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Southeast Asia: connecting people resisting large-scale investments and conservation initiatives



OUR VIEWPOINT

- **Southeast Asia: Strengthening resistance beyond boundaries** p. 3

SOUTHEAST ASIA: CONNECTING PEOPLE RESISTING LARGE-SCALE INVESTMENTS AND CONSERVATION INITIATIVES

- **Large-scale investments and climate conservation initiatives destroy forests and people's territories** p. 6
- **Forest Conflicts in Thailand: State vs. People** p.10
- **Myanmar: New policy promoting indigenous rights under threat** p. 13
- **Forest in India's North East** p. 19
- **Indonesia: Proposed laws threaten to reinstate corporate control over agrodiversity** p. 24
- **Fighting the Curse of Concessions in Cambodia** p. 26
- **Malaysia: Indigenous groups from around the globe discuss anti-dam struggles** p. 31



ACTION ALERTS

- **Honduras: The deadliest country in the world for environmental activism** p. 34
- **French Guyana: The French government is quietly promoting the industrialization of gold mining in French Guyana** p. 34
- **India: BBC investigation reveals deadly toll of shoot-to-kill policy in tiger reserves** p. 35
- **Malaysia: Stop recognising plantations as forests, FAO is told** p. 35
- **Indonesia: Protests on Java against forest destruction by the expanding cement industry** p. 36

RECOMMENDED

- **Meeting report: What is happening to our forests?** p. 36
- **Video by Save our River, Save our Life on the threats of gold mining to the Tanintharyi River in Myanmar** p. 37
- **Report: Why & How Ecological Farming?!** p. 37
- **Report: Grow-ing disaster. The Fortune 500 goes farming** p. 38
- **Interview: "Sustainable palm oil from industrial oil palm production does not exist"** p. 38
- **Report: Signing Away Sovereignty: How Investment Agreements Threaten Regulation of the Mining Industry in the Philippines** p. 38



OUR VIEWPOINT



Southeast Asia: Strengthening resistance beyond boundaries

This is the third regional bulletin of the World Rainforest Movement in the past 10 months. The first regional issue ([WRM Bulletin 224](#)) looks at what is driving land grabbing in the Congo Basin region in Africa. The second regional bulletin, [issue 226](#), is dedicated to how peoples resist a colonial past that persists through imposition and violence across Middle America. In this issue, the focus is on the region commonly referred to as Southeast Asia.

With these regional bulletins, WRM wants to draw attention to resistance struggles in regions particularly affected by forest destruction. The aim is not only to give visibility to the situation and community struggles, but also to support the often challenging processes of networking and movement building among community organizations, activist groups and social movements in the particular countries of each region and across different regions.

Producing regional bulletins has been a good learning exercise. We have noticed, for example, that existing geographical borders delineating the nation states that make up the highlighted regions often separate and isolate communities struggling to defend their livelihoods and forests. Southeast Asia is no exception. Territories today identified as the countries of Cambodia, Indonesia, East Timor, Laos, Malaysia, Brunei, Burma (Myanmar), Philippines, Singapore, Thailand, and Vietnam are usually included under the term South East Asia, but Papua New Guinea, the Chinese province of Yunnan, or the Indian state of Manipur are not seen to be part of this region. The exclusion of the latter reveals that the term Southeast Asia is more a political rather than a purely geographic reference. The current understanding of the term goes back to the relatively recent process when European colonial states started to parcel out the vast region among them. This conquest, while wrapped in differently named agendas and involving a large set of institutional actors, continues to this day.

In November 2016, colleagues and friends from most of the countries in the region gathered in Bangkok, Thailand / Siam, to share stories and feelings from the diverse local contexts of crisis. The gathering centered around a common concern: “what is happening to our forests?” Comparing, discussing and weaving together the similarities in the memories that each participant brought to the gathering, this question



immediately revealed a story of Southeast Asia as a region of "forest lost". This perception contrasts sharply with the image of the region of "growth and development" as which it has been falsely presented by political elites and policy-makers in international institutions.

A synthesis of the participants' narratives of crisis has identified a number of commonalities and also uniqueness among the situation of communities in the different countries. One of the commonalities is the experience that the so-called "green growth" framework is the same in each country. It is about the old extractive economic growth doctrine - now with a "green" label. These destructive processes with their new green smokescreen involve many actors, both old and new – and generally not locally-based. At the same time as the "green growth" discourse is advanced, governments in the region are becoming increasingly dependent on extractivism for their political survival. Local people, on the other hand, continue to be falsely blamed for environmental destruction, and their intergenerational dependence on forest lands for their basic needs portrayed as the cause of poverty. The use of violence and repression against them is increasing. At the same time, communities are increasingly taking charge of their resistance and advocacy, advancing in exposing and reversing the blame strategy.

One of the strongest impressions from the gathering in Bangkok was that the fate of the forests throughout the turbulence and destructive character of "progress" provides the invisible ties that re-connect the stories from the mainland subregion – including North East India and the Mekong - and the islands subregion of Malaysia, Indonesia and the Philippines. State and private actors responsible for the destruction that characterizes "development" across the region have had to constantly invent new cover-up stories that present this destruction as "progress" and paint wise agroecological practices and their social fabric within forest-dependent communities as backward, outdated and unproductive. The reality could not be further from this mis-representation.

As a result of this constant pressure, social-ecological unity in and among communities has begun to break down in places while the diversity in forms, institutions and mechanisms of human solidarity became arsenals for divide and rule. Last but not least, murder and plunder were obscured by giving them new dresses and names. To name but a few of them, in the Philippines, extra-judicial killings is "law-and-order crackdown" (1); in Cambodia, laggard official investigation into a brutal shootings has been blamed on the form of the victims' families' report to the Police (2); in Indonesia, funding support to smooth the expansion of oil palm plantation uses keywords such as "Securing Land Rights of Local Communities by Engaging with the Plantation Sector" or "Support Efforts to Protect High Conservation Value/high Carbon Stock Forests in Palm Oil Concessions". (3)

One way of keeping the destruction of forests and the resulting suffering as well as the resistance of communities throughout Southeast Asia silent and invisible has been that those responsible for the destruction have contrasted the damage to so-called "development" plans. The 1986 Tropical Forestry Action Plan (TFAP) of the World Bank, for example, renamed destruction as "forest based industrial development", adding expansion of conservation areas as a means to keep destruction in check. Exactly three decades later, the gathering in Bangkok observed that although TFAP has long been shelved, the strange bedfellows of forest protection and forest destruction that they introduced today exist under new names: as policies, programs or frameworks for



“green growth”; as “win-win scenarios” for "environment and development", or for "conservation and poverty alleviation”; as carbon credits or "offset" with recognition of rights; as “biodiversity corridors” or “biodiversity offsetting” for "mining with a positive impact on biodiversity". Regardless of the new names, the consequences for forest-dependent communities remain the same as under programmes like TFAP: restrictions on traditional land use practices or even loss of land to new green land grabs.

While the advances of forest destruction always knew no boundaries, the meeting of hearts in Bangkok showed that resistance and healing have the power to unite to communities and peoples beyond borders, in Southeast Asia and across the globe. This bulletin issue is another way to support and spread this message. To support this process, the bulletin – which contains articles on Northeast India, Thailand, Myanmar, Malaysia, Indonesia and Cambodia, as well as an overview article about the region - will be translated into some of the main languages in the region.

We hope you will enjoy the bulletin!

- (1) Philippines' Duterte draws Hitler parallels in war on drugs. AFP, September 30, 2016 and <https://www.youtube.com/watch?v=MU5W5CJAPH4>
- (2) Police Blame Family for Stalled Probe Into Lost Boy. The Cambodia Daily, September 2, 2015. <https://www.cambodiadaily.com/news/police-blame-family-for-stalled-probe-into-lost-boy-93151/>
- (3) Climate and Land Use Alliance Indonesia Initiative. Grants and Contracts List. http://www.climateandlandusealliance.org/wp-content/uploads/2017/01/Indonesia-Grants-List_2017-Q1.pdf



SOUTHEAST ASIA: CONNECTING PEOPLE RESISTING LARGE-SCALE INVESTMENTS AND CONSERVATION INITIATIVES



Large-scale investments and climate conservation initiatives destroy forests and people's territories

Asia's rapid economic growth and industrialisation are coming at an extremely high price for local communities, their environments and economies. Across the region, 'development' is characterized by large-scale investment, at the heart of which are the control and exploitation of land, forests, water, nature, minerals and labour. Asian governments are seeking private investment in almost every sector of the economy from energy, oil, minerals, agriculture and food processing to education, health, tourism, manufacturing, pharmaceuticals, transportation and urban infrastructure. The sources of investment vary, are generally enabled through bilateral, multilateral and regional aid and economic agreements, and often backed by capital that is global in nature and difficult to trace. (1)

Land, forests and water are being captured for a range of purposes: industrial agriculture, tree plantations, hydropower, extractive industry, tourism, physical infrastructure, real estate/property development, Special Economic Zones (SEZs), economic corridors and quite simply, for financial profit through the construction of new markets. Within months, bio-diverse landscapes and eco-systems are transformed into rubber, oil palm or cassava plantations, gated townships or dam reservoirs, amidst which, stretches of forest or wetlands may be earmarked as protected areas and used to generate 'green' revenue streams. Local populations rarely benefit from these changing landscapes and new markets. For the most part, they lose their livelihoods, homes, cultures, identities and access to natural food cupboards; they are forcibly evicted, relocated, and pushed into precarious, low paid waged labor. (1)

Land concentration is higher now than it has ever been, where many of the landowners are politically connected elites, as in the Philippines, Cambodia, Lao PDR, Malaysia, Pakistan, India and Indonesia. In the past 10 to 15 years, governments across Asia have been proceeding with a raft of legislative changes to remove the few protections that



small-scale farmers and fisherfolk, indigenous peoples and forest dwellers have traditionally enjoyed, leaving them vulnerable to the takeover of their lands by state and corporate enterprises for large-scale industrial farming, extractive industries, infrastructure development, and 'economic corridors'. (2) The changes differ from country to country, but they are all designed to make it easier for companies to acquire large areas of land that are used by local communities and extract timber, minerals, water and other natural wealth with few regulatory checks.

Many policy makers argue that land acquisition by the state is necessary to ensure development and economic growth. Indonesia and India are issuing laws allowing land acquisition for large mega-projects using the justification of national development and public interest. In Thailand, the Forestry Master Plan (FMP) is the latest in a long line of attempts to expand monoculture tree plantations in the country. Issued in June 2014 by Thailand's Internal Security Operations Command and the Ministry of Natural Resources and Environment, the FMP permits concessions to private companies for tree plantations in forest areas, putting communities living and farming in these forests at risk of forced relocation. (3) The Cambodian Government converts state public land to state private land and deems community forests "degraded forests" at whim to grant long term economic concessions to corporations in these lands.

