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## **In the Face of Threats and Invasions in the Forests, Communities Defend and Reclaim Their Life Spaces**



Members of the Karen communities holding a traditional ceremony on 16 December 2020. Ph.: Prachatai

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*The articles in this Bulletin are written by the following organizations and individuals: National Coordinator for the Defense of the Mangrove Ecosystem (C-CONDEM), Ecuador; Yayasan Pusaka Bentala Rakyat (Bentala Raya Heritage Foundation), Indonesia; Venezuelan Observatory of Political Ecology and members of the WRM international secretariat in close collaboration with several allies who are part of grassroots groups in different countries.*

# In the Face of Threats and Invasions in the Forests, Communities Defend and Reclaim Their Life Spaces

## Our Viewpoint

### Offsets: Feeding the Illusion of a (Sustainable) (Green) (Carbon Neutral) (Nature-Based) (Net-zero emissions) Capitalism



Shell Deer Park Refinery, Deer Park TX. Photo: Flickr/Roy Luck

Over the past three decades, all sorts of adjectives that *sound* environmentally-friendly have been added to the word capitalism (or growth, or economy). Why? It helps to spin a structural problem into a challenge for which a (technical) solution can be promised. Offsets are offered as the 'silver bullet' that will solve the climate problem without denting corporate profits or the burning of fossil fuels. Offsets have been heavily promoted by the conservation industry, including NGOs like WWF and The Nature Conservancy; governments from many industrialized countries; the financial industry, including the World Bank; and many corporations, including within the fossil fuel and aviation sectors.

Most polluting corporations have endorsed offsetting as part of their *Net-Zero* climate plans. On their websites, corporate criminals like Shell or Eni tell stories about 'commitment to protecting forests' and investing in 'natural solutions' – while they plan to continue, or even increase exploitation of fossil fuels well beyond 2050. No hypocrisy seems too cheap to protect corporate profits from fossil fuel burning. Many companies from the aviation and food industries are also banking on offsets to protect their destructive business model. Governments, meanwhile, are busy preparing the legal framework for this mad offsetting illusion.

More than 30 years of extensive documentation, evidence and analysis from community organisations, environmental justice networks, social movements and academic studies exposing the structural flaws, the contradictions and the corporate interests behind the illusion of offsets is being dismissed to protect corporate profits!

Even worse - the illusion of offsetting is of late being championed by the financial industry.

Mark Carney, who spent 13 years at the private bank Goldman Sachs, was former governor of the Bank of Canada and the Bank of England, is now an influential investor and UN special envoy for climate action and finance. In November 2020, a private sector-led initiative aimed at scaling up the voluntary carbon markets and led by Carney launched a 98-page “Consultation Document.” The document mentions the word “offset” 238 times, and mentions “fossil-fuel energy” once. (1) It is an ode to carbon markets.

The initiative, called “Taskforce on scaling voluntary carbon markets”, has been launched at a convenient time. Many companies, as destructive and polluting as Shell, Unilever, Tata Steel and BP, have made commitments to turn their supply chains into operations that produce *Net-Zero* emissions. But *Net-Zero* emissions does not mean *zero* emissions. The idea of *Net-Zero* depends on the massive use of offsets, which in turn means that fossil fuels will keep being burnt, while corporations promote themselves as *carbon-neutral*, *green*, *sustainable* or any other adjective that *sound* environmentally-friendly but do nothing more than greenwash destruction.

Companies are being spurred into action by Larry Fink, the chief executive of the world's largest asset manager, BlackRock. In January 2021, Fink announced in the company's Annual Letter that BlackRock will be expecting road maps to *Net-Zero* emissions by 2050 from all the companies it invests in. (2) BlackRock is a major shareholder in agribusiness, real estate, energy, mining and other companies, and its managers sit on the boards of several big conservation organizations. (3)

It is crucial to remember that Offsets *do not* reduce emissions. At best, Offsets *displace* emissions. This means that, for example, to reach *Net-Zero* emissions, a company emitting 10 tonnes of CO<sub>2</sub> in place A, would need to implement or buy credits from an offset project that absorbs 10 tonnes of CO<sub>2</sub> in place B, or from an offset project that avoids to emit 10 tonnes of CO<sub>2</sub> that were at risk of being released in place C. This logic ignores the uniqueness of any one place; offsetting is based on the false assumption that the life and interconnections of place A, B and C can be replaced, swapped or recreated. This ‘displacement of emissions’, has in most cases been an absolute failure in climatic terms. (4) What is worse, as WRM and others have denounced on countless occasions (5), most offset projects have resulted in conflicts, land grabs, extreme violence and destruction of livelihoods and communities’ lives. People directly affected by the imposition of these projects have rarely been properly informed and the territories and life spaces they depend upon have been destroyed, fenced off or heavily contaminated.

The reality of offsets is far away from the illusion it sells. Offsetting provides a tool for corporations to keep profiting from a capitalist system hooked on fossil fuels. This also means big business for conservationist NGOs busy offering land under their management as offsets to the world's dirtiest corporations. For the countless communities whose territories are locked up in offset projects or for those affected by the continuation of business as usual, however, it means destruction and violence. The recent renewed interest in offsets threatens to become a massive land grab.

It's time to redouble efforts to expose the dangerous illusion that is fed by offsetting. And to support those forest-dependant populations and peasant communities who have long been using and protecting their land, forests and diversity. Their struggles against corporate destruction have not been fooled by the ever-changing list of adjectives with an environmentally-friendly ring to the ear that are used to greenwash destruction.

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## Thailand's imposition of National Parks: The Indigenous Karen People's struggle for their forests and survival



Karen community carries out a traditional ceremony to protect their forest on December 16, 2020. Ph: Wanpen Pajai / Globe

In January 2021, Indigenous Karen People from Bang Kloi returned to their ancestral home deep in the Kaeng Krachan forests in Thailand after years of dispossession and near-starvation. The creation of the Kaeng Krachan National Park in 1981 meant the beginning of the dispossession of the Karen people of Bang Kloi. Since then, they have fought for their rights to live in their original territories. On top of the unbearable situation they confront in area where they were relocated, the Covid-19 pandemic made it clearer that returning home was the only answer for their survival.

Now, the situation in the Kaeng Krachan forests is at the very least tense. While Karen communities are mobilizing around the country, National Park authorities have denounced the Karen communities of clearing patches of forests, in an attempt to deepen the prejudice against them as forest destroyers. For the Karen People however, returning home is not only a matter of survival. It is also another effort to restore their cultural life, identity and dignity.

## **National Parks = Dispossession and Violence**

The Karen People from Bang Kloi have practiced rotational agriculture for generations – cultivating one area before moving on to the next, giving the soil time to replenish, - together with fishing and foraging. Bang Kloi is deep in the 2,915 km<sup>2</sup> of what is now categorized as the Kaeng Krachan National Park, a large forest along the Myanmar border. Since the designation of the National Park there have been recurring conflicts between the Karen indigenous people and state authorities.

The Thai Department of National Park, Wildlife, and Plant Conservation accuses the Karen communities of being illegal encroachers. Their rotational agriculture practices are vilified as a form of deforestation, even though those same practices have kept the Kaeng Krachan forest healthy for generations.

A major turning point was in 1996 when National Park officials wanted to move the indigenous Karen out of the forests. 57 Karen families, 391 people, living in Bang Kloi, were relocated downhill to Ban Pong Luek-Bang Kloi. After failed promises to provide plots of land, many moved back to their ancestral territories.

In 2011, the then Park chief, Chaiwat Kimlikitakorn, led a team of armed soldiers and forest rangers to torch the Karen's houses and rice barns, accusing them of being drug criminals and illegal encroachers. They cause damage to 98 houses. This was publicised within Thailand as an operation against 'national security' threats.

The forest dwellers fled in fear back to the resettlement village. This was followed with more violence, murders and threats.

When the forest dweller's advocate, Tatkamon Ob-om, exposed what really happened in Bang Kloi, he was gunned down. The then Park chief was arrested but eventually freed because the gun could not be found.

Moreover, Porlajee "Billy" Rakchongcharoen, a young Karen land rights activist, who helped the Bang Kloi Karen to pursue a case against Chaiwat, and who was a key witness for the court case, mysteriously disappeared in 2014, after being detained by Chaiwat and park rangers for harvesting wild honey.

Two witnesses who testified that Billy had been released by Chaiwat after a brief arrest confessed later that Park officials told them to lie. Five years later, in 2019, the Department of Special Investigation found fragments of Billy's skull in an oil drum near the Park's office. But Chaiwat was not charged claiming that there was insufficient evidence.

Meanwhile, the Supreme Administrative Court ruled that Park authorities broke the law by torching indigenous Karen's houses and destroying their belongings. The court also told Park authorities that if the Karen people lived in the forest before the area became a National Park, their land rights must be respected. But forest authorities turned a deaf ear. Forest evictions kept ongoing while Chaiwat kept on being promoted.

The Department of National Park, Wildlife, and Plant Conservation issued, in response to the Court decision, a much more violent National Park Law. The Law was rushed through the

National Legislative Assembly in 2019 and was passed right before the military-installed assembly was dissolved.

The new National Park Law makes National Park officials more powerful than soldiers under an emergency decree. This means, among others, that they can enter and destroy forest people's homes at all times by citing urgency, without the need to investigate anything. Also, the maximum jail sentence for "forest encroachers" has been increased to 20 years and they can also face fines to up to two million baht (over 65 thousand dollars). Insisting that forests must be "free of humans", the Law outlaws millions of people who have been living in the forests for generations.

