

Protected Areas

Protected *Against* Whom?

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Published in January 2004

ISBN: 9974-7782-4-7

The elaboration of this publication contents was made possible with support from NOVIB (The Netherlands), the Swedish Society for Nature Conservation, Hivos and NC-IUCN. The views expressed, the information and material presented, and the geographical and geopolitical designations used in this product, exclusively imply the opinion of the authors.



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ABOUT THIS BOOK

This publication has been jointly produced by Oilwatch and the World Rainforest Movement for dissemination at the Seventh Conference of the Parties to the Convention on Biological Diversity which will be held in Kuala Lumpur, Malaysia, from 9-20 February 2004.

The book contains information disseminated in different formats by both organizations and most of the articles have been previously published in the electronic bulletins of Oilwatch (“Resistance”) and the World Rainforest Movement Bulletin.

The level of detail and analysis in the articles varies greatly, as a consequence of the nature of the bulletins, which are intended to serve as a tool, both for individuals and organisations acting on a local level and for those working on an international scale. However we believe that they can all serve to generate a better understanding on the complicated issue of protected areas.

We have not included the numerous sources of information on which the various articles were based, due to a lack of space. However, those who are interested in accessing these sources may do so either through the WRM web page (entering the “bulletin” area and looking for the year and month corresponding to the article in question) or through the Oilwatch web page.

Responsibility for this publication is shared between the editors of “Resistance” (Elizabeth Bravo, Oilwatch) and the WRM Bulletin (Ricardo Carrere, WRM) and the numerous individuals and institutions who contributed articles or relevant information for the preparation of articles. Errors that may have been made are the exclusive responsibility of Oilwatch and WRM.

FROM YOSEMITE AND YELLOWSTONE TO KUALA LUMPUR

World Rainforest Movement

There is no doubt that biological diversity is seriously threatened and that urgent actions need to be taken to address the problem. However, serious doubts are surfacing about the overall strategy of some of the major conservation agencies: do they really stand for ecological justice, restitution of rights and safeguarding the environment or are they engaged in a Pact with the Devil, cutting deals with transnational corporations and development banks, trading parks and budgets in exchange for turning a blind eye to environmental ruin outside parks? Will they stand up against oil exploitation and mining in protected areas, protected forests and indigenous territories? Do they oppose an unfair globalization process, or are they crafting 'win-win scenarios' where the profits of this trade are channeled into their growing empire of protected areas, while restive locals are bought off with short-term 'community development' and 'co-management' projects? Will the end result of this Faustian Pact be a planet in which 10% is set aside as 'wilderness' for recreation, while the other 90% is sacrificed to the neo-liberal agenda? Are parks and 'development' just two sides of the same coin? In short, are the conservation agencies part of the problem or the solution?

Those doubts need to be convincingly allayed with a new vision – and a strategy to match – which recognises that parks are for people, where rights are respected, where indigenous peoples regain control of their territories and destinies, which are no-go areas for extractive industries. No more stitch ups with the corporations that are driving the world to ruin. No more colonial deals trading other peoples' territories and destinies for land use plans, which include parks, logging, oil-pipelines, mining, dams and plantations. What follows aims at contributing to the necessary debate.

WILDERNESS PARKS OR COMMUNITY CONSERVATION?

Conservation through the establishment of 'National Parks' was an idea born in the United States during the 19th century at a time when it was waging war on Indians and colonizing the 'Wild West'. The world's first National Park, Yosemite, was established on the lands of the Miwok people after a bitter war and was followed by the eviction of the remaining people from their land. Setting up the park at Yellowstone also triggered conflict with the local Indians. Nearly all the main National Parks in the USA today are inhabited or claimed by indigenous peoples. Yet according to US law these areas are 'wildernesses', defined by the US Wilderness Act as places 'where man himself is a visitor who does not remain'. It is this wilderness model, exported by western conservationists, that became the dominant approach to nature conservation throughout the tropics during the era of 'development' after the second world war.

Though fundamental to much western thinking about nature, many indigenous peoples reject the notion of wilderness, as Jakob Malas a Khomani hunter from the Kalahari, whose lands were classified as the Gemsbok National Park, has noted:

“The Kalahari is like a big farmyard. It is not a wilderness to us. We know every plant, animal and insect, and know how to use them. No other people could ever know and love this farm like us.”

Ruby Dunstan, of the NI'aka'pamux people of the Stein Valley in Alberta, Canada, who have been fighting to prevent the logging of their ancestral lands, has likewise remarked:

“I never thought of the Stein Valley as a wilderness. My Dad used to say 'that's our pantry'. We knew about all the plants and animals, when to pick, when to hunt. We knew because we were taught every day. It's like we were pruning everyday... But some of the white environmentalists seemed to think if something was declared a wilderness, no-one was allowed inside because it was so fragile. So they have put a fence around it, or maybe around themselves.”

The results of the imposition of the wilderness model are shocking. Millions of indigenous people have been evicted from their lands.

Millennial systems of natural resource management disrupted and destroyed. Communities impoverished and deracinated. Rights trampled and colonial forms of administration and enforcement imposed. Getting sound data on the scale of these evictions is hard, they don't get recorded in the 'red data' books, but in India alone it is estimated that 600,000 'tribal' people have been expelled from their lands to make way for protected areas. These impositions have also bred conflict. Protected areas imposed against the will of the local people become management nightmares, conservation fortresses laid siege by local people who have to 'squat' and 'poach' to stay alive. Ironically, too, the expulsions of human settlements may even impoverish the biodiversity of local areas, many of which were managed landscapes not wildernesses, where customary land use systems helped sustain ecosystem diversity and multiplied the niches for wild animals and plants.

But aren't forests better defended by securing local peoples' rights? Many conservationists don't think so, arguing that native people are no better than anyone else at conserving nature. The fact that, in the past, forests were preserved in indigenous areas, they argue, was mainly due to the lack of transport, low populations due to warfare and disease, and simple technology. Once roads are built, communities pacified, clinics curb child deaths and the people adopt chainsaws and pick-up trucks, indigenous communities are as liable to destroy nature as anyone else, they claim. They point to Indians selling timber from their reserves in Brazil and the depredations of the bush-meat trade in the Congo basin to underline their argument. However, other data support the contrary case. For example only some 5% of the Brazilian Amazon is locked up in Protected Areas, while over 20% is in officially recognized Indian Reserves. Recent research by the Woods Hole Research Center shows that forests in Indian reserves are in good shape and that forest loss has been mainly caused by illegal invasions, not by the Indians.

Most of the big international conservation agencies, like the WWF-International, the World Conservation Union and the World Commission on Protected Areas, have now adopted policies that recognize indigenous and 'traditional' peoples' rights and promote their involvement in conservation. In theory, these agencies should no longer be establishing protected areas without first ensuring that the indigenous peoples' land

rights are recognized, the people consent to the establishment of protected areas on their lands and they participate fully in management. The Convention on Biological Diversity also makes (somewhat ambiguous) provisions securing the rights of indigenous and local communities. These changed policies recognise a 'new model' of conservation, which promotes community-based conservation as an alternative to the old exclusionary model based on establishing 'wildernesses'. Not surprisingly, perhaps, given their history, it is the large US-based conservation agencies that have been most reluctant to endorse this new approach.

Despite advances at the policy level, on the ground the situation is not very encouraging. Few governments accept that recognising indigenous peoples' rights is a logical part of their national conservation strategies. Most protected areas continue to be managed in the old way, excluding communities, denying their land and resource rights and obliging their resettlement. In part this is because most developing countries adopted their conservation laws in the 1960s and 1970s, when the exclusionary model of conservation was still being preached. Another reason is that the local personnel of international conservation agencies have often not even been informed about the new policies adopted at headquarters, let alone trained to implement them. Besides, many protected area administrators of the old school are reluctant now to cede power to those they see as truculent native people grown too big for their boots. The colonial mind-set dies hard. It will be some time before these old dinosaurs die out. (By: Marcus Colchester, WRM Bulletin N° 62, September 2002).

THE SORRY STORY OF THE WORLD'S FIRST NATIONAL PARK

The world's first 'Park', established in Yosemite in the Sierra Nevada in California was the homeland of the Miwok people. The startling landscapes of Yosemite, substantially an outcome of indigenous land use systems, were proposed for conservation by the very same settlers and miners who, twelve years previously, had waged the 'Mariposa Indian War' against the area's indigenous people – the Miwok. In this one-sided struggle, forces sanctioned by the US Government made repeated attacks on Indian settlements. Indian villages were burned to the ground to force the Indians out of the area and to starve or freeze

the Indians into submission. The main proponent of the Park, LaFayette Burnell, who led the Mariposa Battalion, and who professed a take-no-prisoners approach to the Miwok, wanted to 'sweep the territory of any scattered bands that might infest it'. In common with the prejudices of the day, he thought of 'redskins' as superstitious, treacherous marauders, 'yelling demons' and 'savages'. Once the Park was established, it was run by the US Army for the following 52 years before being taken over by the newly established National Parks Service in 1916.

Expulsion from the Park deprived the Miwok of their traditional hunting grounds, grazing areas, fish runs and nut collecting groves. When they tried to take anything back from the whites, they were resisted with guns and then hounded out of the area again by the Mariposa Battalion. Ironically the very word 'Yosemite' is, according to Simon Schama, a term of abuse used by the Miwok to describe the Americans who were assaulting them and actually means 'some among them are killers'.

In 1890, some years after their expulsion, the Miwok petitioned the US Government. They called for compensation for their losses and denounced the managers of the park for letting white ranchers and settlers invade the area with impunity.

"The valley is cut up completely by dusty, sandy roads leading from the hotels of the white in every direction... All seem to come only to hunt money... This is not the way in which we treated this park when we had it. This valley was taken away from us [for] a pleasure ground... Yosemite is no longer a National Park, but merely a hay-farm and cattle range."

Their pleas were ignored and further evictions of remnant Miwok settlements were made in 1906, 1929 and as late as 1969. The Miwok noted that the National Parks were not only being set up to preserve 'wilderness' regions 'unimpaired for the enjoyment of future generations' but were also designed with a profit motive.

Yet the splendours of Yosemite, with its spectacular rocky eminences and the enormous Sequoia gigantea trees, also resonated in the American mind as 'an overpowering revelation of the uniqueness of the American

Republic' and were thus signed over in a bill creating the world's first wilderness park to the State of California in 1864 in the midst of a civil war 'for the benefit of the people, for their resort and recreation, to hold them inalienable for all time.' (By: Marcus Colchester, WRM Bulletin N° 73, August 2003).

PROTECTED AREAS AND INDIGENOUS PEOPLES

Nearly 30 years have passed since the World Conservation Union, at its 12th meeting held in Kinshasa, first acknowledged the need to respect indigenous peoples' rights to their lands in the establishment of protected areas. The resolution called on governments and conservation bodies to recognise the value of indigenous peoples' ways of life and to devise ways for indigenous peoples to bring their lands into conservation areas without having to relinquish their rights or be displaced.

Yet the great majority of protected areas established since then have violated these rights. For example, it is estimated that to date some 1 million square kilometres of forests, savannah, pasture and farmland in Africa have been redefined as protected areas yet in the great majority of these areas the rights of indigenous peoples to own, control and manage these areas have been denied. No one knows how many people have been displaced by these protected areas and little has been done to ameliorate the suffering and poverty that has resulted.

In the past 15 years, the conservation community has made more concerted efforts to develop principles and guidelines designed to reconcile indigenous rights with conservation initiatives. The Convention on Biological Diversity imposes obligations on governments to respect, preserve and maintain indigenous peoples' knowledge, innovations and practices, and to protect and encourage their customary use of natural resources. At the same time major advances in international law have more clearly defined the rights of indigenous peoples and these advances have been consolidated in the form of a draft United Nations Declaration on the Rights of Indigenous Peoples.

It is now possible to point to international human rights instruments and treaties, and to the jurisprudence of the United Nations human rights

committees which interpret them, and state with confidence that international law now recognizes the rights of indigenous peoples to:

- Self-determination
- Freely dispose of their natural wealth and resources
- In no case be deprived of their means of subsistence
- Own, develop, control and use their communal lands, territories and resources, traditionally owned or otherwise occupied by them
- The free enjoyment of their own culture and to maintain their traditional way of life
- Free and informed consent prior to activities on their lands
- Represent themselves through their own institutions
- Exercise their customary law
- Restitution of their lands and compensation for losses endured.

Through its resolutions and recommendations the World Conservation Congress has explicitly recognised these advances in international law and called on governments and its members to comply with them. In 1994, the IUCN revised its system of categories of protected areas to allow indigenous peoples, among others, to be the owners and managers of protected areas – previously the IUCN system had required protected areas to be controlled by State agencies. In 1999, the World Commission on Protected Areas adopted guidelines for putting these new conservation principles into practice. These guidelines place emphasis on co-management of protected areas, on agreements between indigenous peoples and conservation bodies, on indigenous participation and on a recognition of indigenous peoples’ rights to ‘sustainable, traditional use’ of their lands and territories.

Since 1997, the Forest Peoples Programme has jointly organised a series of conferences, with indigenous peoples to assess the extent to which these new principles of international law and conservation are being put into practice. A first conference held in Pucallpa, Peru, with the Asociación Interétnica para el Desarrollo Sostenible de la Selva Peruana (AIDESEP) and the International Work Group for Indigenous Affairs (IWGIA), examined 16 cases of indigenous experiences with protected areas in Latin America. A second conference held in Kundasang in Malaysia, with the Asia Indigenous Peoples Pact, IWGIA and Partners

of Community Organisations in Sabah (PACOS) looked at a further 12 cases in South and South East Asia. A third conference held in Kigali in partnership with the Communauté des Autochtones Rwandais (CAURWA) examined a further 9 cases.

The overall findings from this review are sobering but not entirely discouraging. In general, protected areas continue to be established and administered in violation of indigenous peoples' rights and in ignorance of the new standards. Serious problems are faced by the communities as a result, in terms of impoverishment, forced resettlement, human rights abuse and cultural loss. However, in all regions, examples can also be found of protected areas where sincere efforts to apply these new standards are being made. These examples demonstrate that it is possible to recognise the rights of indigenous peoples and achieve conservation goals in the same areas.

The case studies also show that a number of serious obstacles stand in the way of an effective recognition of indigenous rights in conservation practice. These include:

- Entrenched discrimination in national societies' attitudes towards indigenous peoples such that indigenous peoples' ways of life are seen as backward, dirty or subhuman. In the context of conservation initiatives, the result may be a denial of rights and a feeling among affected peoples that they are treated as worse than animals;
- Absence of reform of government policies and laws regarding indigenous peoples. Many governments, especially in Asia and Africa, pursue integrationist or assimilationist social policies towards indigenous peoples, designed to elevate them from 'backward' ways into the national mainstream;
- National laws and policies with respect to land which deny indigenous peoples' rights to own and manage their lands;
- National conservation policies and laws still based on the old exclusionary model of conservation. Few of the countries studied have adopted the revised IUCN protected area category system, which would allow communities and indigenous peoples to own and control protected areas;
- Conservation agencies and NGOs lack appropriate training, staff and capacity to work with communities.

These studies by indigenous peoples of their own experiences with protected areas, and the conclusions that flow from them, have important implications for conservationists. If conservation organisations, including IUCN and WCPA, and State agencies are to ensure that existing and future protected areas are to be managed and established in conformity with indigenous peoples' rights, then they must:

- give priority to reforming national laws, policies and conservation programmes so that they respect indigenous peoples' rights and allow protected areas to be owned and managed by indigenous peoples;
- ensure that sufficient funds are allocated to national conservation programmes, and to the regional and international programmes that support them, to carry out these legal and policy reforms;
- retrain conservation personnel in both national and international *bureaux* so that they understand and know how to apply these new principles;
- encourage other major international conservation agencies to adopt clear policies on indigenous peoples and protected areas in conformity with their internationally recognized rights and these new conservation principles;
- combat entrenched discrimination in national and international conservation programmes and offices and, where necessary, adopt affirmative social policies that recognize and respect cultural diversity;
- support the consolidation of indigenous peoples' organisations as independent, representative institutions;
- support initiatives by indigenous peoples to secure their territorial rights; and
- initiate transparent, participatory and effective procedures for the restitution of indigenous peoples' lands, territories and resources incorporated into protected areas and compensate them for all material and immaterial damages in accordance with international law.

Clear measures to undertake these actions needed to be introduced into the Durban Accord, which was the expected outcome of the Vth World Parks Congress. This was especially important as the successful uptake

of the conclusions of the World Parks Congress will depend on debates at the VIIth Conference of Parties of the Convention on Biological Diversity to be held in Kuala Lumpur in 2004. The credibility of the CBD will be greatly enhanced by full compliance with the human rights standards already established in other UN treaties. (WRM Bulletin N° 73, August 2003).

MINING COMPANIES MUSCLE IN ON PROTECTED AREAS

Mining companies were shocked by a 'Recommendation' passed by the World Conservation Congress in Amman in 2000, which called for an end to oil, mining and gas extraction from all protected areas in IUCN categories I, II, III and IV ('Strict Nature Reserve/Wilderness Area', 'National Park', 'Natural Monument' and 'Habitat/Species Management Area'). Many NGOs were equally surprised by the mining industries' reaction: what did the companies think these areas were meant to be protected from if not from unsustainable activities like mining? Indeed some went further, why does the Amman decision implicitly allow mining in protected areas in IUCN categories V and VI – 'managed landscapes and seascapes' and 'managed resource protected areas'?

Controversy over the relationship between extractive industries and protected areas has rumbled on since that date. IUCN Council members and general members raised an outcry later last year when the IUCN Secretariat announced in the context of the World Summit on Sustainable Development that it was developing a new 'partnership' with the extractive industries. The language had to be toned down as a result of the outrage. The IUCN now speaks of being engaged in a 'dialogue' with the industries, but, whatever the term used, the reality is much the same.

The 'partnership' or 'dialogue' forms part of a wider strategy by the extractive industries' to rehabilitate their dirty image, tarnished by a trail of oil leaks, tanker wrecks, tailings dams bursts, cyanide and mercury spills, ruined landscapes, despoiled river systems, toxic waste dumps, polluted ecosystems, violated human rights and shattered livelihoods. The new talk of the industries' PR promoters and spin doctors is of 'sustainable mining', 'landscape restoration' and 'corporate responsibility' – the Global Mining Initiative is one part of this, the tie up with the IUCN another.

The fact is that the extractive industries need to be able to get access to minerals, oil and gas reserves wherever they are found in lucrative quantities: putting IUCN category I-IV areas off limits hurts them. Now they are wondering: just who decides how to apply these categories and what legal status do they have? To help answer such questions a number of companies including British Petroleum plc, Shell plc and the International Council for Mining and Metals are co-sponsoring a study co-financed by IUCN, WWF and Conservation International which will report to the World Parks Congress in September 2003. As it happens, the study itself, 'Speaking a Common Language', looks like being a useful one (www.cf.ac.uk/cplan/sacl/). Yet, the whole experience has come as a sharp jolt to those who put faith in the protected area system. If the system is not now to be undermined by the extractive industries, it will need vigilant policing by civil society and measures to ensure that the IUCN does not step out of line again. (WRM Bulletin N° 71, July 2003).

**THE VTH WORLD PARKS CONGRESS:
PARKS FOR PEOPLE OR PARKS FOR BUSINESS?**

Just prior to the Vth World Parks Congress, a consortium of mining, oil and gas companies announced that they would accept that all World Heritage Sites were off limits to further exploitation. However, during the Congress, representatives of the extractive industries could not be persuaded to accept the Amman Recommendation passed by the World Conservation Congress in Amman in 2000, which called for an end to oil, mining and gas extraction from all protected areas in IUCN categories I, II, III and IV ('Strict Nature Reserve/Wilderness Area', 'National Park', 'Natural Monument' and 'Habitat/Species Management Area'). Controversy over the relationship between extractive industries and protected areas has rumbled on since that date.

Among the most outspoken critics of industry at the Congress were indigenous peoples. About 150 representatives of indigenous peoples from over 60 countries attended the Congress to press for a recognition of their rights. Their strong presence was notably effective and influenced all the main outcomes from the Congress. The 'Durban Accord', the consensus document of the whole Congress, announces that the World

Parks Congress has accepted a ‘new paradigm’ for protected areas ‘integrating them equitably with the interests of all affected people.’

The Accord celebrates the conservation successes of indigenous peoples. It expresses concern at the lack of recognition, protection and respect given to these efforts. It notes that the costs of protected areas are often borne by local communities. It urges commitment to involve indigenous peoples in establishing and managing protected areas and participate in decision-making on a fair and equitable basis in full respect of their human and social rights. The Accord calls on all countries to ‘strictly eliminate resettlement of indigenous peoples and local communities and the involuntary sedentarisation of mobile indigenous peoples without prior, informed consent.’ The Accord also calls for the creation of ‘trans-boundary protected areas for communities separated by national borders, including corridors of connectivity for mobile indigenous peoples who have traditionally migrated across borders.’ National authorities are encouraged to carry out ‘reviews of conservation initiatives including innovative and traditional/customary governance types...’ Likewise protected area authorities are encouraged to ‘promote the conditions and ensure the means for the effective engagement of Indigenous Peoples, local communities and other local stakeholders in conservation. The focus of attention should be on building the capacity of communities to engage effectively.’

Notwithstanding these important and progressive gains, it was money that remained a dominating sub-theme during the Congress.

The Congress reiterated the perennial call, echoing statements at the Rio Summit and WSSD, for industrialized countries to provide ‘substantial new and additional financial resources’ to developing countries to help cover the costs of conservation. But, as if knowing that this approach was unlikely to leverage more than a minimal amount of extra funds, the Congress also advocated the development of market mechanisms to pay for the recurrent costs of protected area management. For example, a study presented by the WWF and IUCN demonstrated that protected areas contribute water to a very large number of the world’s cities and hydropower stations and proposed that a portion of fees paid for this water and electricity should be used to cover the

parks' costs. To institutionalise this approach, the Congress proposed that the World Bank's 'Global Environment Facility' and governments should develop 'collaborative partnerships with the private sector' as an alternative way of securing funding for parks. For many, eco-tourism remains the great white hope for achieving the holy grail of financial sustainability.

One side-event at the Congress, held in the luxurious surroundings of the Durban Hilton – doubtfully a model of sustainable development – examined ways of promoting responsible tourism and certifying its sustainability. Yet sceptics were left wondering if making future conservation dependent on the disposable income of the world's globe-trotting consumerist elite was not self-defeating – like sawing off the branch on which you are sitting.

Indigenous peoples also expressed misgivings about this approach. In the final plenary, Jannie Lasimbang of the Asia Indigenous Peoples Pact, told the Congress that: 'Much of this Congress has been focused on the challenge of financing the costs of establishing and managing protected areas. Protected areas have been made into big business and the danger is that this business is both unsustainable and may further marginalize us, indigenous peoples. Moreover, our experience on the ground is that much of this money is wasted. Funds would be better spent protecting our rights and involving us directly rather than relying on outside agencies often from overseas.' She also criticised the way tourism increasingly relies on exotic images of indigenous peoples as lures to draw in the curious. 'The use of the image of our cultures as folklore, or as merchandising, hurts and degrades us. Sometimes our ancestors' culture is undermined while the living indigenous peoples are marginalized and impoverished. These attitudes do not help to revalidate our millennial cultures.' (By: Marcus Colchester, WRM Bulletin N° 75, October 2003).

OIL ACTIVITIES IN PROTECTED AREAS

Oilwatch

Traditionally, conservationists have held protected areas as areas that cannot have any human intervention. Many human settlements have been displaced from their ancestral lands, which have been turned into national parks. In other countries, communities have usage rights, but have lost their territorial rights, since protected areas belong to the State.

In spite of problems that ancestral communities face regarding land tenure, many countries have started to authorize mining and oil activities within these supposedly protected areas, which contradicts the purpose of the creation of these areas and their objectives. In some cases, the declaration of protected areas has actually been a strategy in order to allow the entrance of mining and oil companies without any interference from human populations.

In the last few years, conservation organizations have changed their perception of protected areas and taken into account the importance that biodiversity has as a “provider of environmental services” (carbon sequestration, provision of water, genes for the pharmaceutical industry, etc.).

The process of privatization of protected areas is advancing, and new criteria are being implemented for the management of, for example, biological corridors, which in many cases are placed under the responsibility of international conservation organizations. International financial organizations such as the World Bank encourage the creation of these reserves for bio-prospecting in favour of these international NGOs.

The idea still remains that the extraction of non-renewable resources is a compatible activity for these protected areas.

Many of these NGOs participate in the elaboration of management plans for extraction companies, or act as sub-contractors carrying out monitoring activities for the companies, which diminishes any resistance on the part of local populations in the defence of their territorial rights and the right to live in a clean, contamination-free environment.