The expansion of monoculture tree plantations will be exacerbated by new funds to trigger private investments in so-called 'zero-deforestation' agriculture. The latest such announcement was made at the World Economic Forum (WEF) in January 2017. Funds of up to USD 400 million were pledged by the Norwegian Government and global corporations such as Carrefour, Marks & Spencer, Mars, Metro, Nestlé, Tesco and Unilever. The promised funds are claimed to trigger further large scale, private sector investments into commercial land use in ways that also protect and restore forests and peatland. (4)

However, drawing from the experience of similar programmes that have been implemented in countries such as Vietnam, Indonesia, Philippines, Myanmar and Cambodia, these funds will likely encourage out-grower schemes that trap small-scale farmers into using their land for expansion of commodity crop plantations. Such out-grower schemes tend to put all the risk on small-scale farmers while providing corporations with de-facto control over peasants' lands. They also enable the global food industry to hide expansion of corporate control over farmlands behind the guise of 'social responsibility'. Often, governments create special bank credit lines for farmers in these out-grower schemes, facilitating borrowing for the purchase of seeds, fertilisers, etc., thus subsidising these corporate initiatives in reaction to criticism over the lack of action to reduce the impacts of industrial farming on climate change. Evidence collected from the ground so far shows that these private investment schemes have done little to stop deforestation or reduce the use of the largest source of global greenhouse gas emissions from crop production, i.e., the use of nitrogen fertilisers. In many projects found in central Vietnam for example, farmers are even prescribed and supplied with nitrogen fertilisers by the Norwegian company Yara, one of the key corporations behind the WEF's New Vision for Agriculture and a leading company in the Alliance for Climate Smart Agriculture. (5)

In the meantime, traditional agriculture practiced by peasants and small-scale farmers continues to face a lot of challenges. For example in the Lao PDR, swidden agriculture



is seen by policy makers as a major cause of deforestation. For example, in the 1990s, the Lao Government started the Land and Forest Allocation Programme (LFAP) that prohibits shifting cultivation and prescribes how different types of lands should be managed. Studies show that contrary to expectations, the LFAP increased land and food insecurity, poverty and distress migration, and did not check deforestation since local communities were not the cause of deforestation. (6) More recently, the government has issued provincial 'Biodiversity Conservation Corridor' regulations that establish a legal foundation for managing so-called 'biodiversity corridors' with USD12.8 million from the Asian Development Bank (ADB). This ADB programme aims to pilot 'sustainable forest management' and prepare countries to access Reduced Emissions from Deforestation and Forest Degradation (REDD) financing. Land use planning has been carried out in 67 villages, covering 350,000 hectares of forest where swidden agriculture by local communities has been prohibited. (7)

Free trade and investment agreements play important roles in shaping laws and policies that facilitate the capture of land and water for large-scale investment, deforestation and eco-system degradation. They do so both indirectly, by encouraging specialised, vertically integrated production of export commodities that lead to the expansion of mining and large-scale monocrop plantations, and directly by obliging governments to remove barriers to foreign investment. (8) For example, in January 2016, the Association of Southeast Nations (ASEAN) launched the ASEAN Economic Community (AEC), intended to create a region-wide single market and production base, competitive with and fully integrated into the global economy. (9) In order to facilitate the AEC, ASEAN member governments have signed a number of agreements that ease the access of large-scale investors to land, natural resources, raw materials and labour, and provide legal protection for their rights to operate and make profits. No such protection is available to local populations who lose their lands, forests, water sources and livelihoods to infrastructure and other investment projects parading as development.

In the Mekong region, the ADB-led Greater Mekong Subregion Economic Cooperation Program (GMS) aims to transform the rich human and natural endowments of the Mekong region into a free trade and investment area through ambitious multi-sector investments in transportation (road, railways, air and waterways), energy, urban expansion, telecommunications, tourism, trade facilitation and agriculture. Central to the GMS strategic framework is the development of economic corridors, which are pockets of high infrastructure investment. Some economic corridors are accompanied by 'biodiversity conservation corridors,' as in Laos, Cambodia and Vietnam. These 'biodiversity conservation corridors cover two million hectares of forest and non-forest lands and serve as the 'green' component of infrastructure investment. The GMS' agricultural strategy emphasizes integrating the region's subsistence farmers into regional/global supply-chains controlled by agribusiness corporations and re-directing agricultural production from self-sufficiency towards feeding regional and global markets.

Regardless of the rhetoric of poverty reduction and sustainable development, the development model promoted and supported by governments, donors and International Financial Institutions is increasingly extractivist, and breeds inequality and injustice. This model appropriates elements of nature, human potential and raw materials for profit making by corporations, and destroys eco-systems, communities and possibilities for dignified lives. Violence against people and nature is part and parcel of this model.



It is little wonder that across Asia, local populations are resisting such development. They face tremendous political and security risks to defend their lands, waters, forests and eco-systems against predatory capital that fuels extractivism.

Shalmali Guttal, *Director at Focus on the Global South*
Kartini Samon, *GRAIN*

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- (2) GRAIN. Asia's agrarian reform in reverse: laws taking land out of small farmers' hand. April 2015. <https://www.grain.org/article/entries/5195-asia-s-agrarian-reform-in-reverse-laws-taking-land-out-of-small-farmers-hands>
- (3) WRM. Thailand's new forestry master plan: same old strategy dressed up in new clothes. World Rainforest Movement Bulletin Issue N° 208 November 2014. <http://wrm.org.uy/bulletins/issue-208/>
- (4) World Economic Forum. \$400 Million Fund Launched in Davos to Stop Tropical Deforestation and Boost Farming. January 2017. <https://www.weforum.org/press/2017/01/400-million-fund-launched-in-davos-to-stop-tropical-deforestation-and-boost-farming/>
- (5) GRAIN. Grow-ing disaster: The Fortune 500 goes farming. December 2016. <https://www.grain.org/article/entries/5622-grow-ing-disaster-the-fortune-500-goes-farming>
- (6) For more information see for example Shalmali Guttal, *Whose Lands Whose Resources?* In *Development*, 2011, 54(1), (91–97) 2011 Society for International Development 1011-6370/11 www.sidint.net/development/
- (7) Asian Development Bank. ADB Grant Assistance to Support Sustainable Biodiversity Management. October 2016. <https://www.adb.org/news/adb-grant-assistance-support-sustainable-biodiversity-management>
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Forest Conflicts in Thailand: State vs. People

Thailand's modern forest politics has had many phases. In the 19th century, the British began logging the country for teak. In the 20th century, other commercial loggers eventually took over. State agencies anxious to deny the forest to insurgent movements meanwhile promoted commercial agriculture and hydroelectric dams as well as timber extraction. In 1989, with the country's once-vast forests severely depleted, logging was officially banned.

In the ensuing era of increased emphasis on “forest conservation” and “reforestation”, however, the country's forest area has continued to decline, and conflicts have increased between the government and local people.

These conflicts are rooted partly in Thailand's Royal Forest Department's jealously-guarded legal hold over enormous areas of both forested and unforested land. More than 11,000 communities across the country are settled on land that officially belongs to the state, which covers a full 57 per cent of the country. In addition, although Thailand's Land Department has issued various kinds of individual land documents for more than 20 million hectares of the nation's 51 million hectares of land area, including much state forest land, 90 per cent of these land rights are in the hands of less than 10 per cent of the population. At least 38 per cent of privately-owned land, and possibly much more, is lying idle. That makes conflict inevitable: not only do some 1.5 million families have to rent land to farm, but over 800,000 farming families do not own any land at all.

Meanwhile, the Re-Afforestation Act of 1993 has legitimated the takeover of much state land that is being used by communities for agriculture for fast-growing tree plantations. And now the state is trotting out yet another argument for evicting people from statutory forest land. This is that villagers are causing global warming through their settlements. This article discusses some conflicts in two provinces in Northern Thailand – Phetchabun and Chaiyaphum – where official forest conservation measures have encroached on people's settlements.

Phetchabun

Huay Rahong, a village of over 1,200 people in Phetchabun Province, Northern Thailand, has been settled since 1971. Most villagers living in Huay Rahong today were evicted from their village called Sambon when the government created the Nam Nao



National Park in 1971. Another village nearby, Huay Khonta, which is much smaller, was established in 1963.

On November 26, 1999, the government created a wildlife sanctuary called Phu Pa Daeng (Red Cliff Mountain) on land that overlaps the settlements and their surrounding forests, and made clear its intention to evict the villagers. The residents of the tiny Huay Waai village adjacent to Huay Rahong have already been dispossessed without having been provided the compensation or resettlement land. National Park officials had tricked families into leaving by promising compensation if they left their village. The promise, however, has no legal base because villagers did not possess land title and was made merely to trick villagers into leaving.

Huay Khonta has also constantly been under threat. In 2005, when 13 residents (including children and a disabled person) were hired by a neighbour to harvest maize in fields that lay within the wildlife sanctuary, the sanctuary chief lodged charges of criminal trespass. The judge dismissed the case, saying that the status of the small plot of land in question (less than one and a half hectares) was unclear. However, the judgement was reversed by the Court of Appeal, resulting in six-month jail sentences (suspended for two years). The Supreme Court then upheld the Court of Appeal.

Huay Khonta residents also face a civil lawsuit brought by the National Parks Department for “causing global warming” under the 1992 Environmental Act, which makes polluters liable for damages. Ordinarily applied to polluting industries, the Act has recently been adapted for use as a weapon against poor rural villagers with the help of contracted academics, who have come up with a formula according to which Huay Khonta farmers can be fined as much as USD 26,250 per hectare for “causing” temperature increases, erosion, soil nutrient depletion and hydrological damage. In all, local villagers could theoretically be liable for USD 70,000 in damages, a huge sum by local standards. In the event, on 28 December 2016, the court fined the Huay Khonta defendants USD 3,562 per hectare, plus annual interest of 7.5 per cent starting from 2005.

The villagers continue to contest what they see as a legal injustice. Not only have they lodged an appeal with the courts. They have also submitted a creative proposal for a new kind of “community land title”, which they believe can resolve the problem peacefully in the long term. Communal ownership of the land would reduce the risk of land being sold or families being coerced into giving up land in ways that might happen if it were registered under individually held private land title. The proposal outlines a process for the community to set up regulations and a community-led committee to govern care of the land. In addition, proceeds from community use of the land would contribute to a "Land Fund" that would support community members in need.

Chaiyaphum

The conflict over the Khonsarn tree plantation project in Chaiyaphum province dates to 1978, when the Royal Forest Department gave permission to the Forest Industry Organisation (FIO) to plant eucalyptus in an area that overlaps local people’s farms.

FIO, a state enterprise under the Ministry of Agriculture and Cooperatives, was set up in 1947 following the expiry of concessions that had been granted to foreign logging



companies. Historically, its job was to extract timber on condition that it replanted logged areas.

That proved to be a problem in Chaiyaphum, where various mountainous areas that had been logged remained strongholds of the Communist Party of Thailand (CPT) through the late 1970s. Not daring to set foot there, the FIO proposed to replant in lower-lying areas instead, including in the Phu Sampak Nam National Forest Reserve established in 1973, part of which became a wildlife sanctuary in 2000.