Consequently, Karen communities have to face constant litigation cases against them with encroachment charges, forcing them to move out as land becomes consumed into National Parks territories.

Not losing the hope and strength to fight for their forests, in August 2020, the indigenous Karen from Bang Kloi submitted a letter to the Natural Resources and Environmental Conservation Strategic Taskforce, which prompted the Taskforce's Advisor to visit the area and hear the communities. It was revealed how the villagers have been suffering from landlessness and an extremely difficult access to any livelihood. But there was no progress made after that.

On 8 December 2020, the Karen people from Bang Kloi submitted a letter to the Minister of Natural Resources and Environmental Conservation hoping for a concrete action to solve their problems, but there has been no answer.

In consequence and after many attempts to restore their rights to live on their territory, on the 9th January 2021, members of the Bang Kloi community have returned to their ancestral home, after they were forcibly evicted in 1996 and 2011, to practice their rotational agriculture. Another essential reason to return for them was to perform a ritual for the spirit of Karen leader Grandpa Ko-I, who was born in the Kaeng Krachan forest in 1912. It was essential that his descendants use rice from there to feed the people who participated in the ceremony. This would make the spirit of Grandpa Ko-I to ascend according to their belief.

Despite these conflicts and violence, the government of Thailand is planning to submit the latest application for giving the Kaeng Krachan National Park the World Heritage Site status in mid-2021– something that has been postponed before due to the ongoing conflicts with the Karen People.

It is time that the Karen People from Bang Kloi get back their right of returning and living in their territory. They are not only fighting for a piece of forest on which to live. They are fighting for justice and dignity.

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## “Gender” in the palm oil industry and its RSPO label



Female workers carry heavy loads of fertilizer at a palm oil plantation in Sumatra, Indonesia.  
Ph.: AssociatedPress (AP) / Binsar Bakkara

The extent of exploitation and discrimination of women within the palm oil industry has become difficult to deny. Companies as well as its certification scheme, the Roundtable for Sustainable Palm Oil (RSPO), have responded with the inclusion of gender-specific policies and guidelines in their operations. But, if the plantation model in itself is understood as a violent, destructive, structurally racist and patriarchal one, can these gender-specific policies do more than cover up this violence and destruction? How, in such context, do these gender policies unfold?

Oil palm plantation companies praise themselves from their programs and policies that claim to give opportunities to women. The multinational company Olam, for example, states in its Living Landscape Policy that all suppliers should achieve “gender equality, equal access and empowerment of women,” as well as having its operations in “full compliance with applicable national and international laws, including human and labour rights” (1) Yet, women living in and around Olam’s oil palm plantations in Gabon have told WRM a different story: “... we can no longer walk alone, as women, we need to go in groups because of the risk of being assaulted by company workers or security guards. We no longer feel safe around our villages. There is definitely an increase of abuse.”

The transnational plantation company Socfin defends its ‘gender policy’ operations in Sierra Leone by saying that about a quarter of their permanent employees are women. Socfin goes on to assert that policies have been established “to protect their work,” and that a “gender committee” has been set up to “discuss women’s issues and grievances.” (2) RSPO has already provided its seal of approval to many Socfin plantations and the company is trying to get its operations in Sierra Leone certified.

In contrast to these company declarations, a woman in Sierra Leone facing the impacts of Socfin told WRM in December 2020 that “the company takes advantage of women’s labour in so many ways... When the company has already taken over the land, women are most times left with no option but to work for the company... And they are not well paid. The companies are very well aware that women have no other alternative, so they decide how much to pay

them, and even how to treat them. Women have to walk from very far away places every day to work, and then return back, on very long walks, exposing themselves to violence... the challenges are so much.” (3)

A list of testimonies from women denouncing the many layers of destruction and violence that this industry means for them would be never-ending. One woman said that, “even if you were already working and completed a month’s job but refused to sleep with the headman or supervisor, you will not receive your pay, your name will be missing from the list or you will get paid far less than what was initially promised or due to you.” One young Liberian woman described the reality on the plantation where she worked, “I work two times in the week and during those two days, the headman will always touch all the women’s breasts and butts all of the time, including me.” A woman from Guatemala said, “Often, the plantation foremen blackmail women, offering them work in exchange for sex; if they do not agree to sleep with them, the foremen do not employ them.” Others report that, “you have to sleep with the headmen or supervisors before you can get your food to be sold to the workers.” (4)

In West and Central Africa, oil palm industrial plantations also become a threat to its traditional cultivation and use. Resistance against these plantations thus turns also into a women’s fight for their economic independence. Yet, when women speak out, companies make use of the cultural roles assigned to women to marginalize them. As exposed in the booklet “12 tactics palm oil companies use to grab community land,” (5) companies will, for example, comment to chiefs and family members that a ‘woman’s business is in the house and cooking, not criticizing the company’. They will try to make male family members feel ashamed and embarrassed that their wives, daughters or sisters are taking action. As a result, the whole family, and sometimes a big portion of the community, will put pressure on women to stop their protests against the company.

The reality is that wherever these plantations expand in Africa, Asia and Latin America, women living in or around industrial oil palm plantations face an increase in similar abuses, such as (6):

- **rape and torture** in or around the plantations fields, with the perpetrators usually going unpunished;
- **violent arrests or searches** arguing that palm nuts or palm oil have been stolen from the company plantations. This comes with women having their traditional oil production taken away or destroyed, particularly in Africa where women have been producing palm oil for generations. These accusations are largely false and, most importantly, illegitimate, because companies have stolen communities’ land in the first place;
- **security guards entering their houses** during the night, supposedly in search of palm nuts or palm oil, exposing women to beatings, abuse and arrests;
- **loss of lands, forests and water sources**. Women are forced to travel long distances to find arable lands, often for many kilometers and often through the plantations, which exposes women and girls to the risk of being raped, assaulted or violently searched;
- being made **landless** and **forced to sell their labour** to plantation companies;
- being **forced to offer sex in exchange for work**;
- facing serious **health issues due to hazardous and abusive work** tasks, especially when applying agrochemicals. Women and men working on oil palm plantations have described working conditions as akin to slavery. In Indonesia, women and children are often forced to work for free to help men meet the production targets that the company sets as condition for them to receive the full wage for the day;
- facing the **destruction of the cultural and social fabric** of their communities’ lives.

None of these realities appear in the companies' nice flashing brochures or on their webpages. The sexual violence, abuse and harassment that women suffer as a result of large-scale plantations is rarely mentioned, even during community meetings or in NGO and academic reports. Usually, the shocking extent of this reality only comes out when women meet among themselves. In these conversations, it becomes clear that sexual violence and abuse are an integral part of the large-scale plantation model. (7) The structural patriarchy of the model is usually hidden and reduced to the much-used vague term of 'differentiated impacts'.

In response, a video launched on 25 November 2020, the Day for the Elimination of Violence Against Women, condemns that sexual harassment and violence towards women is another common practice within the oil palm plantation industry, affecting both, women workers and women living in the surrounding communities. (8)

### **RSPO stands for long-lasting abuse**

RSPO is the most widely used voluntary certification system for palm oil companies. It is a partnership between the palm oil industry and a few NGOs – with WWF as a very important one. It delivers a 'sustainable' label to palm oil producers, based on a set of principles and criteria approved by its members. What RSPO does *not* do is to question the amount of land grabs, pollution, violation of community and workers' rights and overall violence embedded in the industry. RSPO facilitates the continued expansion of the industrial oil palm plantations model while certifying it as 'sustainable'.

One of RSPO's standards is to promote 'gender equality.' According to RSPO, compliance with their 2018 principles and criteria is required in order for certification to be awarded to a company. (9) The principles related to "sustainable livelihood and poverty reduction" require that "everyone engaged in palm oil production has equal opportunities to fulfill their potential in work and community with dignity and equality, and in a healthy working and living environment." A gender committee is supposed "to raise awareness, identify and address issues of concern, as well as opportunities and improvements for women", and it is required that there be "no harassment or abuse in the workplace" and that reproductive rights be protected. This is supposed to guarantee "safe and decent work" as well as respect for human rights. The 2018 document goes on to give "guidance" on each of its principles and criteria. In relation to the gender committee, the guidance calls for "programmes provided for particular issues faced by women, such as violence and sexual harassment in the workplace" and says that the committee "should include representatives from all areas of work [and] will consider matters such as: training on women's rights; counselling for women affected by violence; child care facilities to be provided by the unit of certification; women to be allowed to breastfeed up to nine months before resuming chemical spraying or usage tasks; and women to be given specific break times to enable effective breastfeeding."

Women, however, tend to be restricted to low-paying, arduous and demeaning tasks, including the spraying of pesticides. These are tasks that are extremely dangerous for women and their reproductive health.

Additionally, RSPO has a Human Rights Working Group – including a specific sub-group for gender – which is supposed to ensure the successful implementation of the RSPO principles and criteria that are relevant for the protection and respect of human rights. (10) The Working

Group consists of the multinational companies Sime Darby, Agropalma Group, Wilmar, Bunge, Unilever, Kellogg's, and the Dutch bank ABN-AMRO, together with the NGO Solidaridad, and is co-chaired by representatives from Cargill and Oxfam Novib. Considering that corporations dominate the Working Group by a margin of four to one, perhaps it is not surprising that despite the nice words and seemingly stringent policies, women continue to face abuse, harassment and violence on oil palm plantations, whether these plantations are RSPO certified or not.

It is crucial to ask, how can a Human Rights Working Group of a certification scheme that claims to guaranty 'ethical production' of palm oil does not even bother to officially include any voice from local groups or affected communities in their structural organization? And even more importantly, shouldn't such Working Group exclude any participation of the companies being certified? The answer to these questions lies on the fact that RSPO was created by the companies themselves to allow this industry to continue and expand and therefore, benefits, above all, the companies that it certifies.