OIL EXPLOITATION AND THE BIODIVERSITY CONVENTION

The Convention on Biological Diversity, approved in Rio de Janeiro in June 1992, is the most important international legal instrument for biodiversity conservation. The first objective of the Convention is the conservation of biodiversity (Art. 1).

Article 8 of the Convention refers to the theme of in-situ biodiversity, and paragraphs a) to e) refer to the creation and maintenance of protected areas. The UNEP/CBD/COP/4/ Report 18 recommends that scientific research should be directed towards achieving the goal established in this Article.

Article 8f establishes that countries will rehabilitate and restore degraded ecosystems and promote the recuperation of threatened species. In terms of restoration and rehabilitation programmes, the document recommends that the focus of these programmes should be the establishment of functioning ecosystems, as well as an inventory of species.

In relation to this, Decision IV/1 of the Convention requires that the Subsidiary Body on Scientific, Technical and Technological Advice should develop principles and guidelines for an ecosystem focus for the conservation and rehabilitation of biodiversity, and that it should include a political and methodological concept completely distinct from that of protected areas. It basically maintains that a balance should be achieved between conservation and (sustainable) development, including the management of areas with productive activities. Nothing has been specified on oil activities.

One of the concepts being managed in the Convention is the ecosystem approach that proposes the promotion of biodiversity conservation by way of sustainable use, ensuring an equal distribution of benefits to local communities, and thus reaching a balance between the three objectives. The document uses market language, including the distortions of the market that adversely affect biodiversity, promoting incentives to foster sustainable use and conservation, and internalizing ecosystem costs and benefits.

It establishes the need to “flexibilize” conservation, where conservation and its use are seen as a continuum that ranges from strict protection to ecosystems completely managed by human beings. It also proposes appreciation of goods and services from conservation areas.

This “flexibilized” focus includes a process of decision-making and policy implementation regarding the management of these ecosystems. It proposes substituting long-term policies for short-term decision-making. Learning-by-doing, when there is no cause-and-effect scientific evidence regarding the impact that a given practice could have on complex ecosystems. This goes against the precautionary principle.

Another important aspect is Art. 8j, which calls for countries to respect, preserve and maintain knowledge, innovations and practices that link pertinent traditional lifestyles with biodiversity conservation. Oil activities impede communities from continuing traditional lifestyles since the presence of an oil company in a traditional territory means a total change in the use of that territory, of its resources and of its social relations.

Art. 3 of the Convention asks member countries to ensure that activities carried out within their jurisdictions do not affect the life of others negatively. This clause has two implications in relation to oil activities:

- When oil spills occur, the crude oil migrates towards bodies of water and very often crosses national boundaries.
- The majority of oil companies operating in the tropics come from other countries, and the crude oil produced is used in other countries.

The Convention provides certain instruments to civil society; for example, it enables civil society to participate in environmental impact assessments

of projects that produce a loss of biodiversity. Article 14.a states that member countries can demand EIA for proposed projects that may have adverse effects on biodiversity, and permit public participation in these proceedings. Many countries have now asked companies for EIA for oil projects in protected areas, but this instrument has been converted into a simple requirement that is not used in the process of decision-making and in many cases the EIA are of poor quality.

The Biodiversity Convention invites the Parties to produce reports regarding the assessment of environmental impacts related to the loss of biodiversity, especially with respect to activities that have trans-border implications and accumulative effects on biological diversity. However, very rarely are extractive activities included; the majority of cases focus on the impacts of local peasants and settlers that have migrated to protected areas or to their border areas.

At the forthcoming Conference of the Parties to the Convention on Biological Diversity in Kuala Lumpur, the theme of protected areas will be discussed. For this purpose, an *ad hoc* group of experts on the theme of protected areas has been formed in preparation of COP 7. Their first meeting took place in Tjarno, Sweden in June 2003. Several themes were discussed at the meeting, including how to finance protected areas.

Experts did not entirely banish the possibility of protected areas being financed by private companies, environmental services and the payment of mitigation for the negative impacts generated by oil and mining companies. Although they recognized that such activities constitute a threat to protected areas, they saw that mitigation of impacts generated by these industries could be an important source of financing for protected areas.

Another meeting of these experts took place simultaneously with the World Parks Congress in Durban from 8 to 17 September 2003.

During the Congress, special sessions have been planned to discuss the theme of protected areas and the relation of different interest groups such as the tourist industry, mining, oil and gas industries, as well as indigenous populations and the fishing sector.

One of these sessions is a panel on extractive industries and protected areas; Sir Robert Wilson, President of the International Council of Metals and Minerals (ICMM) and CEO of Rio Tinto will participate, as well as Greg Coleman, Vice-president of health and environmental security of British Petroleum and Adrian Loader, Director of Strategic Planning of Shell International Ltd.

Interesting legal figures are the UNESCO “Biosphere Reserves” because they allow productive activities to be carried out, under certain criteria such as that of a balance between development and conservation and adaptive management. Several Biosphere Reserves have oil activities going on, and UNESCO demands good management plans and EIA. Many transnational NGOs are asking for protected areas with economic potential to be transformed into Biosphere Reserves.

BIODIVERSITY CONSERVATION... FOR WHOM?

The Convention on Biological Diversity recognizes the sovereignty of States regarding their biodiversity, and the role that indigenous populations and local communities have played in conserving and preserving this biodiversity. It encourages countries to respect, preserve and maintain knowledge, innovations and practices of indigenous and local communities that are strongly linked to traditional lifestyles pertinent to the conservation and sustainable use of biodiversity (Art. 8j).

However, there are many threats to biodiversity and to the collective rights of indigenous populations and other local communities, such as:

- Wide-spread extraction of non-renewable natural resources (oil, gas and minerals)
- Deforestation carried out directly by the wood industry or encouraged by it
- The conversion of areas rich in biodiversity to other forms of use
- Infrastructure such as roads, dams, etc.
- Military operations

There are also a series of underlying causes of a structural nature that force rural populations to move to forest areas rich in biodiversity.

This may become more serious with globalization and free trade agreements that are placing rural populations in a more vulnerable position.

Therefore, the conservation and sustainable use of biodiversity is an inevitable necessity, but at what cost, for whom and for what? These questions are pertinent because we are witnessing a process whereby, in the name of conservation, biodiversity and ecosystems are being privatized. The privatization of these ecosystems is not limited to national frontiers, but covers enormous areas spanning several countries, where national states and local populations have little say in the matter.

- A New Proposal for Land Use

Two types of parallel, but apparently contradicting initiatives are being developed in Latin America; the first promotes conservation and the other, industrialization.

Within the first strategy, a wave of privatization is occurring in areas rich in biodiversity through the purchase of land in order to establish private reserves and a new management model by way of biological corridors, managed by international conservation organizations under these organizations' decisions.

On the other hand, we have the Puebla-Panama Plan and the Integration of Regional Infrastructure for South America (IIRSA).

Paradoxically, both types of strategies are financed by the same agencies, including the World Bank, the Inter-American Development Bank (IDB) and the Corporación Andina de Fomento.

At a first glance, these two strategies would seem to be contradictory, but it is very possible that this new conception of management is a well-planned strategy, aiming at the use of Latin American territory to favour the needs of large international corporations.

The industrialization proposal is accompanied by the creation of conservation corridors. The ecosystems that they want to conserve have a strategic value within the logic of transnational capital and

globalization: turning themselves into the providers of environmental services, including bio-prospecting, ecotourism, carbon sequestration, and water regulation.

- Integration of Regional Infrastructure for South America (IIRSA)

The Inter-American Development Bank, the Corporación Andina de Fomento and Fonplata are promoting a 10-year integration plan, which is the counterpart of the Meso-America Puebla-Panama Plan.

Both projects aim at creating a network of roads, waterways, multimodal integration points, energy transfer, telecommunications, airports, seaports, all associated with the homologation of legislation. This is all in order to organize the exploitation of our resources more efficiently and to establish within our territories contaminating industries that cannot be located in other countries having stricter laws and with more rigorous control systems.

IIRSA promoters declare that with this initiative they will conquer the South American geography. They are seeking to intensify economic activities, regional development and the economic and fiscal integration of countries of the region.

IIRSA routes unite areas of strategic importance that have resources such as oil, minerals, etc.

- Privatization of Conservation

Among the conservation proposals, privatization of areas of biological importance is considered as a viable instrument. There are many campaigns asking individuals concerned with conservation to adopt an acre of rainforest or of other ecosystems. Many of the organizations carrying out these campaigns are foreign (United States and Europe) and the majority of individual donors and property owners of these reserves are also foreigners.

It is of course possible that the intentions of both those supporting and executing these projects are admirable and loyal, but they also cause a

series of conflicts that range from the problem of national sovereignty to respect for the collective rights of traditional populations.

Many of these areas are part of traditional territories belonging to indigenous groups, sometimes possessing legal tenure, but many times not. Besides constituting a violation of the collective rights of these populations, and of ILO Convention 169, these strategies are a source of controversy, such as the conflicts existing in the region of the “Montes Azules Integral Natural Biosphere Reserve” managed by Conservation International in the Lancandona jungle, where the traditional populations have been associated with the Zapatista movement.

Those who support these conservation strategies ignore the fact that they are buying land from populations that have traditionally protected their territories, until external forces such as logging and mining companies arrived to destroy their land and customs.

The strategies used by biodiversity conservation do not come close to the real causes of biodiversity destruction, which are of a structural nature, and are therefore inefficient in the long term.

There are several questions in relation to these strategies:

- Do these strategies constitute an attack on territorial sovereignty and heritage?
- Do these strategies constitute a new form of appropriation of our resources?
- Are the immense areas that have been purchased for conservation, inhabited?
- What happens with displaced populations?
- Are new forest zones going to be occupied? Given that the populations’ traditional territory and culture have been destroyed, is it possible that now they may develop practices causing greater loss of biodiversity?
- Many projects include an environmental education and awareness-building component for local populations; could this be a violation of the right of local populations to maintain their practices, traditions and culture? Have they been consulted as to whether they want help or not? Could this be an act of arrogance?

- Whom do these lands belong to? Are these strategies creating a new generation of colonizing foreign conservationists?
- What are the rights for “adopting” an acre?
- Who answers to the owners of the reserves?
- One of the purchase-of-land campaigns offers the purchaser to become a “tropical forest guardian”. Are these people qualified to be guardians of a forest that they don’t even know, only because they paid for it?

- Who Buys these Reserves

It is important to note that many of the organizations that have purchased land, or support these strategies, have never participated in frontal actions in defence of nature and the conservation of biodiversity, especially when it comes to transnational companies or the private sector in general. They are limited to the purchase of land and in many cases blame poor people for the destruction of forests and other areas rich in biodiversity.

In some cases, they have collaborated with companies in the development of activities that threaten biodiversity, as well as the collective and environmental rights of local populations. They participate in the elaboration of environmental impact studies, monitoring plans, etc. weakening the strategies of organizations and communities that put up resistance.

- Biological Corridors

Within this new conception of space management, a series of conservation initiatives are being implemented in diverse regions rich in biodiversity: among them, the biological corridors.

One of these corridors is the Meso-American Biological Corridor, financed by the World Bank, which has been widely criticized by a diverse range of actors, since the interests of the Bank are to support bio-prospecting projects, the exploitation of wood and non-wood resources, such as natural fibres, ornamental plants, resins, medicinal plants, the knowledge held by local populations, the enormous agricultural diversity of the region and, more important than anything else, water.

This corridor is also seen as the “green version” of the Puebla-Panama Plan, which openly threatens biodiversity and is also financed by the Bank.

There are several proposals for biological corridors in South America. Two examples are the Critical Ecosystem Partnership Fund (CEPF) formed by Conservation International, GEF, the Government of Japan, the McArthur Foundation and the World Bank, covering an extension from the South of Panama to the north of Peru; and the Compel Eco-regional Andes del Norte (CEAN), which is part of the new WWF proposal, covering the northern region of the Andes, from Venezuela to Bolivia.

Many biological corridors and eco-regions have been proposed for South America by organizations such as Conservation International, WWF and The Nature Conservancy, with economic support from the World Bank and NASA.

GOVERNMENTAL HYPOCRISY IN PROTECTED AREAS

The conservation and sustainable use of biodiversity is an inevitable challenge and a strategic theme for Bolivia that should be addressed with a focus on sustainability, integrating social equity, environmental sustainability and democratic participation.

The conservation of biological diversity – the objective of the creation of protected areas – requires the incorporation of legal aspects within national legislation regarding biodiversity. The formulation of a specific norm is comprehensible if it pursues the immediate goal of ensuring the legal security that is required for the management of protected areas.

Legal insecurity is mainly due to the interference of sectoral laws which in many cases have objectives that are contradictory to the existence of protected areas and enjoy a largely ensured “legal security”. Legal insecurity is also due to the lack of a law granting at least similar importance to protected areas as part of the management of biodiversity.

These objectives seem to have been completely forgotten in the Bill prepared by the Natural Resources Committee of the Commission for

Sustainable Development and the Environment of the Chamber of Governors. The latest version, like all the others, guarantees oil activities and patents for operations in protected areas, while the Executive has approved a budget reduction for the National Service for Protected Areas (SERNAP). This has absolutely no legal base, since the oil companies do not have any rights in protected areas, given that many of them were created prior to the Hydrocarbon Law and various standards (laws and decrees) have established that oil activities are not compatible with the development of these areas.

Offices reporting to the Ministry of Energy and Hydrocarbons and the Ministry of Sustainable Development have put pressure on indigenous organizations to get them to approve the Regulation for Oil Company Operations in indigenous territories. This draft regulation is probably now in its twelfth version since 1996, and was originally conceived to minimize the impacts of oil activities in TCOs [Native Community Lands], guaranteeing a broad process of consultation and problem and conflict resolution in indigenous territories. However, the regulation has now been reduced to the present version, which considers indigenous populations as second-class citizens. The rights of all habitants in this country are established in the Law of the Environment, such as the right to receive timely information, to be consulted and to refuse environmental impact assessment studies or activities that go against the conservation of the environment and natural resources, to denounce such activities and that these complaints be given due consideration. These rights are reduced for indigenous populations in the chapter on environmental impact assessment. This chapter does not require the activity to be explained to the local populations and, in the event they do not agree, the environmental license can be granted anyway (and therefore permission to carry out activities having an impact on the environment).

The Ministry of Energy and Hydrocarbons, together with the Ministry of Sustainable Development and Hydrocarbons are developing a third decree. It is the Inter-institutional Coordination Regulation for the Development of Oil Activities in Protected Areas. This bill contradicts, among others, the Environmental Law and grants liberties to the Ministry of Hydrocarbons, including the declaration of Protected Areas, to approve planning instruments, such as management plans, zonation,

etc. It establishes that in the event both ministries cannot reach an agreement, the National Council on Economic and Social Policies will pass judgement and oblige the Ministry that does not agree to accept the decision. This is complemented by an administrative silence after 10 days. Administrative silence establishes that when a governmental body does not pass judgement regarding a certain aspect, it is then automatically approved. This mechanism is frequently used to approve environmental licenses, not only due to the lack of human talent to continue with proceedings, but also as part of state policies to give priority to the activities of certain economic sectors.

The government spokesperson stated that oil companies are allowed to develop activities in protected areas if they comply with environmental provisions. But, who is in charge of making sure that they comply? The Ministry of Sustainable Development has only one person in charge of the approval and monitoring of all of the hydrocarbon operations in the country. The Ministry of Hydrocarbons' Environmental Unit has a Sectoral Office for Environmental Control located in Santa Cruz. Its former director now works for the TranSierra oil company, while the present director is an oil company consultant. The former director of the Environmental Unit worked at British Gas. It is clear that it is not only the vice-ministers who pass from the Ministry of Hydrocarbons to oil companies, but also officials lower down on the ladder, who are in charge of environmental monitoring, making it difficult to have any hope of efficient, effective and transparent control and monitoring.

Finally, to complement this scenario, the Executive committee approved Decree No. 27024 on May 6th, 2003, which establishes the reduction of the forestry license established in the Forestry Law, reducing the annual payment on the Area of Exploitable Land and a new tariff based on administrative costs of area exploited (the law establishes one US dollar per hectare under concession). The content of this decree should have been approved during the previous government administration, within the Law of Support to Sustainable Development, a bill that was rejected by all sectors and organizations of civil society.

It has been observed that the timber sector does not recognize the Forestry Law in terms of forest resource sustainability, since the

reduction in the forestry license will diminish even further the Forest Superintendence's capacity for control and monitoring, one of its main functions and which is currently being carried out in a partial and inefficient manner.

With this scenario of laws and draft decrees and proposals making any oil company activity viable in protected areas and indigenous territories, further complemented by the reduction in the SERNAP budget and the illegal approval of the reduction of the forestry license, it is evident that government policies are not environmental at all. However, with great hypocrisy, the government parties hope to approve the Protected Areas Law, which is really a proposal for the legalization of oil activities in these areas. With this Law, they hope to attract international cooperation, under the pretence that Bolivia conserves and protects its environment and protected areas. (By: Gabriel Herbas, FOBOMADE, Bolivia).

PROTECTED AREAS AND THE SALE OF ENVIRONMENTAL SERVICES

In several countries, the sale of environmental services is being strongly promoted, more specifically, the sale of the right to use environmental services, particularly in protected areas or indigenous territories. In practice, this mechanism implies the loss of territorial use rights and traditional practices and production systems, and a regression in the rights achieved in international Conventions such as ILO Convention No. 169, even though the mechanism is being promoted as an instrument to favour conservation and community development.

Environmental economy pictures nature under a "capital" rationale. It describes the stock of materials and information present in nature as "natural capital", and the flow of material, energy and information from the stock of natural capital, combined with human or manufactured capital for human wellbeing, as "environmental services".

This has created a new generation of institutions and jobs for a growing number of professionals wanting to work in research, certification and administration of environmental services. Some of these consultants serve in United Nations offices, and "lobby" at the climate change, biodiversity and other convention negotiation meetings.

In this field, market solutions are being proposed for the conservation of biodiversity.

The system begins with a market study of environmental services by an intermediary such as a non profit-making organization, a profit-making corporation, or a State office.

The national and international market is identified for environmental services, based upon the existing demand, and an initial valuation is made of environmental services.

The “pilot providers” are then identified. This means that the system begins under an intermediary’s initiative obeying to a “buyer’s need”. It does not respond to the need of local populations.

The intermediary buys the trade rights of environmental services from the pilot providers. The right to the use of the territory is purchased.

In order to guarantee exclusiveness and a specific period of validity of the right of use purchase, a contract is signed with the provider. The anticipated transaction payment for the right of use is suggested.

The system takes into consideration the creation of an initial investment fund to acquire “the rights for the commercialization of environmental services” generated by ecosystems from selected providers. These funds should come from a project; therefore, the marketing of environmental services is to be subsidized.

The next step is the issuing of bonds for environmental services: once acquired or bought, the marketing rights of environmental services are transformed into ASSET TITLES or bonds that can be sold to customers for environmental services.

In order to comply with international requirements, when the client is from abroad, an international verifier is required to achieve asset bonds being issued by an international financial institution.

Finally, environmental services are sold. These can be negotiated on the stock market, their price depending on market laws of supply and demand, and are reinvested in the initial fund.

The intermediary must follow up on compliance with the commitments made by the “providers” of environmental services. The system allows the creation of the following types of bonds:

- a. Carbon bonds
- b. Biodiversity bonds
- c. Water generation bonds
- d. Soil conservation bonds

- Carbon Sequestration

In 1997, the Conference of the Parties to the Framework Convention on Climate Change adopted the Kyoto Protocol. The Protocol proposed market-based solutions for the reduction of greenhouse gases, especially CO₂. This is done through two proposals: the Clean Development Mechanism, and Joint Implementation.

Transnational Corporations that have traditionally been opposed to the Protocol quickly adopted greenhouse gas trading. They were first opposed to the protocol because a real CO₂ emission reduction was a threat to several industries, including the oil industry.

This explains why one of the companies that has made the strongest efforts to block the implementation of the Convention on Climate Change is EXXONMOBIL CORP., the world’s largest oil corporation today.

The Clean Development Mechanism and the Joint Implementation grant credits to companies and countries in the North (the ones that have historically released the greatest amounts of CO₂), whereby certain projects are started. These projects can aim for example, at cutting down CO₂ emissions in some other country; therefore, instead of cutting down emissions at the source of pollution, they are now able to “compensate” such emissions by implementing these projects in other countries, while still polluting.

When projects are prepared between countries of the North or corporations, the figure is that of Joint Implementation. When this occurs between countries and companies of the North, with countries of the South, it is called the Clean Development Mechanism.

Several initiatives have been started regarding the issue, such as the proposal presented by UNCTAD to set up an International Association of Emissions Trade, in which participating partners will be the Australian stock market, International Petroleum Exchange, Shell, BP, Statoil, and the Tokyo electric company. They will operate within or outside the Kyoto Protocol framework.

Other initiatives include “emission agents” or “greenhouse gas credit agents”, who are in charge of identifying projects eligible to receive carbon credits, and identifying those credit buyers. Among these we find SGS Forestry, which certifies carbon credits for the Chicago Chamber of Commerce.

The carbon credit market can become an object of speculation; for example, Mitsubishi is developing a trade branch through which low price emission rights are bought, and then sold at higher prices at a profit.

The World Bank uses public funds for the “Prototype Carbon Fund”, designed so the emission reduction comes out cheaper for the North.

How does this affect us, and what does this have to do with the present issue? The projects promoted as part of the Clean Development Mechanism are related to forests, tree plantations, and soils (sinks), which absorb the atmospheric CO₂ as part of the process of photosynthesis, removing it from the atmosphere.

Tree plantations are a problem in themselves, particularly on a large scale, because they are a threat to both communities and ecosystems. Accepting plantations as carbon sinks implies the installation of millions of hectares of new plantations as a way to counteract a small part of industrial emissions.

The experience with this type of plantation proves that these “compensation” processes would take over lands necessary for agriculture and valuable native ecosystems, depleting water resources, increasing inequities in land distribution, increasing poverty, and lead to the eviction of local populations and the undermining of the local practices needed for forest conservation.

Large-scale tree plantations are generally a direct cause of deforestation. This means that before they can become “carbon sinks”, they would actually turn into “carbon leaks”, because carbon that was originally stored in forests would be released into the atmosphere because of deforestation, leading to a negative carbon balance, given that the majority of forests store much more carbon per hectare than any type of plantation.

People displaced by plantations are frequently forced to occupy other forest areas and open them up to satisfy their basic needs. These are additional carbon leaks.

Large-scale plantations also destroy animal, plant and micro-organism biodiversity.

- Conclusions

For millennia, forests, highlands and rivers have been part of the ecological balance. They have played a role in the regulation of the world climate, have protected the coasts against hurricanes and tornadoes, and have contributed to soil fertility. People have used forest products to satisfy their food and medicine needs.

Today, when forests are threatened, when water sources are drying up, when the atmosphere’s CO₂ levels are threatening the world climate, medicinal plants have become a source of profit for the pharmaceutical industry, the figure of “environmental services” has been created and given a monetary value, going against indigenous and local community rights.

The attempt to solve environmental problems with this type of proposal eludes the real causes of environmental deterioration. Those responsible for this deterioration are given the solution in their very hands. This solution takes away the rights of populations that have ensured environmental equilibrium to this day.

The rationale behind the sale of Environmental Services is that the sale of rights of use is a profitable business. If the so-called agents or intermediaries are interested in buying environmental service trading

rights from a highland community, they will later be able to sell these rights for some highly profitable activity.

Let us suppose it is for CO2 sinks.

In this highland, water is generated, benefiting the community and others lower down. If the community decides to sell its rights to the use of this highland, what impacts will be generated by this decision?

1. The community will lose the right to use the highland in any other way for a specific number of years.
2. The communities will be unable to satisfy their basic needs.
3. Once the plantation is gone, what will remain will be a totally depleted land, where agriculture or grazing will be impossible.
4. If the community decides to cancel the agreement, it will lose the land. Generally, in these agreements, the land is mortgaged to guarantee compliance.
5. The community will receive a certain amount of money, which will not compensate for the loss experienced. Most of this money will go to the intermediary.
6. Traditional practices and knowledge related to the use of the highland will be lost.
7. Communities living below the highland will lose the access to water that was previously generated by the highland.
8. Biodiversity will also be lost, because the entire biodiversity of the highland will be sacrificed for monoculture tree plantations.

This same exercise can be applied to other “environmental services” such as water, biodiversity and soils. With these considerations, we may ask ourselves:

- Is the sale of the rights of use of environmental services a mechanism to promote local development? No, it is not. This is because the traditional local owners of the “environmental services” are mere providers of raw material. One could say that they are lending the land for others to use.