The resulting eucalyptus plantation was originally supposed to cover 3,200 hectares. Only 704 hectares were actually planted due to resistance from the occupants of the land, but the FIO kept trying through 1986 to evict local people, using both legal tools and the local mafia to pressure them. Another strategy was a “forest village” proposal under which FIO would allocate just under one hectare to a participating family for a house and a bit of agricultural land. But only 40 households out of 102 families living in the disputed zones wound up participating.

In 2004, some 277 households affected by the FIO project got together as a network and demanded that the government cancel the plantation and allocate the land to the community instead. They proposed that the government issue communal land certificates to the community and accept that the community had a right to set up and manage its own community forest land. They also propose a small plot of land be granted to each of the participating households for house construction and food production as well as a community forest, communal agriculture land and land for public or community use. So far, however, the government has been unresponsive.

In 2009, local villagers reclaimed around 15 hectares of land that the FIO had planted to eucalyptus in 2004, reclassifying it into four categories for their own use: household residential and agricultural land, communal land, community forest, and land for public amenities such as roads. The FIO struck back by suing 31 people in civil court, resulting in an order that the defendants and their family members leave the area. So far, villagers have refused to abide by this ruling.

In 2014, Thailand’s military took power, forming itself into the National Peace Keeping Council (NPKC). The NPKC’s Forest Reclamation Policy, which aims to increase the country’s forest cover to 40 per cent, has been seized upon by Chaiyaphum provincial authorities as the basis for ordering the people of Bo Kaew village in the FIO plantation area to dismantle their village within 30 days. However, arguing that the NPKC has also committed itself not to interfere with the livelihoods of poor peasants, Bo Kaew residents have so far resisted the eviction order.

In April 2016, one local leader, Den Khamlae, disappeared while gathering food in an area near his house and has not been seen since. Den had been vocal in insisting that “we poor people do not want to be prosecuted and become homeless and marginalized in our country.” Although local people and police found burned-over areas and bone fragments in the area between his village’s community forest and the state conservation area where Den vanished, no progress has been reported in the investigation into the case.



Toward the Future

Under Thailand's current regime, citizens have even more reason than before to fear that their land and forests will be seized and given out to big business and other groups willing to share the spoils with the military.

Nevertheless, a civil society network that includes communities all over Thailand who face problems similar to those confronting villagers in Phetchabun and Chaiyaphum have made some progress in urging the passage of four pieces of new legislation: a Community Land Title Act; a Land Bank Funds Act; a Justice Fund Act; and a Progressive Tax Act that would levy higher taxes from landowners who are not using their land.

All four legislative proposals would, if passed, help resolve land disputes and reduce inequalities in landholding. They are even receiving a sympathetic hearing from the government, with the exception of the Community Land Title Act. With respect to community rights over land, the government favours its own more limited proposals, which involve land management by cooperatives and would not recognize community rights in national parks or wildlife sanctuaries.

Oranuch Phonpinyo

The Northeastern Land Reform Network – Thailand

For further information:

- (1) The Land Institute Foundation of Thailand
- (2) Thai Civil Rights and Investigative Journalism: <http://prachatai.org/english/category/news>
- (3) *Prachatai News*, 17 May 2013: <http://prachatai.com/journal/2013/05/46764>



Myanmar: New policy promoting indigenous rights under threat

The last couple of years have been a period of significant change in Myanmar, most significantly represented by the victory of the NLD (1) in the November 2015 elections. Much less reported outside of Myanmar, but certainly just as significant was the January 2016 release of a new National Land Use Policy (NLUP) in Myanmar. The policy was released as part of the final major policy initiative of the outgoing administration before



power was transferred to the incoming NLD administration in April 2016. The policy itself was the result of an unprecedented year-long consultation and review process largely overseen by the former Ministry of Environment, Conservation and Forestry under the auspices of a cross-ministerial body established by the vice president. Unseen in other policy development, the NLUP is recorded as having a total of at least 91 public consultations including 17 consultation led by government, and at least 74 led by civil society organisations across more than 40 townships and including 4 large national level consultation workshops. (2) The policy is envisioned to act as a guiding document in the drafting of a National Land Law and in reforming existing laws such as the antiquated 1894 Land Acquisition Act, and the 2012 Vacant, Fallow and Virgin Land Management Law which is the principle law that facilitates the allocation of ethnic customary lands to investors.

The resulting document is largely a compromise document containing 13 key parts that outline government policy on different themes. These include broad areas such as land use administration, and land use planning, to more specific parts focused on the granting of concessions of state owned lands; the procedures related to land acquisition, compensation resettlement; taxation; land monitoring and evaluation, as well as, importantly, land use rights of ethnic nationalities; and equal rights of men and women. The policy has been criticised by some land activist for not going far enough to stop land concessions and land related investments. The policy, however, is noteworthy in that it does offer significant reforms in land governance that attempt to regulate, restrict and suggest policy solutions to many of the current conflicts around land, including land grabbing and land alienation from concessions and state land leases on the traditional lands of various ethnic groups. In fact it could be said that the policy is a significant shift from the hitherto top-down land governance framework of Myanmar. The strong recognition of customary tenure, if implemented in law, would set Myanmar apart from some of more authoritarian neighbors of Vietnam, Cambodia and Laos.

The policy itself it is notable in that it contains the following basic principles: "To legally recognize and protect legitimate land tenure rights of people, as recognized by the local community, with particular attention to vulnerable groups such as smallholder farmers, the poor, ethnic nationalities and women." Most notably, the NLUP is significant in that for the first time it aims to recognise and protect customary as well as communal land tenure claims. In this regard, Part 8 on the Land Use Rights for Ethnic Nationalities is the most important section that is entirely devoted to recognition and protection of customary land holding of ethnic groups in Myanmar. Article 64 states that "Customary land use tenure systems shall be recognized in the National Land Law in order to ensure awareness, compliance and application of traditional land use practices of ethnic nationalities, formal recognition of customary land use rights, protection of these rights and application of readily available impartial dispute resolution mechanisms."

The Ethnic land rights section continues on in this vein. In its 11 articles, it acknowledges customary land management practices; protects ethnic lands from allocation to land concessions; recognises and protects rotational shifting cultivation systems; acknowledges the need for real participation of ethnic nationalities for decisions concerning their lands; recognises the importance of customary land dispute resolution procedures; and lays out basic principles for resolving historical land conflicts and displaced peoples. If implemented in law, these changes would represent a



monumental departure from the current top-down governance of traditional lands in Myanmar.

Importantly, Part 9 of the NLUP contains a chapter specifically focused on the equal rights of men and women which was included after much debated and lobbying from local gender equality civil society groups in Myanmar. Women are significantly disadvantaged in Myanmar. This is true in particular in relation to land which is largely seen as the domain of men, and where it is commonplace that women are not included in land registration documents. (3) Part 9 of the NLUP is not extensive, consisting of only 2 articles. But article 75 spells out 8 specific land tenure rights that should be given to women. These include the right to own property as an individual or joint-title owner; the right to land when a spouse dies, or when property is divided in the case of divorce; and the right to participate and represent the community when making decisions concerning land.

The 2016 NLUP seems to represent a significant change of course for the country towards a more democratic and participatory land governance system that respects the rights of rural and ethnic communities who have long complained of state-sponsored land grabs. However, on 11 November 2016, barely 10 months after the NLUP was passed, an obscure, yet powerful commission in the National Parliament, known as the *Special Commission for Analysis of Legal and Special Issues* (hereafter referred to as the Special Commission) submitted a memo to Parliament. The memo, after referencing Article 37 of the 2008 constitution - that was drafted by the military and declares the State as the original owner of all natural resources above and below the land - states that the NLUP contained 6 “unfit and irrelevant facts” that should be removed from the document and a corresponding 6 items that “should necessarily be added”.

In keeping with the overtly secretive nature of the Special Commission, (4) the memo has not been publicly released in spite of the fact that it was submitted to the national parliament. Indeed, the existence of the document was only known to the wider land reform community through a brief mention in the local English language newspaper the Myanmar Times weeks later, which prompted further investigation by donor agencies. The document is signed by U Shwe Mann, Chairman of the Commission, and a significant political power in the government. A former general, Chair of the previously ruling USDP party, and speaker of the lower house of the national parliament under the former administration, U Shwe Mann and his family maintain significant economic interests around the country, including in agri-business investments. (5) Importantly U Shwe Mann is widely considered as a close ally of NLD leader and State Councillor Daw Aung San Suu Kyi. Indeed, it was widely reported in the press in 2015 that U Shwe Mann was purged from the previous USDP political party for being too close to the NLD leader. U Shwe Mann, whilst losing his seat at the 2015 election, nevertheless was appointed by the State Councillor to the Special Commission in what was seen by some as a reward for supporting Daw Suu Kyi in attempting to undertake constitution reform in the previous legislature. (6)

Looking at the 6 points listed as “unfit and irrelevant facts that should be excluded”, the first and last point are possibly the least controversial, referring to the establishment of a land information management entity, and to removing a reference to conducting 5-yearly reviews of the policy document respectively. The first point cited in the memo refers to Article 18 of the NLUP which suggests a “dedicated” entity for management of



land information across the country. The Special Commission, in recommending against such a body, has seemingly failed to realise that such a body already exists in the form of the *One Map Myanmar* project that aims to consolidate land related spatial data and information across different line ministries. (7) On the last point, the Special Commission lays the claim that a periodic update of the policy would require a periodic update of the law and that that would be unworkable, although the reasons for such an opinion are not stated. Given the importance of land policy and the current ongoing changing situation in Myanmar, it would seem to be entirely reasonable to review both land policy and law every 5 years.

The second issue identified for removal by the Special Commission refers to removing reference to the establishment of a special courts and independent tripartite arbitration process for land dispute resolution. Such an independent grievance system is proposed in Article 42 of the NLUP precisely because the current legal framework has proven to not be sufficient to resolve many land disputes. There is no recognition of communal community lands, customary land ownership or shifting cultivation in the current legal framework, and in fact, the above mentioned 2012 Vacant, Fallow and Virgin Land Management Law currently legalises the granting of traditional communal lands and fallow lands to private investors. By mandating the removal of the independent arbitration body (yet to even be established), the Special Commission seems to already be sending a clear signal that the status quo of state land hegemony should continue.

The third issue named for removal by the Special Commission is perhaps the most concerning: the removal of Part 8 on the land rights of ethnic nationalities in its entirety! As explained above, Part 8 is the principle chapter in the NLUP that gives explicit guidance on providing security of tenure over informal land ownership systems and traditional communal tenure arrangements and natural resource management system that currently predominate land governance for ethnic nationalities in Myanmar, particularly for those in the upland mountainous areas of Myanmar. Astoundingly, the Special Commission justifies the removal of the Part 8 on the grounds that the current legislation (specifically the Land and Revenues Acts; Towns and Villages Act, the Vacant Fallow and Virgin Land Management Law, and the Farmland Law and Forest Law) already respects customary rights and that these are in fact managed by the respective line departments. However, the words “customary” and “traditional” do not appear even once in either the Forest Law (1992), the Farmland Law (2012), or the Vacant, Fallow and Virgin Land Management (VFV) Law (2012). Moreover, the VFV Law is criticised by many ethnic rights groups as being one of the principle methods by which the State of Myanmar currently facilitates the transfer of traditional ethnic lands and natural resources over to private investors to undertake development projects. This has been a strong source of conflict between the Myanmar Union Government and ethnic groups. Furthermore, chapter 8 is the only section in the NLUP that specifically calls for a new Land Law to recognise customary tenure, and to provide the means to formally register current customary land tenure arrangements in law. The removal of chapter 8 would significantly undermine the traditional land tenure arrangements of ethnic nationality people by failing to take into account their particular livelihoods and land governance systems.