A declaration from a 2019 meeting of the Informal Alliance Against Oil Palm Plantations in West and Central Africa states, "Women and girls in these plantation areas experience the deepest injustices and inequalities. Their dignity is violated and they suffer daily human exploitation. From obligations to meet quotas for the collection of palm fruits to sexual favours demanded by company security guards who accuse them of taking fallen palm fruits from the plantations, they suffer the most severe humiliations, often in silence." (11)

Moreover, an article published by two Associated Press (AP) journalists in 2020 which documents sexual abuse, harassment and rape of women and girls on oil palm plantations in Malaysia and Indonesia underscores that this violence crosscuts across regions. The journalists note that "of the nearly 100 grievances lodged [with the RSPO] in Indonesia and Malaysia in the last decade, ...women are almost never mentioned." (12) Yet, they reveal how perpetrators of rape and harassment on plantations sourcing palm oil to the supply chains of some of the biggest names in the US\$530 billion beauty business are going unpunished. These "labor abuses regularly occur industrywide", they write, including on plantations bearing the RSPO's green stamp.

RSPO is thus helping oil palm plantation companies not only to greenwash their destructive operations but also, as the feminist movements call it, to "violet wash" their operations. Activist writer Larry Lohmann describes how corporate 'gender policy' documents never even raise the question of why physical and sexual violence against women is such a systemic aspect of this industry. Instead, such documents are being used by plantation companies and their associated certification schemes to contain and weaken feminist movements and women-led struggles, merely giving a different coloration to an underlying patriarchy.

The women's voices whose land has been taken over by industrial oil palm plantations confirm once and again that, contrary to the corporate propaganda with their gender-specific policies that claim to benefit and improve women's lives across the industry, quite the opposite is true, – the palm oil industry brings violence, despair and abuse.

Whose voices will you hear now?

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## Ecuador: The certification of industrial shrimp aquaculture intensifies rights violations and the destruction of mangroves



Community Territory. Our Mangrove, Our life! Ref: C-Condem

Shrimp grown in captivity is considered to be a strategic product in the government of Ecuador's national productivity plan. This industry was an illegal activity until 2008, when the government began a regularization process and basically handed over thousands of hectares of mangroves to shrimp entrepreneurs. This boost made it possible for industrial shrimp to be Ecuador's second largest export in 2019, after oil.

The installation of large shrimp farms has been proven to cause profound destruction to

mangrove forests, and to violate the rights of fishing and gathering communities in the mangrove estuaries. This includes violent displacement of these communities.

The National Coordinator for the Defense of the Mangrove Ecosystem (C-CONDEM, by its Spanish acronym), prepared a report in 2007 entitled *Certifying Destruction*, which denounces a series of violations upon which industrial shrimp aquaculture is based (1). The report details the destruction of mangroves due to the installation of shrimp ponds or farms between 1969 and 1999. By 2018, there were 1,481 shrimp companies, spread out over 230,000-260,000 hectares. The destruction continues to this day, and the dumping of polluted water has not stopped, according to testimonies from fishermen and gatherers of the mangrove estuaries obtained in the Gulf of Guayas in 2019 and in Esmeraldas and Manabí provinces in 2020.

Since 2000, this industry has sought new market niches through organic certification programs, such as the German certifier, Naturland—which develops standards for organic shrimp slated for the European market. Despite the fact that shrimp farm installation is proven to destroy mangroves and violate the rights of fishing and gathering communities, organic producers were approved in Ecuador in 2002. Today, the industry has access to at least nine certifications that supposedly guarantee environmentally and socially “responsible” production.

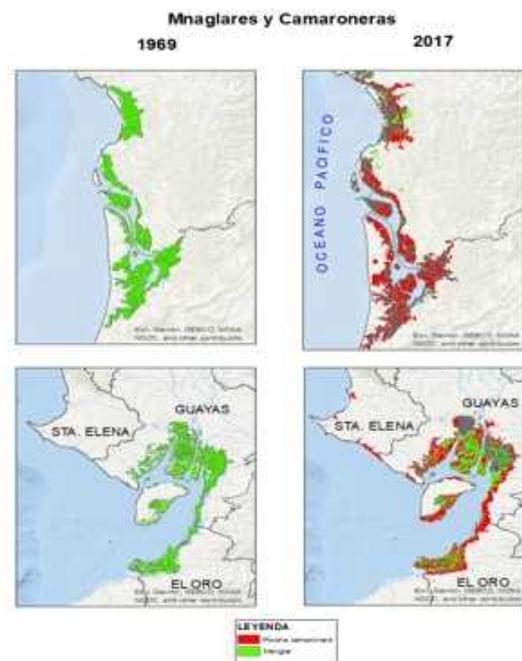
### **The regulation of the shrimp industry: a death sentence for mangrove forests**

Until 2008, the shrimp industry developed without permits for installation or operation; without any kind of leasing or ownership of the territories used; and without any kind of control of water usage and waste discharge.

Furthermore, there was public recognition that this industry was established by destroying large areas of mangroves.

In 2008, then-Ecuadorian president Rafael Correa issued Executive Decree 1391 to “regularize” industrial shrimp aquaculture, on the grounds of regulating the activity and generating income for the State. Aggressive investment policies, huge economic incentives, and the certification of supposedly “sustainable” production boosted shrimp exports.

Thus, with the stroke of a pen, legislation that historically should have protected mangrove forests and communities’ rights was thrown out, and impunity was legalized. Regularization periods were extended by at least five years after the established time frame, and requirements were made more flexible, adapting to the demands of the sector.



Comparative map showing mangroves, and shrimp farms in mangroves 1969/2017. Ministry of Agriculture, Livestock, Aquaculture and Fisheries (MAGAP, by its Spanish acronym) / C-CONDEM

Behind this regularization process, thousands of hectares of mangroves—which industrial shrimp farming companies had occupied illegally for several decades—were handed over to the same offending companies. This regularization also hides a long history of violations of communities in the mangroves. These violations continue to go unpunished and are even sanctioned, as the government promotes the image that this industry complies with environmental and social standards and contributes to the country's economy.

Even the reforestation requirement, included in the Decree for companies to access the regularization process, is not being complied with. The Decree states that when a company occupies 1-10 hectares, it must reforest 10% with mangroves; for 11-50 hectares, 20%; and for 51-250 hectares, 30%.

Community members testified that the companies looked for places outside of the area of their ponds to carry out the alleged reforestation of mangrove forests. Some companies even bought areas of mangroves that communities had already reforested in the context of different projects.

In 2017, Ecuador passed the Organic Code of the Environment, which ratifies that mangroves are State assets; thus they are a common good, beyond any kind of ownership or appropriation. However, the Code leaves open the possibility for the fisheries authority to grant 'concessions,' which is how this territory has historically been privatized.

In 2019, Federico Koeller, a mangrove forest defender and activist from the Cerro Verde foundation in the city of Guayaquil, stated that the clearing of mangroves and the expansion of shrimp ponds had not ceased in the Gulf of Guayas: "...in recent years we have denounced the clearing of several mangroves within the Gulf, but there is no response from the authorities (...) The authorities carry out inspections alongside organizations, but there has never been a report, much less a penalty." Fishing and gathering communities are driven away by an underhanded system of fear, which tries to incriminate them, or at least insinuate that they are suspected of robberies at shrimp farms.

Shrimp ponds in the Gulf of Guayas have armed guards, hired through security companies. In 2012, permits were issued for the shrimp aquaculture sector to carry firearms, "as part of the security plan to prevent robberies and attacks," officials said. In this context, gatherers and fishermen face a more violent situation. In 2019, speaking of the shrimp companies, community members in the gulf said: "Now they think they own the mangroves; they show us papers which they say are property titles. And they have the support of the government, which gives them access to the military and the navy, so that they can carry out their controls..."

It is necessary to understand the violent conditions that exist in these areas: There is a context of systematic dispossession of fishing and gathering communities' territories, and therefore a loss of income and food sustenance for them. People living near the ponds—even ponds that are certified—experience the same conditions of impoverishment as they did a decade ago. For example, in the district of Guayaquil in Guayas province, where the industry's largest production is located, poverty levels for Unmet Basic Needs are at 47%.

And yet shrimp companies receive credits and subsidies from the national public bank and from international banks—such as the International Finance Corporation (IFC), the World

Bank's private sector arm—to drive their destructive activities. The industry also benefits from special sector insurance, state-subsidized electrification programs and tax exemptions.

On top of this, we must add the constant promotion to open their markets. Since 2014, Ecuador and the European Union have been negotiating a trade agreement that benefits this industry by giving it better access to European markets. And in 2016, Ecuador signed the Multiparty Trade Agreement with the European Union, which, among other things, ratified tariff preferences for the exportation of shrimp produced in ponds.

Job creation is the main argument used to bestow huge benefits on this industry. Industrial shrimp ponds currently cover 250,000 hectares. Comparing this figure with total job creation in the sector, the proportion would work out to be one job per hectare occupied—which is much lower than what a hectare of mangroves represents for families in the estuaries. A worker in the Gulf of Guayas said in 2019: “There are three of us working at this shrimp farm—the pump operator, the manager and the guard. Each of our average salaries is US \$400, but it is a 24-hour job. We do not have a contract, and we could be fired at any time.”

