is another striking aspect around this decision. The GoC has annulled the village rights because, it says, these were being used to oppose mining of coal in the region. But the people have indeed very good reasons for doing so.

Coal mines and the Hasdeo forest

At the heart of the debate is the region known as Hasdeo Arand (or Hasdeo Aranya – Hasdeo forest). Hasdeo Arand has deep forests in central India, but also huge coal deposits. This region, with its very rich forests, was marked as a ‘No-go’ area in the proposed ‘Go/ No-Go’ classification, which specified forest areas where no mining would be permitted.

In spite of this categorisation, on June 2011, the then Minister of State for Environment and Forests accorded forest clearance to mine the Tara, Parsa East and Kante Basan coal blocks in a speaking order. The coal blocks were assigned to the Rajasthan Government for its power utility Rajasthan Vidyut Utpadan Nigam Limited (RVUNL). The actual mining is done by a company of the Adani group, as a mine developer and operator.

As mining began, local communities started reeling under the many adverse impacts. During a recent visit to the area, people complained that mining had ruined their lands and water. “Our entire lands are coated with dust. In the rains, this dust is washed into the fields. The crop production on our lands has also gone down as a result,” said one of the villagers in Salhi village, next to the mining areas. They also pointed out that on-going mining had severely affected the groundwater levels.

It may be noted that mining, particularly open cast mining, is equivalent to digging a huge pit, and this pit can draw in groundwater from surrounding areas. In Parsa village,

where people used to get two crops a year, the groundwater levels have dropped and they are barely able to get one crop. The heavy truck movement – one villager estimated at the time of the visit that close to 700 trucks went past the village every day– has not only added to the dust, but has also resulted in a number of accidents injuring local people.

However, the most serious of all problems has been the contamination of the local water sources, including several *nallahs* (streams) in which clear and clean water used to flow. The mines started discharging the contaminated mine discharge water directly into the stream, particularly the Ghatbarra *nallah*. This pollutant and sediment-laden water has rendered the stream unusable for the people, and their cattle. The fishery – very important for the people’s sustenance– has been affected too.

The people started protesting, but their pleas fell on deaf ears. In a major accident, some 14 cattle died in one of the *nallahs* due to polluted water. It was only after long protests, and when people complained to the local Forest Officer at Ambikapur, that the officer conducted some enquires and forced the mining company to stop the discharge.

The impact on the Ghatbarra *nallah* has been so bad, that even the Ministry of Environment, Forests and Climate Change (MoEFCC) raised concerns. Adani Enterprises Limited has now proposed to set up a 270-MW thermal power plant in the mining area, a coal washery reject-based power plant. While considering its application, the MoEFCC’s Expert Appraisal Committee put a condition on the company on January 2016 that “the Barra *nalla* shall be restored to its original state.”

Given all this, local people have become fed up with the mines – the *atyachar* (atrocities) of the mines, as they put it. And they are apprehensive that if this is already the situation with just a couple of operational mines, what would not happen when many of the other proposed mines start operations in the area? So, they have declared that they do not want the mines at all. They have formed the “Hasdeo Aranya Bachao Sangharsh Samiti” to save the villages, and 22 village *gram sabhas* have passed resolutions that they don’t want the mines.

But it is not just their own experience that makes them being resolutely opposed to mining in the region. People have also seen what has happened in Korba, just 100 kilometres downstream from Hasdeo Arand.

Korba: A critically polluted region

Korba is called the power hub of Chhattisgarh, and sometimes even of the country. It has huge coal mines like the Gevra – the largest open cast coal mine in Asia - and many thermal power stations. In 1967, a barrage was built on the Hasdeo river to supply water to the industries. In early 1990, the Hasdeo Bango Minamata dam was completed upstream of the barrage. These power plants along with iron and steel industries are drawing huge quantities of water and dumping waste water in the local water bodies, *nallahs*, and even major tributaries of the Hasdeo. Vast areas of land have been taken over for dumping ash slurry from the coal power plants. The combined impact of coal dust and ash has led to the dust menace in Korba city.