- Is this a mechanism for environmental sustainability? No, it is not. This is because conservation is handled from a market perspective, where the only rationale is the generation of profit. In many cases, the impacts caused may be worse than the ones to be corrected.

Finally, in free trade negotiations such as the Free Trade Area of the Americas and in the World Trade Organization, the liberalization of “Environmental Services” is being placed under time limits. This means that Transnational Corporations will be able to receive concessions and provide these services. The European Union has already started to demand the liberalization of the environmental service sector from Southern countries.

PROBLEMS RELATED TO PROTECTED AREAS AROUND THE WORLD

Oilwatch & WRM

LATIN AMERICA

THE VISION OF THE INDIGENOUS ORGANIZATION COICA OF PROTECTED AREAS

The Greater Amazonia that stretches over approximately 7,885,331 km² (*) possesses the largest rainforest in the world, with flora and fauna that constitute, on their own, over half the world's biota, comprising hundreds of thousands of plants and millions of animals, many still unknown to western science. At the same time, its waters represent between 15 and 20% of the planet's total fresh water reserves, and the great River Amazon alone empties 15.5% of the non-salt water into the Atlantic Ocean.

We, the Hunikuin, Shuar, Yine, Kichwa, Tagaeri, Machsco and hundreds of other millenary Peoples, known as Indians, live in this world of extraordinary diversity of species, protectors of our territories where almost 100% of the forests and biodiversity existing today are to be found. Threatened by political, economic and social factors, the Amazon is in a continuous process of occupation, tension, disputes, human and environmental damage, justified by the myths of integration and poverty alleviation in other regions, while attempting to find here the model of sustainable development based on ancestral knowledge and forms of harmonious relationships between the Indigenous Peoples and nature.

Various interests in the strategic resources existing in the Amazon (uranium, oil, nickel, zinc, copper, gold, genetic resources, among

others) have made this vast region a propitious venue for starting disputes, with the creation of categories and concepts granting adjectives to nature, under the form of protected areas such as national parks, forest, fauna and ecological reserves, etc. The impact on our territories has been enormous due to the superimposition of false conservation interests over our territorial rights, ignoring that we have existed since time immemorial. None of these categories offers a true guarantee to the protection of Indigenous territories, affected by the 181,251 hectares of protected zones in the Amazon Basin countries, as they are absorbed by interests in mining, oil and timber exploitation, colonization and tourism. As an example we highlight what has happened in the Yasuni National Park (Ecuador), where recently a genocide of the Tagaeri people took place, permanently instigated precisely by timber traffickers, without the State (through the Ministry of the Environment) having been able to exercise any authority or control.

Furthermore, management plans for protected areas have not considered the existence of local inhabitants in an appropriate manner, forcing them to migrate to other places where other social actors already exist.

In addition to this, there is a lack of compliance with the scant legislation existing in the countries of the region, because of an economic model destroying the environment and facilitating operating licenses without considering the basic human and social principles of the Indigenous Peoples. Such is the case of the presence of oil companies on Huaorani territory (Province of Pastaza, Ecuador), where the following oil blocks have been granted: Petroecuador, Block 14 Vintage, Block 16 to Repsol-YPF, Block 21 to Kerr MacGee, Block 31 to Pérez Compac.

For us the impacts are even more complex, considering the usual practices of assistance, division and cooptation to justify agreements or consultations that have supposedly been reached with the communities, peoples and organizations.

As a way of overcoming these disputes, it is essential to ensure that our territories are guaranteed as a means of protecting nature. This must be respected and supported, primarily by the governments, because it is the best way of guaranteeing conservation with the presence of human

lives, represented by us, the Indigenous Peoples. This is the only way that the Earth Summit declaration of principles, the Agenda 21, the Convention on Biological Diversity, the Intergovernmental Forum on Forests and other international instruments of relevance regarding the environment can be put into practice.

In those cases in which protected areas are superimposed on our territories, our pre-existence should be recognized and the consequent existence of ancestral rights, even before adopting any legal standard of recognition for the use and management of natural resources existing in Indigenous territories and the responsibility for co-management with the participation of our local government institutions.

It would seem that this relationship between protected areas and Indigenous territories has generated more disputes than agreements, requiring the implementation of practical action plans and respect for our existence as peoples in our diversity to face the systems or criteria created by economic interests or territorial occupation. We would therefore highlight the following proposals:

- The pre-eminence of our territorial rights over any figure of protection together with free access to and control over existing natural resources;
- The prohibition of all types of external extractive activities in already declared protected areas and the guarantee to the Indigenous Peoples of economic benefits for environmental services;
- The elimination of superimposition of protected areas, in particular those which affects our territories;
- The direct participation of our representative organizations in the formulation of political, legal and other decisions affecting us.

(* Bolivia 824,000 km²; Brazil 4,982,000; Colombia 406,000; Ecuador 123,000; Guyana 5,780; Peru 956,751; Venezuela 53,000; Surinam 142,800 and French Guyana 91,000. (By: Sebastião Haji Manchineri, WRM Bulletin N° 73, August 2003).

MESO-AMERICA: INDIGENOUS PEOPLES' DECLARATION REGARDING PROTECTED AREAS

On analyzing the issue of protected areas, it is essential to hear the opinion of those who inhabit them, as the establishment of such areas usually results in impacts on the local populations. In this respect, we have extracted part of the Declaration of the Meso-American Indigenous Peoples to the First Meso-American Congress on Protected Areas (March 2003), which clearly expresses their points of view and their claims. The declaration makes the following considerations:

- “1. That we, the Indigenous peoples have examined and concluded that the decrees on Protected Areas issued by the States have shown themselves to be legal instruments that repeatedly and systematically infringe on and violate the Indigenous peoples' own territorial planning processes, in addition to being instruments that have served to continue with the spoliation of our territories, prohibiting access and use of spaces that are sacred to us, to then give the use and usufruct of such protected areas in concessions to individuals, with no due return of the benefits that could be used to strengthen the capabilities of our peoples.
2. That decision-making processes regarding policies, plans, programmes and projects related to protected areas have been carried out without the participation, consultation, prior and informed consent and without the full and effective participation of our Peoples.
3. That the concept of **co-management** of protected areas is incompatible with the Indigenous Peoples' vision and cosmo-vision, given that our vision of territoriality and biodiversity conservation is not limited to the accumulation of capital, because the so-called protected areas are part of our home, as they are located in our ancestral territories.
4. That the design of research, plans, programmes and projects and their implementation has been undertaken unilaterally and with the exclusion of our Peoples, in spite of the fact that we have been the main guaranteeing actors in the conservation of our territorial spaces, with or without State decrees, which may be demonstrated when superimposing maps of Protected Areas with maps of Indigenous Peoples.

5. That addressing the issue of “an ethnic vision on protected areas” as a final symposium on the Congress agenda, shows a racist and discriminatory practice regarding Indigenous Peoples, already overcome in the international framework within the United Nations.

In view of the above, we Declare:

1) That management of Protected Areas between stakeholders (States, Researchers, NGOs, etc.) and rights-holders (Indigenous Peoples), should firstly and as a fundamental pre-requisite, be recognized by the free will of our Peoples.

2) That a legal framework should be formulated, guaranteeing the full participation of the Indigenous Peoples in the process of management, conservation, protection and administration of protected areas established within their territories.

3) That the State should recognize and respect the full validity of the collective and collateral rights of the Indigenous Peoples over their territories, as is the case of Convention 169 of the International Labour Organization, the Convention on Biological Diversity, etc.

4) That the State should guarantee provision to the Indigenous Peoples of financial, technical and administrative resources for the management of protected areas.

5) That initiatives to be developed in protected areas should be carried out following consultation, and the free, prior and informed consent of the Indigenous Peoples.

6) That the principle of equal rights and opportunities in decision-making should be fully enforced.

7) That income from the use and usufruct of protected areas should be invested and distributed for the development of the communities who live in protected areas and for the restructuring of ecosystems.

8) That we reject the Central American Protocol for Access to Genetic Resources and to traditional knowledge that leaves out and does not recognize our rights.

With the above we want to set on record the basic prerequisites for the implementation of co-management under a cooperation policy between stakeholders and indigenous peoples, giving a chance for future generations to see, believe and recreate themselves in a world at least as rich in biodiversity as the one we have inherited, and our understanding of a shared responsibility, as Meso-American Originating Peoples.” (WRM Bulletin N° 73, August 2003).

THE MESO-AMERICAN BIOLOGICAL CORRIDOR: CONSERVATION OR APPROPRIATION?

The idea of a series of protected natural areas joined by surrounding buffer zones where low intensity activities take place is no doubt attractive. It could be a scheme that might even guarantee landscape or habitat continuity and avoid the fragmentation caused by industrial activities such as large-scale agriculture and tree plantations, urbanization or works such as roads and dams. This is what the text of the Meso-American Biological Corridor (MBC) project proclaims.

However it is also true that serious doubts arise, considering that this project is located in Meso-America in the context of the ferocious advance of company interests towards the harnessing of areas that so far had not been on the market – such as genetic resources or water – where there is great inequality and where the communities that had enabled the rich biodiversity of the region to last are increasingly being dispossessed.

The origins of MBC can be traced back to 1992 when, in the framework of the United Nations Conference on Environment and Development (the Earth Summit) and the Central American Biodiversity Convention, the Central American Council for Protected Areas was entrusted with the development of the Meso-American System of National Parks and Protected Areas, “as an effective Meso-American biological corridor.” Later, in the Central American Alliance for Sustainable Development, adopted in 1994, the development of biological corridors and protected areas is mentioned and a commitment was made by the Presidents to establish the Central American Biological Corridor. Also in 1994, the University of Florida, United States of America, under the auspices of

the “Paseo Pantera Project”, published a report on the feasibility of establishing a biological corridor in Central America.

The agreement formally establishing the concept of the Meso-American Biological Corridor was signed in February 1997. The Meso-American region comprises five southern states of Mexico (Campeche, Chiapas, Quintana Roo, Yucatán and Tabasco) and seven Central American countries: Guatemala, Belize, Honduras, El Salvador, Nicaragua, Costa Rica and Panama. The project was officially adopted at the Central American Presidential Summit Meeting, held in July 1997 in Panama City and its implementation is the responsibility of the Central American Environment and Development Commission (CCAD) (project document available at: www.biomeso.net/GrafDocto/PRODOC-CBMESPAÑOL.pdf).

The project is circumscribed in a special region of 768,000 km² of lands and landscapes considered as one of the regions of the planet having the greatest biodiversity – 10 to 12% of all the world’s biodiversity, depending on the longitude recognized – inhabited by over 40 million people. It is the meeting point of two American biota (the Neo-Artic biota inhabiting the north and the Neo-Tropical biota inhabiting the south of the continent), turning the isthmus into a funnel where migratory movements of all types of species, biological individuals and genes are condensed.

The MBC arose at a time when the world had started to recognize the planetary value of biodiversity. However, this recognition comes in a context in which everything fast becomes merchandise. Carbon sequestration, water, soil, and biodiversity conservation, are all presented as “environmental services” that may be profitable. The concept of profitable “environmental services” fulfils the function of creating a broad economic framework, within which fragmented collective property and small-holdings of these services may turn into protected areas, basin heads, river-beds, water-tables, knowledge, genetic codes, etc., being privatized by mega-companies. The proposal of environmental services also encompasses bio-prospecting – to preserve in situ species that may be privatized or marketed through patents – and eco-tourism.

It is thus that conservation becomes yet another business, but also serves as an attractive pretext to capture funds aimed at “sustainable development” what ever it may be. The territorial planning of Meso-America is established in function of the environmental services and goods that the ecosystems to be protected, can provide. The idea may seem interesting if it were not that so far there is no exact definition of sustainable development; the term has become a pipe dream that can mean anything depending on who uses it.

What is true is that, according to the testimonials of various organizations in the region, three years after having launched this 16.6 million dollar project, the results are not encouraging. Protected areas in the zone continue to be highly threatened and pilot projects promoted by MBC have not caused any substantial change in this situation. The fact that the design was submitted without attempting to remedy already known problems makes us think that there are other interests behind it, different from those of conservation, and that an attempt is being made to “greenwash” conventional “development.”

The strategy of paying for environmental services is presented as an economic alternative for the peoples of Meso-America, suffering from the burden of the historically heavy foreign debt. But in turn, it should not be forgotten that the context in which this trade is carried out is that of a world of “free trade” in which transnational companies have all to win insofar as their increasing accumulation of capital and power enables them to have hegemonic control over the whole cycle of production, transformation, marketing and distribution. These dynamics are continuous and for this reason, in a further attack, transnational companies now seek to become the owners of genetic codes – the raw material for the genetic engineering business – and of water – as its increasing scarcity will make it become a strategic resource.

Furthermore, it is important to place the MBC in the context of the Puebla-Panama Plan (PPP) proposed by the Mexican President, Vicente Fox and accepted by the other heads of State of the region in 2001. The PPP contemplates the construction of roads, sea ports, electric cabling and optic fibre communications, hydroelectric dams, oil pipelines, gas pipelines, railways, airports, dry and wet docks, as well as industrial

and maquila (assembly plants) corridors. With all these, the zone will be linked to the requirements of international trade and markets.

In this context, it would seem that the implementation of the MBC somehow gives out the message that there is a protected zone, the conservation of which is guaranteed, but that the rest is unprotected and subject to unsustainable use, which is what will happen with the PPP. However, eventually, depredatory activities will end up by affecting it all, as conservation and depredation are irreconcilable. Furthermore, there is an inherent contradiction in the co-existence of the two projects, insofar as the PPP conceives a network of corridors of inter-oceanic infrastructures, which interrupt at various points the flow between the biota from the north and from the south circulating along the trans-Meso-American biological corridors. The cuts imposed by the mega-projects and infrastructure (mainly at the Panama Canal, in Honduras and in the Tehuantepec Isthmus) are added to all the environmental destruction that has previously been taking place in the Meso-American region. Moreover, to increase this schizophrenia even further, side by side with the conservation corridors, the establishment of tree plantation corridors is being promoted to act as zones of “reforestation” and “carbon sinks.”

The peoples of the region already have had bitter experience with mega-projects that have caused serious problems, such as the lack of recognition of economic and social asymmetries, the weakening of States, the privatization of goods and public services, the increase of the vulnerability of Indigenous Peoples, women and children, the subordination of food security and sovereignty, the growth of the informal sector, the drop in social protection, the ransacking of natural resources, the destruction of small and middle-sized farmers, and of national production in general.

Both the MBC and the PPP have World Bank funding. In the case of the MBC, in addition to the World Bank, various donor countries, mainly from Europe, Japan and the United States together with the Inter-American Development Bank (IDB) have allocated a contribution of 470 million dollars to carry out national and regional projects. It is unlikely that the presence of these bodies and these governments in the MBC is accidental. There is a lot of money being moved around these projects,

which will give rise to many studies, assessments, consultation and advisory missions and very often these lead to association with private companies for bio-prospecting activities and investment in Protected Areas. It should not be ignored that there are strong entrepreneurial and geopolitical interests concerned with giving an impulse to the Puebla Panama Plan and with taking over a biodiversity from which great profits are expected.

However, there is no doubt that genuine interests do exist, aimed at diversity conservation, both biological and cultural, which see the MBC as a viable alternative to achieve this objective.

Therefore, the discussion on the good or bad points of MBC should take place in the framework of the type of development to be implemented in the region. If the Puebla Panama Plan model triumphs, the MBC will simply be part of a package for the ransacking and degradation of the region's resources. If a socially just and environmentally respectful vision predominates, as a result of informed, real and free participation of the local peoples, the idea of a system of protected areas simultaneously acting as a biological corridor in the region could be an important step in improving the quality of life of the people and in the appropriate use of natural resources. (WRM Bulletin N° 73, August 2003).

Argentina: The end of the Green Corridor?

In December 1999, Provincial Law No. 3,631 was sanctioned in Argentina, creating the Overall Conservation and Sustainable Development Area, known as the "Green Corridor of the Province of Misiones." It involves 22 municipalities and covers an area of 1.108,000 hectares of Parana forest, located in the province of Misiones, spanning a mosaic of landscapes including protected areas, private property put to various uses, agricultural settlements, indigenous communities and varied socio-economic situations and even areas having land use and land tenure conflicts. The idea is to integrate them into a territorial unit with objectives defined on the basis of bio-regional planning, guaranteeing the connectivity of the three main blocks of Protected Natural Areas of the Parana forest.

However, a dangerous initiative that would demolish all the efforts to preserve the natural heritage of Misiones has now arisen. Apparently the Argentine Ministry of Ecology is to authorise the slashing and burning of 30 hectares bordering the Yaguaroundi Reserve, thus cutting off the natural flow of fauna from and to the rest of the forest mass. Following slashing and burning, tobacco will be planted, using agro-chemical weed-killers, immediately followed by the plantation of pine trees as a monoculture. According to the specialists this is the best way of destroying all the prevailing biodiversity for ever.

Furthermore, the scenario for this development is a sector of central hills, where the land is very sloping and where logging would rapidly lead to soil erosion, making it unsuitable for cultivation, the reason why large extensions of forest have survived until today.

This possible threat places at risk the Yaguaroundi project, a dream come true. A few years ago, Martín González decided to contribute to the preservation of the area by purchasing 400 hectares of forest in the vicinity of Fracrán, and together with his wife they decided to turn it into a Natural Reserve.

The reserve includes settlers and local people in the task of defending and getting to know the forest as a profitable and feasible economic activity. This implies banishing forest logging to make way for the plantation of tobacco and tea, that are of scant profitability, exhaust the soil and are extremely dangerous to human health. These unsustainable forms of production usually omit statistics on persons who have died from diseases linked to fertilisers and chemical substances used in tobacco plantations, which attack kidneys, lungs, the heart and other vital organs. Children are born with congenital malformations and their life expectation is very low.

According to Martín González, while this happens, beyond the fantastic sound of the waterfalls or the roar of the bay lion, “the vegetation holds thousands of medicinal secrets that we must discover to save our sick children, men and women. Only as an example we can mention the Káa Kée, a forest herb, which is 300 times sweeter than sugar. But these secrets have been lost with the Guarani tribes and the logging of the

forest. Only a few wise people from the last tribes of the Guarani Mbya could reconstruct a part of this glorious past, but they are sunk in poverty.“

Today the need to defend the Parana Forest is on the agenda; that same forest “that during the past century disappeared from the southern states of Brazil and from Paraguayan territory, that forest that saw Guarani culture die, that forest that can give us so much more without falling and that nevertheless sees its children in the deepest poverty, that every evening breathes its last days in a sad rain or in a red sunset like the Apocalypses, that forest that is the last home of butterflies and tigers.” For this reason, the Yaguaroundi Reserve launched a campaign requesting that messages of protest be sent to the Ministry of Ecology. (WRM Bulletin N° 55, February 2002).

Argentina: Provincial government authorizes oil exploration in Llanquanelo

Finally, on Friday, 17 January 2003, the Provincial Government of Mendoza, through resolution No 190/2003, authorized Repsol YPF to explore for oil in the Llanquanelo Lagoon area, in five of the eight wells planned in the presented project, granting the Declaration of Environmental Impact, and conditioning the authorization of the three remaining wells to the presentation of new locations for the drilling works.

In this way a two and a half year long process ends, despite the fact that the August 2000 public hearing was followed by voices of dissent all over the world, rejecting the Spanish oil company’s intentions to explore for hydrocarbons in the Llanquanelo Lagoon, located in the southern part of the province of Mendoza and considered to be one of the most important wetlands in South America and in the world, internationally acknowledged as a Ramsar site since 1995, and as a provincial reserve since 1980.

The complaints by environmental organisations, environmental lawyers and national and international scientists, were not strong enough to bend the government’s firm decision to approve the Repsol YPF initiative. The reason for this is that the company’s profit payment represents the

largest source of income for the provincial budget, particularly if we consider that last October, the province almost declared itself bankrupt, and received a \$30 million aid from the oil company, to cover the province's most urgent obligations.

Among the highlights of the ministerial resolution, is the creation of a so-called Llancañelo Environmental Unit, comprising officials from the Offices of Sanitation and Environmental Control and Renewable Natural Resources. Its role will be to enforce all the provisions established in the Declaration of Environmental Impact, to design a yearly Operational and Follow-up Strategy, as well as the Wildlife Reserve Management Plan, to recommend corrective measures, and provide periodical information regarding its activities and the oil company's activities to the Ramsar Convention office, as well as to local institutions. Other Environmental Unit tasks will be handling the reserve's environmental administration and follow up the Llancañelo Field aquifer. This is because in March, 2001 high hydrocarbon levels were detected in a Reserve water well, which led to the suspension of the Environmental Impact Evaluation process in order to carry out specific studies that so far have not been done, because the State Attorney's office – the provincial environmental ombudsman – decided that the administrative procedure could go ahead, without the need to define the issue.

“This is the first case in Mendoza's history that an Environmental Impact Procedure violates every related regulation, ranging from the National Constitution to the Ministerial Resolutions,” says Eduardo Sosa, from Oikos. This organization is part of the conflict against the coalition government-company. “The Environmental Impact Declaration has been granted to a project in which there has been no participation –until very recently – of either lawyers, or biologists, in an area that, very conveniently, has not yet been delimited, that has no baseline aquifer study, where rights to participation and to environmental information were violated; and its activities have been authorized without the existence of a suitable Emergency Response Plan. The presented project does not include, among other things, risk assessment, a definition of the geographical context, any mention to fire security systems, evacuation plans, etc. The reserve's lack of delimitation is deliberate, because if word got out that the wells belong to a protected area, there is a specific

law – N° 6045 – that clearly prohibits any hydrocarbon exploration activities. Meanwhile, the lack of an aquifer baseline study releases the oil company Repsol YPF from any future responsibility for environmental damages. Because if in the future, hydrocarbons are found in subsoil water streams, we will never know if this pollution was caused during the period of Repsol operations, or during the past era of YPF operations. To top this masterpiece, a trigger clause has been specified, whereby the company will be forced to stop its operations in the event a big accident occurs in the area, synthesizing the environmental policy of the Mendoza government: act once things happen,” Eduardo Sosa concluded.

Regarding the irregularities detected throughout the whole process, Sosa warned, “we will slowly study the Declaration of Environmental Impact, and in case this does not cover all basic points ensuring protection in proportion to the wetland’s ecological assets, we will go to court to enforce citizen rights.”

Thus closes a phase in the most important environmental conflict that the Province of Mendoza has experienced over the past few years. Probably another one will start in the field of law, if citizens join in the claims made by environmental organizations. (Oikos Red Ambiental, 2003).

Bolivia: Government starts inspection phase of Cuiaba gas pipeline

The first phase of the Environmental Audit of the Cuiaba Lateral Gas Pipeline (Bolivia-Brazil) demanded by indigenous communities of the Chiquitano and Ayoreo peoples one year ago, started today in San José de Chiquitos, where a large delegation of Inspectors from the Vice-Ministry of Sustainable Development arrived, headed by Cristina Orellana, Director of the Environmental Unit. These inspectors are in charge of verifying the complaints made by the affected communities on lack of compliance with the Environmental Impact Assessment Study (EIA).

A group of indigenous environmental promoters and civil society leaders from the area, supported by Non-Governmental Organizations, joined by the National Member of Parliament Isaac Avalos, officially submitted

an independent follow-up study document, which supports the complaints. This not only include the companies' lack of compliance with the reforestation plan, the indigenous development plan and the un-repaired destruction of the natural life habitat and water sources essential for the indigenous communities; but also includes the violation of indigenous human rights by ENRON and SHELL multinationals, jointly with State offices, that have not enforced Law 1257 (Convention 169 ILO) by promoting the creation of the alleged Foundation for the Conservation of the Dry Chiquitano Forest (FCBC), not allowing the affected indigenous populations to participate in the conservation of natural resources in their own territories.

The controversial ENRON and SHELL foundation has been accused of exerting its influence on scientists from several international conservation institutions, who initially demanded a deviation be made of the gas pipeline route in order to avoid damages to the pristine Chiquitanian forest (considered among the 200 best preserved in the world). These later changed their minds in exchange for a US\$ 20 million gratification, granted by the oil companies for an alleged forest conservation plan that never worked. The ambiguity of the conservation plan ended the relationship between the World Wildlife Fund (WWF) and the oil multinationals. In the year 2001, national media disclosed the fact that members of the FCBC were involved in bio-piracy by exporting, without authorization, genetic material from the "wild peanut" native to the Chiquitano forest.

In May 2002 an investigation commission of the Bolivian National Parliament found that ENRON had created a second "ghost foundation" used by its officials to buy Cuiaba gas pipeline stock, and fictitiously raise the projects' costs to make huge profits by ripping off the stockholders. The US credit agency OPIC withdrew all its support to this project in the middle of the shocking ENRON bankruptcy, whose proven fraud reaches US\$ 2.5 billion. Months later, the Bolivian Ministry of Sustainable Development admonished the ENRON-SHELL Foundation because of its lack of compliance with the Environment Law, but in an unclear way, and the Bolivian government has avoided applying the corresponding economic sanctions, while ENRON is still Bolivia's major partner for gas exports to Brazil.