Women are generally hired at the packaging companies to clean and remove the heads of the shrimp. The following testimony from 2019 is from fisherwomen and gatherers from the Puerto Bolívar area, El Oro Province: “A woman can make up to twelve dollars in about four hours, if she manages to peel 100-120 pounds of shrimp, since they pay \$0.10 per pound. The job is every *aguaje*; that is, every eight days you can get half a day of work, depending on whether there is a harvest and whether there is enough work, because there are many women who offer their labor.”

### **Concealment through certification: the Omarsa company**

Since 2000, shrimp certifiers have been in a consolidation process. Currently, at least nine industrial shrimp aquaculture certifiers have been identified in Ecuador (2).

From 2008-2018, one of the largest companies in the sector, Omarsa, took advantage of the government-sponsored regularization. This “regularization” has given it access to certification, among other things. Omarsa has managed to obtain eight certifications.

Located in the province of Guayas and owned by the Banoni family, Omarsa today has 3,735 hectares of ponds, and it controls the chain of production, processing and national and international marketing of its product.

On its website, the company says it has reforested 98 hectares of mangrove forest, which is 3.3% of the total area its ponds occupy—instead of the 30% required by the Decree. With 3,375 hectares, Omarsa should have recovered at least 1,000 hectares of mangroves.

Meanwhile, Omarsa claims that it has created 6,391 jobs throughout the whole chain of production; that is, from farming to export. It seems like a large number, but if this figure is related to the number of hectares of mangroves occupied by the company, it is determined that the generation of jobs is only of 1.71 for each hectare occupied.

In regards to its “environmentally sustainable” production, the company says that it does not use chemicals to cultivate and raise the crustacean. But it does not report on other data, such as:

- Water management: It is unknown whether water is treated or analyzed for quality before it is returned from the ponds back to the estuaries.
- The reforestation of 98 hectares: There is no indication of integrated management with a focus on restoring the mangrove system, which would imply the reproduction of biodiversity, the quality of hydrodynamics, and the decontamination of the substrate, among other things.
- Feeding based on fishmeal: Pelagic fish, which are valuable food for fishing and gathering communities, end up being turned into tons of fishmeal for the shrimp industry.

As for social responsibility, the company points to three projects, which, based on what can be inferred from its website, are financed through external contributions (donations): *Water for the community*: a tank to extract groundwater from a well in the community of El Zapote, benefiting 100 inhabitants. They also take water to the community of Cerrito de los Moreños, located in the Gulf of Guayas, benefiting 600 inhabitants; *Sewing workshop*: located in a neighborhood near its processing plant in Guayas province. The goal of this project is to train 25 women; and *Housing reconstruction*: aims to rebuild the homes of a total of 25 workers, who are considered to be in an especially vulnerable socio-economic situation.

Guaranteeing access to water and housing is a duty that the state should fulfill for the well-being of its inhabitants. With the state not fulfilling this obligation, companies take advantage of this precarious situation, seeking to improve their image and draw attention away from the real impacts caused by their industrial activity.

Twelve community members interviewed in the Gulf of Guayas in late 2019 said they were unaware of the company's social and environmental responsibility projects. It was impossible to locate a single community member who had participated in mangrove reforestation within the company's concession area. Two residents of the Cerrito de los Moreños community confirmed that the company "gives them water when they send water to the ponds." No one interviewed knows how the certification process occurred, much less about the certifying companies and their standards. This reveals the absolute lack of participation of affected communities in this process.

This is the framework in which the Omarsa company has obtained eight certifications; one of these is from the Aquaculture Stewardship Council (ASC), started by the NGO, WWF, which has also promoted the so-called Aquaculture Dialogues since 2004.

In light of the contrast between the certification standards and the reality of life surrounding shrimp ponds in Ecuador—characterized by ongoing violations of human rights and nature, hidden behind an apparent "legality"—it becomes necessary to reveal the concealment that these certification companies provide to this predatory industry. Certified companies hide behind the discourse of "sustainability," without considering that it is impossible for industrial monoculture to contribute to the integral recovery of a biodiverse mangrove system that has been destroyed by more than 70%.

For more information, see the C-CONDEM report, "Cómo la certificación ambiental y social encubre la violación de derechos humanos y de la naturaleza en Ecuador" (How environmental and social certification hides violations of human rights and nature in Ecuador), August 2020: <https://wrm.org.uy/wp-content/uploads/2021/03/C-Condem-Ecuador-Certificacion-Acuacultura.pdf>

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(1) Certificando la Destrucción, C-Condem, 2017: <https://wrm.org.uy/wp-content/uploads/2021/03/certificando-la-destruccion-comprimido.pdf>

(2) The certification companies in Ecuador are: ASC - Aquaculture Stewardship Council; MSC – Marine Stewardship Council; BEST Aquaculture Practices; BRC Global Standard; Control Union Certifications - European Union Organic Production Certification; SQF - Safe Quality Food; Naturland; Global Gap; BCK Kosher Certification.

## The Indigenous Kinggo's Struggle to Defend Papua's Customary Forest



Ph: Yayasan Pusaka Bentala Rakya (Bentala Raya Heritage Foundation)

Access the article in Bahasa Indonesian here:

[https://wrm.org.uy/wp-content/uploads/2021/03/Korindo-Papua\\_Bahasa.pdf](https://wrm.org.uy/wp-content/uploads/2021/03/Korindo-Papua_Bahasa.pdf)

Indonesia is the world's largest exporter of palm oil and Papua is the new frontier. Forests on the Papua Island have become the investment target of the moment, after forests in Sumatra, Kalimantan and Sulawesi have been already largely converted into industrial oil palm plantations. Various big projects have targeted the forests in Papua. (1)

Petrus Kinggo, an elder and member of the Wambon Tekamerop tribe, from Kali Kao Hamlet, Jair Subdistrict, Boven Digul Regency, Papua Province, is the leader of the Kinggo indigenous group that owns the customary forest in Kali Kao Hamlet. They have lived in these forests for centuries.

In the 1990s, the community's customary forest in this area was turned into a logging concession, given to the company PT. Bade Makmur Orissa, a subsidiary of the Korean palm oil giant, the Korindo Group. Taking advantage of the Group's strong relationship with the National government, it obtained a logging permit in 1993 covering an area of 462,600 hectares. Korindo controls more land in Papua than any other conglomerate.

The company cleared indigenous people's customary forests without the consent of the communities and has profited from the wealth of timber forest products. The indigenous

people living in the area have suffered great losses, including their right to access and use their forests. Besides, they had and still have to confront the violence inflicted by the authorities. Consequently, indigenous people in the area reject and protest against the injustice and destruction of their customary forests.

The Korindo Group also owns another seven oil palm plantation companies in southern Papua, which operate in 148,651 hectares of forest areas in the Merauke and Boven Digoel Regencies. These are: PT. Tunas Sawa Erma POP A, PT. Tunas Sawa Erma POP B at Getentiri, PT. Berkat Cipta Abadi POP C, PT. Berkat Cipta Abadi POP D, PT. Dongin Prabhawa, PT. Papua Agro Lestari, PT. Tunas Sawa Erma POP E. This situation shows how corporations continue to reproduce inequality in regard to land tenure, at the expense of community rights and livelihoods and without any consent from communities.

One of the aforementioned companies owned by the Korindo Group, PT Tunas Sawa Erma POP E, obtained a permit for the development of 19,015 hectares of oil palm plantations in 2014. Part of this area is located in the Kali Kao customary forest territory.

Petrus Kinggo and several community leaders were persuaded to give up customary forest land. The Korindo company offered communities money (just 8 dollars per hectare) for what the Indonesian expression calls as “*uang luka*” (“wound money”), which means money to forget about the company’s past ‘mistakes’ of cutting the best trees in the Kinggo customary forest area. This came with some sort of promise of welfare.

Petrus Kinggo and the residents of Kali Kao only later realized the negligence in providing support and signed the agreement documents. Little did he know that signing that document would give away the customary forest ownership rights and land use rights to the company forever. Besides, the customary law of the Kinggo community prohibits the transfer of customary land.

Petrus became suspicious when the company failed to keep its promises. He consulted with a legal expert who explained to him that the Kinggo community had lost their customary forest rights. Petrus and the community had to swallow the bitter pill. They felt betrayed and guilty at the same time as they unknowingly had violated their own customary rules.

*"Korindo promised to return the land after it was used, however, it turns out that Indonesian law dictates that I have lost my land rights forever. We cannot and will not accept fraud committed by the company," said Petrus Kinggo in 2018.*

### **Protecting Indigenous Forests**

Betrayed and deeply hurt, Petrus Kinggo fought back against the Korindo Group for reclaiming the community's customary forest back. Petrus collected support from indigenous groups in the area, churches and civil society organizations. In order to reclaim their customary forest, Petrus mapped the customary area and held customary rituals to ban the company's activities. Petrus also went to the local government asking for recognition as a Kinggo indigenous group and urging the government to revoke the company's plantation permit, as those forests belong to the Kinggo community. Indonesian law can recognize indigenous groups and customary forests but it requires the local government’s approval.

Several political parties approached the Kinggo indigenous community offering various advantages and benefits if Petrus supported the company. The offers were by all means rejected. Petrus saw firsthand the impacts of clearing the forests, which also resulted in damages to the soil and water, loss of local food, and extinction of Papua's endemic animals. Furthermore, indigenous people can no longer be independent with plantations companies in their territory as their lives depend on the assistance from these companies. The company offers employment but only with unstable temporary contracts.

His position towards the customary forest and his actions inspired other indigenous groups to do the same. He succeeded in forming an indigenous group to fight together to protect customary forests. The efforts made have succeeded in holding back the rate of clearing customary forest in Boven Digoel, the same Regency where the Kinggo indigenous community is located.