The protection and recognition of shifting cultivation is similarly targeted for removal by the Special Commission, which claims that the traditional agricultural system practised by upland ethnic groups “deteriorates natural environment”. The Commission



advocates for the system to be “replaced with advanced farming practice such as upland farm, terrace farm, agroforestry”. Calling for the removal of any reference to the protection of this traditional agro-forestry system highlights an underlying weakness in understanding the complexity of land tenure arrangements in rural areas of the country. Such a removal also seems to seek to maintain the existing shifting cultivation eradication policy that has failed, both in Myanmar, and in the wider region. The livelihoods of ethnic nationalities living, in particular, in the uplands of Myanmar are currently highly vulnerable due to the very insecure land tenure situation in those areas that fails to take account of their traditional land and natural resource management systems. Such systems are not currently recognised or protected in Myanmar legislation, and in this regard chapter 8 of the NLUP provides an overall direction for the development of future land governance frameworks around the particular context of ethnic nationalities who reside in the uplands but also the rights of customary tenure holders. The demands for the removal of reference to protection and recognition of shifting cultivation systems as well as the deletion of Land Rights of Ethnic Nationalities will likely be perceived as a significant betrayal of the open and participatory nature of the year-long NLUP consultation process. Additionally, according to Myanmar observers interviewed by WRM field researchers, such a move runs significant risk of damaging trust with ethnic CSOs and ethnic armed group representatives who are currently working with the government of Myanmar to negotiate a nationwide cease fire and peace agreement for the on again – off again conflicts that have plagued Myanmar for the last 5 to 6 decades. This is even more so given that the NLD election manifesto committed to “resolve problems between ethnic groups through dialogue based on mutual respect”. (8)

If calling for the removal of ethnic land rights and reference to the protection and recognition of shifting cultivation isn't bad enough, the Special Commission next calls for the removal of any reference to the equal rights of men and women with regard to land tenure, including in Part 8(a) of the basic principles mentioned earlier, and presumably also Part 9 on the “Equal Rights of Men and Women”. In the bizarre logic of the Special Commission, the call for the removal of such measures is founded on a perceived fear that ethnic unity will be affected, presumably because ethnic groups want to continue discriminating against women in terms of land ownership. No evidence is offered for such a statement. The statement appears based more on the personal opinions of Special Commission members - all of whom are men - rather than on any sort of empirical evidence. Indeed, as activities around the world in celebration of the International Women's Day on 8 March have once again underlined, the current situation of women's land rights, including in Myanmar, shows that there is considerable need to raise awareness on the rights of women in land governance in government agencies, in Myanmar as elsewhere.

Following the statement of the removal of the above points, the Special Commission then lays out 6 detailed items that should be added to the current policy. Some of these concern functioning of different administrative entities of the government. However, the overwhelming tone of many of the suggested amendments are related to maintaining business interests and the ability of the State to forcibly acquire all land as deemed necessary. The arguments are best summed up by the following rationale taken from clause six of the memo: "As for the State, the original owner of all land resources, if necessary, has full rights to acquire and manage land for public interest that should be included in the policy. Changing land use from farmland to other lands and land



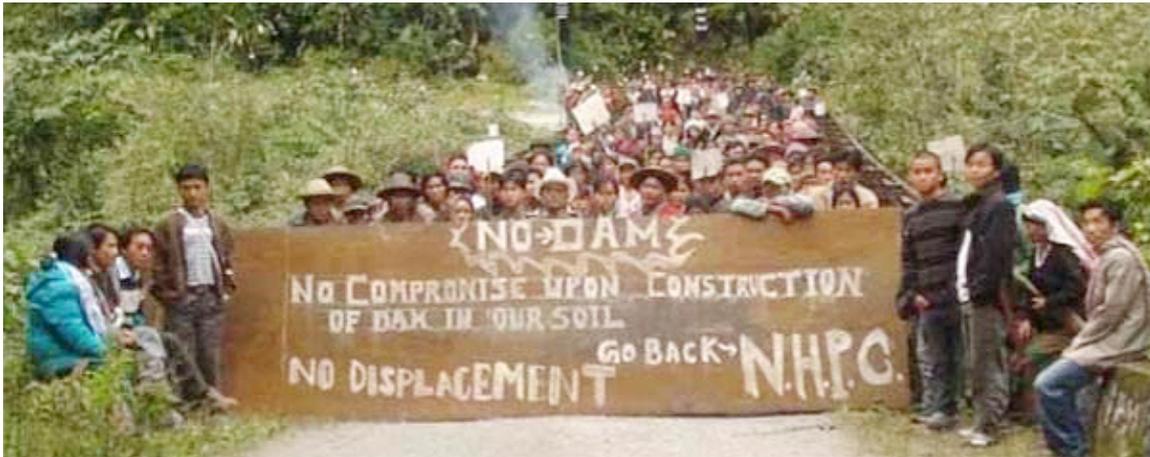
monopolization raise land price extensively, and consequently the domestic and foreign investors are facing with challenges. Therefore, the Union, or State or Regional Governments need to acquire land by paying compensation with fixed value in order to make use of land effectively and fruitfully."

It is not currently known how the Special Commissions challenge to the land reform desires of the majority of the population that were elaborated in an extensive year-long process, will play out. The Special Commission's memo appears to be slowly making its way through the government apparatus. The question that arises, however, is what impact an attempt on the part of the Government to unilaterally proceed with such measures would have on the trust and good will that was reportedly developed between the government and the citizens, civil society and ethnic nationality groups who took part in the year-long consultation process on the NLUP. Moreover, would such a move not be seen as a slap in the face to the nascent efforts at nation-wide consultation process around policy and law formulation? Looked at from the outside, the attack on the NLUP appears like part of a broader battle playing out between those craving for land and agrarian reform on one side and crony business interests who want to maintain the status quo the other.

Yet what is perhaps most troubling about this case is that a largely un-elected, yet mysteriously powerful parliamentary body appears to be exerting significant influence over the land reform agenda in Myanmar. Will the government of Myanmar allow the wishes of the people to be overturned by such a secretive institution?

Article compiled by the WRM Secretariat based on the information from WRM field researchers and information cited below

- (1) NDL stands for The National League for Democracy. The party was founded in 1988 and is currently serving as the governing party in Myanmar, with Daw Aung San Suu Kyi serving as its President and State Counsellor of Myanmar.
- (2) Forbes, E., (2017). Civil Society Participation in Land Policy Making: the innovative experience of Myanmar's pre-consultation on the National Land Use Policy. Mekong Regional Land Governance Project. Vientiane and Yangon.
- (3) Namati, (2016). Gendered aspects of land rights in Myanmar: Evidence from Paralegal Casework. pp 5-6.
- (4) <http://frontiermyanmar.net/en/law-reform-a-daunting-challenge>
- (5) http://www2.irrawaddy.com/article.php?art_id=14151&page=3
- (6) <http://www.mmtimes.com/index.php/national-news/nay-pyi-taw/18853-thura-u-shwe-mann-appointed-to-head-own-legislative-commission.html>
- (7) <https://cdeweb4.unibe.ch/Pages/News/149/OneMap-Myanmar-New-CDE-project-launched.aspx>
- (8) http://www.burmalibrary.org/docs21/NLD_2015_Election_Manifesto-en.pdf



Forest in India's North East

The region typically known as “India’s North East” or also referred to as just “North East” is linked tenuously with mainland India by a roughly 20 kilometer-wide land bridge, and surrounded by Nepal, Bhutan, China, Myanmar and Bangladesh. There are over 200 indigenous and tribal communities living in this region, most of whom share similarities in culture, food, clothing, economy and polity, and evolved diverse laws and institutions specific to each tribe.

Despite increasing urbanization, particularly in the capital cities, community life defined largely by nature continues. Mountains, forest, and rivers shape their lives. In parallel, the state and corporations continue to push their ‘development’ agenda, much more now as global capital and extractive industries are moving into ever remote areas. In the context of this advancing ‘development’ agenda, the meaning and uses of forest are being re-defined.

Forest cover in statistics exceed 70-80 per cent of most states in the region. It’s one of the few remaining ecologically diverse and intact regions on this earth. Within these forests are the communities that thrive. They ‘own’ and ‘control’ these forest areas under community control. States do not have direct authorities in these community forests, except for state reserves or protected areas. For example, Manipur state has 77 per cent of its total area under forest but out of these only about 7 per cent is under the state government control; for the remaining forest land, direct control rests with the communities. However, in Assam, large tracks of intact forest were destroyed when British colonial agents brought in commercial tea plantations. Today tea plantations occupy 312,210 hectares in Assam, believed to be the single largest tea-growing region in the world.

Commercial cash crop plantations, especially rubber, while not new to the region, are increasingly eating into intact forest areas. Tea and coffee plantations are expanding into the mountain forest. In Tripura, forest destruction has already begun to make way for up to 100,000 hectares of additional rubber plantations. Tripura already is the second largest natural rubber producer in India. The expansion is taking place on tribal forest land under local authorities. Rubber plantations are being expanded into the states of Arunachal and Nagaland, too.



Another industrial plantation expansion is oil palm in Mizoram. The government of Mizoram is aiming to increase the area of oil palm plantations to around 150,000 hectares.

In Meghalaya, environmental impacts, and particularly, forest destruction of coal and limestone mining have been well documented and further coal mining has been banned by the Supreme Court. (1) The advance of commercial plantations and large-scale mining on community-controlled land also point to the changing nature of and pressure on society/villages.

Laws and Institutions that govern forests in this region vary. Customary laws and institutions differs from one tribe to another, but they are community-oriented. Typically, village heads or council of the village and/or clan allocate forest land to a family for shifting (*jhum*) cultivation. If a plot is abandoned, the land goes back to the community. Selling of land is not permitted nor is community land traditionally inherited or transferred to individual ownership. However, both selling of land and transfer of land to individual ownership are encroaching as a result of both internal and external pressures. Nowadays, local tribal leaders are known to have given away land/forest through what is known as "no objection certificate" to commercial ventures that provide documentation of having passed environmental and other safeguards. In other cases, village councils have been withholding permits for mining –reassuring evidence that consent and self-determination do work for the future sometimes.