As a large number of coal mines, followed by power plants, are lined up in Hasdeo Arand, the people see in Korba a frightening picture of their own future. This has further strengthened their determination to say no to the proposed coal plants. Ironically, even the MoEFCC itself had – at least at one time – ruled against any further mining in the Hasdeo Arand area.

MoEF's objection to mining in Hasdeo Arand

As noted in the beginning of this article, in June 2011, the then Minister of State for Environment and Forests had given clearance for mining in Tara, Parsa East and Kante-Basan blocks. In his speaking order, the Minister himself noted that the Forest Advisory Committee had earlier rejected this permission three times, and it was their fourth rejection that he was overruling to grant clearance. Thus, it was clear that even then, the Ministry was reluctant to give permission for coal mining.

Further, even though permission was granted in June 2011, the Minister made it absolutely and unambiguously clear that this permission was being given only as an exception. Yet, now that the permission has been obtained and mining started in these areas, there are proposals to start mining in many more areas of the Hasdeo Arand, in complete violation of this explicitly stated order.

It is clear that the people of the Hasdeo Arand region have been legitimately using the rights available to them under the Forests Rights Act, and other laws of the land to raise very important questions. To stifle these questions by arbitrary annulment of people's rights is nothing short of use of state power over the people to stop protests. Until actions that truly address people's questions and grievances in a meaningful manner, they are likely to continue to challenge the spectre of what they see as the transformation of some of India's forests into one more critically polluted area.

This is a summary of the article from Shripad Dharmadhikary "Too many questions? Take away the right to ask!", published in India Together on February 2016. Access the full article in English at: <http://indiatogether.org/take-away-the-right-to-ask-environment>

TRICKERY AND DECEPTIONS THAT PROMOTE LANDGRABBING

“Consultation” as a tool of exclusion: a choreography that hides land grabbing

There is much talk today about the importance of the consultation process with local communities before the arrival of mega projects that could affect their territories, livelihoods and food security. The consultation process is presented as a citizen participation mechanism, by which communities potentially affected by a major plan or project are convened to give their opinions. Increasingly, companies backing mining investments, dams or monoculture plantations, as well as NGOs that implement REDD-style “conservation” projects, emphasize local community participation and the use of consultations. Yet, while at first glance this may seem like a fair process, consultations end up being a tool of the expansive logic of the predatory economic model; a model

which uses the State as an intermediary to make the decision to implement the project beforehand. The decisions on when such consultations take place, who is involved, what is discussed and to what extent, is determined from the top down. This instrument also ignores the right of free determination of communities, that is: their power to make collective decisions about their lives and territories. It is vitally important to call attention to this ruse, which in practice facilitates land grabbing.

It is essential to remember that the logic of large-scale extraction in the global South has its roots in colonialism. This logic of accumulation of wealth through the appropriation and monopolization of “nature” remains intact to this day, since “all institutional agreements that have been adopted through the years end up submitting to this logic” (1). These institutional agreements, in turn, are enshrined in public law, which has also been a powerful tool to justify the expropriation of territories in the colonization project. Agreements or contracts made or attempted with communities are usually done so with a public law perspective, which assumes that each party defends its own individual interests in a relationship between two free and equal parts. This view assumes that each party has all the necessary information and in a timely fashion, and that there is no pressure—economic, political or otherwise. It also denies any values alien to the idea of individual freedom, such as self-determination (2). The right to self-determination is the collective right of a people to decide their own forms of government, pursue their own economic, social and cultural organization, and structure themselves freely; all without external interference, and in accordance with the principal of equality. This is tied to the right to Free, Prior and Informed Consent.

Peruvian researcher Roger Merino, with extensive writings on the rights of indigenous peoples vis a vis liberal capitalism, explains that the consultation process is tied to the principle of *participation*, with an emphasis on taking part in State decision-making processes. Meanwhile, consent is tied to the principle of *self-determination*, which means respecting collective decisions made based on values different than those of the State. The informative nature of consultation meetings thus reveals the implicit assumption that the transfer of information should be from a government/corporate space to a community space; with the latter only able to add improvements or suggestions on a decision almost always made in advance. It does not include the possibility that community members may propose another kind of “development,” or completely reject the proposal, since only one kind of “development” is assumed possible (3).