Despite the risks to his life and his community, such as attacks from Korindo Group's representatives, company supporters and state security forces, Petrus persisted. He was subjected to continuous intimidation, with the dissemination of personal photos, accusations of using black magic, threats of imprisonment without real bases and physical assault. The attacks aimed at getting Petrus Kinggo and the community to stop their activities to defend the customary forest.

Although these attacks were reported to the local police, the legal reports that have been submitted were not fairly responded by them. The local government seemed biased and was also not doing the necessary to secure the safety of the Kinggo group. In response to this situation, the company has repeatedly denied its involvement despite of the plenty evidence that has been gathered confirming this.

Various civil society organizations have expressed their support to put an immediate end to the attacks on human rights defenders in Papua by the Korindo Group. The attacks against Petrus as an indigenous person and land defender are human rights violations. The state must fully protect him and the Kinggo indigenous community. The Korindo Group and its subsidiaries must respect and accept the people's decision to protect their customary forests.

### **The FSC label and Korindo: certifying deforestation**

Many of the indigenous allegations against Korindo were investigated by the Forest Stewardship Council certification (FSC), which is supposed to guarantee that the wood products are sourced from ethical and sustainable companies. The FSC report into allegations against Korindo was never published, after legal threats from the company. An article from the media BBC however published some of the findings of such report.

The report, according to the BBC, showed "evidence beyond reasonable doubt" that Korindo's palm oil operation destroyed 30,000 hectares of high conservation forest in breach of FSC regulations; that Korindo was, "on the balance of probability ... supporting the violation of traditional and human rights for its own benefit"; and was "directly benefitting from the military presence to gain an unfair economic advantage" by "providing unfair compensation rates to communities". The report recommended unequivocally that Korindo be expelled from the body. But the recommendation was rejected by the FSC board. So the question is, what is the FSC certification really standing for?

## **Korindo Takes Intimidation Strategies to Germany's Courts**

The NGO Rainforest Rescue (*Rettet den Regenwald*) is currently being sued before the District Court of Hamburg, in Germany, by Kenertec, an Indonesian manufacturer of wind turbines. The claim is based on a letter the NGO sent in 2016, together with other organizations, to energy companies Siemens and Nordex, informing them that they have business relationships with the Korindo Group, which is accused of wholesale destruction of rainforests and violating the rights of indigenous peoples in Papua and North Moluccas. The court case is a clear attempt to silence and intimidate opposition; but the contrary has happened.

A letter of solidarity in response to the lawsuit, signed by over 100 organizations from around the world, emphasizes how “instead of prosecuting the perpetrators, courts are increasingly being used to harass environmentalists.” (2) The NGO has taken a strong position against the company's intimidation strategies, as it affirmed in a press release, “We will use the hearings to wake up the public and cast an even harsher light on the destruction of the rainforest.”

It is evident that large-scale oil palm plantations only benefit large corporations and create an ecocide for human and nature life on Papua.

If these projects are not stopped immediately, there will inevitably be more destruction.

*Tigor Gemdita Hutapea & Franky Samperante*  
*Yayasan Pusaka Bentala Rakya (Bentala Raya Heritage Foundation)*

(1) In 2010, 1.2 million hectares of forests in Merauke, Papua, were converted into the Merauke Integrated Food and Energy Estate (MIFEE) project which ultimately failed and created various conflicts and social problems. The government has recently re-planned a 3.2 million hectare Food Estate project targeting forests in the Merauke, Boven Digoel, Mappi and Asmat areas.

(2) Rainforest Rescue, We will not be intimidated or silenced! – a declaration of solidarity, January 2021, <https://www.rainforest-rescue.org/news/10037/we-will-not-be-intimidated-or-silenced-a-declaration-of-solidarity>

(3) Rainforest Rescue, Hearings open in lawsuit against Rettet den Regenwald, January 2021: <https://wrm.org.uy/wp-content/uploads/2021/03/Press-Release-Hearings-open-in-lawsuit-against-RdR.pdf>

## Resistance Against Industrial Oil Palm Plantations in West and Central Africa



Mundemba, Cameroon, 2016. Ph: Grain.

For many decades, communities in West and Central Africa have been facing industrial oil palm plantations encroaching onto their community land. With the false promise of bringing 'development' and jobs, corporations, backed up by the support of the governments, have been granted millions of hectares of land under concessions for industrial oil palm plantations.

The results of this expansion have been disastrous for communities living in and around these industrial plantations and, in particular, for women.

In response, grassroots organisations and community leaders from across the region have been organizing, mobilizing, raising their voices, and networking among each other to stop this destructive and violent occupation of their land. At the heart of these struggles is the community desire to get their lands back. Exchanges with community activists involved in similar struggles helps to break the isolation and make visible the extent of violence that communities often face when confronting a multinational company and government armed forces.

This article highlights four specific community struggles: communities in the Democratic Republic of Congo against PHC-Feronia (which recently changed owners to KKM), in Gabon against Olam Company, in Cameroon against Socapalm (which is owned by Socfin) and in Nigeria against Okomu Oil Palm Company (which is also owned by Socfin).

### **PHC-Feronia/KKM in the Democratic Republic of Congo**

**Villagers arrested after peaceful protests must be released immediately and those responsible for yet another brutal death at Feronia-PHC's oil palm plantations must be held to account.**

A peaceful community protest on February 13 in the town of Lokutu, in the Democratic Republic of Congo, for the palm oil company PHC to respect their rights, was met with brutal violence by company security guards and police. At least 17 people have been arrested at

different locations following the protests. Some have been brutally beaten and tortured by PHC security guards. (1) A young man, Blaise Mokwe, died on February 21 of the injuries he suffered when he was beaten and tortured a few days earlier by PHC security guards following a false accusation of theft of oil palm nuts. (2)

This latest escalation of conflicts happened while one of the new owners of the company, Kalaa Mpinga and a new company called Feronia KNM, have been bringing potential foreign investors to the plantations, in the middle of a global pandemic. Villagers from the community of Mwingi took part in the peaceful protest. The President of the Civil Society in Basoko, the district in which the community of Mwingi is located explains, "When the plane arrived, we took the banners there and the next day we presented them in town and then we tried to talk to them about the social clauses that the company had signed with the communities in Kisangani in the presence of the Governor. We wanted to tell them that nothing had been done so far." (1) PHC's oil palm plantations occupy a large portion of the community land in Mwingi.

At Mwando, also in the Lokutu area, communities are tired of waiting for the company to fulfil promises that have been made and broken too many times throughout the more than 100 year of occupation of communities' ancestral land by PHC. A community mill to process oil palm fruits harvested from plantations abandoned by PHC has been set up by the community. "With access to these lands, we are able to resume our palm oil production, which was violently interrupted with colonisation", a member of the operation's management team said.

European development banks have propped up the colonial-era plantation company with more than US\$ 150 million since 2013. As a recent report points out, the investment in Feronia-PHC is certainly not the only disastrous investment in agriculture by European development banks - but the Feronia debacle must be the last. European development banks must respect communities' demands for restitution of their ancestral land. (2) They must also live up to the responsibility that comes with their investment and ensure the villagers arrested after demanding that the company respect their rights, be freed immediately and those responsible for the brutal death of Blaise Mokwe be held to account.

(1) RIAO-RDC (2021). Interview with Gilbert Lokombu Limela, President of the Civil Society of Basoko (Lokutu side). Available in EN and FR at <https://www.farmlandgrab.org/post/view/30128-interview-with-gilbert-lokombu-limela-president-of-the-civil-society-of-basoko-lokutu-side>

(2) Objectiv Vert TV programme with interviews from community members in four of the villages affected by the recent company violence against the communities available at <https://youtu.be/LAYmqzGVeu0Une> <<https://youtu.be/LAYmqzGVeu0Une>

(3) RIAO-RDC and others (2021). Development finance as agro-colonialism: European development bank funding of Feronia-PHC oil palm plantations in the Democratic Republic of Congo.

## **Olam in Gabon**

### **Let's save the Pépéyo community! (Sauvons Pépéyo)**

In 2012, the Gabonese government gave a concession of 35,000 hectares to the Singapore-based company OLAM to set up its first industrial oil palm plantations in the province of Ngounie in Gabon, destroying more than 10,000 hectares of forests. The existence of the community of Pépéyo, and many others, was ignored and it was completely fenced in by the oil palm plantations. The Pépéyo community was also excluded from the so-called social contract that OLAM signed with communities, with the support of the Gabonese authorities.

The fact that P  p  yo did not exist for OLAM led to a situation where the community had to face even more impacts than other communities in the area. For example, the profanation and destruction of tombs, obstruction of roads, drying up of rivers used by the community and banning of agricultural activities. P  p  yo became invisible, non-existing and doomed to disappear in the middle of OLAM's monoculture of oil palms. To access their community, inhabitants of P  p  yo are obliged to use an identity card issued by OLAM.

The concession documents may claim that P  p  yo does not exist. But P  p  yo exists. The community has resisted and its inhabitants are writing a new chapter in their resistance story. In October 2020, villagers from P  p  yo gathered in Mouila, the capital of the province, to discuss strategies of how to advance in the recovering of their lands and to prevent what OLAM would like to see happen: that the villagers give up and abandon their houses and lands. After a fruitful discussion, the villagers discussed a list of actions and demands to work on in the coming period, including to be recognized as a community by OLAM and the authorities; to get free access to their land; and, above all, to get at least a part of their lands back under their control.