The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 is a progressive national policy that seeks to redress the historical injustice done to the tribes and traditional dwellers of the forest. It has also been called the Forest Rights Act, the Tribal Rights Act, the Tribal Bill, and the Tribal Land Act (see [WRM Bulletin 205](#)). This Act, for the first time has, inter alia, recognised and vested the forest rights and occupation in the forest dwelling Scheduled Tribes and other traditional dwellers who have been residing in such forest for generations but whose rights could not be recorded. Except for Assam and Tripura, the other six states of the North East have not implemented it with the argument that there is already community ownership of the forest and that there is a fear that external laws might later override the existing local authorities.

Factors that can deeply affect the forest in the region in the coming years include expansion of mining, dams, highways and railway expansion, infrastructure, expansion of commercial plantations, climate change related activities.

Coal mining is a critical issue in the states of Assam and Meghalaya. Due to its severe environmental impact, the National Green Tribunal of the Supreme Court has banned coal mining for now (1). An oil spill at the operations of the Oil and Natural and Gas Corporation (ONGC) in Wokha District of Nagaland has created massive devastation on forest and farmlands. (2) Local organizations have gone to the court for compensation and rehabilitation. There are existing proposals for oil mining in the states of Mizoram, Manipur and Arunachal. All of these proposals would result in forest areas being destroyed and diverted for other uses.

In addition, the government plans to construct more than 150 dams, most of which will be large-scale. In the state of Arunachal alone, the Government has entered into several



Memorandums of Agreements for 127 dams in portions of 42 rivers with as many as 59 dam companies, aiming to generate 42,591 MW of electricity. All of these dams will submerge large tracks of dense and intact forest areas. In Manipur, the controversial Tipaimukh High Dam was 'cancelled'; its construction would have submerged 22,777 hectares of forest land. Local opposition combined with national and international outcry facilitated this rare case of a dam being stopped that would have submerged a large area of forest and countless livelihoods linked with these forests.

Highways, railways and infrastructure are priorities in the government of India's plan to 'unlock' the region. 'Unlocking' of the culture and the 'beauty' of the region for tourism, 'unlocking' the forest for timber extraction, its carbon storage facility, traditional medicine etc, 'unlocking' for plundering of minerals and infrastructure to link India to the geopolitically and economically influential ASEAN region. Two key pieces of infrastructure, the Trans Asian Highway and the Trans Asian Railway are currently under construction. A major oil and gas grid that connects South Asia with South East Asia is being planned and a regional Energy Grid is already underway. All of these infrastructure developments will have direct implications on forest peoples' way of life and livelihoods and destroy large areas of forest.

Climate Change and Forest

While forest-dependent communities like those found throughout the North East lead some of the most low-carbon ways of life, climate change is already affecting their way of life and livelihoods. Those impacts are exacerbated by the implementation of two types of forest-related activities that are supposed to help mitigate global warming. One is restoring supposedly "degraded" land or 'protecting' existing forest as carbon stores or carbon sinks; the second type of activity is industrial biomass plantations for agrofuel or energy generation. The plantations created for these purposes - usually vast areas of monoculture plantations, owned and controlled by corporations - can hardly be considered as a forest by any stretch of imagination.

One of the architects of forest carbon projects in the North East is the World Bank. As part of its study 'Natural Resources, Water and the Environment Nexus for Development and Growth in North East India', (3) the background study 'Carbon Finance and Forest Sector in North East India' clearly supports and paves way for converting agricultural and forest land for more 'profitable' forest carbon projects. An additional backgrounder for the same study titled 'Forest Sector Review of North East India' also points to carbon capture programs in the region. With the Bank's clear intention of intervening in the forest sector in the NE, it is likely that the NE Livelihoods Project of the World Bank will have substantial carbon related projects. If the Banks' plan to involve the entire NE in this project, and if the carbon sinks are part of the project in each of the district components, the entire landscape and communities in the NE will be negatively affected by this false solution to the climate crisis.

The US-based Community Forestry International (CFI) started the Mawphlang REDD+ Project as the first pilot project in the region in 2011. (4) The Mawphlang REDD+ project is situated in the East Khasi Hills in the Meghalaya district, and is sometimes referred to as the 'Khasi Hills Community REDD+ Project' by CFI. The project area covers 15,217 hectares comprised of approximately 9,270 hectares of dense forests and 5,947 hectares of open forests in 2010. The forest included in the REDD+ project is an



ancient sacred forest grove. CFI lists a number of local NGOs and entities as collaborators: the Bethany society, the Khasi Hills Autonomous District Council, Planet Action and UK-based private Waterloo Foundation. The local Ka Synjuk Ki Hima Arliang Wah Umiam, Mawphlang Welfare Society is listed as project proponent alongside CFI. Waterloo Foundation provided GBP 100,000 in financial support to the project for 2011-12. According to the project document, the carbon rights for the forests included in the REDD+ project are with Ka Synjuk Ki Hima Arliang Wah Umiam, Mawphlang Welfare Society Federation. The Khasi Hills Community REDD Project was certified under Plan Vivo (Edinburgh, UK) standards in March 2013. In June 2013, 21,805 carbon offset certificates were issued in the Markit Registry, a private sector database that tracks the issuance of REDD+ credits. Project documents suggest that the project is entering its second implementation phase in 2017.

While the documents online contain all this information cited above, people on the ground who are real 'owners' of the forest does not know what REDD+ is. Many villagers used to grow crops on the hillocks. However, when the REDD+ project started, they had to look for other places to grow their crops. There is very little benefits to villagers from this REDD+ project.

Another new REDD+ project covering an area of 44,391 hectares is located in the Aizawl and Mamit districts of Mizoram. This new program is run jointly by the Indian Council of Forestry Research & Education (ICFRE), International Centre for Integrated Mountain Development (ICIMOD), Nepal and Agency for International Cooperation, Germany (GIZ). (5) As with the Mawphlang REDD+ project, villagers and office bearers of village councils have received little to no information about the REDD+ project, how it functions and its implications. In their documents, REDD+ projects are portrayed as a way out from *Jhum* cultivation and that these new forest carbon offset activities can take care of the financial needs of the villages. In two villages visited so far by this author, the existing forest have been conserved for many years under the initiative of the village prior to the arrival of the REDD+ project. . The carbon project has monetized and 'taken over the forest' from the villagers who have given tremendous hard work and voluntary commitment to protecting the forest long before the arrival of the REDD+ project. This is a new era of communities losing control over their forests to outside organisations.

The second type of activity promoted in the name of climate protection that has affected forests and peoples' livelihoods in the North East are agrofuel plantations, mostly jathropa. The Indian Government's Planning Commission set up committees to promote agrofuel plantations; they invested in product development, engineering studies, easing legal regulations, plantation specifications, marketing, etc In the North East, the joint venture company D1-Williamson Magor is the main promoter of Jatropha plantations. D1 Oils Trading Ltd.,U.K. was one of the first companies acquiring land for agrofuel production and Williamson Magor is the largest tea planter group of India. They had big expansion plans, not only for jatropha plantations in the North East but across Asian and African countries They announced plans for 100,000 hectares of jathropa plantations in the North East alone, and farmers and *Jhumias* (villagers practicing shifting cultivation) were lured with bank loans and buy-back guarantees. Like elsewhere, the jathropa plantation experiment seems to have failed, however, and the costs are born by the villagers left with expenses but no jathropa oil to sell and fields covered with the poisonous plant. Field visits showed abandoned farm and *jhum* lands covered with



jathropa plants. What is most perplexing is how those villagers and communities least responsible for climate change are being requested to take up the key task of reducing their meagre carbon emissions. There are news that agrofuel expansion will be re-launched with new vigor. If these plans were to materialize, it would spell bad news for the forest and for local subsistence food production.

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- (1) An article on the Supreme Court decision banning coal mining in the NE of India is available at <http://www.downtoearth.org.in/news/meghalaya-suspends-rathole-coal-mining-44432>
- (2) <http://kanglaonline.com/2011/09/pil-seeking-rs-1000-crore-compensation-filed-for-oil-spill-in-nagaland/>
- (3) World Bank study 'Natural Resources, Water and the Environment Nexus for Development and Growth in North East India'; background study 'Carbon Finance and Forest Sector in North East India'; and 'Forest Sector Review of North East India'
- (4) REDD+ in India, and India's first REDD+ project: a critical examination. Report by Soumitra Ghosh. Available at http://www.redd-monitor.org/wp-content/uploads/2011/11/03_Mausam_Sept-2011.pdf ; summary and commentary by REDD-Monitor available at <http://www.redd-monitor.org/2011/11/29/indias-first-redd-project-in-the-east-khasi-hills-when-you-say-that-i-need-permission-to-cut-my-own-tree-i-have-lost-my-right-to-my-land/>
- (5) Mizoram selected among others for REDD+ project <http://www.mizoramtourism.org/mizoram-news/mizoram-selected-among-others-for-redd-project> and ICFRE Initiatives on REDD+ , last 10 slides refer to the REDD+ project in Mizoram; available at: http://www.ignfa.gov.in/photogallery/documents/REDD-plus%20Cell/Modules%20for%20forest%20&%20Climate%20Change2016/Presentations/Resource%20Persons/TPSingh_IGNFA18Oct2016.pdf



Indonesia: Proposed laws threaten to reinstate corporate control over agrodiversity

In 2012, the Constitutional Court of the Republic of Indonesia annulled key Articles of a 1992 Law on Plant Cultivation Systems. These Articles prohibit farmers from continuing the age-old practice of selection and breeding of plants - the very practice that has created the immense agrobiodiversity that exists today. (1) Now, proposed laws on Conservation and Biodiversity and on Oil Palm are threatening to reinstate the kind



of corporate control over agriculture plant diversity that the judges of the Constitutional Court had considered unconstitutional in their 2012 ruling. Taken together, the two proposed laws go even further: They will limit community access to, use and breeding of plants that are protected by law or for which companies have registered a patent.

Between 1980 and 2000, the Government of Indonesia aggressively pushed through the kind of 'modernization' of agriculture that is symbolized by the use of chemical fertilizer, hybrid seeds, pesticides, tractors and other heavy machinery. As part of this 'modernization', the government issued Law No. 12 of 1992, on Plant Cultivation Systems. The law was passed without prior consultation with peasant farmers' associations or farming communities even though it significantly affected their way of life. The law prohibits farmers from breeding of plants used as agriculture crops or medicinal plants for which corporations have registered a patent. Yet, the selection of seeds and plant breeding by peasants has been an integral part of peasant farming systems as well as a cornerstone of civilization.

By the end of 2011, many farmers who continued the practice of breeding of food plants were convicted after being sued by corporations claiming to own patent rights to these plants. (2) The Constitutional Court Decision No. 99 of 2012 annulled those Articles of the 1992 law that granted the monopoly to plants and seeds used in agriculture to corporations. Peasants were allowed again without risk of persecution to select and breed the plants they use as they had always done.

In 2016, two proposed laws were introduced in Indonesia, one on Conservation and Biodiversity and a second one on Oil Palm. The Conservation and Biodiversity Bill reintroduces a corporate monopoly in plant breeding similar to the corporate rights that had been enshrined in the Articles on Law No. 12 of 1992 – the Articles that were annulled by the Constitutional Court in 2012. Moreover, the proposed Conservation and Biodiversity law would prohibit community access to, use or breeding of plant varieties of species that are either listed on a Conservation Annex or for which e.g. a pharmaceutical or oil palm company has registered a patent. Under *adat* (customary law), communities are allowed to use certain protected plant species that are used traditionally, e.g. as traditional medicines, if they have registered such species as genetic "resources" for traditional use with the government authorities.