A resistance guide developed to support community organizing against the mining industry warns us that “Companies may use meetings as part of obtaining community acceptance of the project - the “social license” that they need. They may describe only the benefits of the project. They might not tell the participants the real objective of the meeting, and then later use it to claim that the community has consented to the project” (4).

In this context, the State as well as international organizations and companies, seeking to appear socially responsible, encourage and promote consultation. As researcher Merino says, “the real trick hidden behind the right to 'consultation without consent' is that by 'including' affected peoples, it actually perpetuates their exclusion” (5). And this doesn't take into account the many communities that do not have official recognition of

their territories, and who are therefore not even consulted about projects that would affect them; reinforcing unjust patterns of access to land inherited from the colonial era.

Empty questions: when consultation is on decisions already made

In the **Northern Peruvian Amazon**, the French company Pur Project created the *Martín Sagrado* conservation concession as a REDD carbon offset project. Pur Project sells to other companies—such as the multinational energy company GDF Suez—the opportunity to offset their emissions by financing their activities. Pur Project says community inclusion is an added value of their projects. Yet, an investigation by Friends of the Earth France revealed the promoted local “inclusion” to create the conservation concession was actually biased and exclusive (6).

The consultation meetings with villages that ended up inside the concession area took place on the outskirts of these villages, and with only a few people who did not represent the communities. Furthermore, the meeting minutes indicate the information given was partial: no information was given regarding the restrictions involved in creating a conservation concession, nor about the financial means by which the concession would be managed. Additionally, several communities close to the concession do not have recognized land titles, since they are mostly immigrants who escaped from mining activities. Since the lands in which they have settled are not recognized, they were also not consulted about the Pur Project; which is now directly affecting them by limiting their rights to use the forests on which they depend for their livelihoods. But what is worse is that the first meetings with the villages within the concession occurred between November and December of 2012, yet the technical proposal of the concession was approved on March 27, 2012 and the resolution to transfer rights on April 19, 2012. So, if the decision had already been made to grant the concession and limit communities’ rights to use the forest, what was the consultation about?

The Mai N'dombe REDD project in the **Democratic Republic of the Congo (DRC)**, created by Canadian company *ERA – Ecosystem Restoration Associates Inc.* and now run by the California-based organization *Wildlife Works Carbon (WWC)*, sells carbon credits. Here also, the benefits to local communities are a central part of the project's promotional materials. Nonetheless, WRM's analysis of the case revealed that the communities were only contacted after the important decisions had already been made (7).

ERA persuaded the government of the DRC to approve a forest conservation concession on lands previously part of industrial logging concessions. However, these logging concessions had already been cancelled. The communities living in the REDD project area did not participate in negotiations to grant ERA the forest conservation concession, now in the hands of WWC. Nor is there evidence that ERA consulted the communities to try to sound out their opinions about the proposal before entering into negotiations with the government. Only after ERA and the government of the DRC signed the Carbon Rights Agreement and the forest conservation contracts, in March and August of 2011 respectively, and after having announced they would seek certification of the projects, does it appear that ERA came into contact with the communities. When ERA arrived in the communities, the major decision had already been made to grant the

conservation concession. This would restrict communities' use of the forest, which is the source of livelihood for a large part of the local population.

The short video "Manufacturing Consent" shows how representatives from the oil palm company PT Borneo, a subsidiary of the multinational First Resources, arrived on August 2011 to the Muara Tae village, **Indonesia**, asking for permission to enter the community's territory (8). According to traditional leader Ignacius Igoqu, in a meeting that day "the community including me and the village head refused the presence of PT Borneo who wanted to partner with us". However, the company returned on September. During that visit the company representatives stated "we will not be detrimental to the community" and claimed that partnering with the company would be "very profitable" for the community. The community again refused to partner with the company, but First Resources' subsidiary kept entering in their territory, destroying forests, lands and water sources.