Source: *Rapport de la Journ  e Internationale de lutte contre les monocultures d'arbres c  l  br  e en diff  re le 30 octobre 2020 dans le d  partement de la Douya Onoye, Province de la Ngounie autour de la th  matique « Sauvons Pepey   » 2020.*

### **Socapalm (Socfin) in Cameroon**

In Cameroon, the industrial oil palm plantations from Socapalm, a company owned by the multinational Socfin, have led to situations where women are not able to feed their families. Conditions are extreme. Children sometimes risk entering the company's plantation to collect oil palm nuts left on the ground. If they are caught, they risk being sent to jail. Women and girls are at risk of being raped, sexually abused and harassed. They have to walk long distances to find places to grow food or to collect water or firewood. The State police and company security guards frequently accuse villagers of stealing palm nuts from the plantations. They enter people's houses to search for palm fruit or traditionally processed oil. If they find even only one bottle of oil, people are sent to jail.

The traditional processing of palm nuts to make oil has always been an important source of income for the women who sell the oil and other by-products at the local markets. One main pillar of the women's resistance in Cameroon against the industrial plantations has been focused on reclaiming the traditional knowledge of processing the palm oil as well as of the many benefits that women obtain from the palm trees. On many occasions, women shared that the use of the palm tree is very important to them because, besides being an income generating activity, it helps to build self-respect and a family and community life.

Because industrial oil palm plantations have destroyed most oil palm groves, and with this, an important source of income for women, processing cassava is one of the few options women have to generate some income. Sometimes, there is not even enough land available for women to plant cassava close to the villages. They may have to buy cassava in villages further away from the plantations because they have no land left to cultivate. And what is worse, with the Covid-19 pandemic, cassava has become less available and overpriced.

In this context, and against all odds, the grassroots Cameroonian organization RADD facilitated support for women living near these industrial plantations to develop income-generating activities. Processing cassava enables women to support their families while continuing the struggle to reclaim their land, and with the land, their food sovereignty.

### **Okomu Palm Oil Company (Socfin) in Nigeria**

#### **SOCFIN and its subsidiary Okomu Oil Palm Company PLC violations in Edo State Communities**

In Nigeria, communities affected by the Okomu palm oil company, a subsidiary of the French-Belgian Socfin group (whose co-owner Bolloré was recently convicted of corruption in French courts in relation with investments in Togo and Guinea) , held a peaceful protest in January 2021, denouncing land grabbing, river pollution and harassment by military forces that they believe are serving the company. They accuse the company of using military personnel to block the only road that links them to Udo, the closest town. They also accused the Edo State Government of enslaving them on their ancestral land by selling the whole land where they farm to the company, which means they have nowhere to farm on their own land. (1)

Villagers carried banners with demands such as: “Government, tell Okomu Oil Company to open our road”, “Okomu Oil Company give us our fishing traps that are with you”; “Stop polluting our stream with your agrochemicals, it is our only source of drinking water”; “We are not terrorists, Stop harassing us with military, Okomu Oil.”

A villager speaking at a press conference held after the protests stated that “The company has locked up the existing road, [which existed] before the company was founded. Since 2019, the road has been under lock and today it has been locked. They used COVID-19 as an excuse to finally lock up the road with lockdown excuse. The alternative road is bad.”

This is not recent news. Many complains and protests have been carried out over the years since Okomu Oil was established in Nigeria in the mid 1970s. Accusations against this company range from locking out citizens from their communities by putting up gates along the only access road, to harassment of people speaking out against the injustice and harassment, land grabbing, destruction of livelihoods, use of brutal force, displacement and eviction of villages and settlements within their areas of operation. In the past years alone, the company’s security forces, in collaboration with the Nigerian Army, have burned down and displaced the villages of Agbede, Oweike, Lehmon and, recently on May, 2020, the village of Ijaw-Gbene, despite the Covid-19 pandemic. (2)

(1) Nigerian Tribune, Okomu Oil Palm host communities protest marginalisation, water pollution, 2021, <https://tribuneonline.com/okumu-oil-host-communities-protest-marginalisation-water-pollution/>

(2) Farmlandgrab, SOCFIN and her subsidiary Okomu Oil Palm Company PLC rights violations in Edo State Communities/Villages: An S.O.S., 2020, <https://www.farmlandgrab.org/post/view/29862-socfin-and-her-subsiadiary-okomu-oil-palm-company-plc-rights-violations-in-edo-state-communities-villages-an-s-o-s>

## Predatory mining in Venezuela: The Orinoco Mining Arc, enclave economies and the National Mining Plan



Gold mine known as "Eight dead" in Las Claritas. 2016: Clavel Rangel. Ph: Human Rights Watch

### The collapse of oil-producing Venezuela and the emergence of predatory extractivism

The crisis that has unfolded in Venezuela from 2013 to 2021—the most extraordinary in its history as a republic and perhaps of all Latin America—has caused the collapse of a nation that has been built around oil for the last 100 years. For reasons of space, we cannot elaborate on the causes of how we got here or the responsible parties. However, it is important to mention that precisely in the moment of splendor of the Bolivarian process (2004-2009), the government of Hugo Chávez chose a course that accentuated the oil extraction-rentier pattern. This pattern had already collapsed in the late 1980s and had given way to a huge crisis, from which Chávez himself would emerge in the 1990s. Notwithstanding struggles with the opposition, which received support from the United States-European Union axis, the main factors that determined this course—as well as the subsequent national debacle—were the mistakes, corruption and conservative tendencies within the government.

The death of President Chávez in 2013 and the collapse of international oil prices starting in 2014 were two triggers that, on the one hand, reopened political disputes for control over the oil state; and on the other hand, drove a collapse of both the rentier oil economy and state institutions themselves. This has resulted in a staggering drop in GDP of nearly 70% since 2014, from agricultural and industrial production, and most notably, oil production. Several years ago, oil production averaged 3 million barrels a day, and in late 2020 it barely averaged 350,000 barrels a day—a similar figure to production from the 1940s. This does not count the hyperinflation starting in 2018 (the highest in the world in recent years), public debt surpassing 130 billion dollars, and the aggravating factor of international sanctions—primarily those imposed by the United States since 2017.

This context—which includes an escalating political conflict, mainly between the government and the opposition—has led to an accelerated dissolution of the Venezuelan oil state. This does not imply the disappearance of the State itself. Amidst a fragmented group of private interests and powers, absolute impunity prevails, along with widespread corruption and the use of force to resolve political matters and conflicts. With the ongoing disintegration of the

oil-based rentier economy, underground economies will predominate. These range from large networks of speculation, corruption, extraction and smuggling (to a large extent tied to international capital and/or criminal groups), to the extraordinary rise of the informal economy—which is currently the main channel of exchange for the domestic economy. These networks of corruption and illicit economies also feed government factions, including the military sector; this situation has compounded as the oil state has collapsed.

If we look at these dynamics in an international context, Venezuela is more exposed than ever to the brutal currents of the globalized economy. Multiple forces of dispossession and recolonization are pulling on Venezuela's geography, leading to a greater internalization of the conflict in recent years.

These factors have created a new situation in which new governance and territorialization processes are emerging; in short, it is **predatory extractivism**. This extractivism is characterized by being fragmented and rather feudal. It promotes a multiplication of both extractive operations and the plunder of natural resources, **in which mining**—and not so much oil anymore—**dominates** as an activity that is essential for the reproduction of local and national power structures (there continues to be a connection with central powers in the national government, located in Caracas).

In this context, in spite of the turbulent and fragmented national scene, a state policy operates. In Nicolás Maduro's government, this state policy has evolved towards the establishment of a regime with a dictatorial profile, in which the permanent state of exceptions (legal and de facto) prevails, as well as the widespread use of political violence and the militarization of society. It also involves a continuous neoliberalization process, which—through a series of laws, decrees and concrete ventures—is deregulating and promoting the appropriation of nature and territories for national and international actors engaged in capital accumulation.

### **The evolution of mining in Venezuela in crisis: The Orinoco Mining Arc and the National Mining Plan 2019-2025**

The crisis of the Venezuelan oil economy, which had been developing since the 1980s, led to the opening of new geographic areas for extraction. At first, this was focused on the non-conventional crude oil of the Orinoco Oil Belt, and then increasingly and simultaneously on the expansion of gold mining in the Amazon. Chávez promoted several specific policies in the first five years of his government, but it was in 2011 that he announced the birth of a mining megaproject, unprecedented in Venezuelan history: The Orinoco Mining Arc (A.M.O. by its Spanish acronym) (1).

The A.M.O. project covers a huge polygon of almost 112,000 km<sup>2</sup> across the entire northern part of the large state of Bolívar; its purpose is to exploit large quantities of gold, bauxite, coltan, and diamonds, among other minerals. This project is also part of a development plan intended to revive and boost all of the country's mining potential—not only in the Amazon, but in the whole northern part of the Orinoco river, where said potential is mostly in non-metallic mining such as coal, sand, feldspar, and others.

The 2013-2021 crisis has undermined the country's formal extractive economy. This has led to a situation wherein gold has increasing value, both for the government of Nicolás Maduro, and for the people—as a source of livelihood in the face of internal collapse. This is true even

for groups driving illegal economies and corruption networks, which have had exploded significantly in this period.

In this context, President Maduro formalized the creation of the A.M.O. In February 2016, establishing it as a National Strategic Development Zone—which is basically a Special Economic Zone, a kind of geo-economic area with radical flexibilization. At first the Government stated that the A.M.O. would “bring order” to the rampant illegal mining that had been growing dramatically since the 2000s. Using this argument, Maduro and his government tried to legitimize the project. Meanwhile, rather nontransparent agreements with national and international companies were pushed through; the details of these agreements have not been publicly revealed. It should be noted that there are no known environmental impact studies for the project—as provided for in the Constitution—nor free, prior informed consultation processes. Meanwhile, human rights and indigenous organizations, such as Provea and GTAI, have highlighted the indigenous communities’ complaints that their lands have been coopted to enable execution of the project (2).