The Cuiaba gas pipeline “affair” became notorious once again in November, 2002 when during a visit of the recently elected Bolivian President Sánchez de Lozada to Washington DC, indigenous members of parliament, along with environmental organisations denounced the discovery of a valve that had been built – in secret – by both multinationals to supply gas to the “Don Mario Mine”, belonging to Orvana Minerals, a company whose major stockholder is Sanchez de Lozada. The construction of a private, exclusive gas pipeline for the president’s mine not included in the EIA, was also discovered. “These criminal findings should lead to ENRON’s expulsion from Bolivia” said the Member of Parliament, Isaac Avalos. “Now we expect the irregularities to be clearly identified, social and environmental impacts to be verified and precise recommendations to be included, in order to repair all the damages caused to the 31 affected indigenous communities, and to mitigate the destruction of the Chiquitano Forest ecosystems and the Bolivian Wetlands,” he concluded.

The Environmental Audit process, which begins with the *in situ* inspection of the social and environmental impacts denounced, is the first in Bolivian history, given that the Environmental Law is not specific regarding social impacts, nor the violation of indigenous rights. For this reason, an integrated and multidisciplinary approach is required, and its evaluation could set an important precedent for a better regulation of the execution of hydrocarbon projects in indigenous lands. “A worrying aspect of the current stage is that the State officials in charge of the inspection, supposedly at the service of the law and public interest, are the guests of multinational companies, which are apparently covering all the expenses required by this field work. While this dependence exists, nothing can be transparent,” said José Bailaba, an indigenous Chiquitano member of parliament.

The inspection visits are programmed to take place between 15 and 26 April, at the same time as a widespread national debate on the possible construction of a new pipeline to the Pacific Ocean, to allow for Bolivian gas to be exported to the United States, a project that is giving rise to serious friction between Sanchez de Lozada’s government and several opposing sectors and even among the armed forces. Recent surveys reveal that the majority of Bolivians consider that the current conditions

of gas pipelines for export only benefit multinational companies and not the country itself. The perversity of the Environmental Audit of the Cuiaba gas pipeline is that we maybe about to prove that as long as ENRON and SHELL expect to reap profits for the coming 40 years, the Bolivians can only expect to take care of the environmental destruction and the growth of poverty in the affected communities. (By: Jorge Cortes, February 2003).

Bolivia: Protected areas at the disposal of oil companies

In some cases following a very dubious public participation process and in others, causing strong reaction, the Protected Areas Bill was submitted to consultation. In general, there is rejection of the Bill's attempt to legalize entry of oil and mining companies into protected areas such as the Pilon Lajas Biosphere Reserve and Indigenous Territory, and the Amoro and Madidi Parks. Peasant organizations in Cochabamba stated that if protected areas are for the oil or logging companies, they prefer them not to exist.

Oil companies turn to the highest government levels to obtain the approval of seismic exploration projects, the laying of pipelines and oil exploitation within protected areas and indigenous territories, endeavouring to reduce to the minimum environmental and social requirements and do not respect management and zonation plans. To this is added the granting of mining concessions linked to political power. Eight oil companies obtained 24 concessions to explore and exploit hydrocarbon minerals in nine protected areas in Bolivia according to data from the National Service for Protected Areas (Servicio Nacional de Areas Protegidas – SERNAP). Andina, Total, Chaco, Repsol, Maxus, Petrobras and Don Wong are some of the companies carrying out such operations in Bolivian preservation areas.

If the bill is approved, proposals for sustainable biodiversity use will be dismantled, such as the Indigenous Mapajos Ecotourism Enterprise in the Pilon Lajas Reserve and Indigenous Territory, the community ecotourism projects in the Amoro Park (La Chonta, Mataracu, Villa Amoro) and others in the Eduardo Abaroa Reserve and Sajama Park and in all the protected areas in Bolivia. According to Jose Coello from SERNAP, income from tourism in nature preservation zones can generate

more than the returns from oil exploitation. Tourist activity has just started in these areas in Bolivia and has already generated over 4 million dollars, in the Madidi region alone.

The bill establishes the need to re-classify and re-adapt all protected areas to be ratified by the law, implying that the national parks where oil interests exist could be reclassified to enable such activities to enter the areas; this would be the case of the Amboro and Madidi Parks. Although it establishes an exception in the core zones, parks and sanctuaries, protection would be reduced to small conservation islands, such as in Pilon Lajas, one of the most important protected areas in the Andean-Amazon region of Bolivia, part of the Vilcabamba (Peru) – Amboro (Bolivia) ecological corridor.

It is clear that if the bill is adopted, one of the first results will be approval of the Petrobras seismic exploration project, presently on hold at the Ministry of the Environment. To carry out seismic exploration, straight lines 1.5 to 4 metres wide are traced through forests, rivers, plantations or villages, removing the plant cover or other cover in order to locate geological structures containing hydrocarbon deposits by means of detection equipment. In addition to constructing roads, heliports, camps, storage zones for material and equipment causing deforestation of large extensions of forest, pollutants will be dumped in rivers, soils and in the air and there will be impacts on the fauna in the area. Populations in these territories suffer from the invasion of camps of workers from other locations, which totally alter community life.

Most of the legal provisions on protected areas expressly prohibit new oil, mining and logging exploitation activities. Therefore, although sectoral oil and mining laws have defined these activities as a national priority, approval of environmental licences is not guaranteed and has been strongly questioned by ecologist, social and local community organizations. In 2001 the Department of Santa Cruz and many national institutions managed to halt approval of an environmental licence for the Andina (Amoco) oil company, which was attempting to enter the Amboro Park where ecotourism projects, hostels, research and training projects are being implemented, making the area one of the most promoted and important conservation zones in Santa Cruz.

Another basic aspect questioned in the bill is that for its authors, biodiversity is an issue of flora, fauna and micro-organisms. They forget that the laws in force in the country define biodiversity as having an “intangible” component referring to collective knowledge or associated cultural life. These same laws recognize local community protection of this component.

The bill not only legalizes oil, mining and logging activities in protected areas, but places the “users” of these activities on Management Committees as “actors in the management of Protected Areas,” forgetting that it is precisely these activities and companies that are the main causers of contamination and degradation problems where they operate. (WRM Bulletin N° 74, September 2003).

Brazil: NGOs oppose WWF-World Bank's 10% Campaign

“We, the undersigned Non-Governmental Organizations, wish to express our concern with both the content and the potential consequences of the campaign lead by the WWF International, and supported by both the World Bank and the Brazilian Government, to protect some ten percent of the Amazon region through the establishment of environmental conservation areas of indirect use.

We do not oppose the creation of new conservation areas of indirect use. On the contrary, we consider the system of protected areas currently in existence as insufficient to protect the Brazilian ecosystem, both in terms of overall size, and in the variety of environmental systems being protected, with respect to the Amazon as well as to other regions.

We do support the creation of new reserves in the entire country, specifically in those areas that have been indicated as priorities for the conservation of biodiversity. But these new reserves should encompass a broad mosaic of protected areas, including extractive reserves which take into account the rights of traditional populations.

In addition, we consider that the quantitative goal of this campaign – ten percent before the year 2000 – as randomly chosen, inadequate, and ignorant to the reality of Brazil. For the effective protection of the Amazon

– 85 percent of which survives today – ten percent is an unacceptable goal. On the other hand, ten percent is most probably excessive for the exclusive creation of areas of indirect use, when there are as yet no studies or dependable data to answer the question of the availability of such a large amount of land without the presence of indigenous populations or extractivists.

We also do not understand the selection of the year 2000 as a deadline, considering that currently less than four percent of the Amazon is reserved for conservation areas of indirect use, and a major part of that has only been formed on paper. In fact, the presence of traditional populations can be found in most of these areas, including 10 parks and reserves, covering more than three million hectares, which have been superimposed on 12 pre-existing indigenous territories.

The plan to create, in two years, twice as many reserves as have been created in all the years to date, means a great risk of creating more paper parks, existing in name only. And without studies to indicate priority areas, or areas which would most benefit from this type of protection, there are the added risks of incorporating lands occupied by traditional populations, and thus intensifying the conflicts that already exist among these populations and IBAMA (Brazilian Environmental Institute).

Moreover, we understand that the protection of the Amazon depends upon defined and articulated government policies, in actuality non-existent, which would allow for more than just the creation of areas of indirect use, and encourage the fundamental role that the traditional populations in reality exercise in this protection. The Brazilian government has not managed to finance the protected areas which already exist, and it is of common knowledge that, were it not for the resistance of these populations to the predatory behaviour of large estate owners, lumber companies, prospectors, and political forces (with some honourable exceptions), the Amazon today would be in an even worse condition.

Meanwhile, these populations today live in miserable conditions, without access to consistent government support to develop their traditional economic activities, or even to guarantee minimum prices for their products, the making of which essentially depends on the continued existence of the forest.

We would also like to express our surprise with the fact that this campaign does not taken into consideration other regions, some of which are even more fragile, and have been more devastated, than the Amazon forest. For example, the Mata Atlantica, which is of enormous importance in terms of biodiversity, has been reduced to less than seven percent of its original size, while the regions of Caatinga and Cerrado are being converted with increasing rapidity into soybean plantations and cattle ranges.

Moreover, we are surprised at the failure of this campaign to consider efforts already underway, such as the organization of the Amazon Workshop, as a part of Probio [The Protection Fund for Biodiversity], lead by a consortium of Brazilian NGOs. The Workshop has been contracted for one year by the Brazilian government with the purpose, by means of a participatory process, of gathering information and creating alternative suggestions for public conservation policy, including the selection of potential areas for the establishment of new conservation areas of both direct and indirect use.

And finally, we, the undersigned organizations, propose that the Brazilian Government, the World Bank, the World Wildlife Fund, and all concerned organizations, combine forces for the successful realization of the Amazon Workshop. It may be hoped that in this way the Workshop will result in the establishment of collective goals, well-defined, comprehensive regional policies, and mobilization campaigns, which effectively balance the conservation of biodiversity in the Amazon with the respect for the rights of the populations that inhabit it, and with the goal of sustainable development in the country as a whole.”

Brasilia, 1 July 1998 - Brazilian NGO and Social Movements Forum for Development and Environment (Forum Brasileiro de ONGs), Rubber-tappers Nacional Council (CNS), Amazon Working Group (GTA), Brazil Network on Multilateral Financial Institutions (Rede Brasil). (WRM Bulletin N° 14, August 1998).

Brazil: Pataxo recover traditional lands

Brazil will soon celebrate the 500th anniversary of the arrival of the Portuguese. Nevertheless, for the indigenous peoples living in what later

became Brazil, this is not a day for celebration. The arrival of the Europeans meant the beginning of their genocide and the destruction of the environment in the rich land of the “pau Brazil”. When Brazil became an independent state, the situation of indigenous peoples did not improve and in many cases became even worse. The Federal Constitution of 1988 finally recognized the indigenous peoples' cultural and territorial rights, but they are in fact more often than not ignored.

Last August 19, the Pataxo indigenous people, who live in the southern region of the state of Bahia, decided to recover Monte Pascoal National Park, which is part of their traditional territory. The presence of the Pataxo in the region was already documented in year 1500 and later by several historical testimonies from 1805 on. They had lived in that area until 1951 when they were victims of a massacre. The survivors were expelled from their land and confined in areas where they lived in misery and humiliation. This was yet another dark episode in Brazilian history which, as many others where the victims were black slaves or landless peasants, was soon hidden and forgotten. The Pataxo's traditional territory was later transformed into Monte Pascoal National Park, allegedly with the aim of protecting the Mata Atlantica forest.

The Ministry of the Environment and some media have tried to discredit the Pataxo to the eyes of public opinion by accusing them of destroying the forest, while in fact the Pataxo have played an important role in the conservation of the Mata Atlantica forest in the region. On the other hand, loggers have for years been openly extracting the most valuable trees from the National Park, with the police turning a blind eye on their activities.

This action cannot then be considered an illegal occupation. On the contrary, the Pataxo are exercising their rights, recognized by the Brazilian Constitution under “indigenous traditional occupation“. This means that they have the original right of occupation and that land titling and other judicial decisions affecting the area must be considered illegal. In spite of this, the Brazilian Indigenous National Fund (FUNAI), instead of protecting the indigenous peoples' rights – as it is mandated to – is now trying to seduce the Pataxo by proposing them to abandon their lands in return for some consumer goods.

The Brazilian authorities' international discourse on the need to protect the country's forests has got in fact little in common with what is happening on the ground. The activity of big logging companies, together with uncontrolled urbanization, have nearly completely destroyed the Mata Atlantica; vast areas of the Amazon forest disappear every year to the hands of commercial agriculture, cattle raising and industrial logging; indigenous peoples' lands are usurped by tree plantation companies (the struggle of the Tupinikim and Guarani against giant Aracruz Celulose in Espirito Santo is a paradigmatic example); most "protected areas" exist only on paper. And those who really want to protect the forests – since they constitute their vital space – are considered "invaders." The Pataxo have recovered their territory and this action implies a major step to ensure that in the future they will not be subjected to a life of misery and humiliation and will be finally able to live in dignity. (WRM Bulletin N° 26, August 1999).

Brazil: Monte Pascoal National Park belongs to the Pataxo

When the European conquerors arrived in America, they made a clear distinction between white people, black people and indians. While the former were human beings, the African slaves were declared animals. Although the indians were declared human beings, they were considered as children, whose lives needed to be governed by adults, who were those of European descent.

No-one will now openly support the above distinctions, but in fact that kind of thinking is far from dead. The case of the Pataxo indigenous peoples in the state of Bahia in Brazil constitutes one of many possible examples. Their territory was completely taken over in 1951 – following the physical massacre of most of their people – and a large part of it was declared a National Park, while the rest was distributed to cattle ranchers. On August 19, 1999, the Pataxo decided to recover their traditional lands and took over Monte Pascoal National Park. The reaction of Brazilian society has been mixed. Some relatively few organizations and individuals expressed their unconditional support to this action, based on the simple fact that the Pataxo are the righteous owners of the park. A larger part of the population chose to either oppose, or ignore, or conditionally support the action. The explanation can be found in the

deep racism still prevailing as regards to indigenous peoples. Even some organizations sympathetic to indigenous peoples' issues seem to mistrust the Pataxo's capacity to conserve the park. Apparently the park's conservation is to them more important than justice. More importantly, they seem to continue regarding the Pataxo as children which need to be guided by adults. Is this not racism?

In a forest-destroying country as Brazil, no-one can blame the indigenous peoples of having been major actors in such scenario. On the contrary, they have been at the receiving end, having had their lives and livelihoods gravely affected by deforestation and forest degradation. The fact that Monte Pascoal – part of the Pataxo's territory – still had extensive forest when it was declared a National Park is proof of the above. But many are concerned that in the “indians” hands the Park may now be destroyed. This needs some clarification. On the one hand, it must be stated that the Pataxo – the righteous owners of the land – have the same legal rights that other Brazilians have of logging the forest. On the other hand, that the Pataxo have declared that their aim is to conserve the forest and there's no reason to believe that they will not act in accordance with such statement.

Monte Pascoal National Park means much to the Pataxo: it means the recovery of their ancestral territory and the possibility of regaining their dignity as a people. The Park also means much to conservationists, which see it as one of the few remnants of the almost entirely destroyed Mata Atlantica forest. At the same time, the Park is also a symbol of the “discovery” of Brazil by the Portuguese 500 years ago. The Pataxo have therefore put on the table crucial issues to be addressed by the entire Brazilian society: justice; equality between indigenous and other peoples; conservation and people; “discovery”, encounter or conquest; racism; genocide.

The Pataxo will need much support at the international, national and local levels. They are facing a large number of forces that will work to defeat them using all available means. As an example, the government has recently stopped funding its own agency's working group, which had been assigned the task of demarcating the Pataxo's territory. It has given lands to landless peasants within the Pataxo's territory, with the

aim of generating conflicts between the two groups. The cattle ranchers surrounding the area are responsible for annual fires which will almost inevitably affect the park – as they have done in the past. The government may decide not to provide support to suppress the fires, to show the inability of the Pataxo to preserve the forest.

This is not a conservation versus destruction issue. It's a matter of repairing injustice and recognizing the Pataxo's right to manage their territory. They call on organizations, the Church, parliamentarians, municipal, state and federal bodies and concerned individuals to help them “build the future of our people within our traditional territory... which is the only possible place for building our future with dignity.” (WRM Bulletin N° 28, November 1999).

Brazil: Say what they say, Monte Pascoal belongs to the Pataxó

Nearly fifty years after their traditional lands were taken over and much of their population decimated by military forces, the Pataxó indigenous people decided to recover them and took over Monte Pascoal National Park last August.

The Pataxó are now threatened by eviction, after a local judge ruled on 17 November that the National Park must be returned to the Brazilian Institute of Environment and Renewable Natural Resources (IBAMA). No date has yet been established for the eviction, but the Pataxó have vowed to resist it and disseminated a statement to the Brazilian people and authorities, declaring that Monte Pascoal is their sacred territory and that they “won't accept any decision, negotiation or proposal which implies their withdrawal from the area.” They demand the return of the Working Group which was carrying out the studies for the demarcation of the Pataxó's territory and whose activities were suddenly stopped at the beginning of November. At the same time, they express their concern over a possible violent eviction and call on the government “to guarantee the personal safety of our families.”

The judicial decision is yet another proof – nearing the celebration of the 500 years of the “discovery” of Brazil – that the Brazilian government continues disregarding the right of the indigenous peoples to return to

their traditional territories. If the judicial decision is enforced, the government of President Fernando Henrique Cardoso will be ratifying the 1951 massacre of the Pataxó, which paved the way for the creation of the Monte Pascoal National Park. Many indigenous people were then murdered and the rest were forced to escape to save their lives. Since then, the survivors were forced to live in humiliation and misery.

History seems to repeat itself. As in the past, the Pataxó have all the rights, while the current government – as the Portuguese 500 years ago – has the power. As the Pataxó say, “the collective memory of our people and the historical documents prove the justice of our struggle to recover Monte Pascoal”. Whatever the “legal” system says to justify the unjustifiable, Monte Pascoal belongs to the Pataxó. (WRM Bulletin N° 29, December 1999).

Brazil: The struggle of the Pataxó indigenous peoples in Bahia

More than a year ago, the Pataxó indigenous peoples re-took an important part of their traditional territory located in the state of Bahia. Since then, they have been struggling to have their rights recognized by the government, with little support from environmental organizations, many of whom seem to deny them their capacity to manage the forest that rightly belongs to them.

Within such context, it is important to highlight the Brazilian Anthropologic Society's position, which has recently criticised the Ministry of the Environment for its promotion of projects in the area before the demarcation of the Pataxó's lands is finalized. In a letter addressed to the government, the Coordinator of the Commission for Indigenous Affairs of the Anthropologic Society – anthropologist Silvio Coelho dos Santos – expressed that “without even knowing the extension and demarcation of the territory traditionally occupied by the Pataxó there cannot be sufficient information on which to base the adequate support to self-sufficiency for the indigenous villages.” This position is extremely important at his moment, when there appears to be a systematic movement against the indigenous presence within conservation areas.

This is the case of the Pataxó, whose traditional territory was declared the Monte Pascoal National Park following their violent expulsion in

1961. After the indigenous people re-took their land in August 1999, the government established a Technical Working Group to carry out the demarcation of the Pataxó areas. However, due to political pressures, the work of the Technical Group was never finalized.

During the period, the Brazilian Environment Institute (IBAMA) tried by all means to remove the indigenous people from the Park. However, as a result of their determination to remain there, IBAMA changed its strategy to project proposals for “sustainable development.” According to the Brazilian Anthropologic Society, the aim of such projects is to generate internal tensions and conflicts among the Pataxó. Silvio Coelho agrees that the existence of important areas of the threatened Mata Atlantica forest in the park fully justifies the presence and responsibility of the Ministry of the Environment for its conservation, but that that is not dependent on formal ownership over the territory. “There is no evidence to believe that this natural heritage is now especially threatened or vulnerable as a result of the occupation of the park by the Pataxó fourteen months ago; on the contrary, the opposite appears to be true.”

The anthropologist has formally requested the relevant government officials to carry out immediately the studies for the demarcation of the indigenous lands, while at the same time to channel resources “to support the needs of the Pataxó in Monte Pascoal National Park.”

At the same time, other Pataxó living in Bahia are facing problems. On November 29, the military police expelled some 150 Pataxó families which were camping in a 20-hectare area within the municipality of Prado in the state of Bahia. The police action resulted from a legal complaint from two cattle ranchers. The indigenous people were camping there awaiting the finalization of the demarcation of their land at Barra do Caí, from which they had been expelled following the takeover of their land by another cattle rancher.

The Pataxó decided to leave the area peacefully in order to avoid a confrontation and immediately organized a demonstration in town against the police action and FUNAI's lack of will to finalize the demarcation of the indigenous lands in Barra do Caí.

Five hundred years ago the Portuguese invaded all the indigenous lands in Brazil. Some of them have been now turned back to their legitimate owners, but many are yet to be returned. This is the case of the Pataxó. They need more support to their unequal struggle and the Anthropologic Society's position constitutes an example to be followed by many Brazilian organizations which have until now not taken sides with the Pataxó's fair struggle. (WRM Bulletin N° 41, December 2000).

Ecuador: An endangered Protected Area. The Cuyabeno Wildlife Reserve and Alberta Energy Oil Company

The Cuyabeno Wildlife Reserve is located in the Ecuadorian Amazon. Created in 1979, its current extension is 603,380 hectares, of which 435,500 ha were declared an Intangible Area in 1999. This designation leaves 17,000 ha unprotected, which are located in the Tarapoa oil block, a 1975 concession awarded to the Cayman Oil Company. For the time being, this block is being operated by the Canadian Alberta Energy Company.

- The Cuyabeno Reserve

According to scientific studies, the Cuyabeno Reserve is of great importance due to its very high biodiversity. It has 14 unique ecosystems in the country, some of these unequalled in the world. Three hundred and seven large tree species have been identified in one hectare alone (which makes it a world record for tree diversity per area unit). Four hundred and ninety three bird species have been registered, and over 100 mammals (Valencia, 1994). The Ecuadorian basin of the Napo River, to which the reserve belongs, is considered the world's richest basin in fish species, with 473 species recorded to this day. A key role played by fish has been demonstrated in the seed dispersion process in flood areas, as fish feed off the fruit fallen from the trees on the banks of the river in times of floods.

The terra firme rain forest has large trees and palms, lianas, small and medium sized bushes. Along the rivers, emerging trees develop, and there are big swamps.

On the banks of lagoons a type of forest develops, frequently exposed to floods in the rainy season, with plants and palm trees adapted to the presence of water. The lagoons and rivers host a fauna characteristic of fresh water Amazonian environments, and many of them are threatened by extinction, such as the pink dolphin or bufeo, the manatee or sea cow, besides the giant otter. Medium and small sized fish, as well as the endangered caiman inhabit the banks.

The terra firme fauna is rich in bird and mammal species, among which primates take first place (10 species), rodents, chiropters, herbivores and large carnivores. Among these we find the endangered capybara, tintin or pipele, guanta, guatusa, saíno, the reed deer, howling monkey, chichico, boa, etc. Nevertheless, the most important group is that of the birds, where we find the hag eagle, the hoatzin, papagayos, and pericos... this is an area of a high bird endemism, and fundamental as a migratory bird refuge for the American continent.

- The Indigenous Population of the Reserve

In this Reserve, indigenous Siona and Secoya communities are ancestrally settled (part of the territory has been declared as Siona-Secoya territory). The Cofan people, originally settled in the high Aguarico, including what is presently the city of Lago Agrio (or Nueva Loja), migrated from Dureno to the source of the Zabalo River in the lower Aguarico. The Siona, Secoya and Cofan peoples are now considered as ethnic minorities, and in danger of extinction.

The reserve is also inhabited by Kichwa communities of Zancudococha and Bocana del Cuyabeno, two migrant populations of the Shuar people, Charapa and Taikiua centres in the Aguarico river banks, along with other families of these nations that have established themselves in pre-cooperatives, as settlers.

- Economic Activities in Cuyabeno

Regarding productive activities, two ecological tourism centres are to be found in Cuyabeno: the Cuyabeno lagoons, and since 1991, the area of the Zancudo lagoons. A study by Drum (1990) calculates that the

average tourist in Cuyabeno and Yasuní National Park spends about 86 US\$ per day. If the average tourist visit to Ecuador is 8 days long, spending a total of US\$100 per day, and the number of foreign tourists is 150,000 per year, the expected income represents US\$ 120 million per year. The tourist companies have been working lately with indigenous communities, partially incorporating them into their commercial relations.