The restrictions in the proposed law are like two sides of the same coin – whichever way you turn it, the law will disadvantage communities' *adat*. If the communities use the plants without government permit, they will face the criminal consequences; if the communities request the permit, there is a big risk that their traditional intellectual rights regarding medicinal properties of the plants will be stolen by pharmaceutical corporations before communities' knowledge has been accepted as meeting the legal requirements of the proposed law. Corporations are hunting for this information about traditional medicinal use of plants which communities have to include in their application for the use permit. Communities might initially be awarded a use permit but the companies will then register a patent and traditional use and breeding of the plant would then be prohibited under the law because another (corporate) entity has already registered a patent for this plant. Either way, the proposed Conservation and Biodiversity law presents a huge threat to community use and breeding of plants the communities traditionally use, be it for food or medicines.



There is already a history of Indonesian peoples' knowledge about traditional herbal medicine having been grabbed by pharmaceutical companies. The information is then commercialized and patented by the industries without consent from the traditional users and knowledge holders. Traditional herbal medicines for various diseases have also been used for in-depth academic research. This research and the resulting commercialization, too, amount to intellectual property theft because the selection of specific herbs for specific medicines to treat specific diseases, the composition, and the practices used to prepare and apply these traditional medicines are the result of continuous research carried out by community member and passed on from generation to generation. This knowledge, however, is not credited and recognized as in-depth research because it doesn't conform to the contemporary academic approach.

The purpose of the proposed law on Oil Palm is to define oil palm as a naturally occurring species in Indonesia. This, however, would obscure the fact that oil palm – a species native to West and Central Africa, where traditional oil palm varieties are cultivated and used for a wide variety of products and uses – has been introduced into Indonesia by the palm oil industry. (3) Once considered a naturally occurring species in Indonesia, the oil palm plantations companies can patent the plant, and combined with Article 15 of the proposed Conservation and Biodiversity law, enable them to restrict community use of oil palm to the use of fruit – which the company has an interest in buying. But community use of any other part of the plant could be prohibited – once oil palm has been declared a naturally occurring species in Indonesia to which the proposed Conservation and Biodiversity law would also apply. Declaring oil palm a naturally occurring species in Indonesia would thus amount to a second land grab for farmers growing oil palm on their land and for communities living around the corporate plantations because oil palm companies could limit community use of oil palm to only the fruit – the part of the plant the companies are interested in. Once these laws are passed, it will also be more difficult for farmers to reclaim their lands.

If the two proposed laws are considered together, it becomes clear that the intention of the government is not to resolve some urgent problem affecting local communities in Indonesia. Rather, the proposed laws serve to increase corporate control over agrobiodiversity and land of interest to corporations. These legal changes must be seen as part of a corporate strategy – well planned and organized – to expand corporate control, not only control over community land but also community use of 'biodiversity'. Proposing regulations such as the two proposed laws on Conservation and Biodiversity and on Oil Palm in Indonesia, must be seen as part of legitimizing the confiscation of people's life sources. Passing these laws would also provide legal protection, if not impunity to the corporate crime of stealing traditional knowledge about plant use that communities have refined and passed from generation to generation: The Constitutional Court of Indonesia already has decided that such corporate monopoly over plant breeding and use is unconstitutional. And yet, the government is advancing the corporate agenda by proposing laws that aim to reinstate this very corporate monopoly over agrobiodiversity, seeds and genetic diversity of plant varieties that the Constitutional Court of Indonesia already has declared unconstitutional.

The community or traditional wisdom expressed in *adat* and the immense diversity of plant varieties used by traditional communities and peasant farmers today is indication of the long adaptation process between nature, plant diversity and communities. This agrobiodiversity as well as the communities that produced it depend on free use and access



to the land that is home to the plants used by communities. It is this very use and access to land and plants by communities that the laws on Conservation and Biodiversity and on Oil Palm are putting at risk.

Corporate crime cannot be understood only as criminal act of confiscating, stealing or taking away state assets. More than that, corporate control through intellectual property rights protection and laws that provide corporations with a monopoly over plants and seeds has confiscated communities' land as well as their knowledge over traditional use of these lands. Such crimes force processes of fundamental changes onto communities: from being the owner to being made the consumer, consumer of plants and seeds that have been turned into commodities covered by corporate patents. The proposed laws on Conservation and Biodiversity and on Oil Palm are part of this process of legalizing corporate theft of community knowledge and traditional use of 'biodiversity'.

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(1) Decision No. 99/PP-X/2012 of the Constitutional Court annulled Articles 5, 6, 9, 12, and 60 of the 1992 Law No. 12 on Plant Cultivation Systems.

(2) See also: Indonesian farmers prosecuted for breeding their own seeds. http://www.alt.no-patents-on-seeds.org/index.php?option=com_content&task=view&id=59&Itemid=42

(3) For an impression on the diversity of uses of traditional oil palm varieties in West and Central Africa, see for example 'Africa: another side of palm oil. A long history and vast biodiversity' by GRAIN <https://www.grain.org/article/entries/5035-a-long-history-and-vast-biodiversity> and the film 'West African women defend traditional palm oil' <http://www.farmlandgrab.org/post/view/26141-video-west-african-women-defend-traditional-palm-oil>



Fighting the Curse of Concessions in Cambodia

The Pheapimex group is well known in Cambodia and abroad for large-scale investment deals that permit it unconstrained access to forests, land and water, and for its owners, who have been referred to as the “power couple” because of their political and financial clout. (1) The article below, first published in the WRM Bulletin in 2013, describes the Pheapimex Economic Land Concession (ELC) spread over Pursat and Kampong Chhnang provinces. The concession achieved notoriety for its massive size, ecological destruction and conflicts with local communities over farm, grazing and forest lands, and water sources.



In 2016, after 16 years of struggle, affected communities in Kampong Chhnang province won their battle against Pheapimex. The company agreed to return 170,000 hectares (out of about 176,000 hectares in the ELC) back to the rightful claimants. According to local residents, the company has been in crisis because of the drop in cassava prices, rebellion by plantation workers, and escalating tensions between company employees and affected communities. Plantation workers were not paid regularly and started sabotaging company operations by stealing machinery parts. For the most part, the province governor himself supported the land and forest claims of the affected communities.

Pheapimex has not yet pulled out of Pursat, although there too, operations appear much reduced. In contrast to past years, there are now only five worksites with about 20-30 workers, with no workers tending to the cassava that has already been planted. In 2016, workers started demanding back wages from the company and recent reports indicate that sabotage against company operations seems to have started here as well. The ELC in Pursat covers 130,000 hectares, out of which about 30,000 hectares have been cleared. It is not known as yet whether the company will retain all the land in the concession area for the full concession period, or return disputed lands to affected communities as it agreed to do in Kampong Chhnang province.

The situation regarding the Pheapimex concession in Kampong Chhnang is a decisive victory for local communities and could turn out to be so in Pursat as well. However, the company and its owners are far from defeated in the country. Pheapimex has joint venture operations in Monduliri province with Wuzhishan LS, a Chinese plantation firm, and the Cambodia International Investment Development Group (CIIDG), a Chinese mining company. (2) Pheapimex owners also own Shukaku Inc., the corporation developing real estate on the Beung Kak lake, and have significant involvement in a mining concession granted to Alex Corporation in Monduliri. (3) They are also linked to Sinohydro (Cambodia) United Ltd, the company that took over the contract for the now cancelled hydropower project in Areng Valley in the Cardamom mountains. The CIIDG mining concession includes the traditional lands of the *Phnong* indigenous group, who have expressed concerns about impacts to their sacred forests and burial sites. The *Phnong* - who make up about half the province's population - have already faced such violations in the Wuzhishan LS concession areas, when their traditional lands were desecrated by company operations. Supported by a growing network of community rights activists, they are preparing to stop company operations before their ancestral domains are disturbed or violated.

In 2017, the curse of concessions continues in Cambodia. But so also do peoples' struggles. Like the shoots and the bamboo a resident from Krang Skea in Kampong Chhnang province mentions in the 2013 WRM bulletin article re-published below, on the communities' struggle against the Pheapimex concession, their struggles to end this curse, reclaim land, forest and water, and restore damaged eco-systems are becoming stronger.



The Curse of Concessions in Cambodia

Article first published in WRM Bulletin 193, September 2013.

"The company promised to increase forest cover but they planted cassava; cassava is not a tree; a cassava plantation is not a forest." Resident from Ansar Chambor, Pursat, Cambodia

Since 2000, residents in more than 111 villages have been struggling against a mammoth land concession that spans 315,028 hectares across the provinces of Pursat and Kampong Chhnang in Cambodia. The concession agreement allows Pheapimex - a powerful Cambodian company--to seize farm, forest and common lands to grow acacia and cassava in monoculture plantations. Owned by Choeung Sopheap and her husband Lao Meng Khin, a senator from the ruling Cambodian Peoples Party (CPP), the Pheapimex Group is considered by many Cambodians to be virtually untouchable because of the close relations between its owners and Cambodian Prime Minister Hun Sen, and the large donations that Pheapimex makes to the CPP.

Although current law limits the size of each land concession to 10,000 hectares, Pheapimex secured its agreement in 1997, before laws regulating economic land concessions (ELCs) were established. Its initial plans were to establish a eucalyptus plantation and pulp and paper mills, for which it partnered with the Chinese Farm Cooperation Group and arranged financing from the Export-Import Bank of China. Pheapimex is also the Cambodian partner of the Chinese plantation company Wuzhishan. Since passage of the ELC law, Pheapimex collaborates with middlemen and other companies who acquire land within the legal limit but are part of Pheapimex's massive operation.

By 2002, the company started clearing forest and farm lands, building roads and canals, and preparing a nursery in Ansar Chambor commune, Krakor district in Pursat. In protest, village residents blocked roads and filed complaints at the royal cabinet in Phnom Penh, the nation's capital. Although the national government did not respond favourably, local protests halted operations in Ansar Chambor for a short period. However, the company continued to claim, fence and clear lands in other areas. By 2008, the nursery in Ansar Chambor was fully operational and Pheapimex had started evicting residents from their lands in other areas in the concession, blocking local peoples' access to forests, planting cassava and acacia, and building work camps.

Since then, company operations have expanded and speeded up, and heavy machinery such as bulldozers and excavators are being moved across the entire concession area. The expansion is clearly phased, but affected communities have no prior information of the company's plans and are often caught unaware. The company uses various means to secure local "cooperation," from bribery and trickery to intimidation, violence and incarceration. In 2010, Pheapimex organized a "gift giving" ceremony in Ansar Chambor in which residents were given rice, instant noodles and krumahs (traditional scarf) as



evidence of the company's good intentions. Government officials then praised Pheapimex's efforts to bring prosperity to the area and instructed communities to cooperate now that they were recipients of the company's largesse.