There has been a growing military presence in the area; and the government also granted special powers to the Armed Forces to guarantee the continuity of mining activities and to block resistance movements that might obstruct operations. Thus, a “Special Military Zone” was established for the A.M.O., and the Anonymous Military Company for Mining, Oil and Gas Industries was created as an adjunct to the the Ministry of Defense (CAMIMPEG, by its Spanish acronym). This company was granted a virtually unlimited amount of capabilities in the processes of natural resource extraction and commercialization—thereby placing the military sector squarely and openly in the extractive business.

Nonetheless, both within the A.M.O. and beyond its borders into the Amazonian region (where there are also gold and diamond deposits), a kind of mining dominated by illicit and criminal logic and local armed forces has prevailed. These armed forces—which are unregulated in nature—end up aligning with state sectors that are in obvious decomposition. The country’s instability has complicated formal mining investment, exploration and exploitation, which is further exacerbated by international sanctions. Additionally, armed groups that are present in numerous A.M.O. territories make ‘clean’ and transparent business operations difficult. Meanwhile, the signing of the Peace Accords in Colombia in 2016 promoted the displacement of armed actors from Colombia’s conflict, several of which became involved in these mining dynamics in the Venezuelan Amazon. Despite this reality, the Maduro government manages to capture part of that gold, justified mainly through state-organized mining brigades; it is announced that they sell the gold to the Central Bank of Venezuela.

The deployment of this predatory mining, which is fundamentally illegal—as it also violates environmental laws and social rights—is most intense in the Cuyuní, Caroní, Paragua, and Caura river basins (in Bolívar state). But it is also present along the Ventuari, Sipapo and Negro rivers and at the headwaters of the Orinoco river, among other locations (in the state of Amazonas). The Amazonian Network of Georeferenced Socio-Environmental Information (RAISG, by its Spanish acronym) has detected nearly 2,000 sites with illegal mining activity, and it is estimated that about 189,000 people work in mines in the Venezuelan Amazon. The government estimates that in 2019 a total of 25.4 tons of gold were extracted from the country, which represents a historically unprecedented figure (3); other analysts closer to opposition parties speak of 80 tons (4).

Beyond the A.M.O. and the Amazon, the government has established mining as an alternative to “get out of the crisis” and “diversify the economy.” It has offered up practically the entire national territory for this purpose. This is clearly laid out in the “National Mining Plan 2019-2025,” which, like never before, systematizes the goal of increasing the country’s production to its maximum capacity. To the north of the Orinoco river, there are also “business opportunities” in mining. Meanwhile, unregulated and arbitrary mines and extractive operations proliferate, and they are plagued by corruption, pillage and illegality. These include: sand mines that keep local people under threat; military officials that extract charcoal for market; ventures that have devastating effects and no regulation—such as the sand mining on the Turbio river (5); and other operations that emerge from the shadows and create conflicts with local populations, such as the well-known case of the lime and feldspar mining initiatives in Cerro La Vieja, in the state of Lara (6).

During the COVID-19 pandemic, greater impunity and highly unstable economic dynamics have prevailed. The government has discovered strategies to take advantage of the pandemic and promote its mining agenda. One example is the government’s enactment of Resolution No 0010 in April 2020, which authorized the mining of gold, diamonds and other strategic minerals from important rivers of the Venezuelan Amazon—such as the Cuchivero, Caura, Aro, Caroní, Yuruari and Cuyuní rivers. The resolution signifies a dramatic expansion in both the areas and modes of exploitation—such as river exploitation using industrial rafts—within the framework of the devastating A.M.O. project. To mention some examples north of the Orinoco river: Inhabitants of Sarare (Lara) have denounced attempts to install mining in the area—which would require expropriating, invading and expelling peasants and farmers from their plots. There is also the case of Morros de Macaira (Guárico), where limestone and gypsum extraction continues. (7)

### **Resistance and territorial disputes**

High levels of conflict have characterized this predatory mining. Multiple socio-environmental conflicts of varying degrees have become apparent in numerous territories around the A.M.O. But this predatory mining has also created a national and international socio-environmental conflict—arguably the most important one in the country’s contemporary history. This has led to the organization of numerous actors—such as indigenous organizations, academic sectors, environmental groups, human rights collectives, artists and political representatives, among others—who have challenged Maduro’s government and the extractive model in the country. This has involved campaigns, demonstrations, and judicial resources—such as the presentation of an appeal for annulment at the Supreme Court—which have had a great impact. The complaint has even reached international spaces, such as the United Nations Commission on Human Rights.

At the territory level, several indigenous groups have resisted the advance of both illegal miners and military groups benefitting from this business. Pemón indigenous communities in the Gran Sabana [great savannah] have staged different kinds of resistance; Uwottuja communities from the state of Amazonas have been forced to implement self-defense mechanisms to face the armed groups that break into their territories (8); the same has occurred with indigenous Ye’kwana and Sanema communities in the Cuara and Erebató river basins. They are demanding demarcation of their territories—as provided for in the country’s constitution—as a way to defend themselves and protect their territories.

It is also worth highlighting the mobilizations that indigenous and Creole peoples carried out in the lower Caura basin (state of Bolívar). They have opposed the installation of new platforms (industrial rafts) for mining exploitation on the river, despite the precarious situation of public services in the area (9). Working classes from Maripa who rejected mining were involved in these protests, despite the fact that this activity has become a refuge from poverty. Their persistence in 2020 succeeded in stopping the mining rafts, and Resolution 0010 was overturned.

To the north of the Orinoco river, interesting demonstrations against mining have also taken place. The demonstrations to defend El Cerro La Vieja in Lara state stand out, as they had a good impact at the local and national levels. The historic resistance against coal mining in the state of Zulia is ongoing, although the crisis and the violence in the area have weakened the struggle. Meanwhile, other demonstrations in the central and plains regions were organized to defend national parks, natural monuments and sensitive areas; these mobilizations have gotten some media coverage, which has contributed to the environmental cause.

In general, the groups who have mobilized suffer greatly, not only from a deterioration of their living conditions, but also from the collapse of institutions and social rights in the country. This makes it an uphill battle to voice their demands through the normal channels. The situation in Venezuela is characterized by constant and numerous protests, even though these protests tend to be fragmented and localized. In this situation, resistance movements continue to grow, in attempts to further highlight the ecological/environmental link to demands for social justice.

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## Why Reject the Privatization of Customary Land



Women met in Port Loko, Sierra Leone, 2017

Most of the world's land is still stewarded by communities under customary systems. Whether it is legally recognized public land or customary land, billions of people rely on communally managed forests or savannas, farmland or pastures, for their livelihoods. This collective organization of life is viewed by capitalists as an obstacle to individual wealth creation and the accumulation of profit.

Multilateral institutions like the World Bank and the International Monetary Fund (IMF) have been encouraging (and pressuring) governments, in the global South in particular, to adopt the notion of private property of land, which is already dominant in Western societies. They have been key actors in the push of formalizing private property land rights for easing its sale and lease for commercial use. They argue for putting land into so-called "productive use" and to "unlock its value." The value and use they refer to is nevertheless related only to the economic value for creating further profits, eliminating all other values and uses communities have that are related to their territories. The expected result is the dismantling of customary and collective tenure systems.

While insecure land tenure remains a pressing issue around the world, privatizing land does not offer communities the security and stability they need. Rather, it is just another avenue for further colonization and exploitation of their land and forests for the benefit of private interests and multinational corporations.

Whether it is through the push for individual land titles or by making customary land available for private investment, 'development' projects, carbon offset projects or natural protected areas, these efforts to commodify land pose immediate threats to billions of people. Customary land tenure systems constitute essential social and economic systems and legal codes that govern lives and entire societies around the world.

The Oakland Institute released a document breaking down six crucial myths used by governments, banks and multilateral institutions to justify the privatization of land.

### Myth 1: Privatizing Land is Necessary to Attract Private Investment

**FACT: Investments in production, processing, and marketing can improve the livelihoods of communities without alienating their land**

Attracting private investment for fossil fuels or mining extraction or for the expansion of industrial plantations or agriculture is not a development paradigm that benefits communities. There exist many other paths that do not require privatization of land without evicting communities and destroying customary land use systems.

In Brazil, for example, between 2004 and 2015, agricultural production increased while deforestation fell when land and resource rights were constitutionally granted to Indigenous Peoples and communities, respecting their customary systems, alongside a strong network of protected areas, land use planning, and enforcement. Moreover, the Brazilian experience shows that the best way to protect the forest is to recognize the customary ownership and thus demarcate the lands and forests indigenous peoples depend on for their physical and cultural survival. Nevertheless, the present government of extreme-right wing, Bolsonaro, pushes for the privatization of forests (see recommended reading in this bulletin).

### Myth 2: Private Titles Increase Access to Credit & Loans

**FACT: When titled land is used as collateral for loans, it becomes possible for banks to take over the land if peasant farmers experience a difficult harvest year and are unable to pay back**

The theory that has been widely used to justify land titling projects around the world is that with a private title, landowners would be able to use their land as collateral to borrow money from banks so they can invest and escape poverty. Yet, research shows that when families with limited resources received a private title, banks remained largely unwilling to offer them credit or loans. Moreover, using titled land as collateral makes it possible for banks to legally take over the land if farmers experience a difficult harvest year and are unable to pay back their loan or mortgage – a phenomenon all too common during today’s climatic instability.