- Oil Exploration in Cuyabeno

Oil exploration activities mainly in the Tarapoa block have led to serious environmental impacts on the Reserve and to social impacts on the indigenous and the settled mestizo populations. The main environmental impacts are deforestation, water, soil and air pollution, and loss of biodiversity. Between 1984 and 1989, six major oil spills from the Cuyabeno field polluted the Reserve's lagoon system, located at only 8 km. from the field. Area residents eye-witnessed and reported that a group of Sionas and settlers were paid a few dollars for cleaning up the spill, no protection at all was provided for this task, and the oil was later put into plastic bags and buried in holes in the banks of the lagoons (Committee for the Defence of Cuyabeno, 1993). For a long time, oil seeped out of the land, even when at simple sight it had disappeared. In November 1989, an oil spill took place of such dimensions that it "filtered" its way to public opinion, leading to the first clean-up programme in the history of Ecuador. Large quantities of oil came down the Auca ravine and reached the Cuyabeno lagoons. The death of all types of aquatic wildlife was reported, and Puerto Bolivar inhabitants had to dig wells in order to obtain water for domestic purposes (MAG, 1992).

- Recent Events

Due to the construction of the Heavy Crude Oil Pipeline, OCP, which has already started, the oil company members of this consortium have programmed stepping up operations in their fields, in order to raise their crude oil production to fill the OCP pipeline.

The Canadian Alberta Energy Company, AEC, main stakeholder in the OCP consortium, decided to increase its operations in the Cuyabeno

Wildlife Reserve, and started the process of obtaining the required authorization from the Ministry of the Environment and from the Secoya people, ancestral owners of the area.

After a long process of harassment focused on leaders of the Siona organization, the AEC oil company finally got them to sign an agreement to permit the beginning of seismic prospecting activities, the first stage in oil exploration, in their territory and the Reserve.

Under total secrecy, the Ministry of Environment delivered the environmental licence to AEC in November 2002. This was made evident by the fact that a journalist, in the first days of December 2002, when having an interview with the Minister of Environment, asked her if this State bureau had already granted AEC the permission to operate in the Cuyabeno Reserve, to which she responded “I don’t know, I don’t have that information in my head right now”.

The company entered the Reserve on 10 December 2002 and is presently wrapping up the dynamite explosions in the 17,000 ha in the Wildlife Reserve. It is calculated that approximately 6000 detonations will take place.

Now, with an approval breaking legal and environmental laws, the oil company has started seismic prospecting activities in the Reserve. This lacks legitimacy and breaks the legal order regarding conservation of these reserve areas. It also violates articles 86, 88, and 23 Num. 6, as well as Art.91 of the Ecuadorian Political Constitution. This approval also contravenes Principles 3 and 15 of the Rio Statement on Environment and Development, of which Ecuador is a signatory party.

Regarding the environmental impact, seismic prospecting with 3D technology will lead to soil erosion, the destruction of endemic native flora, still the keepers of un-investigated secrets.

The detonations to take place during the seismic prospecting phase will damage aquifers, which currently nourish the area’s lagoon system and are a fresh water reserve for the future. The constant presence of helicopters produces a noise that will scare wild animals away, including

birds already under a migratory process. This will lead to a decline of the fauna, internationally considered as one of the most important worldwide. There will also be an increase in deforestation and in land being taken over by settlers.

Facing the aggression suffered by this unique reserve in the world, the local governments of Cuyabeno, Putumayo, Lago Agrio, the Provincial Council of Sucumbios, tourist operators, universities, Accion Ecologica, peasant organizations, neighbourhood associations, and the Chamber of Tourism are now part of a Committee for the Defence of Cuyabeno, with the objective of getting AEC out of the reserve. We also demand the whole protected area to be declared intangible. The Committee has started a lobbying strategy with Ecuadorian environmental and energy authorities to demand urgent action on their part to save Cuyabeno. (By: Alexandra Almeida, Acción Ecológica, March 2003).

Ecuador: Oil spill in Papallacta endangers Protected Area

On 8 April 2003, around 5 a.m., a crack in the Trans Ecuadorian Oil pipeline System, SOTE (Sistema de Oleoductos Trans Ecuatoriano), caused an oil spill in the Cayambe Coca Reserve, reaching the Papallacta lagoon and covering almost half its surface. The water supply for 60% of the population of Quito city – the Ecuadorian capital – comes from this lagoon; there is a real risk of long-term pollution due to bioaccumulation of hydrocarbon residues. This fact proves, once again, that placing both pipeline routes – on the two sides of the Papallacta lagoon – is a totally irresponsible action.

On Tuesday 8 April, between 4 and 5 a.m., an oil spill occurred due to a break in a SOTE soldered joint, in the Sucos-San Juan area, located in the Cayambe Coca Reserve. According to PetroEcuador, the break in the pipeline took place because of a truck working on the OCP Pipeline construction passing over it, in a spot where it is buried at only 1,10m below the surface, in a loose terrain.

Until 1 p.m. nothing was done to stop the oil flowing down the Sucos and Tambo rivers and reaching the Papallacta lagoon; it was only at 2

p.m. that buoys were placed in the lagoon to retain the spill, this means over 9 hours after the spill started. Only two suction equipments were available for oil extraction.

Although it is true that the Municipal Drinking Water Company closed the valves shortly after the spill occurred, oil is present and will tend to sediment and become a constant source of pollution for the lagoon. The wind, water currents and bioaccumulation of hydrocarbons in water plants and natural sediments, can pollute the volcanic rocks that filter the lagoon water, which is impossible to remedy.

One must bear in mind that oil has toxic and heavy metal compounds and elements such as vanadium, which can remain in the environment for periods of up to 10 years. According to Victor Granadillo, from Zulia State University in Venezuela, “Vanadium can cause changes in the genetic material of plants, animals and humans”.

Furthermore, the OCP Pipeline construction, which is about to conclude, runs around the Papallacta lagoon before following a parallel route to the SOTE Pipeline, going through the Cayambe Coca Reserve. This new pipeline has neither appropriate technology, nor water protection measures in the event a similar spill were to take place. It should be remembered that when the Reventador Volcano erupted, in late 2002, the OCP pipeline proved to be more fragile and vulnerable than the 30 year-old SOTE pipeline. With the aggravating fact that the OCP pipeline will be transporting heavy crude oil, at high temperatures (80°C) doubling the risk and quantities of pollution. (By: Natalie Weemaels, Acción Ecológica, April 2003).

Guatemala: Maya Biosphere Reserve under threat

Carmelita and Uaxactun are two communities who for over 80 years have been living within the boundaries of the Maya Biosphere Reserve in Guatemala (created in 1989), which is currently menaced by oil concessions. The Reserve involves an area of 16,000 sq.km, and constitutes the largest protected tropical forest in the country. Both communities have traditionally lived on the extraction of “xate” (*Chamaedorea spp.*), the exploitation of “chicle” (chewing gum,

Manilkara achras) and the commercial use of pepper (*Pimenta dioica*), having established a sustainable use pattern of the resources. Last year, President Alvaro Arzu even officially congratulated them for the sustainable use of the territory and resources of the Reserve performed by them, with the support of ACOFOP (Forest Cooperatives Association of Petén). However, in 1997 the government itself put out to tender for oil exploitation an area of 300,000 hectares belonging to the Reserve and coinciding with the portion of forest traditionally used by the above named communities. Two years before, Carmelita had got a permission from the National Council for Protected Areas of Guatemala to use this territory, and Uaxactun is undergoing a similar process.

The communities were never informed nor consulted on this plan. As soon as they learnt about it, and with support from Oilwatch, they started an international campaign to stop the oil exploitation project that will negatively affect their livelihoods and culture. More than 300 organizations and individuals worldwide – among them the WRM International Secretariat – joined the initiative by means of a message addressed to the Guatemalan President.

To make matters worse, the government situated military personnel in six “border posts” in the heart of the Reserve. Such decision has been strongly resisted by the local people, that consider this as a menace to their integrity and a token of the Government’s attitude to protect the interests of oil companies, as has been happening in other places such as Laguna del Tigre and La Libertad.

In February, 32 leaders representing traditional Peten communities – including Uaxactun and Carmelita and ACOFOP – issued a declaration to the Guatemalan Government and civil society and to the international public where they explain the situation they are facing and invite to reflect upon it. They also express their justified disagreement with the oil concessions: “We want to express our disagreement with President Arzu’s decision to grant petroleum concessions in the protected area of the Maya Biosphere Reserve. As people from Peten, we feel this decision is disastrous and that the damage that will occur to the ecosystems has not been taken into account. We denounce the illegality of permitting this activity in a protected area and we feel devastated by the decision to permit the destruction of the social, environmental, cultural and political balance“.

The document also denounces pollution and destruction of flora and fauna provoked by petroleum exploitation in tropical forests. “Article 94 of the Constitution states that the Government has an obligation to the health of its citizens, and Article 97 requires the participation of all, to propose social, economic and technological development that prevent contamination and maintain an ecological balance. Petroleum exploitation in the Maya Biosphere Reserve, named one of the most important lungs of the world, implies a clear risk of violating these constitutional obligations of all Guatemalans and more importantly of the Government“.

The declaration also demonstrates that even from a mere economic point of view oil exploitation is not a profitable activity if compared to traditional land use and tourism; not the mention the impacts on people. In sum: “The rational and sustainable use of natural resources offers, with very rough numbers, more than \$10 million, benefiting more than 60,000 people. In 1994, the Minister of Energy and Mines reported receiving \$1 million from petroleum activities, benefiting one thousand people.“

The signatories conclude that “it is NOT acceptable to permit the incursion of any more petroleum companies into the Maya Biosphere Reserve. We, as workers of the land, love the Peten and will do all in our power to protect it. If or when this threat becomes a reality, we will use all legal means to prevent it. We emphatically demand that our right to Constitutional Petitions and Defense be respected“. (WRM Bulletin N° 21, March 1999).

Guatemala: Campaign against oil activities in Maya Biosphere Reserve

The Maya Biosphere Reserve, located in the northern region of Guatemala constitutes the largest protected tropical forest in the country. The Reserve is at the heart of the Maya Forest, which is shared by Guatemala, Belize and Mexico, and is considered the second most important remaining tract of tropical forest in the Americas, second only to the Amazon. This precious area has suffered depredation because of oil concessions granted by the government regardless of their expected

negative impacts, taking into account that oil prospection and extraction has proved to be a major cause of deforestation and forest degradation in the tropics. In March 1999 concerned local community representatives, together with national and international environmental organizations addressed former President Arzú, urging him to take the necessary steps to definitively stop oil concessions and protect the Maya Reserve. Nevertheless, the authorities have turned a deaf ear to these claims and the situation has got even worse.

On February 7th this year, Guatemala's Attorney General for Human Rights ruled that oil activities in the Maya Biosphere violate human rights “since they disrupt the right to a clean environment, to individual dignity, to the preservation of the cultural and natural patrimony of the country, and to social and economic development“. The ruling also states that the violation of the Law of Protected Areas constitutes “an administrative tendency detrimental to the citizens of Guatemala, and especially, to the communities neighbouring the protected areas.” The Attorney General puts the blame for the critical situation of the Reserve on “the lack of interest and irresponsibility of the authorities in charge of the National Environmental Policy.” This categorical ruling is, however, not mandatory.

The official response to the General Attorney's resolution was disappointing since only one (that of Laguna del Tigre) of all the already approved or pending oil concessions was mentioned. Additionally, flagrant contradictions were observed between the reaction of the secretary of the Environment and that of the Ministry of Energy and Mines. In sum, forest protection policy in Guatemala appears to be subordinated to oil exploitation, thus enabling oil companies to continue making big business to the detriment of Guatemalan forests and people.

Guatemalan environmentalists organized an international campaign to save the Maya Biosphere Reserve, by sending a message to the Guatemalan government and copies to the Ministry of Energy and Mines and Trópico Verde, expressing their concern about the situation. (WRM Bulletin N° 32, March 2000).

Guatemala: Actions to defend natural reserve against oil exploitation

The Maya Biosphere Reserve in the region of Petén has been at the centre of a strong dispute where peasant communities, Guatemalan and international NGOs, the national government and oil companies are involved. The problem started in 1997 when the government put out to tender for oil exploitation an area of 300,000 hectares belonging to this Reserve, part of which comprises a territory which has been traditionally used by local communities. On February 1999 Guatemalan concerned organizations issued a strong declaration where the situation was denounced and a definitive solution was demanded.

The company Basic Resources International, that benefits with a contract in the area, is being heavily questioned for the illegality of the contract and for the environmental impact of its operations. Until now there have been 32 wells drilled and 120 km of oil pipelines have been constructed in the “Laguna del Tigre” National Park of the Maya Biosphere Reserve. The refinery “La Libertad” is situated close to the protected zone.

The National Congress is revising another contract of Basic Resources International due to probable economic damage for the country. The Presidential Secretary for the Environment, Haroldo Quej Chen; the Presidential Commissioner for the Environment, Jorge Cabrera; the Human Rights Attorney, Julio Arango, the members of the Environmental Commission of the Congress of the Republic and the civilian population of Petén organized in ACOFOP, SUCHILMA, COCHICLE and CLOROFILA (timber associations and gum and pepper harvesters the first three, and environmentalist the fourth), have demanded the suspension of Basic's operations in Petén.

Basic Resources has now taken the offensive, facing up to the growing questioning against its operations in Guatemala. Rodolfo Sosa, president of the company, accused Oilwatch and Hivos of leading a campaign against the activities of his company, with the purpose of stopping its activities, acting as “the enemies of Basic”, and has started a publicity campaign trying to show that the company's activities are environmentally friendly.

But sectors of the Guatemalan society have reacted. On January this year, the organization Colectivo Madre Selva expressed that the zone “is suffering the effects that the oil company activity provokes: opening of roads, dynamite explosions, chemical mud, poisonous gases, contamination of water, soil and air, colonization of the area and environmental, social and sanitary degradation.” In March a group of concerned citizens went to Court to object to an appeal lodged by Basic Resources International, arguing that the company is causing irreparable damage to the ecosystem, and that the Maya Biosphere Reserve is an inheritance not only of today's Guatemalans, but of generations to come. If the Court approves the company's appeal, it would mean the granting of additional exploration and exploitation rights in 192,233 hectares within the National Park. Petitioners claim that the process is illegal, since when the contract was signed, the Law of Protected Areas and the Maya Biosphere Reserve Law already existed. (WRM Bulletin N° 36, July 2000).

Guyana: Conservation International accused of “gross disrespect” to indigenous peoples

The Amerindian Peoples Association (APA) has expressed deep concern about the Memorandum of Understanding (MOU) to establish Southern Guyana as a protected area, saying it was “gross disrespect” to local tribes.

Southern Guyana is considered one of the anchors of the National Protected Areas System. Conservation International (CI) and the government of Guyana signed the MOU on November 23 in which they agreed to collaborate in establishing Southern Guyana as a protected area. CI under the provisions of the MOU is to provide US\$1 million to endow a financial mechanism that would support the long-term costs of managing protected areas in Guyana, among other things. It will provide a further US\$1 million should the government declare Southern Guyana a protected area by June 30, 2003. The MOU also commits CI to seek financing from private donors, international agencies and governments to increase the capital of the proposed financial mechanism.

The APA release issued on November 28 expresses concern that the agreement with CI was signed while the government is still formulating

the (Draft) Protected Areas Regulations and revising the Amerindian Act. It also accuses CI of not consulting with the six Wapishana communities in Southern Guyana part of whose ancestral lands will be encompassed in the proposed protected area and whose way of life and those of the Wai-Wais are likely to be affected. The six Wapishana communities are at Shea, Maruranawa, Awaranawa, Aishalton, Karuadanawa, and Achiwib.

But according to CI regional director, retired Major General Joe Singh there are Wai-Wai communities at Masakanari and Erefoimo and after visits by CI and a number of government officials and briefings of the other communities by Professor George Mentore who is fluent in the Wai-Wai language, the Touchaus wrote the government requesting that it initiate the process to establish the area as a protected one.

Singh responding to the release says the MOU is the beginning of the process in which it would be consulting with all the stakeholders at the national, regional and community levels. He says that to consult with the Wapishana communities ahead of the MOU would have been inconsistent with its relationship with the government.

He added that during the consultations the views of the various groups identified by the government would be taken on board and presented to the government. He says the process would be similar to that now going on in the Kanuku Mountains to establish that region as a protected area.

The APA release says that on learning of the visit to the Wai Wais and of the letter sent to the government, the Touchaus of the Deep South wrote CI expressing their concern about the proposed site, which overlaps Wapishana ancestral lands noting that CI is yet to visit with the Wapishana communities.

The APA describes CI's actions as "gross disrespect" for the Wapishana communities who "will have to live with a protected area long after the employees of such organisations have retired".

It says too that it hopes that the issue of land titles to ancestral lands and other matters would be addressed in the new Amerindian Act and

expressed concern that the communities would not be given a fair chance to have these titles if a protected area system is prematurely foisted upon them.

The APA said it was important to note that Guyana has specific international obligations to recognise and respect the rights of indigenous peoples to own lands they have traditionally owned or otherwise occupied and used. The APA also said it was difficult to understand why the MOU sets June 2003 as a target for establishing the southern forest as a protected area when many issues remain unresolved.

“If these issues are not seriously addressed, protected areas and conservation of biological diversity will not only be at the expense of the rights and ways of life of Guyana's first peoples, they will also be unsustainable”, the organisation added. (WRM Bulletin N° 65, December 2002).

Honduras: Only the fury of nature?

Just one year after the destructive arrival of hurricane Mitch, Honduras suffered the consequences of storms and flooding that have provoked the evacuation of thousands of peasants and the death of eight people until now. Hundreds of homes and crops have been destroyed. The media reproduce tragic images of suffering people and emphasize in the fury of nature as a cause of such disasters. The poor conditions of disaster prevention and the high level of vulnerability that affect the country – especially the poorest – are rarely mentioned as factors that enhance the effects of destruction caused by nature. One of the activities most clearly connected with vulnerability to natural phenomena is deforestation and even protected areas continue being logged, thus increasing the problem.

The Rio Platano Reserve, situated in the northern atlantic region of the country, is a 830,000 hectare area, which was declared part of the World heritage by UNESCO in 1982. It is part of the Plapawas system which stretches from North to South, with the Tahwhka Biosphere Reserve, the Patuca National Park, and the Bosawas Biosphere Reserve – in neighbouring Nicaragua – forming the Central American Biological

Corridor. A Parliamentary delegation that recently visited the Reserve verified that its Buffer Zone has been totally cut down as a consequence of the complete lack of control on the logging companies operating there. Even at the Core Zone of the Reserve, vast areas have been logged or burned. Wood is extracted by boat through the Wuampu and Patuca rivers. Cattle breeding activities and even the presence of an unauthorized landing strip were detected.

Direct agents of this destruction are wood dealers, but underlying actors are corrupted government officials who protect them. Loggers are often armed with heavy guns and menace local people, who are even forced to work for them. They also have connections with drug dealers and car robbers which operate in that area.

Even if the situation was denounced in Parliament in 1995 no steps have been taken to halt this destructive process. Additionally to corruption at the government officials level, the national Forestry Agency (COHDEFOR) continues to grant permits for logging in the Reserve without controlling the activities of the beneficiaries. Inspections undertaken by the Ministry of the Environment are rare and have proved ineffective. The above mentioned Parliamentary commission has suggested a number of steps to be taken urgently in order to avoid further damage. (WRM Bulletin N° 27, September / October 1999).

Honduras: Action to protect mangrove forests and wetlands against shrimp farming

Honduras has the obligation both under international and national law to protect 75,000 hectares of wetlands in the Gulf of Fonseca. On May 1999, The Honduran Government, through the Natural Resources and Environment Secretariat (SERNA), during the RAMSAR Convention on Wetlands, obtained the designation of the Coastal Wetlands of the Gulf of Fonseca as “RAMSAR Site 1000“.

Despite this, Honduras is not fulfilling its obligation to protect the “RAMSAR 1000 Site“. Thus, CODDEFFAGOLF (a grassroots organization in Honduras) and the Industrial Shrimp Action Network (ISA Net) strongly urged the Honduran government to fulfill its obligations

both under international and national laws. Exact hectares of the damage is difficult to calculate because the areas are guarded by goons with AK47.

Thus far, shrimp farming projects and the cutting of mangroves have been allowed inside the Ramsar Convention protected areas. This has resulted in the drying up of some of these otherwise protected wetlands of the Gulf of Fonseca. In “La Aguadera”, Punta Ratón, where the project “Habitat and Species Management Area in San Lorenzo” is located, a shrimp farming project was completed occupying several hectares of beautiful mangroves. Trees have been felled in “El Gorrión” (The Sparrow), the location for the project “Las Iguanas y Punta de Condega Habitat and Species Management Area“. In the “La Berberia Habitat and Species Management Area”, several mangrove areas and swamps like “Los Comejenes” have been destroyed to construct shrimp ponds. The constant use of the highway along the lagoon of La Berberia along the Nicaraguan border has greatly damaged the coastal ecosystem.

Last March, men felling trees using tractors in the zone of “El Carey” threatened a CODDEFFAGOLF member and expelled two government officials from the Environment Attorney’s Office who tried to stop them. The government officials returned five days later with a group of policemen, found men operating four tractors, succeeded in stopping them momentarily, but later found them again felling trees and now using six tractors. The loggers boasted that nobody could stop them because they were “well protected“.

In view of such situation, CODDEFFAGOLF and ISA Net urged all those interested in the conservation of these wetlands to participate in a letter-writing campaign addressed to his Mr. President of Honduras Carlos Roberto Flores. Cc: Professor Rafael Pineda Ponce, President of Sovereign National Congress of Honduras and Dr. Delmar Blasco, Ramsar Convention Bureau, Gland, Switzerland. (WRM Bulletin N° 33, April 2000).

Honduras: Rio Platano Reserve questioned

For most of the population of Honduras, the Rio Platano Biosphere Reserve is a motive for national pride. Added to the scenic beauty of

this zone is its biological and cultural wealth with its conservation ensured for future generations. However, another part of the population – the most important one – is not of the same opinion.

The reserve is located in the territory of the Miskito Indigenous Peoples, who live alongside smaller percentages of Pech Indigenous People and Garifuna populations. As in other Biosphere Reserves in the world, its 830,000 hectares (7% of the country's territory) are divided into a core (untouchable) zone, the buffer zone (having restricted use) and the productive use zone. The area is characterized by enormous wealth in terms of plant and animal diversity and by considerable cultural diversity.

As with other similar reserves, the local population was never consulted about the establishment of the reserve and still less informed about the restrictions this would impose on its use. To understand the injustice this implies, two facts need to be highlighted:

- That the area was inhabited by Miskito populations long before the creation of the Republic of Honduras.
- That by means of sustainable use of natural resources, the Miskito and other native inhabitants of the zone ensured an excellent state of forest conservation.

That is to say that, in addition to ignoring their ancestral rights to the land, they have been awarded a “prize” for forest conservation, by declaring it a Biosphere Reserve and imposing them restrictions on the use of their resources.

However, the same restrictions are not placed on those who have destroyed the forests of the region and who continue to do so, extracting mahogany and other valuable wood from the area declared a reserve: the timber loggers.

A local Miskito inhabitant – who preferred to remain anonymous – emphasized the presence of many logging companies in the zone, which obtain permits from the Honduran Corporation for Forest Development (Corporación Hondureña de Desarrollo Forestal – COHDEFOR). However, “native people cannot obtain permits and every so often go to

jail for cutting down a tree.” This contrasts with the fact that “the State never arrested anyone linked to the logging companies.”

While the logging companies continue their business with the explicit or implicit support of the authorities, the local inhabitants are forbidden to access certain zones and restrictions on hunting, fishing and wood and plant extraction are enforced.

The reason the person interviewed did not want to give his name is explained by the fact that “there have been murders and constant threats to leaders who make complaints against the logging companies. One of those threatened is the Miskito leader, Aldo Allen.”

Under these conditions, it is not surprising that sources of labour are scarce and poverty is increasing. The State centres its action on forest protection, but at the expense of the local population. The situation is summed up by our interviewee, who stated, “we are rich, but we manage poverty. The Reserve did not generate employment except for outsiders.”

However, the State obtains funds through the reserve, an important part of the Meso-American Biological Corridor. Among those providing financial resources, are the following: the World Wildlife Fund, Nature Conservancy, GTZ (the German International Development Agency), the US Department of the Interior and the Japanese International Cooperation Agency.

Unfortunately, these financial resources are not being used to improve the local peoples’ situation. On the contrary, the reserve has led to a worsening of their living conditions. “People are afraid of the word ‘reserve’ because the result is that they have been deprived of all their rights. Many do not even know they are in a reserve.”