District and commune officials have told affected communities that Pheapimex cannot be challenged or stopped, and that village residents should accept whatever settlements the company is willing to provide. Pheapimex routinely uses its own armed private security, as well as armed commune police and military police to "protect" company property in the face of local protests. Although local police empathise with affected communities, their orders are to protect the company, not communities.

Impoverishing People

"Before the plantation, even 100 hectares of farmland and forest sustained hundreds of families; but now thousands of hectares are given to just one company and [this arrangement] does not feed even one family fully." Resident from Psach Latt, Pursat, Cambodia.

Testimonies from affected communities show that the Pheapimex concession is robbing Cambodian people of natural heritage and wealth, impoverishing communities in and around the concession areas, and closing off livelihood options for future generations. The areas granted to Pheapimex include farmlands, grazing lands, wetlands, forests, woods, lakes and watersheds, all of which constitute a system of natural infrastructure that rural people depend on and nurture for daily survival and wellbeing. In some areas, the plantation blocks access between villages and to forests and pastures. Because of loss of grazing lands, affected families have started to sell their cows and buffaloes, which are important traditional forms of wealth rural Cambodia.

Forest clearing for the concession is destroying local bio-diversity and ecosystems, including precious primary forest, water sources, fish and wildlife. Economically valuable trees (such as Knyung Beng, Neang Nun, Chheu Krom, Khnong and Phchek) are being depleted, wildlife habitat has been lost and watersheds severely shrunk. The company has filled up ponds, blocked streams and redirected water to their nurseries and plantations through canals. Some streams have dried up altogether. Residents worry that this will harm local fisheries, especially in the Tonle Sap Lake. Streams bring nutrition to the lake for fish and many fish travel upstream to spawn; if streams and ponds blocked, the overall health and quality of fisheries will decline. Farming has also become more difficult: residents are unable to grow vegetables and cash crops in gardens since the company dominates access to water. Without forest cover, rainwater drains away quicker, soil erosion is not checked, and the few remaining streams are becoming shallower.

Forests and woods are important food and medicine 'cupboards' for affected communities, as well sources of fuel, housing materials and non-timber forest products (NTFPs) such as mushrooms, bamboo and rattan shoots, honey, vines, resin, roots, wild herbs and fruit. Forests also have important cultural and religious values for affected communities: the company has cleared sacred,



spirit forests where traditional rituals are conducted for peace, good harvests, prosperity and health. Over 6000 hectares of forest identified as community forests have been lost in Ansar Chambor and Kbal Trach communes (Pursat). Kbal Trach residents assess that the loss of income from NTFPs alone for each family exceeds one million riel (US\$ 245) per season.

As families expand in size, younger generations need land to farm, which is now no longer available to them. An initiative to title village land holdings in and around ELCs launched by Prime Minister Hun Sen in 2012 (called Directive 01BB) fixed a ceiling of 5 hectares of paddy and garden lands respectively for each adult, although the actual amount titled is much less in most villages affected by the Pheapimex concession. But even the 5 hectare limit ignores the future land needs of those who are not adults at present but will reach adulthood in a matter of years.

Out of desperation, many residents have sought employment at the plantation where they are faced with low wages - 600, 000 riel or US \$147 for 30 days - irregular payments and poor working conditions. Many families now have to survive on the plantation wages of one family member, which cannot sustain an entire family that had previously lived off the food and income from paddy, gardens, forests and streams. As a result, local indebtedness has increased, outmigration is rising and families are breaking up as family members go to cities or neighbouring Thailand to find work.

Keeping Up the Struggle

Since learning about the concession, people in affected communities have tried to defend their lands, forests, livelihoods and lives through several means. They have protested at commune, district and provincial offices; blocked traffic on Highway 5 to build public support; stopped machines from clearing farmlands and forests; and filed complaints with authorities at all levels. They have held prayer ceremonies for justice in villages, pagodas and in front of government offices. They have ordained trees in their sacred sites and in one place ceremony at least a 1000 trees were ordained, but the company still cut them down

Mobilizing and organizing people in the eight districts covered by the concession are huge challenges for residents who are simultaneously trying to feed their families and make ends meet. The concession is massive not only in size but also in money and political power. Those who protest are branded "inciters," arrested on false charges, jailed and fined large sums of money. While many are exhausted and discouraged, others see hope for change in the longer term. The recently concluded national elections show decreasing overall support for the CPP and it is likely that the CPP mass base is weakening where land-forest conflicts are the highest.

In the words of a resident from Krang Skea (Kampong Chhnang): "We are like the bamboo that starts out with one shoot; we have to wait till there are more shoots and the bamboo gets bigger."



Shalmali Guttal

Director at *Focus on the Global South*

- (1) Cambodia's Top 10 Tycoons. <http://investvine.com/cambodias-top-10-tycoons/>
 (2) Miner Encroaches on Ancestral Lands. <http://www.rfa.org/english/news/cambodia/bauxite-06222011171620.html>
 (3) Pheapimex ties 'cause for concern'. <http://www.phnompenhpost.com/national/pheapimex-ties-cause-concern> and
<https://sahrika.com/2016/12/20/villagers-wary-of-mkiri-mine-project/#more-27000>



Malaysia: Indigenous groups from around the globe discuss anti-dam struggles

In December 2015, indigenous peoples in Sarawak, Malaysia, celebrated a major victory: the state government announced a moratorium and, in 2016, cancelled the controversial Baram Dam (4). The struggle against the dam has been an inspiration for many and featured prominently in the presentation about "[What is happening to our forests in Malaysia?](#)" at the November 2016 gathering in Bangkok referred to in the editorial of this Bulletin. We therefore re-publish this article on an international meeting of anti-dam activists who met on the banks of the Baram river in October 2015, just months before the state government announced the moratorium on Baram dam construction.

Article first published in WRM Bulletin 220, December 2015

Indigenous dam fighters from around the world came together on October 23rd 2015 on the banks of the Baram River in Sarawak, a Malaysian state on the island of Borneo, to stand in solidarity with the people fighting against the proposed Baram Dam. On that day, the two blockades against the Baram Dam celebrated their second year anniversary. The Baram Dam would have submerged over 400km² of forest and displaced up to 20,000 indigenous people, while its electricity is not even needed: Sarawak already faces a power glut. Thanks to the blockades, the works on the Baram Dam as well as its access road have been stopped completely for the last two years.



The indigenous delegations from Indonesia, the Philippines, Cambodia, Brazil, the United States, Honduras, and from around Malaysia gathered in Sarawak to share their experiences, strengthen ties between their communities and make a common statement on dams. The week-long event was called the World Indigenous Summit on Environment and Rivers (WISER) and was hosted by Sarawak's grassroots network SAVE Rivers (1).

Baram for all, all for Baram

The participants of WISER visited various places of importance to the resistance against the Baram Dam, such as the two blockade sites and the proposed dam site. Peter Kallang, chairman of SAVE Rivers and host of WISER, explained: "We of SAVE Rivers wanted the participants to experience our culture and to see the beauty of our Baram River themselves, so that they better understand what is at stake and why we struggle."

At the proposed dam site, which was reached by boat, Peter Kallang told an anecdote: "In 2012, Sarawak's power company and dam builder Sarawak Energy organized a traditional indigenous prayer ritual at the proposed Baram dam site to bless the dam construction. Immediately, the local communities reacted with protests on boats at the site to this abuse of their traditional prayer. That was a key moment in the mobilization against the dam."

The story of the defence of the Baram River symbolically stands for the destiny of many indigenous groups threatened by dams. Berta Cáceres, 2015 Goldman Environmental Prize (2) winner from Honduras, was struck by the similarities between the threats the communities are faced with and stressed the importance of WISER: "This summit on indigenous peoples and rivers has a special value in that its actions give strength to the historic resistance of our peoples and makes visible the grave aggressions and conflict generated by the privatization of rivers and the construction of dams within Indigenous communities and regions."

The WISER Baram 2015 declaration

Workshops were held at the village of Tanjung Tepalit, one of the 26 villages to be flooded by the Baram Dam. The participants discussed their motivations to fight against dams, challenges to their campaigns as well as successful strategies to mobilize people and to advance in their respective struggles.

James Nyurang, former headman of Tanjung Tepalit and host of the international delegation, is confident that the Baram people gained strength through the summit to continue the struggle: "Being together with all the delegates sharing and discussing about various strategies to encounter the challenges of how to stop all the unnecessary dams in the world, I have gained a lot of experience from all of the delegates. And with such information, I am confident enough such experiences will be fundamental to us - the Baram People - and our strategies to continue to fight and stop the proposed Baram Dam."



The discussions culminated in the adoption of the “[WISER Baram 2015 Declaration on Dams and the Rights of Indigenous Peoples](#)”. (3) The declaration acknowledges the widespread suffering and destruction caused by dams. Governments, companies and investors are asked to not proceed with projects that have not obtained the Free, Prior and Informed Consent of the impacted communities, to ratify and enforce the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) as well as the ILO Convention 169 and to implement small-scale renewable energy alternatives in rural contexts. The declaration also demands reparations for communities that have suffered from dams as well as to conduct studies on the removal of dams.

The participants stress that dams should no longer be presented as climate neutral. “We make a strong call to the next Climate Change Summit in Paris to listen to and respect Indigenous peoples and the alternatives to climate change our communities offer”, said Berta Cáceres, who is fighting the Agua Zarca Dam in Honduras, at the final press conference of WISER in the town of Miri.

Struggles and hopes

All participants share the suffering caused by loss of culture and heritage as well as the natural environments they and their communities are part of, the exclusion from decision-making and even the criminalization and militarization.

But there are also stories of success: Kundy Doeam and Dinith Yoen from Cambodia told how they reached a moratorium on the Areng Dam early this year after intensive campaigning with blockades, a bicycle campaign, amongst others. Sammy and John Luke Gensaw of the Yurok tribe in California, United States, explained that while the four dams on the Klamath River are still standing and threatening the salmon, the base of livelihood for the Yurok tribe, the US government has started to decommission dams in other places. Subsequently, ecosystems are recovering surprisingly fast.

People in Baram are also more and more hopeful that the dam will be stopped. First of all, the resistance has considerably grown and the blockades have been effective in stopping the project. In June, Peter Kallang and Daniel Kammen, professor of the University of California, Berkeley, met with Sarawak’s Chief Minister Adenan Satem to discuss alternative energy sources to dams. In September, Sarawak’s Chief Minister Adenan Satem announced a moratorium on the Baram Dam.

However, Daniela Da Silva’s story about the Belo Monte Dam in the Brazilian Amazon reminds us that successes are fragile. She spoke about how the predecessor of the Belo Monte Dam, the Kararao Dam, was defeated by widespread protests in the late 1980s, but renamed and revived by the government later on. Even several court rulings against the project couldn’t stop its completion. Sadly, dam projects presumed dead are often revived by unimaginative governments.

Anna Aeberli



Bruno Manser Fund, www.bmf.ch/en

(1) SAVE Rivers was founded four years ago as community network to fight against a series of at least 12 dams proposed by the Sarawak government. The Baram Dam quickly became the most controversial project out of the series.