A year later, by September 2012, while bulldozers from PT Borneo were still destroying Muara Tae communal forests, First Resources posted documents on the "Roundtable for Sustainable Palm Oil" (RSPO) website stating that it had started the 30 days consultation period for new plantings of PT Borneo. Other documents were posted on the same website, which included PT Borneo's claim of compliance with RSPO principle 7, which states, among others, that "no new plantings are established on local peoples' land without their free, prior and informed consent". In the video, a village leader explains that "they did not enter with the consent of the community. They forced entry, demolishing the community territory forcibly. (...) they ignored the rejection by the villagers of Muara Tae". Another villager complements that the company brought in "BRIMOB [riot police] to intimidate people so they don't defend their land."

Communities' requests to the RSPO that the company remain outside of their traditional territory, were ultimately converted—by both the company and the RSPO—into requests for "dialogue" and "communication" with the invader (9). The community had already responded clearly to these attempts for "dialogue" and "communication" on various occasions: they did not want to accept the company's offer. However, the RSPO asked the company to "improve" its standards on Free, Prior and Informed Consent (FPIC). But if FPIC includes the option to say "no", why not consider the clear refusal of community members as a serious and definitive answer? Again, this example shows us how the fundamental decision had already been made before the consultation process. In spite of the fact that the community rejected the company, by not giving their consent or approval, their position was not respected.

In this context, it is absurd to claim that consultation is a mechanism that seeks "intercultural dialogue" and "social inclusion." Even when the State or allied entities talk about self-determination or FPIC, this almost always ends up with a consultation, linking this to the principal of participation. Also, what happens when an indigenous community has not been able to secure rights to their land? What happens when the initial impact of a project affects one community, but due to its magnitude could also affect neighbouring communities? What happens when communities affected by companies—that can continue to pollute by buying carbon or biodiversity credits—are not even considered?

And finally, should not the principle of FPIC be called GNG FPIC? In which case, the acronym would stand for to “Give or Not Give Free, Prior and Informed Consent.” The fact that the option to say “No” is not explicit in FPIC means that companies, states and other actors often use this process as a trap to obtain “consent” from the community, one way or another.

(1) <http://www.servindi.org/actualidad/115719>

(2) *Mundo: ¿Acuerdo, consulta o consentimiento? Las industrias extractivas frente a los derechos territoriales de los pueblos indígenas*, Roger Merino,
<http://blog.pucp.edu.pe/blog/ridei/2013/04/22/mundo-acuerdo-consulta-o-consentimiento-las-industrias-extractivas-frente-a-los-derechos-territoriales-de-los-pueblos-ind-geenas/>

(3) Ídem

(4) <https://www.culturalsurvival.org/news/protecting-your-community-against-mining-companies-and-other-extractive-industries-guide>

(5) <http://www.servindi.org/actualidad/67334>

(6) http://www.amisdelaterre.org/IMG/pdf/brochure_perou_les_amis_de_la_terre_uk_web.pdf (7)
<http://wrm.org.uy/articles-from-the-wrm-bulletin/section2/congo-basin-rainforest-project-communities-leery-of-conservation-revolution/>

(8) <https://vimeo.com/52941829>

(9) <http://wrm.org.uy/articles-from-the-wrm-bulletin/section1/indonesia-how-rspo-addressed-concerns-raised-against-first-resources-one-of-its-members/>

ACTION ALERTS

International Condemnation: Honduras - End the violence and death against the peasant-indigenous movement

La Vía Campesina denounces the grave criminalization taking place in Honduras today in the form of prisons, repression and the assassination of peasant and indigenous leaders. In the last few weeks the situation has worsened greatly with the proliferation of hired assassins aiming to take the lives of those who demand land to produce food, of those who struggle against extractivism, dams, and agribusiness. La Via asks for all those concerned with human rights and justice to articulate public acts of solidarity at Honduran embassies around the world. To make these actions known write to viacampesina@viacampesina.org and, in Honduras, contact the offices of La Vía Campesina in Tegucigalpa by emailing viacampesinahonduras2015@gmail.com. Members of the press and allies should contact: Rafael Alegría, 00504 9969-5091, office 00504 2235-9915 and Wendy Cruz 00504 9983-8506.