In spite of the difficulties, the Miskito and other local populations are developing actions towards recognition of their rights. Among these is the issue of obtaining land tenure deeds. The people are demanding that the communities be granted deeds (and not individually). Added to this claim, they demand that the Reserve and its management be placed in the hands of the Indigenous Peoples – which is only demanding justice. (WRM Bulletin N° 73, August 2003).

Nicaragua: Indigenous peoples' rights and the Bosawas Reserve

The East of Nicaragua is known as the Atlantic Coast (Costa Atlántica), and is geographically divided in a Northern and a Southern region. This area is characterized by being mostly inhabited by indigenous peoples – mainly Miskitos – and for being the richest area concerning natural resources. Some 500,000 people (8% of the national population) live in this area (42% of the Nicaraguan territory), representing six ethnic groups who obtain their livelihoods from agriculture and fishing.

In 1987 during the Sandinista government, for the first time in Latin American history, an Autonomy Law was passed recognising community rights to use and benefit from natural resources as well as their right to practice their traditional forms of land tenure and transfer. Even though this law constitutes a victory for the indigenous peoples' struggle, during the last years those rights have been ignored by the voracity of foreign and national investors in the overexploitation of forest and marine resources.

In October 1991 the Nicaraguan government declared a large extension of the Atlantic Coast's indigenous territory as a National Reserve of Natural Resources, which is now widely known as Bosawas. This is the most extensive reserve in Central America, and in January 1998 it was declared Biosphere Reserve by UNESCO. The Bosawas area is the home of 12 animal species under threat of extinction, and of 18 species already extinct in the Central American region. The core area of the Reserve is composed of 750,000 hectares of dense primary tropical rainforest.

The reserve was created with no prior consultation with the 34,000 indigenous inhabitants of the area – Miskitos and Mayagnas – who are still demanding such consultation to the governmental authorities. They also suspect that the government declared the area as a Natural Reserve in order to take profit of its natural resources, and consider that this act is in violation of their rights to the land and its resources.

The indigenous communities' demand for the demarcation and legalization of their lands has strengthened even further, given that day after day

they are confronted with the spontaneous colonization of their territories. Additionally, they consider that the creation of Parks or Reserves does not contribute to the protection of the forests, but result in actually ignoring their legitimate right to their lands.

These communities are therefore demanding the government of Nicaragua to support a process of self-demarcation of their territories. In 2000 the government presented a draft bill for the regulation of indigenous communities' land ownership in the Atlantic Coast. However, the indigenous leaders argue that the project was elaborated without indigenous peoples' participation. Communities inhabiting the Bosawas Reserve demand to be recognized in their own identity and not by any designation related to the reserve and in that manner to have their right to the use of the natural resources guaranteed. They also claim that in no case the government should be the protagonist in the legalization of their territories but that that role should be assigned to the communities themselves. (By: Centro Alexander von Humboldt, WRM Bulletin N° 38, September 2000).

Panama: Protected areas vs. indigenous peoples

The accelerated destruction of forests is one of the most serious environmental problems of Panama, which at present retains only one third of its original forest cover. The best solution found by the State to tackle this problem has been to define protected areas, under the name of “parks”, which are generally inhabited by indigenous peoples. This is what happened, for instance, in the Darien National Park, where approximately 40 communities of the Kuna people (Pucuru and Paya) live, or in the La Amistad International Park, where both Naso-Teribe and Bri-Bri peoples live. The establishment of protected areas in these territories implies a ban on hunting, fishing, plant growing and the traditional use of natural resources, and therefore it affects the subsistence of these peoples whose cosmology focuses on their relationship with Mother Earth.

Kuna, Emberá, Wounaan, Buglé, Naso and Bri Bri are among the indigenous peoples inhabiting Panama, and account for approximately 8.3% of the population of the country. The Kunas inhabit the region

Kuna Yala, a stretch of rainforest of 200 km. along the Caribbean coast, which includes the Islands of San Blas – some 365 small islands. The Kuna population is estimated at 40.000 people (25% of the total indigenous population), dwelling in 40 islands and 12 villages along the coast. Their arrival in the area, in the sacred place of mountain Takarkunyala, is prior to the creation of the State of Panama, a fact that does not prevent the National Environmental Authority (ANAM according to its acronym in Spanish) from forbidding them now to use this territory according to their traditional ways. The Kunas' livelihood is mostly based on hunting, agriculture and fishing, but they have also worked for decades with tourists, not always with satisfactory results.

Panama has ratified the Convention on Biological Diversity, which aims at the conservation of biological diversity, the sustainable use of natural resources and the equitable sharing of the benefits derived from the use of natural resources. Article 8j of the Convention also establishes that the States, subject to their own legislation, are to respect, preserve and maintain the knowledge, innovations and practices of the indigenous peoples in reference to the use of the natural resources found in their territories. This means that the States should respect the principle of spirituality and sacredness, which are the practice of the indigenous people in reference to the use of the natural resources that surround them.

The government's policy of exclusion of indigenous peoples from the protected areas, is therefore not in compliance with the Convention, since national conservation programmes do not develop protected areas under the concept of ecosystem, and therefore, trees and animals are taken into account but not the human beings that inhabit them, that is, the indigenous peoples. However, it has been the knowledge of certain practices and uses, also concerning spirituality and sacredness, which has enabled the conservation of these ecosystems for millennia by the indigenous peoples.

At present, the project of the Meso-American Biological Corridor (Corredor Biológico Mesoamericano - CBM) is a way of providing candies to hungry people. It is composed of a set of small agriculture and forestry projects which lack continuity, and do not solve the problem

since this situation requires an integrated approach. Problems have also arisen in reference to the administration of the CBM, since at the time of its implementation, Panama's national authorities use the law to try to impose their projects, which frequently results in contradictions with the traditional authorities of the region.

The main demand of the indigenous peoples is the legalization and protection of their territories, including the natural resources within them. All human activities that deteriorate natural resources in order to extract them imply a violation of indigenous people's religious and spiritual life. The Kuna people do not recognize the jurisdiction of national authorities, because they intervene through activities which have not been consulted with the Kuna people, and which contravene the provisions of article 8j of the Convention on Biological Diversity requiring the approval of indigenous peoples to meet the principle of prior consent.

The Kuna people were present in The Hague at the 6th Conference of the Parties to the Convention on Biological Diversity to explain their experience. The Work Group on Forests insisted on the fact that the Kuna people should be involved in the action programme in order to ensure their rights in the area, in compliance with article 8j that indigenous peoples be involved in decision-making.

Another concern of the Kuna people is that the United Nations approved the general principles which recognize the status of indigenous peoples in 1992, but in the preparatory meetings of the Conference Rio +10 these principles are not taken into consideration and even worse, are being abandoned. In official documents the role of indigenous peoples is beginning to be eliminated or minimized, and they are considered as one of many actors, in spite of them being the main direct actor.

In WRM bulletin 46 we mentioned the impacts of mining and other deforestation agents in Panama, but the establishment of protected areas which imply the eviction of the indigenous peoples who inhabit them is surely not the best way to ensure conservation. While the government of Panama says, on the one hand, that it promotes the conservation and protection of the remaining forests, on the other hand, it wants to promote the mining activity within the national territory, and even inside the

protected areas. Almost all indigenous territories are included in the requests for mining exploration permits, even though the mining activity is against the religious and spiritual principles of the indigenous peoples.

Although the Panamanian law establishes that all forest concession permits must have received the previous consent of the indigenous peoples living where the forest exploitation is to be made, the National Environmental Authority does not always comply with this requirement and most often forest concessions are not monitored.

It is thus necessary to adopt measures for the recognition of traditional rights of the indigenous peoples to their territories, as a crucial aspect of the sustainable use of forests and the equitable sharing of benefits. If these forests still exist (when so many others have been destroyed) it is precisely thanks to (and not in spite of) the presence of indigenous peoples. It is time for us all to admit it and ensure their rights once and for all. (WRM Bulletin N° 57, April, 2002).

Peru: Visit to a ‘Potato Park’

High in the Peruvian Andes a unique initiative in indigenous-run conservation is being pursued to preserve the huge variety of domesticated potatoes that are one of the most significant elements of the region’s biodiversity. The ‘Parque de la Papa’ (Potato Park) is the brainchild of an indigenous-run organisation called the ‘Asociación Andes’ (Quechua-Aymara Association for Sustainable Livelihoods - ANDES) and is being implemented by an association of six Quechua villages in the mountains south of Pisac in the Sacred Valley of the Incas. Under this initiative, the 8,000 villagers of the six communities of Amaru, Pampallacta, Quyo Grande, Sacaca, Paruparu and Chahuaytire have agreed to bring together the 8,661 hectares in their six communal land titles and manage them jointly for their collective benefit. Their aim is to conserve their landscape, livelihoods and ways of life, and to revitalise their customary laws and institutions.

Rainfed agriculture remains the mainstay of the local farming system, which is dominated at this high altitude (the land is between 3,600 and 4,600 metres above sea level) by potatoes. The wealth of the area is

based on the astounding 1,200 different varieties of potato that are named, known and managed by the local people. The area is thought to be within the ‘centre of origin’ of the potato and the great majority of the potatoes – a typical farm plot may contain 250-300 varieties – are for local consumption and the regional barter trade. This trade has important nutritional, as well as economic, value, allowing the highlanders to exchange the carbohydrates and meat that they produce (in the form of potatoes, guinea pigs, llama and alpaca), for vegetable protein from the grains and Andean pseudograins produced at middle altitudes and for vitamins and essential fatty acids from the fruits and vegetables grown in subtropical gardens down towards the Amazon. Vertical trade of this kind has been an integral part of the economy of the region since pre-Inca times.

The high peaks around the edge of the valley also enclose other important assets: wetlands and high lakes, Inca ruins, the rare condor and other wildlife, but the Potato Park is holistic, and its major goal is to establish a functioning management regime based on customary law and traditional knowledge, in a way that brings together all the land under a single system but allows for maximum flexibility for individual farmer’s initiatives and the choices of the distinct villages.

Authority for the Park is shared between the villages, each of which elects one Chairman to coordinate the work of the Association and concerted efforts are made to integrate traditional religious beliefs and understanding into the management. Libations in “chicha”, the local beer, are poured to the local ‘gods’, which are present in the surrounding mountains, springs and rocks, at all communal events. Mother Earth – Pachamama – is still deeply revered and recognised in the syncretic worship of the Virgin Mary, reflecting the strong role that women play in the traditional social order. The custom of one-year trial marriages, which women may dissolve if they choose, is retained in the villages.

International support for the project has come from a number of NGOs, including the Sustaining Local Food Systems Agrobiodiversity and Livelihoods Programme of IIED and the Rockefeller Foundation. The initiative is also backed by an International Support Committee which includes Hamdallah Zedan, Executive Secretary of the CBD, Juan Mayr

Maldonado, ex-Minister for the Environment in Colombia among others including movie artists and human rights activists. Recently the Potato Park negotiated an agreement with the International Potato Institute, based in Lima and which is part of the CGIAR group, which has led to 206 additional potato varieties being repatriated. Currently these varieties are being cultivated by the villages of Pampallacta and Chahuaytire with the aim of later sharing them among all the other villages once viable stocks have been established. A long term goal of the Association is to re-establish all the world's 4,000 known potato varieties in the valley.

But this is not a backward-looking project. New technologies are being applied alongside the old. Greenhouses have been established in the villages to provide vegetables in school meals; members of the women's cooperative are being trained in making and digitally editing videos in order to record and share knowledge of potato varieties and how to manage them, using the local language, Quechua. Although the Association opposes the patenting of indigenous knowledge, traditional medicines are being produced by the cooperative for local sale and benefit-sharing. A database of traditional medicinal knowledge is being established to protect against biopiracy.

The communities are also re-establishing forests on critical lands. Nurseries for growing thousands of seedlings of native species have been set up. The aim is to regenerate the native forests, most of which were cut down in 18th century to provide timber for Spanish silver mines. Currently the main tree species on the hillsides is Eucalyptus, planted in the '40s and '50s, which though it is valued for being fast growing and currently the main source of fuelwood is otherwise of limited use. 'We find Eucalyptus dries the land. The native species don't and they also fertilize the soil. The native species are useful for medicines, fertilizers, fuel and fodder... Trees are very important to us and maybe they also protect us from pollution from other places' notes Paulina Gihuaña of the women's cooperative.

By regenerating native forests, the villagers hope to promote wild bird and animal species and make the area still more attractive to tourists, who already come regularly to their villages. With the aim of developing 'agro-ecotourism', the Potato Park is already in discussions with the

National Institute of Culture to agree a system for co-management of archaeological sites and sacred areas. The Park is also developing an autonomous programme for controlling tourism and ensuring local people benefit equitably. A new research and visitor's centre is being established to help with administration, marketing and coordination. The new sense of unity that has been established between the communities has already brought other benefits too. A history of (occasionally violent) land conflicts between the communities has been largely overcome, in part through the revival of the customary village boundary festival, in which each villages' links with the land are celebrated each year by walking the boundaries. As the Association Chairman, Wilbert Quispe, observes 'Before this project we were divided and were losing our diversity, native potatoes, wildlife and many other things... we were also forgetting how to manage this variety. Our aim is to reunite our villages in order to restore our traditional ways of managing our landscape.'

The Potato Park can be seen as one expression of a powerful social movement, the currents of which can be felt throughout the Andes, of indigenous peoples recovering control of their lands and heritage. In large part this cultural revival can be traced back to the land reforms of the 1960s and early 1970s, which dismantled the old "hacienda" system and redistributed lands as communal holdings to Andean villages. In the first years after the reforms, many observers claimed that they had led to failure. Even though many peasants regained control of their lands, agricultural production fell, incomes declined and exports stagnated.

However, these disappointing beginnings are now explained in terms of a lack of continuity in government agrarian policies. When General Velasco, who had pushed through the Agrarian Reform, fell from power, the policies, credit systems and agricultural extension packages needed to promote restituted farmers were dropped. Moreover, the previous four centuries of domination by the "hacenderos" (landowners) imposed obedience and blunted peasant initiative. Paradoxically, the fact that the landowners had also purposefully kept their serfs (peones) isolated from education and even from learning Spanish, also helped preserve their traditions, crops, customary institutions and language.

Now a more experienced and psychologically liberated generation is rediscovering its power: customary institutions of water and land

management are being revived, traditional forms of dance, song and music are being re-taught, traditional curing systems and medicines regaining their currency and political coalitions, invoking the names of 14th century Incas like Pachacutec, have taken control of numerous local councils and municipalities.

Not all government agencies view these reassertions of indigenous culture and identity with equal enthusiasm. The indigenous proponents of the Potato Park have yet to persuade the Peruvian National Parks agency, INRENA, that the Park should be recognised as part of Peru's protected area system. Although the IUCN's revised protected area category system could readily recognise an indigenous-owned and controlled park of this kind as a Category V 'protected landscape' ['managed mainly for landscape conservation, where the interaction of people has produced a distinct landscape which requires protection'], Peru's current conservation laws do not provide for such an area to be under local control. However, these anomalies will have to change, as they are a legacy of the old colonial model of conservation which no longer conforms with international human rights and conservation laws ratified by Peru, such as ILO Convention 169 and the Articles 8j and 10c of the Convention on Biological Diversity. (By: Marcus Colchester, WRM Bulletin N° 73, August 2003).

Venezuela: Forest reserve under threat

In an open letter addressed to the President of Venezuela, dated May 17 1997, a group of 20 environmental groups and a large number of prominent citizens, have denounced gross abuse of power and deceitful manipulation of public opinion, in order to approve in Cabinet a management plan for Imataca Forest Reserve, a legally protected area since the early 1960s. Imataca, situated at the foot of the Guayana Shield, occupies an area of 3.6 million hectares – the size of the Netherlands – and is covered with rich, pristine tropical forests. It is also rich in mineral resources, as well as water, energy and biodiversity. Part of the area is also home to the indigenous nations Warao, Karina, Akawaio and Pemon, whose survival and cultural legacy depends on this environment.

Under pressure of the powerful international mining lobby, greedy for the large deposits of gold and diamonds located at Imataca, the Ministry of the Environment and the Ministry of Mines prepared a management plan for the reserve, that was presented to the public – as required by law – on May 7. But most of the selected group of organizations invited to this presentation received the document the day before! Even the Government of the State of Bolivar, within whose jurisdiction lies most of the reserve, received it two days before, and was not consulted during the whole process. Even though it was agreed that the participants would have until May 30 to present their observations, surprisingly the Cabinet of Ministers approved the plan on May 14.

The plan received numerous criticisms, due to its deficiencies and omissions in relation to respecting previous legislation for Protected Areas, recognizing territorial and fundamental rights of indigenous communities who have inhabited this territory since ancestral times, the ban on forestry and mining activities in Protected Areas, accepting and enhancing the participation of local populations, environmental groups and other citizen organizations in the process. “The Management Plan for the Forest Reserve of Itacama violates Presidential Decree 2.214, represents an erroneous step with dangerous consequences for this reserve, as well as for other forest reserves in the country. It also contravenes international agreements signed by Venezuela related to the conservation and rational management of forest resources, the protection of biological diversity, and the recognition and respect of basic human rights” stated Prof. Centeno. (WRM Bulletin N° 2, July 1997).

Venezuela: Alert on Imataca Reserve

The controversy over Presidential Decree Nr. 1850 that opened Imataca Reserve to mining and logging companies continues. The Venezuelan Government approved in record time a management plan for Imataca, beneficial to the powerful international mining and logging lobby. Since then, signs of disagreement have increased all over the country at the academic, political and social levels. Prof. Centeno – from the Universidad de los Andes, Mérida – has also stated that such decree not only violates several previous norms at the national level – e.g. the organic law on Territorial Ordinance, the organic law on the Environment, the Forestry

Law and presidential Decree Nr 2214 – but also several international commitments as the Washington Convention of 1941 on the protection of flora, fauna and scenic beauties and the Convention on Biological Diversity subscribed in 1992. On June 14th, the Faculty of Forestry and Environmental Sciences of the Universidad de los Andes requested the President to revoke the Decree. Two days before, a Congressional Commission on the Environment severely questioned the Decree and warned that the case could be brought to the Supreme Court. Chiefs and delegates from several indigenous communities of Bolivar State presented on July 1st a document to Congress rejecting the President's decision. Other social organizations expressed their aim to take legal procedures against the Decree and finally on August 2nd the Supreme Court admitted a request for annulment of the Decree presented by FORJA (Federation of Environmental Organizations) and the College of Sociologists and Anthropologists of Venezuela. A second recourse with the same objective, presented by the Commission on the Environment of the Chamber of Deputies was accepted some days later. AMIGRANSA – a member of FORJA and WRM affiliate – warns about the danger that the opening of Imataca to private interests could be followed by similar measures applied to other areas of the rich tropical Venezuelan ecosystems.

In November 11 1997 Cecilia Sosa Gómez – President of the Court of Justice – informed that Presidential Decree 1,850 was voided, as a consequence of the legal action initiated by Alexander Luxardo (Union of Sociologists and Anthropologists of Venezuela), Alicia García and María Eugenia Bustamante (AMIGRANSA), José Moya (FORJA), Frank Bracho (OilWatch) and Juan Sans Uranga. The controversial Decree opened up this vast tropical forest to mineral exploitation.

The previous week, the Ministry of Energy & Mines (MEM) had decided to suspend the handing out of more concessions in the Imataca Rainforest Reserve until the Supreme Court of Justice had ruled on a plea to void controversial Presidential Decree 1,850. As a matter of fact there remains plenty of doubt about the actual number of rights and concessions that have been awarded. The latest MEM figure is 257 contracts and 126 concessions granted by the current administration. Nevertheless, other government entities have other figures, which is another symptom of

the state of anarchy and corruption which has prevailed throughout the granting process. (WRM Bulletins N° 4, September 1997 & N° 6, November 1997).

Venezuela: Ghost companies in Itamaca Rainforest Reserve

The Venezuelan Guayana Corporation (CVG) and Venezuela's Ministry of Energy and Mines (MEM) are shown to have given questionable authorizations to 12 ghost companies to mine within the Imataca Rainforest Reserve. At the same time, the Ministry of the Environment and Renewable Resources (MARNR) is claimed to have topped the irregularities by handing out permits to gold mining companies that didn't even bother to back up their bids for lots showing studies on the impact of mining activities on the eco-system.

All these and more revelations are emerging from the House of Representatives' Energy and Mines Committee. It is clear that there is complete and utter disorder in the mining sector and that the MEM and the CVG have shown a patent disregard for legalities.

Yet the fact remains that the original argument put forward by the Venezuelan government (Apertura Minera, May 14, 1997) in favour of legal mining concessions and contracts was to put a halt on existing anarchy and illegal mining activities used by the wildcat miners (“garimpeiros”). According to the Committee's report, at least 12 ghost companies “gave addresses that didn't correspond with any mining companies.” The allegedly “faceless” companies are named as: Universal Mining Company (15,000 hectares), Mirko & Marquez, Minetoca (1,336 hectares), Suramericana de Minería, Representaciones El Rama, Minerales Yuruani, Inversiones Vipago, Inversora Mael (1,250 hectares), and Suarez Concessions I & II.

According to data at his disposal, Congressional Energy and Mines Committee President Bernardo Alvarez says that even if prior to the Ordinance Law, some 436 lots had been granted in the Imataca Rainforest Reserve, this doesn't tie in with CVG and MEM figures and the Ministry of Economic Coordination and Planning (Cordiplan), where only 300 lots are registered.

Even though it is expressly forbidden to sell titles to third parties (without special permission from the CVG), the following companies were sold to third parties without special permission: Krysos Mining (10,076 hectares, General Mining, Minera Alda (2,000 hectares), Mining Consortium Miamo, Latinvan Metal, Gold Reserve de Venezuela, Minera La Fortuna, Minera Aurus, Tecno-Geo, Vetas de Vuelta Caras, Mining Consortium Laguna de Santa Rita, Minera 11-90, Zuplan Development, Minera 41087, Minera 6560433, Goldwana Investments, Multioca, Minera Internoro, Contigol, Minera Mosbel, Minera Uwe, Corpoaurifera, Minera LL (8,141 hectares), Mineras Estratos, Desarrollo Minero, Corporación Minera Cuyuni and Greenwich Resources (14,998 hectares).

The Committee recommends that a list of detected ghost companies be sent to the Attorney General's Office "to request the suspension of contracts or concessions" as well as the intervention of MEM's Mines Board and the CVG's Mining Vice-Presidency to determine its administrative and managerial situation.

It also asks that there should be an accelerated investigation to determine the implication of civil servants in granting concessions and contracts, supervision, control and monitoring and to apply corresponding punishments. It is also requested that the Finance Ministry should take legal action against companies that refused to answer the questionnaire, violating Article No.160 of the Constitution. (WRM Bulletin N° 7, December 1997).

Venezuela: Highway blockade against electric transmission line

Indigenous peoples of the Imataca and Gran Sabana regions began a blockade of the only highway between Venezuela and Brazil, to protest against a high voltage electrical transmission line being built through the Imataca Forest Reserve. The indigenous peoples are demanding that the Venezuelan government legally recognize and respect the boundaries of their ancestral lands. Their action is taking place in the context of a number of demonstrations all over the country related to the 500-year anniversary of the arrival of Columbus to Venezuela. The government's policy in relation to Imataca had already been resisted by indigenous and environmental organizations of Venezuela.

At a press conference held in August 7 1998, 16 indigenous leaders coming from the Sierra Imataca, the Gran Sabana and the Caroni and Paragua watersheds declared that they had tried by all means and unsuccessfully to have their territories recognized by the consecutive Venezuelan governments. They consider that the building of the electrical transmission line is in violation of their rights and also violates Art. 11 of Convention 107 of the International Labour Organization, subscribed by Venezuela in 1983 and Art. 77 of the National Constitution, since they were not consulted or even informed. They said that they had decided the closure of the highway as a response to the government's inaction to their demands and that this was their opportunity to inform the community about the issue.

Work on the transmission line began in October, and local populations had not been informed about it. No social evaluation had been carried out and the existing environmental assessment is not adequate and its findings don't provide real solutions to the problem.

EDELCA is the firm in charge of the work, while the construction contract is held by the transnational corporation Asea Brown Boweri, which subcontracted the Venezuelan company Vincler for the construction of the sub-station. Wood extraction is in charge of the companies COVEMAT and SVECA

The government agency responsible for the permits is the Ministry of the Environment, but the Minister has never provided the communities with information about the project. The main promoter of the project is the Minister of Frontiers, Pompeyo Marquez, who has repeatedly told the press that the project will be implemented, regardless of the opposition it might receive. The project will not benefit any of the communities through which it will pass, with the exception of Santa Elena de Uaraien and the mining companies operating in the Imataca Forest Reserve.