(2) The Goldman Environmental Prize honours grassroots environmentalists and recognizes them for their efforts to protect the natural environment, often at great personal risk. Only months after speaking at the gathering on the banks of the Baram river about the Lenca peoples' struggle against the Agua Zarca Dam in Honduras, [Berta Cáceres was killed inside her own home](#).

(3) Read the declaration: http://www.stop-corruption-dams.org/resources/WISER_Baram_2015_Declaration_Signed.pdf

(4) The Baram miracle: Dam plans officially scrapped. Bruno Manser Fund News. <http://bmf.ch/en/news/the-baram-miracle-dam-plans-officially-scrapped>

ACTION ALERTS



Honduras: The deadliest country in the world for environmental activism. More than 120 people have been killed in Honduras since 2009 for standing up to companies that grab land and destroy forests, a January 2017 report published by Global Witness shows. The report pays tribute to human rights defender Berta Cáceres who was murdered on 2 March 2016 when armed men broke into her home in the middle of the night and killed her. Berta Cáceres mobilized against the Agua Zarca hydro dam on her community's land in Intibucá, western Honduras, which threatened a vital and sacred water source for the indigenous Lenca people. The report is available at: <https://www.globalwitness.org/en/campaigns/environmental-activists/honduras-deadliest-country-world-environmental-activism/>



French Guyana: The French government is quietly promoting the industrialization of gold mining in French Guyana. If the project goes ahead, the Montagne d'Or project, scheduled to start mining in 2018, would become the largest gold mine on French soil. Not only will it have serious human and environmental impacts, it will also open the floodgates for other mining multinationals in French Guyana, and expand mining exclusively for the luxury jewellery market. Industrial demand for gold accounts for only 8 percent of gold currently mined. The recycling sector supplied three times that amount in 2015. More information on this struggle against mining in French Guyana (in French) at: <https://sites.google.com/site/maiourinature/or-de-question-cp22fev>



Support the *Or de question* collective, an alliance of local and national NGOs, who are calling on the French government to cancel the mega-mining projects immediately. Sign the petition at: <https://www.rainforest-rescue.org/petitions/1084/no-to-industrial-gold-mining-in-the-forests-of-french-guiana#letter>



India: BBC investigation reveals deadly toll of shoot-to-kill policy in tiger reserves. Across the world, indigenous peoples face arrests, harassment, torture and death in the name of nature conservation. The Kaziranga National Park in India is but one infamous example of this inhumane tendency. Fifty people have been extrajudicially executed by park guards at the infamous “shoot-to-kill” national park in the last three years. Tribal people face being shot, beaten, tortured and killed at the hands of heavily armed park officials.

Last year guards shot a 7 year-old boy who is now maimed for life. This violence is being done in the name of conservation. Big conservation organizations including WWF, the Wildlife Conservation Society, the Nature Conservancy and Conservation International, among others, have ignored demands that they condemn the practice.

Kaziranga National Park shootings no isolated incident, *The Tiger Game* shows. The government of India has announced plans to expand this policy in tiger reserves across India. The film *The Tiger Game* by Indian activist and film-maker Soumitra Ghosh shows that the situation in Kaziranga National Park is not an isolated incident, and that the policy is already a reality in the Buxa Tiger Reserve in West Bengal. The film explores multiple yet overlapping narratives of exploitation, cruelty and injustice, heinous murders of tribal people by forest service employees in the name of wildlife conservation. The film (in English) is available at: <https://vimeo.com/124188855>

Join the Survival International Action Alert and call on government authorities in India to end the deadly shoot-on-sight policy in protected areas at: <http://www.survivalinternational.org/emails/shoot-on-sight>

More information (in English) at: <http://www.conservation-watch.org/2017/03/10/indias-kaziranga-national-park-and-the-streisand-effect/>



Malaysia: Stop recognising plantations as forests, FAO is told. On 21 March 2017, Malaysian NGOs The Consumers’ Association of Penang (CAP) and Sahabat Alam Malaysia (SAM) joined worldwide action against the UN Food and Agriculture Organisation's (FAO) forest definition. About 200 groups have renewed the call for the FAO to amend its misleading definition of forests which has allowed industrial tree plantations to expand. The letter called



on the FAO to cease recognising plantations as forests, as provided for in the definition because this has allowed the plantations industry to hide devastating ecological and social impacts of large-scale monoculture tree plantations behind a positive image that forests enjoy in public perception.

<http://www.freemalaysiatoday.com/category/nation/2017/03/21/stop-recognising-plantations-as-forests-un-body-told/>

The letter sent to FAO today can be found [here](#). It is also available in [Spanish](#), [French](#) and [Portuguese](#). For more information about the long-standing demand for FAO to change its misleading forest definition, see also: <http://wrm.org.uy/all-campaigns/international-day-of-the-forests-march-21st-2017/>



Indonesia: Protests on Java against forest destruction by the expanding cement industry.

In Indonesia, resistance against the cement production complex of the Indonesian company Semen Indonesia which will destroy the Kendeng karst forest area in uphill Java, has been growing. Patmi, a woman from one of the villages in the district of Tambakromo traveled to the capital Jakarta to join protests against the forest destruction for the cement production. She died on March 21st, possibly of a heart attack, after days of sit-in protest in front of the Presidential Palace

in Jakarta. More and more activists in Jakarta and other major cities in the country cast their feet in cement and staged similar sit-ins, in solidarity with Patmi and the Kendeng people. The protesters are asking for solidarity from the international community to support this struggle, particularly in the face of a possible go-ahead for the cement production by the President in early April 2017. This Project happens in a context of an unprecedented and massive land and water grab for energy and material consumption in the region, through the setting up of "corridors" for infrastructure development, cutting deep into the remaining forests in the region. For more information, see attached a short article and obituary in English, dedicated to Patmi, written by Hendro Sangkoyo: <http://wrm.org.uy/other-relevant-information/the-poetic-and-haunting-death-of-patmi-of-mt-kendeng-java-indonesia/>

RECOMMENDED



Meeting report: What is happening to our forests?

From 21-25 November 2016, about 50 people, involved in struggles to defend the territories, forests and livelihoods of forest-dependent communities, came together in Thailand for a field visit to the Northeast of the country, followed by a 3-day meeting in Bangkok. Besides a delegation from Thailand, other participants came from Myanmar, Cambodia, Vietnam, the Philippines, Indonesia, Malaysia and India. The aims of the gathering, which focused on the central question of



‘What’s happening to our forests?’, included promoting exchange and dialogue on old and new threats and challenges faced by communities in the different countries. Despite the diversity of languages and cultures of the participants, they became aware that they have many values and concerns in common, for example the importance of the forest for their livelihoods, as well as the threats and challenges they face in defending their territories and forests from land grabbing and deforestation.

The report and links to presentations from the meeting are available at:

<http://focusweb.org/content/what-happening-our-forests-conference-report-and-presentations> (English only).



Video by Save our River, Save our Life on the threats of gold mining to the Tanintharyi River in Myanmar.

"Water is life. If we don't protect the Tanintharyi River, the lives and livelihood of local villagers who depend on the river will be destroyed", a local villager from the Tanintharyi River basin says in the introduction to the film. "We must prevent the destruction of the river for the sake of future generations. We gather here to show our disagreement with gold mining in the Tanintharyi River", he explains. The video documents a joint Buddhist-Christian prayer service organized by local

people from the Tanintharyi River basin to show their opposition to the mechanized gold mining operations recently started by the Shwe Tun Pauk Company in the Tanintharyi River in Myanmar. More than 200 villagers – representing 60 villages – travelled by boat to join the prayer service from distances as far as 160km downstream. The group also inspected the mining operation, and asked to see paperwork proving that the Shwe Tun Pauk Company had legal permission to conduct gold mining in the Tanintharyi River. The villagers did not receive satisfactory answers from the on-site labourers, and demanded a public meeting with the head of the Shwe Tun Pauk company. A public meeting with the head of the Shwe Tun Pauk company was held on 8 January 2016.

Video documentation from the meeting is available at:

<https://www.youtube.com/watch?v=mPolcAAXtqo> and
<https://www.youtube.com/watch?v=3sQ6IFITN9c>

The Save Our River, Save Our Life film is available in English at:

https://www.youtube.com/watch?v=pxDA_P73ZDM .

Burmese version is available at: https://www.youtube.com/watch?v=YR2mD_jTU4



Report: Why & How Ecological Farming?! Training Workshop in HEPA Eco-Farming School, Vietnam.

The report describes how farming systems rooted in the cultures, customary laws and place-bound experience of peasant farming gathered over many generations differ from the agro-industrial farming exposed in several of the articles of this bulletin as land grabbing and a threat to forests and forest peoples in the Mekong region (and beyond). The report (in English) is available at:

<http://cendiglobal.org/upload/medias/why-and-how-ecological-farming.pdf>



Report: *Grow*-ing disaster: the Fortune 500 goes farming. The world's largest agribusiness corporations are rolling out a public-private partnership programme to take control of food and farming in the Global South. The programme is called *Grow*, and it is part of the "New Vision for Agriculture", an initiative of the World Economic Forum (WEF) that was launched in 2009 and is led by 31 of the WEF's "partner" companies involved in the food business. Ninety per cent of these companies are based in the US and Europe, and none of them are from China, Brazil, Japan, Korea, Thailand or South

Africa. Yet the "New Vision for Agriculture" and its *Grow* programme is focused entirely on Latin America, Africa and Asia—the main growth markets for the global food industry. The main emphasis of the "New Vision for Agriculture" initiative is on contract farming linking small farmers to multinational companies (and less, for instance, on corporate plantations). The English version of the report published by GRAIN is available at: <https://www.grain.org/article/entries/5622-grow-ing-disaster-the-fortune-500-goes-farming> . French and Spanish versions will be available soon.



Interview: "Sustainable palm oil from industrial oil palm production does not exist". SwissInfo in conversation with Kartini Samon from GRAIN on the impacts of industrial oil palm production on communities and on the role of Swiss banks in financing land grabbing by funding expansion of oil palm plantations in Indonesia.

The Interview (in French) is available at:

http://www.swissinfo.ch/fre/accaparement-des-terres_-il-n-existe-pas-de-production-d-huile-de-palme-industrielle-durable-/43009936



Report: Signing Away Sovereignty: How Investment Agreements Threaten Regulation of the Mining Industry in the Philippines. In the last decade, the Philippines has bet heavily on the mining industry, with 47 large-scale mines in operation and growing evidence of their social and environmental costs. The briefing argues that the country's ability to properly regulate or close polluting mines will be severely constrained by a network of investment treaties the Philippines has signed, which provide excessive protection for foreign investors. This legal straitjacket will become still tighter

if the government goes ahead with the EU–Philippines Free Trade Agreement and the Regional Comprehensive Economic Partnership (RCEP).

The report (in English) is available at: <http://focusweb.org/content/signing-away-sovereignty-how-investment-agreements-threaten-regulation-mining-industry>



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