### Myth 3: Privatizing Land Spurs Development

**FACT: Efforts to convert customary systems into private property rarely occurred historically without considerable social and economic displacement**

There is little evidence that replacing customary or communal tenure systems with private titles leads to development. In Rwanda, for example, attempts to move complex tenure systems into the one size fits all mold of private titles have led to dispossession, distress sales, and concentration of land ownership. Similar initiatives to “secure” land rights through titling have also backfired in Brazil, where a World Bank program in the State of Piauí completely disregarded communal forms of land tenure and implemented an individual title system that opened the door to “legalizing” land grabs and risking dispossession for thousands of people. The impact was so disastrous that the Public Prosecutors Office asked the Bank to suspend the project. Similarly, in Guatemala, a Bank sponsored land administration project resulted in Indigenous communities in Alta Verapaz losing their land to palm oil companies.

### Myth 4: Land Markets Make Access to Land More Equitable

**FACT: When land is nothing more than a commodity, corporations can price peasant farmers out of the markets**

The “creation” of land markets has been repeatedly found to solidify existing inequalities in access to land. In South Africa, decades of colonialism and apartheid greatly concentrated land in the hands of the white minority. Apartheid came to an end in 1994, and yet over 25 years of market-based land reform has failed to redistribute land, as 72 per cent of the country’s private farmland remains in the hands of the white population who make up just nine per cent of the country.

Within a market system where land and forests are nothing more than a commodity, corporations and wealthy individuals can price peasant farmers and forest-dependant populations out of the markets. This has resulted in growing landlessness and concentration of land in the hands of a few, as the decreasing average farm size in the Global South has coincided with the growth of mega-farms that can take up tens of thousands of hectares. Globally the largest one per cent of farms now operate more than 70 per cent of the world’s farmland. In South Asia and Latin America, the top 10 per cent of landowners own approximately 75 per cent of all agricultural land while the bottom 50 per cent own less than two per cent.

#### Myth 5: Customary Systems Fail to Provide Tenure Security

**FACT: Research has shown the recognition of group rights to be more effective than individual titling and that customary land has proven to be “highly resilient, continuous and flexible”**

Promotion of the privatization of land often comes with the spread of false information that customary and collective land tenure systems fail to provide tenure security. Yet, evidence refuting this myth has been abundant for decades. The first USAID country land tenure profiles from 1986 noted: “African countries with relatively good production records over the last twenty years have achieved them under remarkably diverse set of tenure arrangements, in which customary tenure figures prominently.” In 2011, The European Union Task Force on Land stated: “land titling is not always the best way of increasing tenure security, and nor does it automatically lead to greater investment and productivity. In many places, land is held through unwritten, customary means, but it is not subject to insecurity.”

#### Myth 6: Land Reforms Centered on Interests of Peasant Farmers

**FACT: The privatization of land is geared towards serving corporate profits at the expense of fighting poverty or improving livelihoods**

From Brazil, to the Philippines and South Africa, people are calling for land reform to equitably redistribute land that was wrongly seized and accumulated during colonial times. However, recent land reform programs centered on private titling fail to address these pressing demands. It is clear that the privatization of land, encouraged by financial institutions and a few Western countries, is not about fighting poverty or improving livelihoods. The process of transitioning local customary systems – that generally offer tenure security – into private titled land is likely to result in landlessness and land concentration.

*This is a summary of the publication “This is Our Land. Why Reject the Privatization of Customary Land” from the Oakland Institute. For the full information and references access the publication here: <https://www.oaklandinstitute.org/sites/oaklandinstitute.org/files/this-is-our-land.pdf>*

## RECOMMENDED

### Forests for sale in Brazil

Since Jair Bolsonaro assumed the Brazilian presidency, deforestation is not only on the rise, it is increasingly out of control. This is largely due to the dismantling of government regulatory agencies, and it means that those who deforest feel more empowered by the impunity that reigns. On top of this, the neoliberal policy of privatization of forests, along with other criminal actions, means that the forests and Brazil are, effectively, for sale. Bolsonaro recently signed Decree N°10.623/2021 to create the “Adopt a Park” program. Brazilian group, Carta de Belém, denounces that with this decree, the government “puts an end to the public policies of conservation, recovery and improvement of federal Conservation Units forever. ‘Adopt a Park’ privatizes and transfers public responsibility to legal entities and natural persons—both national and foreign—promoting private governance of territories of collective and social interest. For only 50 reais/10 euros per hectare, the ecocidal government is offering a real bargain for the common goods of Brazil.” Read the letter from Carta de Belém in Portuguese here. <http://bit.ly/AmazôniaÀvenda> Another worrying piece of news—broadcast by BBC Brazil through a documentary—is the criminal act that, in the Amazonian state of Rondônia, areas within environmental reserves and indigenous territories are advertised under the “sale of residential properties” section of Marketplace, a Facebook space open to users. See the documentary here. [https://www.youtube.com/watch?v=QpTMqTo\\_ycc](https://www.youtube.com/watch?v=QpTMqTo_ycc)

### Chasing Carbon Unicorns: The Deception of Carbon Markets and “Net Zero”

A recent publication unpacks the science behind “net zero” claims and how they are used to obscure climate inaction. It explores the new strategies to expand carbon offset markets, linked with new “net zero” demand for offsets. The publication supported by nine organizations concludes that a future with fossil fuels will require carbon unicorns.

English: <https://www.foei.org/resources/publications/chasing-carbon-unicorns-carbon-markets-net-zero-report>

Spanish: <https://www.foei.org/es/recursos/unicornios-mercados-de-carbono-cero-neto-informe>

French: <https://www.foei.org/fr/ressources/chimeres-carbonees-marches-du-carbone-zero-emission-nette-rapport>

Portuguese: <https://www.foei.org/wp-content/uploads/2021/02/Amigos-da-terra-internacional-unicornios-de-carbono-portugues.pdf>

### Numerous organizations denounce the company, UPM, at the UN

A demand was presented to the UN Committee on Economic, Social and Cultural Rights (CDESC, by its Spanish acronym) to verify the negative impacts and possible human rights violations in Uruguay due to the conditions established in the investment contract signed between Finnish multinational, UPM, and the government of Uruguay to install a new pulp mill in the country. “UPM decided to select the human rights impacts it preferred to evaluate, and said that such ‘decisions will be made with UPM’s best interests in mind,’ ‘protecting UPM’s assets and information, financial success [...] and growth as fundamental [...] for stakeholders,’” said Ville-Veikko Hirvelä, representing the claimant organizations.

Read more in Spanish here:

<http://www.guayubira.org.uy/2021/02/comite-de-derechos-economicos-sociales-y-culturales-de-la-onu-cdesc-comenzo-a-tratar-denuncia-sobre-las-actividades-de-upm-en-uruguay/>

## **Mozambique: Our lives are worth more than gas!**

A new video clip entitled “Cabo Delgado Weeps”, produced by Justiça Ambiental JA!, aims to help in the struggle against the gas project in Cabo Delgado, Mozambique. Watch here the video clip in Portuguese with English subtitles here. <https://www.youtube.com/watch?v=hHKcJL6YPtY&feature=youtu.be>

A report from June 2020 shows how the French State, major private banks including BNP Paribas, Société Générale and Crédit Agricole, and fossil fuel giant Total, are some of the greatest beneficiaries of the devastating impacts of the gas industry in Cabo Delgado. The report includes detailed and up-to-date information from the ground, and divulges the depths to which the French public authorities have gone to ensure their economy, bankers, fossil fuel and arms industry are the greatest profiteers of the gas exploitation, even if it means devastation of the local environment, lives, economy and climate. Access the report in Portuguese ([https://www.foei.org/wp-content/uploads/2020/06/Gas-Mocambique\\_Portuguese.pdf](https://www.foei.org/wp-content/uploads/2020/06/Gas-Mocambique_Portuguese.pdf)), in French ([https://www.foei.org/wp-content/uploads/2020/06/De-l-eldorado-gazier-au-chaos\\_Gas-au-Mozambique\\_Amis-de-la-terre\\_rapport\\_FR.pdf](https://www.foei.org/wp-content/uploads/2020/06/De-l-eldorado-gazier-au-chaos_Gas-au-Mozambique_Amis-de-la-terre_rapport_FR.pdf)) and the Executive summary in English here (<https://www.foei.org/resources/gas-mozambique-france-report>)

## **Liberia: Longstanding rights’ violations and deforestation exposed**

On February 2021, a comprehensive report confirmed longstanding allegations that Golden Veroleum Liberia, a venture controlled by the Singapore-listed conglomerate Golden Agri Resources (GAR), the world’s second largest palm oil company, committed widespread deforestation over a thousand hectares of forest, as well as violated the land and cultural rights of local communities, including the right to free prior and informed consent and social requirements on basic needs and grievance and remedy. Read the Grievance Case Summary HCSA (in English), <http://highcarbonstock.org/hcsa-grievance-mechanism/hcsa-gm-2018-1/>

## **Malaysia. Palm oil and international law: A tale of double standards**

EU’s restrictions on palm oil-based fuels are portrayed by the government of Malaysia as a threat to thousands of small holders relying on the industry. However, are the majority of oil palm smallholders and workers earning a handsome income? While Malaysia takes pride in being one of the world’s biggest oil palm producer, most plantation workers, especially women and poor families, remain invisible as labourers who live in depressing conditions and earn a pittance. This is in striking contrast to the rich and powerful large-scale plantation owners. Malaysian authorities continue to turn a deaf ear to the cry for help from women suffering from sexual violence and harassment for so long. Read further in English here. <https://aliran.com/thinking-allowed-online/palm-oil-and-international-law-a-tale-of-double-standards/>

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