Apparently there were some hidden negotiations linked to the power line, particularly in relation with mining and logging companies, but EDELCA did not provide any information and only declared that the aim is to benefit the village of Santa Elena and to sell electricity to Brazil.

Deforestation related to the project is high. Contrary to what the public has been informed, the power line is not being built along the existing main highway of the Conaima National Park. Openings are being cut in the forest of some 30-40 metres of width and 800 metres long. This work has included the destruction of communities' crops, while also water, soil and ecosystems been affected. Places where indigenous communities used to take water from have been closed with logs and heaps of soil.

A number of constitutional, legal and international agreements favourable to indigenous peoples rights have been violated – Art. 11 of Convention 107 of the International Labour Organization, subscribed by Venezuela in 1983, Art 77 of the National Constitution – to implement this project. This leads to the conclusion expressed in the press conference by the indigenous peoples representatives: “Development is for others and makes us more dependent. There is no real development plan, neither for Venezuela nor for the frontier and whoever says the contrary is lying.” In consequence, they have decided “to maintain indefinitely the peaceful occupation of the national and international highway Venezuela-Brazil until our demands are satisfied.” (WRM Bulletin N° 14, August 1998).

Venezuela: The Pemons' struggle

The Pemon indigenous people continue to oppose a project of construction of a high-voltage power line 470-mile long across Conaima National Park. At the beginning of October 1999 they carried out a direct action by knocking down an electricity tower and blockading a key highway linking the country to Brazil.

In a press release the Pemon, who call themselves “Rainbow Warriors”, said they would continue to knock down at least one a day until they reach an agreement with the government. They also said that they had detained three trucks from state agencies that were being used to build the line.

Their struggle is supported by environmental NGOs, which contend the line will damage the rich and fragile ecosystem of the Park and disturb indigenous communities. According to the official viewpoint,

the power line means “progress” for the region since it will provide electricity to gold mining and to the indigenous villages themselves. Considering the environmental effects of gold mining on the environment – forests included – and the cultural impact of this kind of projects on the indigenous way of life, the power line construction will certainly not mean an improvement for the Pemons' lives and that's why they are strongly opposing it. A similar protest was conducted last year, which prompted the government to interrupt the works till last May.

Indigenous peoples of Venezuela are at the same time actively participating in the process leading to a new constitution. On November 3, the 131-member Venezuelan National Constituent Assembly voted to include a chapter in the new constitution that establishes legal rights for indigenous peoples and indigenous communities in line with International Labour Organization Convention 169. Chapter VIII would guarantee “the right to exist as indigenous peoples and communities with their own social and economic organization, their cultures and traditions, and their land. The entire new Constitution will be submitted to a referendum vote on December 12.

If – as expected – the new constitution is approved, the Pemon and other indigenous peoples will be in a much better position to protect their environment and their traditions against the destructive forces which until now have prevailed. (*Note: The Constitution was finally approved by 70% of the votes*). (WRM Bulletin N° 28, November 1999).

AFRICA

TRIBAL PEOPLES PAY HIGH PRICE FOR WILDERNESS PROTECTION

Exxon's £1.3bn Chad-Cameroon pipeline stretches 1,000km across arid lands and equatorial forest to the African coast. When it reaches west Cameroon it runs adjacent to an old wildlife reserve where, for centuries, thousands of indigenous Bagyeli pygmies have depended on the forest for hunting and medicines.

As “compensation” for any disturbance, the World Bank, the Dutch government and international conservation group Tropenbos combined

in 1999 to create the giant Campo Ma'an national park. The stated aim was to protect the forest, alleviate poverty and to allow scientific research.

But a new book, "Indigenous Peoples and Protected Areas in Africa: From Principles to Practice", documenting nine major African conservation efforts in six central African countries, claims that the Campo Ma'an project is a disaster, threatening to destroy the Bagyeli cultural heritage and knowledge and impoverish the people further.

The Bagyeli, it says, are now barred from entering a 2,000sq km zone of forest which has been put aside for scientific research, and cannot hunt or take anything from a further 4,000sq km area. With less game to hunt and less access to their medicinal plants, many have become sedentary farmers – very much against their will.

The book is based on a two-year study of many of Africa's most ambitious conservation projects, led by the Forest Peoples Programme (FPP), an international human rights group. It is in no doubt that the Bagyeli have been ignored by the conservationists. "It seems clear that... the sole concern has been to advance science, with no other considerations. This is no doubt a noble objective but the people who are now paying the price, particularly the pygmies, are not the beneficiaries of this 'grandiose' work," it says.

Several thousand of the Bambuti Ba'twa tribe used to live in the low equatorial forests to the west of the Rwandan border, in the Democratic Republic of Congo. In the 1970s, their lands were designated a zoological and forest reserve, then a national park to protect gorillas and the pygmies were evicted in the name of conservation. Today the park is full of people mining the metallic ore coltan, and the gorillas, as well as the baboons, porcupines, wild boar and monkeys, are being systematically killed.

"Life was healthy and good but we have become beggars, thieves and prowlers," said one Bambuti chief in the report. "This has been imposed on us by the creation of the national park."

Conservation, whether by government or international groups, has immeasurably worsened the lives of indigenous peoples throughout

Africa, says the FPP. Its local researchers found forced expulsions, lack of awareness or respect for indigenous people's rights, human rights violations and the progressive destruction of livelihoods in Kenya, Rwanda, Uganda, South Africa, Cameroon and Tanzania. "It is estimated that some 1m sq km of forests, savannah, pasture and farmland in Africa have been redefined since 1970 as protected or conservation areas yet in the great majority of these areas, the rights of indigenous peoples to own, control and manage these areas have been denied", says Marcus Colchester, director of the FPP. "No one knows how many people have been displaced by these protected areas and little has been done to ameliorate the suffering and poverty that has resulted," he says.

International conservation, funded by global bodies such as the World Bank and the EU and by donations from supporters of conservation groups, has, he says, been reluctant to accept that indigenous peoples have any role to play in protecting nature. People living in forests have traditionally been seen as a threat to animals and plants, and been treated abominably, says Colchester.

Yet there has never been so much protection of forest peoples around the world. Major advances have been made in international law to define the rights of indigenous peoples; the UN's world conservation union (IUCN) more than 30 years ago called for governments and conservation bodies to respect indigenous people's rights, and the conservation community, led by the WWF, has developed principles and guidelines to reconcile indigenous rights and scientific initiatives. Moreover, global agreements such as the convention on biological diversity now impose obligations on governments to protect indigenous peoples.

The reality, says FPP, is that virtually none of the new principles have filtered down to ground level in Africa, South America or south-east Asia, where indigenous peoples are consistently marginalised. Conservation groups, argues the FPP, often hide behind countries' deep reluctance to grant land rights, and there is growing mistrust between groups working to protect the forests and those working for the people.

"Conservationists feel that their job is to protect nature," says Dorothy Jackson, coordinator of the FPP's Africa programme. "There is a strong

feeling that wildlife and people are not compatible. They do recognise the social aspect of their work but say it's unfair to put the onus on them. National legislation itself often ignores indigenous people's rights and conservationists argue that it is the state's job to define areas and protect people." Conservationists, who tend to have money and influence with governments, could push far harder to protect people, Jackson says.

One of the most worrying examples in Africa is in the Volcanoes national park in Rwanda, where the Dian Fossey Gorilla Fund, the International Gorilla Conservation programme, and a Rwandan government organisation work with leading international donations to conduct scientific research on gorillas and to promote ecotourism.

The national park, which was set up in 1924 and is now only a third of its original size, attracts thousands of westerners a year, each prepared to pay £160 for less than an hour with the gorillas. In 1974, the Ba'twa pygmy tribes of the area were evicted and forbidden to hunt, cut trees, quarry stone, introduce new plants or in any way threaten the animals or the ecosystem.

The majority now live in squalor on the edge of the park, without work or food, receiving nothing from the tourist revenues and no help from the conservation groups. "Their villages are covered in human waste," says Kalimba Zephyrin, the author of the Rwanda case study for the FPP. "They do not have plates, forks or beds. One dwelling of 2 sq metres may be shelter for five to eight people – the majority of whom are children and orphans either poorly dressed or even without clothes. Some 70% of the people live by begging and they are not even allowed into the park where they used to hunt." "It is better to die than to live like this," said one Ba'twa leader.

Following the Rio Earth summit in 1992, many countries leapt to create national parks and conservation areas, as new international money became available from the World Bank's \$600m (£388m) Global Environment Facility and from the EU. Cameroon has a target to conserve 30% of all national land. This is welcomed by conservationists concerned about rampant overlogging, but the rush to protect the trees strikes fear into many communities.

In the early 1990s, the EU asked the IUCN to help develop a regional network of protected areas across central Africa to promote conservation. This led to the creation of the Dja wildlife reserve, on land which had been home to the nomadic Baka tribe in southern Cameroon.

When a team of investigators from Cameroon travelled last year to the reserve, they reported deep confusion in the forest. Several Baka villages in the centre of the reserve had been evicted and the people did not know whether they were allowed into the forest, or whether they could hunt. “This is where we are from. It is our forest,” said Nkoumto Emmanuel from one of the affected villages. “We have to go there to look for fruit, vines, game and other products because the forest is very rich there.”

Samuel Nguiffo, author of the Dja study, said: “The conservation project marked the start of a rupture with the Baka lifestyle. Some believed all hunting was forbidden, others said access to the reserve was forbidden. People complained that they were not consulted and not even told that their village was in the reserve.”

Nguiffo found deep mutual mistrust between the Baka and the conservationists. “The opposition between development and conservation – between the world view of conservation projects and that of indigenous peoples – is blatant and seems unlikely to be resolved in the short term given the gulf of understanding that separates them. One is the dream of conservation organisations concerned about preserving species, and the other is that of indigenous communities whose modes of living are inextricably linked to the forest,” says Nguiffo.

Sometimes, however, the dreams of neither group are realised. When the Maasai pastoralists of Tanzania were made to give up the rich Serengeti lands by the British colonial government in 1955, they were promised water, grazing lands, veterinary services, health services and more if they moved to the nearby highlands, in particular the Ngorongoro crater, and the northern highlands forest reserve.

The promises were never delivered and the life of the Maasai in the newly created Ngorongoro conservation area, according to a team of

FPP investigators who visited the communities in 2001, is “a shambles“. They found that most water supply systems in the conservation area had collapsed or had been taken over by tourist hotels, the Maasai were not benefiting from the huge amounts of money generated by the wildlife and conservation, and that mistrust between the two camps was building.

The researchers also found that the conservation of plants and animals was in poor shape. “Wildlife numbers have decreased dramatically compared to the time before the conservation area was founded. The natural vegetation is not in a good state. This, we suspect, is the result of the conservationists not paying heed to the indigenous methods of conservation practised by the Maasai.” (By: John Vidal, WRM Bulletin N° 73, August 2003). “

Impacts of Protected Areas on Indigenous Peoples

It is now well-documented how indigenous communities face serious discrimination from their societies, are exploited by others, and possess little protection for their resource rights upon which they rely to secure their livelihoods. Many of these groups also live in areas where local, national and international conservation organisations maintain strong interests. New conservation principles for conservation projects affecting indigenous communities were therefore approved by the World Conservation Congress in 1992, setting out standards and implementing guidelines promoted by the World Commission on Protected Areas, WWF and the IUCN.

Key concepts embodied in these principles, include:

- Recognition for “the rights of indigenous peoples to their lands and territories and natural resources, as well as their role in management, use and conservation,” and the “role and collective interests of indigenous peoples”;
- The obligation to “protect and encourage customary use of biological resources in accordance with traditional practices that are compatible with conservation or sustainable use requirements”, as set out in the Convention on Biological Diversity (CBD);

- A recognition of indigenous peoples property rights based upon traditional occupation and use, as recognised through the African Charter on Human Rights.

Forest Peoples Project (FPP) is reaching the end of almost three years of collaborative work to document the impact of conservation areas on the lives of indigenous peoples from seven African countries, which completes a suite of collaborative projects carried out by FPP in Latin American and Asia since 1997.

In Africa FPP supported local groups to prepare nine case studies on the basis of community consultations with Batwa from Nyungwe Natural Forest and the Volcanoes National Park in Rwanda, Mgahinga and Bwindi National Parks in Uganda, and from around the Kahuzi-Biega National Park in the Democratic Republic of Congo, Maasai from around the Ngorongoro Conservation Authority in Tanzania, Ogiek from the Mau Forest Complex in Kenya, Khomani San from the Kgalagadi Transfrontier Park (formerly Kalahari Gemsbok National Park) in South Africa, Bagyeli from the Campo Ma'an National Park in Cameroon, and Baka from the Dja Reserve and Boumba Bek and Lobéké National Parks in Cameroon.

Conservation authorities from these countries also provided information and participated in regional project meetings, and after the 2001 Kigali conference organised by CAURWA – the Rwandan Twa NGO – and FPP, several conservation authorities from case study areas met with indigenous representatives to discuss park policies – in most cases for the first time.

One of the most worrying findings of initial work by our partners was that the widely agreed World Commission on Protected Areas' principles are not being applied in any of the cases. The failure of conservation organisations to implement these international standards has led to serious impacts on indigenous communities, including:

- forced expulsions from their lands without compensation;
- the elimination of their rights over their traditional lands;
- the progressive destruction of their livelihoods;
- the loss of their identities, and;

- increasing socio-economic marginalisation of their communities.

“You speak to me of the parks, and all that I know is that the authorities and soldiers came from far away, in order to chase us away with guns, and tell us never to return to the volcanoes, where we were forbidden to hunt, look for honey, water and wood.” (Twa, Rwanda).

A persistent complaint from indigenous communities in almost all of the cases criticises the lack of consultation with them over conservation plans. In most cases their problems were compounded by the lack of recognition for their traditional access and use rights within lands now zoned as protected areas.

“When they were setting up the park, no one came to consult with us, the Bagyeli. Maybe they went to talk to the Bantu, but me I don't know anything about this. They do not know us.” (Bagyeli, southwest Cameroon).

Conservation management plans for lands upon which indigenous peoples rely have almost always been accompanied by restrictions against indigenous hunters, gatherers and pastoralists without their consent, restricting their use of areas where they have traditionally exercised access and use rights. This holds true even when it is well known that they were the first inhabitants of the area, traditionally the main criteria for securing long term customary rights to natural resources in Africa.

When “community consultations” have been held by conservation organisations with communities over plans, they have usually been in the form of broad community meetings to introduce and discuss new rules, fora in which the interests of marginalised groups tend to be neglected, and indigenous communities are often ill-informed about the processes in play. The lack of translation facilities and background documentation in an accessible language generally puts them at a distinct disadvantage in most of the discussions held, especially given the high illiteracy rates amongst these groups generally.

As the World Parks Congress nears in September, conservation organisations working in Africa are looking more closely at how they

can address community issues “beyond boundaries”, at the same time holding an eye out for new sources of funding from donors who will want to know how their funds will be supporting people’s livelihoods AND the sustainable use of natural resources AND biodiversity protection. Elsewhere there is strong rhetoric about the need to enhance new, local “partnerships,” for example in the Congo Basin, in order to promote more efficient and sustainable conservation projects, without there being any mechanism to enable local communities to be consulted about their plans.

Recent moves by some conservation organisations to highlight their “community orientation” may simply be posturing to enable good public relations during a high profile international conference focussing on this theme. However their accompanying rhetoric raises expectations amongst NGOs and communities about how they will actually address practical questions about indigenous peoples’ rights in and around protected area projects, where many of these people live, and how these projects will lead to the generation of benefits in exchange for the loss of rights. This is particularly important for marginalised communities who rely on protected areas for their livelihoods, especially for those who hunt, gather and herd. These groups often have very strong prior claims to lands targeted for conservation.

“Your question - we have found one answer. The forest, the men of the Dobi Dobi (conservationists) would like to enter the forest. This man (a Baka) he was raised in the forest. They (the Dobi dobi) should come to him and give him something, in order to secure permission to go into the forest. If they do not give him money, then he will not give permission to enter the forest behind his house, because that forest is for him.”
(Baka, southeast Cameroon)

Indigenous representatives from all of the countries involved in this project will participate in World Parks Congress discussions in Durban (South Africa), along with other indigenous community representatives from all over the world. This is therefore a prime opportunity for conservation organisations to reassert their commitment to implement the WCPA Guidelines on indigenous peoples, and the Convention on Biological Diversity. If they fail to do this, and to explain in detail the

practical changes they will make to their conservation programmes to address indigenous rights and aspirations it will become increasingly difficult to convince communities that conservation bodies will be able to promote benefits for them in return for the loss of their livelihood base. The long-term sustainability of many protected areas in Central Africa hangs in the balance.

FPP is continuing its work in Central African countries to support indigenous forest communities to protect their rights and livelihoods. Most of these groups have a hunting and gathering past, and most still rely on the forest to serve many or all of their subsistence needs. However few of them are regarded as valid stakeholders by forest ecosystem conservation projects, whose managers generally do not consult with them over conservation plans over the lands and resources they control.

“If you do not gather, you cannot get soap, if you do not fish, then you cannot eat salt, if you do not have any area to plant, you have to go out and buy food, but we cannot buy – If you have clothes like this you cannot afford to go buy food. You can see how I am dressed. And I am all alone now – because I can do nothing already – because they want to prevent me from using the forest.” (Baka, southeast Cameroon).

FPP’s goal is to promote constructive and more equal dialogue between forest communities and conservation agencies, and to develop new models of working together founded on a recognition of local peoples’ rights. This project has enabled several such processes to begin, but there are still important impediments to enabling the WCPA guidelines to come into force. They include reasons from the lack of appreciation for the need for local participation by indigenous communities, to unfair persecution of them by ecoguards; a lack of consultation by conservation authorities, and; the lack of funding for “social” work at the expense of biological inventories, commercial bushmeat hunting surveys, and the development of local paramilitary infrastructures.

In addition to core protected zones, many conservation projects subsequently secure the “protection” of surrounding areas using funds earmarked for “community-oriented” programmes linked to more

regulated zonation schemes with “community managed-hunting zones, etc. A minority of these schemes have involved some of the dominant local groups in discussions over the management of these areas. However, where such processes that do exist in Central Africa, from Cameroon to Rwanda, the views of Twa, Baka, Bagyeli, Bakola, Mbendjelle, Ba’Aka, Mbuti and other indigenous forest populations have almost always been ignored. All of these communities’ rights, and with them their livelihoods, are under increasing pressure; in some contexts indigenous communities’ land rights have been totally eliminated, and they have been pushed out of their ancestral areas, forced to resort to begging or working for others for little or no remuneration in order to survive. Many indigenous communities face deepening poverty and increased livelihood instability as conservation projects establish themselves in their areas.

In Durban this year, along with a range of conservation standard-setting exercises, many deals over funding for conservation will be agreed, and this will help guide conservation direction over the next decade. If people are to become the new focus for conservation, then the reality of peoples’ lives and rights must be addressed by conservation projects, especially if they are going to face serious negative impacts from parks or reserves. The development of new mechanisms to ensure that indigenous peoples’ views and rights are taken into account during project planning is an essential first step if this is to start to happen. (By: John Nelson, WRM Bulletin N° 73, August 2003)

Cameroon: Baka losing out to Lobéké and Boumba National Parks

“We are born in the forest and we do everything there, gather, hunt and fish. Where do they want us to make our lives? They say we cannot go to the forest - where are we supposed to live?” asks Baka community member from the Lobéké and Boumba region.

Lobéké National Park was established in 1999 in South East Cameroon over 220,000 hectares of flora and fauna rich lands, much of which had until then been used for subsistence purposes by Bantu communities and the majority Baka “Pygmy” communities, who primarily hunt and gather in the extensive forests covering the region. To the North West

of Lobéké adjoining the Boumba River lies Boumba National Park, which was officially established after Lobéké. The area between the Boumba River and Lobéké Park is home to many communities engaged in farming, hunting, fishing and gathering for mainly subsistence purposes, along with commercial safari companies who operate across the huge (greater than 400,000 hectares) sport hunting areas which were established around the Lobéké Park, the smaller community-managed hunting zones, and several large logging concessions.

The two parks' proximity to the borders of the Central African Republic and the Republic of Congo, coupled with the enormous number and variety of large mammals in the region's forest have made this area a prime target for illegal commercial bushmeat hunters and traders, and trophy hunters, who pay hefty fees to local safari companies to hunt. Live parrots, ivory, and other illegally obtained forest resources are regularly obtained in or smuggled through the area, and several logging companies are also active.

For hunting and gathering peoples in Cameroon Lobéké National Park is significant because the Cameroon Ministry for the Environment and Forests along with various international NGOs established legal government permission for strictly regulated access by Baka and other local communities to a minor portion of the park to carry out subsistence fishing and gathering, which under normal circumstances is contrary to Cameroon law. Current plans by conservation agencies active in the zone, including WWF and GTZ, are to ensure that each of the newly gazetted zones surrounding the parks are attributed to clear stakeholders, who would become involved in the management of their areas over time. Key stakeholders in the forests upon which many Baka have relied comprise conservation interests, including large, Northern-based conservation organisations; commercial interests, including sport-hunting enterprises and logging companies; poachers and bushmeat traders, who often have significant local political backing; and Bantu (mostly Bagando) communities relying mainly upon agriculture, but who also rely upon products from the forests around their communities.

This stakeholder approach to conservation is laudable, and one that reflects a wider trend in much of Sub-Saharan Africa towards the

devolution of land management authority. However, from a human rights perspective there are serious problems with the matrix of conservation zones around Boumba and Lobéké, especially the way in which Baka customary rights to forest resources are being eliminated under the impulse of conservation pressures from outside the area. For example, Baka communities are key forest stakeholders in the region as they are numerous, and most rely upon forest resources to secure their livelihoods. However, their views were marginalised during consultations about the establishment of the parks, and they have been almost totally marginalised from most or all of the schemes which are supposed to enable local involvement and empowerment in the management of the different classes of protected areas, including the park and the various types of “buffer zones” which have been created.

One of the new mechanisms for enabling local participation in these different zoned areas is to establish Zones d'Intérêt Cynégétique à Gestion Communautaire (ZICGC), areas where communities are able to exploit the flora and fauna, subject to the development of supposedly community-led management plans with oversight by government conservation authorities. Membership of the group of community delegates responsible for managing the ZICGCs is overwhelmingly dominated by established local elites, and the committee selection methods and criteria, including the need for French literacy mitigates against the membership of representatives from the Baka community. For example, as of November 2002 in ZICGC 9, located between the Boumba River and Lobéké Park, to the west of the Moloundou Road, less than 10% of the delegates were from the Baka majority, and they were broadly chosen by local Bantu chiefs, not by the Baka themselves.

The consequence of this lack of participation by Baka is that decisions of the communal forest management committee, for example, to allow safari companies access to prime forest hunting areas in the ZICGC, usually for a small fee, can come into direct conflict with the livelihood strategies of Baka who rely on these zones to satisfy their subsistence requirements. The Forest Peoples Programme has knowledge of several cases occurring over the past two years where Baka were chased out of their traditional hunting zones located outside the parks by hunting guards operating under this regime. The money paid by authorised users

accrues to the management committee, who may use these funds for community development projects; community investment guided by a group which does not represent the whole community.

Most conservation managers in the region agree that subsistence hunting by Baka in and around the protected areas of South East Cameroon does not pose a serious threat to biodiversity. The current consensus of conservation actors in Cameroon is that commercial hunting, especially for bushmeat, presents the gravest threat to endangered species, and legal and illegal logging poses the key threat to rare or endangered habitats. Local conservation authorities have so far found few adequate local incentives to prevent the trade in illegal bushmeat, and governance of the logging sector in Cameroon has been chronically weak, so these dangers are still prevalent in the Lobéké Region, in spite of the presence of several internationally-funded conservation projects. The conservation priority of the international conservation community has continued to override local livelihood concerns and communities' customary rights, and rather than targeting commercial trade in bushmeat and backing it up with strong enforcement measures, the protection measures now in place target those with the most to lose. The paradox is that they are doing this in order to protect the resources and habitats that local people, especially Baka, already cherish, but are powerless to protect because they do not have secure rights to their forests.

Many Baka facing increasing forest restrictions have expressed their desire to enter into an equitable dialogue over conservation plans with protected area managers, but no formal mechanisms to enable this have so far been developed. Based upon their past experience with conservation authorities, Baka are sceptical about the commitment of conservation organisations to principles of openness, fairplay, and negotiation with them. New models of collaboration between Baka communities and the conservation authorities will have to be developed if “participatory” schemes like Lobéké are to be seen as successful, and local peoples' rights to their lands and therefore livelihood are to be made secure.