See full text at: <http://viacampesina.org/en/index.php/main-issues-mainmenu-27/human-rights-mainmenu-40/2000-international-condemnation-honduras-end-the-violence-and-death-against-the-peasant-indigenous-movement>

The NGO International Rivers has also set a petition to demand that international dam builders and financiers immediately pull out of the Agua Zarca dam project, and not get involved in any other projects on indigenous Lenca lands in Honduras.

Sign the petition here: <http://www.internationalrivers.org/node/11239>

And you can join the international support to activist Gustavo Castro, coordinator of Friends of the Earth Chiapas, Mexico, who was the sole witness of the March 2nd assassination in Honduras of social movement leader Berta Cáceres. He is refused the right to return to his home country, Mexico. Sign the petition (in Spanish) here:

<http://movimientom4.org/2016/03/firma-para-solicitar-el-regreso-de-gustavo-castro-soto-a-mexico/>

Mozambique: Denunciation of the partnership between WWF and ProSavana

The “No to ProSavana Campaign” have been resisting the implementation of ProSavana in the Nacala Corridor of Mozambique, a partnership project among the governments of Mozambique, Brazil and Japan that promotes agribusiness development, resulting in the violation of human rights and negative impacts on peasant agriculture and the environment in the Corridor. The Campaign denounces the current involvement of World Wildlife Fund (WWF) in ProSavana and condemns WWF’s use of its donor status to encourage civil society representatives to establish partnerships with ProSavana and the business sector, especially when it results in the violation of national and international laws that protect community rights.

Read the denunciation of the Campaign on the partnership between WWF and ProSavana: <https://ja4change.wordpress.com/2016/03/11/denunciation-of-the-partnership-between-wwf-and-prosavana/>

Portuguese: <https://justicaambiental.wordpress.com/2016/03/08/denuncia-da-parceria-entre-a-wwf-e-o-prosavana/>

RECOMMENDED

New genetic technologies: corporate control over regulation

A report by *Corporate Europe Observatory* reveals how the biotech industry is trying to shape rules to allow the entry of new technologies for genetically modified organisms (GMOs). The industry has revived the discourse it used 20 years ago to pave the way for new genetic engineering techniques, and it has launched a European-level lobby with the goal of getting as many techniques as possible excluded from European Union regulation. Large biotech companies like Bayer, Monsanto and Dow AgroSciences have registered dozens of patents on new genetic engineering techniques. These techniques allow them to make one or more changes to an existing variety with a strong market position – such as the Gala apple – and charge higher prices to producers due to the patent. Social and farmers' organizations have united to demand regulation of the products obtained through these new techniques, and ultimately stronger legislation on GMOs.

Read the report at: <http://corporateeurope.org/food-and-agriculture/2016/02/biotech-lobby-push-new-gmos-escape-regulation>

Agrarian reform in reverse in Asia: new laws grab land from farmers

A report by the NGO GRAIN shows how governments throughout Asia are quietly enacting a host of legislative changes that eliminate the few protections that farmers have traditionally enjoyed, exposing them to appropriation of their lands by large agricultural corporations. The changes vary from country to country, but all are designed to help companies acquire large areas of land belonging to peasant and farming communities. The concentration of land in Asia is greater than ever. A mere six percent of landowners in Asia have two-thirds of the agricultural land. Many of these landowners are politically connected elites, as in the case of the Philippines, Cambodia, Malaysia, Pakistan and Indonesia.

Read the report at: <https://www.grain.org/article/entries/5195-asia-s-agrarian-reform-in-reverse-laws-taking-land-out-of-small-farmers-hands>

The new legal framework on biodiversity and the commodification of nature in Brazil

The December 2015 *Raíces* newsletter focuses on the problems arising around approval and regulation of the Legal Framework on Biodiversity, and the impacts of this new law. In this recent rush to privatize nature and traditional knowledge, government and business groups have teamed up to introduce the legalization of biopiracy—under new labels. This publication, by the NGO *Terra de Direitos*, points to some of the challenges to be faced, and it seeks to continue discussions on the legislative setbacks for biodiversity protection in 2016.

Read the newsletter in Portuguese: https://br.boell.org/sites/default/files/boletim_raizes-terra_de_direitos.pdf

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