This article is based upon information generated through community interviews which were carried out in South East Cameroon over a two year period as part of a project to document the impact of protected

areas on indigenous peoples in 7 African countries, and to promote the application of the new conservation principles embodied in, inter alia, WWF International's "Statement of Principles on Indigenous Peoples and Conservation," the World Conservation Union's resolutions on Indigenous Peoples, the World Commission on Protected Areas, and the relevant provisions of the Convention on Biological Diversity, to which over 177 countries are signatories.

This new model of conservation is based upon principles that recognise the rights of indigenous peoples to use, own and control their traditional territories, and which protect their traditional knowledge and skills. The new approach aims for working partnerships with indigenous peoples based upon principles of full and informed consent and equitable sharing of benefits resulting from conservation activities. (By: John Nelson, WRM Bulletin N° 67, February 2003).

Cameroon: Baka livelihoods damaged by EU-funded Protected Areas

The Dja Faunal Reserve in South Central Cameroon was created in 1950 by the French High Commission for Cameroon. In 1981 it was named a UNESCO Biosphere Reserve and in 1987 it became a World Heritage Site. Since 1992 the reserve has been managed by the EU-funded ECOFAC programme, which has been supporting the establishment of a network of protected areas across Africa. In the middle of the 20th century the Baka now living in Miatta village, located many tens of kilometres from the Dja reserve, were forced to move from their ancestral village Mabé, located in the heart of the present reserve, to their present location along the Sangmélima-Djourn road. The period of their move coincided with the implementation of the National Sédenterisation Policy, when many Baka were encouraged to move their main camps nearer to the main transport axes.

After their move, neighbouring Bantu communities benefited from Baka's free labour, their supply of medicinal plants, and reduced prices for game, which the Baka were allowed to hunt. Over time the Baka community in Miatta has become split between those concentrating on cultivation and those relying mainly on hunting and gathering activities

in the forest. A key constraint to Baka subsistence agriculture is the lack of customary rights over land near the Bantu communities where most Baka are located. Many Baka in Miatta simply cultivate for others in exchange for food or other material goods, usually on very unfavourable trading terms. Forest-based activities remain a central feature of life for most Baka living under these precarious circumstances, even for those Baka who now rely mainly on agriculture.

Many Baka continue to rely on forest products gathered from areas adjacent to Miatta, as well as further afield, near hunting camps distant from Miatta, even within the Dja Reserve itself. Baka from around the park still visit their ancestral territories in the reserve to harvest plants, fruits from old trees, or other essential forest products, although this must be done in secret, as it currently is against the law. Baka's continuing reliance on the forest is becoming more acute as the production of the forest near Miatta has declined, due mainly to population pressure and consequent over harvesting. Baka in the Djoum area have had to bear the brunt of pressure applied by ECOFAC forest guards who now control forest access, and who find it easy to confiscate game from fearful Baka, even when the game was hunted legally to serve subsistence needs.

“If they (the ecoguards) catch us with only one antelope which we caught in this forest, which is a long way from Dja, they take it and often our other food as well... they have it for their supper,” said Baka from Djoum region.

The FPP project entitled “Indigenous Peoples and Protected Areas in Africa: From Principles to Practice” aims to promote dialogue between African indigenous peoples and conservation bodies, to break down barriers of ignorance and understanding and to seek viable ways of working together to implement more sustainable and just conservation policies. This initiative enabled the first ever meeting between Baka community representatives and senior managers of the Dja Reserve working for ECOFAC. For the first time since the park was established there was a formal forum where Baka's views about the Reserve's management could be discussed with park staff. During this meeting Baka expressed their unhappiness with the reserve and forest protection

regimes that they believe are overriding their rights to secure their subsistence needs. This makes them very unhappy with the work of ECOFAC forest guards, especially when they see outsiders coming in to hunt or log with impunity. In the meeting Baka representatives were surprised:

“That meeting was the first time that ECOFAC ever talked to us about the Dja Reserve... we learned that ECOFAC's employees were not doing what their boss said they should be doing,” said a Baka from Dja.

ECOFAC has now launched a wider programme of community consultations all around the Dja Reserve, which will hopefully allow for meaningful participation of the Baka communities who have so far been persecuted by the project. But Baka participation is by no means guaranteed – they have good reasons to be cynical about ECOFAC's motives. (By: John Nelson, WRM Bulletin N° 70, May 2003).

Congo, DR: The case of the Twa of the Kahuzi-Biega National Park

The book written by Albert Kwokwo Barume recently published by the Forest Peoples Programme and IWGIA – “Heading Towards Extinction? Indigenous Rights in Africa: The Case of the Twa of the Kahuzi-Biega National Park, Democratic Republic of Congo” – examines the fate of the Twa indigenous people in that country.

The author, a Congolese human rights lawyer, uses an indigenous rights framework to examine the case of the Twa indigenous “Pygmy” people located in the eastern region of the country, who were expelled from their traditional lands in order to create the Kahuzi-Biega National Park. The Twa, a hunting and gathering people of the tropical forests, face a dismal future. Denied access to the lands that they have depended on for millennia, they now live in miserable squatter camps on the margins of other villages in the area surrounding the Park. Deprived of rights, compensation or justice, and exposed to discrimination from other sectors of society, the Twa are also suffering an alarming rise in malnutrition and disease.

The wider context of African policies regarding ethnic identity and the rights of indigenous peoples are also examined. The report situates the

Twa within two important new areas of thinking: the growing movement of self-identified ‘indigenous peoples’ in Africa, who are invoking emerging concepts of international law to renegotiate their relationship with the states that encompass them; and new models of conservation which recognise the rights of indigenous peoples, value their knowledge and seek to give them a central role in the management of conservation zones.

The Twa of Kahuzi-Biega have yet to benefit from either of these changes in thinking and this report therefore discusses land rights and possible options for the Twa to challenge their expulsion from the Kahuzi-Biega National Park and negotiate new arrangements based on the recognition of their rights. The report ends with concrete recommendations for reforms in the way the Congolese authorities, conservationists, and the aid agencies supporting them, are dealing with the Twa.

The contradiction between nature conservation and indigenous peoples rights is false. So the report does not seek to undermine the efforts of Congolese and expatriate conservationists who have struggled to protect the country’s wildlife in war-torn eastern Congo. However, the need to respect the rights of peoples who have been and are being abused, is self-evident. The author asserts that conservation will be strengthened and not weakened when local communities experience it as a positive project for their own benefit. (WRM Bulletin N° 43, February 2001).

Congo, Republic: Apes suffer from marriage between loggers and conservationists

Humankind’s closest relatives, the African Great Apes, may have vanished from the wild by the end of this century. The combined pressures of habitat loss and bushmeat hunting are driving them towards extinction. Unless these pressures are curbed, soon, there seems little hope that the dwindling populations of forest-dwelling mountain gorilla, lowland gorilla, chimpanzee and bonobo can sustain themselves for long.

African forest-dwelling peoples have lived close to, hunted and eaten these animals for thousands of years. Apes are considered to be powerful beings in these peoples’ religious and cultural systems and, according

to many who live in the Congo basin, some of this power passes to those who eat them. Bushmeat, including the meat of wild apes, is thus highly prized and has long been locally traded. However, since the 1950s, this trade has been increasing exponentially. The widespread availability of shotguns and heavy calibre lead slugs, rising urban populations, new roads and vehicles, river transportation and above all the penetration of forests by logging have intensified hunting pressures on wildlife, especially apes.

Smuggled in logging trucks and timber barges, freezers and even aeroplanes, bushmeat now travels hundreds even thousands of miles from forest to market where it can command prices significantly higher than less culturally valued meats like beef, chicken and pork. Powerful syndicates, often connected to politicians and government officials, have emerged to control and profit from this lucrative trade, snaring marginal rural communities and isolated hunters into webs of patron-client relations and tempting them into robbing their forests of their game for short-term gain – forests in which they no longer have recognised rights and which are being relentlessly pillaged, often by European-owned logging companies. Logging, in itself rarely legal and almost always unsustainable, is a major cause for the intensification of the bushmeat trade. Logging roads bring communications to previously isolated regions. Logging camps bring in new workers and cash incomes to forest areas creating a heavy demand for more bushmeat. Logging networks link the forests to new and distant markets, for bushmeat as well as timber.

The main response of conservationists to this threat has been to establish protected areas, where they hope to conserve small pockets of undisturbed habitat, home to some of the last populations of these animals. To secure these areas, conservation agencies have had to work closely with local loggers, neighbouring communities and other interests. They have been obliged to fit their schemes into prevailing power structures and development plans, sometimes making compromises and even forging alliances with uncomfortable bedfellows.

In the Republic of Congo, one of the best known conservation projects is the Nouabale-Ndoki National Park, supported by the Wildlife Conservation Society (WCS) of New York. The Park, which lies in the

extreme north of the country bordering Cameroon and the Central African Republic, is run out of the nearby town of Ouessou. Ouessou is a major logging town, just upstream from the base of a German-owned company, Congolaise Industrielle des Bois (CIB) which employs some 1,200 people and has forest concessions three times the size of the Park. About a quarter of a million cubic metres of timber are hauled out of the concession every year – equivalent to one giant truckload of timber every fifteen minutes of the working day. This industrial boom has brought in some 16,000 people as workers, dependents and in service industries, who have almost overwhelmed the previous, sparse population of BaBenjelle ‘Pygmies’ and neighbouring Bantu. Feeding this population has been a problem for the company and there is evidence that – at least in the past if not today – CIB logging teams were encouraged to hunt for bushmeat within the concession. Video documentaries and subsequent research has also implicated CIB trucks in transporting chimpanzee and other forms of bushmeat along the logging roads that lead down to the coast of Cameroon.

The WCS has long known of CIB’s impact on wildlife and its involvement in the extraction of bushmeat but has done little to give these findings prominence. In 1995, the WCS and a team of IUCN assessors even co-signed a Protocol with CIB which repudiated ‘unjustified attacks’ made on CIB – the evidence in the video documentaries. CIB, which has been unwilling to submit its forestry operation to scrutiny by independent certification processes like FSC, has been able to vaunt its close relations with WCS to fend off criticism of its operations: ‘I have opened my concession for research... for forestry and wildlife studies’, claims CIB owner Hinrich Stoll, my company is ‘working very closely with the Congolese National Park, Nouabale Ndoki, which is managed by Mr JM Fay of the Wildlife Conservation Society (WCS), (the oldest non-governmental ecological organisation in the world).’

These allegations are set out in detail in a powerful new book, “Eating Apes”, written by Dale Peterson. Peterson admits that WCS has since embarked on a joint project with CIB to limit the bushmeat trade in the area surrounding the Park, but argues that such partnerships between loggers and the conservationists, who rely on logging company infrastructures to gain access to their parks, are perpetuating the main

threat to Africa's forests. By offering green cover for loggers, he argues, conservationists are legitimising forest destruction and so putting further pressure on wildlife and local communities. Since CIB signed its Protocol it has been able to more than double the size of its concession and Stoll has been invited to join the World Bank's prestigious CEO's Forum, which aims to promote further partnerships between leading forest industrialists and conservation bigwigs.

There is much more in this very readable book which is shocking and thought provoking. It is also quite evidently the record of a personal quest for the sacred in nature, written by a thoughtful, compassionate and committed environmentalist. Dale Peterson's moment of epiphany came to him when he heard forest apes laughing. He has since become convinced that apes have consciousness, a mind, a 'legitimate mental existence'. The fact that they have been found to share about 98% of their genetic make-up with humans for him adds scientific weight to his conviction that, however much we may respect the right of other societies to their own ways of life, the killing of apes is immoral. It may also be unwise. He has painstakingly assembled all the information available on the origins and spread of HIV/AIDS and shows convincingly that the two kinds of HIV viruses entered human populations through the butchering and eating of apes and monkeys. 'Eating Apes' is an important book that will challenge many to rethink their place in the world. (By: Marcus Colchester, WRM Bulletin N° 73, August 2003).

Côte d'Ivoire: The sacred forest, a community protected area

The village of Zaïpobly is located in Southeast Côte d'Ivoire, in the western outskirts of Tai National Park. This park covers an area of 454,000 hectares and is the largest remnant of the original humid tropical forest in West Africa. It was designated Biosphere Reserve by UNESCO in 1978 and was inscribed on the Natural World Heritage List in 1982, because of its extraordinary specific wealth and because of the numerous endemic species inhabiting it. At the beginning of the last century it was a uniform forest zone, but agricultural systems of cultivation introduced later and over-exploitation of the forest have reduced it to the present small forest islets.

Most of these relict forests have survived because they are considered to be sacred. A sacred forest is a place that is venerated and reserved for the cultural expression of a community. Access and management are governed by traditional powers.

The sacred forest of Zaïpobly is located in the eastern hinterland of Tai National Park, it covers an area of 12.30 hectares and is unrestrictedly accessible to all, however the flora and fauna are strictly protected. The forest is very much linked to life in the village of Zaïpobly, on the southern border of the forest. For village dwellers, the forest fulfils many functions: it serves as protection, provides them with medicinal plants and food and is a place for the conservation of flora and fauna. It creates a favourable damp microclimate for rural activities in the surrounding fallow lands, it is a place for important socio-cultural meetings and serves as a last living testimonial for future generations of what a true forest is.

The main actors within the village society involved in conserving the sacred forest are:

- Kwi society, originally a jurisdictional and police institution, but lately more the latter, as a result of the disintegration of traditional structures, the introduction of new religions and changes in mentality; traditional authorities, depositories of knowledge; the grass-roots community, on which the success of the system depends.
- The daily administration of the forest falls on the Kwi society; they also exert psychological dissuasion over the population. Traditional authorities are the prolongation of the founding ancestors and they are responsible for deciding on a site being considered as sacred. They are finally responsible for the sacred site and are its moral guarantee.
- Impoverishment of society, progressive soil erosion, introduction of other ways of thinking and of production, and monotheist religions (Islamic and Christian) opposing the practice of traditional rites, judged to be diabolical, have contributed to weakening the sacred forests and therefore are factors threatening their existence, because the establishment and protection of sacred forests are mainly based on local cultural and religious beliefs.

It has been shown that traditional systems of African culture, far from constituting an obstacle to environmental protection, are the best guarantee in the protection of ecosystems and conservation of biodiversity. And this experience shows that sacred places can become real biodiversity reserves in the African continent. For this reason many Africans are conscious of the importance of safeguarding and re-valuing the communities' cultural knowledge, showing that Africa knows how to organise itself to care for what is precious.

At a time when globalisation is swallowing everything up and converting it into merchandise, it is timely to look at these examples, where biodiversity, the forest, is seen in a wider dimension than that of its mere components. This makes it possible to establish a link and it would be healthy for each society to re-edit it, from the position of their history and culture. (WRM Bulletin N° 60, July 2002).

Gabon: Polemic agreement on the Lope Reserve

In July 2000 the government of Gabon, logging companies operating in the country and some environmental groups – among which the World Wildlife Fund – reached an agreement to keep the Lope Reserve out of the reach of commercial logging. However, the deal includes a redrawing of the boundaries of the reserve subtracting 10,352 hectares of land on the southeastern flank – that holds the richest stands of valuable okoume trees – and adding about 5,200 hectares of a previously not protected area of remote upland primary forests.

The agreement has generated opposite reactions. For those in favour, the net result of the agreement will be positive, since the new area incorporated to the reserve is a priceless reservoir of biodiversity. They also argue that thanks to the agreement loggers have committed themselves for the first time not to violate the boundaries of the protected area. According to one of the defenders of the agreement “we've gone from a situation where about two-thirds of the reserve was actually in logging concessions to the point where we've lost some land but the whole reserve is protected from logging forever. “For the logging companies, the now protected highland forest presented significant logistical challenges – requiring expensive road construction and costly

harvesting methods – and in exchange they will now have more access to the valuable okoume stands.

However, environmental groups such as the Rainforest Foundation, that have been fighting against logging in the area consider that logging companies – mostly French and Malaysian – have too much economic power and influence on the government to actually comply with this commitment. They say that the loss of a previously protected area sounds much like a giveaway, while the right thing to do would have been for the government to enforce the existing laws. There is no guarantee that, in the name of “realism”, in the future the protected area borders will not be changed again and again.

The attitude that the involved companies will take in the future is crucial. It is to be reminded that in 1995 the French timber company Rougier Group violated an agreement for the sustainable development of natural resources at the Ipassa Mingouli region, signed by the company itself, the Gabonese government, IUCN, and financially supported by the European Union. Finally, it needs to be stressed that no mention is made in the agreement regarding the opinion of forest people inhabiting the area. (WRM Bulletin N° 38, September 2000).

Gabon: Oil activities in Gamba and Rabi Protected Areas

Gabon has three eco-regions defined by WWF as the world's most outstanding examples of each major type: the Congolese Coastal Forest, the Northwest Congolese Lowland Forest and the Western Congolese Forest-Savannah Mosaic. In addition, there are significant stands of central African mangroves along the coast and patches of Congolese-Zairian swamp forest in the northeast. Furthermore several priority freshwater systems occur within the country. Its forest covers 22 million hectares (85% of the country) and 22% of the plants described in the “Flore du Gabon” are endemic. The forest of Gabon has more plant species than all the forests of West Africa combined.

The Gamba field, operated by Shell since 1967, is located on the coast in the characteristic savannah, lagoon and forest zone. The giant Rabi field has been in operation since 1989. It is located in the dense tropical

rainforest, some 50 km from the coast. Both fields are located within the proposed Complex of Protected Areas of Gamba.

The Rabi field was discovered in 1985 and is currently operated by Shell Gabon on behalf of the other venture partners Elf Gabon and Amerada Hess. The initial field development (Rabi Phase I) started in 1987 and comprised 66 production wells, processing facilities and export by two pipelines, one south to Shell in Gambia and one north to Elf at Cap Lopez. Rabi Phase I was completed in 1992 and reached a production rate of 165,000 barrels of oil per day. Since 1990, the encouraging reservoir performance coupled with appraisal activities and the application of horizontal drilling, led to the definition of the Rabi Phase II project, aimed at increasing the recoverable reserves and increasing production to 210,000 barrels of oil per day. Additional production wells were drilled and the surface facilities expanded to process the extra oil produced. 76 new wells have been drilled. (Oilwatch, September 2003).

Ghana: Protected areas at the expense of people do not guarantee conservation

Ghana has created a number of protected areas – managed by the Forestry Commission and the Department of Wildlife – as a means of ensuring biodiversity conservation. However, the process of creation of some of those areas has generated a number of problems which explains the failure of many protected areas to fulfil the objective for which they were established. Among other problems explaining such situation, mention must be made of issues relating to land tenure, land rights of communities and law enforcement.

The Institute of Cultural Affairs (ICA) conducted a research in a protected area in Ghana – the Kalakpa Reserve – located in the Volta region of Ghana, a few kilometres from Ho, the regional capital. Before the park was created, the land was occupied by migrant farmers through an arrangement with the land-owners. The farmers have lived there legitimately for generation after generation.

The study has proven that a main problem and challenge at the reserve – created through an agreement between the government and the land-

owners – is that the communities living in the reserve were not consulted about its creation. As long as the interest of the migrant families was not taken into account at the outset, it has been very hard to move forward. So while there is a tripartite interest in the area – the local landowners, the settler farmers and the government – the negotiation for acquisition totally ignored the interest of these settler farmers. They have farms in this designated protected area, settlements which keep on growing and even cattle farms.

The government is now describing the settler farmers as squatters and sees as its responsibility to get them out, although without any appreciable success. But they are not squatters, they are long-standing inhabitants who must have a voice in land use activities and changes.

The farmers are challenging the authorities; they want to continue carrying out their economic activities; they want to see their rights to remain in the area respected. The government has responded by attempting to compensate the people monetarily. But the whole process of valuing a supposed protected area and the payment of compensation continues to be an impossible exercise. As long as the government affixes arbitrary values which are low and have no relationship with the livelihoods of the people, compensations will continue being rejected by many farmers. Those who accept the compensation are unaware of the conditions at the place they are relocated or intend to be relocated to. As a result, they either don't go at all or, if they do, they return almost immediately to their original home.

As in many other similar cases, this experience clearly shows that the whole process of creating and maintaining protected areas should be addressed taking into account the interest of all relevant stakeholders, and the implementation of the law must attend to the needs and rights of holders. The establishment of protected areas must not be antagonistic to local peoples' livelihoods, and fundamental human rights cannot be violated in the process. Unless the creation of a reserve is done properly, you may have a protected area, but biodiversity conservation will not be at all guaranteed. (WRM Bulletin N° 57, April 2002).

Kenya: Local peoples' land rights ignored

Even though indigenous peoples and rural communities are the ones directly bearing the brunt of the destruction of rainforests by intruders, most national governments portray them as squatters and responsible for the destruction of the forest and the extinction of wildlife, and threaten them with eviction or undertake direct actions to expel them from their homeland. This kind of abuse is often linked to forest concessions awarded to logging companies – which constitutes an absurd paradox if the aim of the authorities were to protect the forest – or the declared intention of protecting endangered species, considering that nature conservation is only possible in the absence of human beings. Both types of abuses are happening in Kenya and the following are two such examples.

The Ogiek – a hunter-gatherer and harvester of honey people, dwelling since time immemorial in the Mau Forest and adjacent areas – have once again been menaced by the authorities in order to force them to abandon their ancestral lands. In 1991 the state partially recognized their territorial rights to a portion of the Tinet forests, but this did not result in an improvement in their situation. Nowadays the Ogiek – numbering some 5000 people – have been pushed into the last Forest Belt of the former Mighty Mau and Mt. Elgon Forests. This is the consequence of a process started in colonial times and continued after the country's independence until the present time.

The successive governments have systematically ignored the Ogiek's ancestral land rights, and allocated large areas of former forest lands to the ruling elites. Additionally, part of the remaining forest has been granted to logging companies, which would lead to their quick destruction. Even though Kenya ratified several international treaties related to the protection of the rights of indigenous peoples – like the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights – they have not been respected when concrete policies are formulated and implemented.

A second example of abuse over land rights is related to conservation. A plan to be implemented by the Kenya Wildlife Service in the Tana

River District in Coast Province – with financial support from the Global Environmental Facility (GEF) – to protect the red-capped manabey, an endangered monkey species, is being resisted by residents of Ngao and Ndera locations. The official promise to compensate land owners has divided the local residents into two groups: one of them accepts to move from their farms along the river, while the other vows to stay, arguing that money cannot compensate for the loss of their land and the dramatic change in their lifestyle. In fact people are proposed to move to the semi-arid plains of Ozi and Kipini where there are no rivers.

Molu Shambaro, a local leader and member of Parliament for the district, who is opposed to the eviction, has expressed that local dwellers' rights have to be respected, and has proposed that the wildlife service involves local people in their campaign to conserve the Tana River mangabey instead of forcing them to leave their lands. Shambaro asserted that if local people get involved, wildlife conservation and traditional lifestyle in the area will become compatible. He also accused both the government body and its GEF counterpart of corruption, which is considered to be the main reason for the failure of conservation projects in the country. (WRM Bulletin N° 40, November 2000).

Kenya: International campaign for the Ogiek

The Ogiek people of Kenya consider themselves as the guardians of Tinet forests. Although they managed them in a sustainable way, they have been forced to defend themselves against the arbitrariness of both colonial and post-colonial governments, who have ignored them and wanted to get hold of their lands. They resisted official arm twisting and threats, and several times went to court in the defense of their rights. The last chapter of this unconcluded legal controversy has been the sentence of the Kenya Appeals Court of May 2000, which stopped the government's imminent resolution to evict the Ogiek from their homeland.

Nevertheless, the authorities insist on trying to force them out of the forest alleging that it is a protected area included in the country's Forest Act. This argument is false for two reasons. From a legal point of view, the Forest Act establishes that indigenous peoples' territorial rights have

to be protected. On the ground, what the government is really doing is paving the way for powerful logging companies to enter the Tinet forests, even though it now claims it is a “protected area“. The logging ban in force exempts three big logging companies – Pan African Paper Mills, Raiply Timber, and Timsales Ltd. – who are prepared to enter the forests inhabited by the Ogiek.

A group of concerned NGOs – the US-based Digital Freedom Network, the Kenya-based Rights News and Features Service, and the Kenya Land Alliance – launched a campaign in December 2000 to support the Ogiek's fair struggle. A web site is available (<http://www.ogiek.org>), which includes a complete explanation of the situation of the Ogiek, as well as interesting links and the model letter addressed to Kenyan authorities asking them to stop the destruction of the Mau Forests and the harassment of the Ogiek. (WRM Bulletin N° 43, February 2001).

Mauritania: An Australian consortium in the National Park and Natural Heritage Banc D'Arguin

An oil consortium led by the Australian company Woodside Petroleum, is doing off shore seismic prospecting in the National Park and Natural Heritage Banc d'Arguin, Mauritania. Other partners of this consortium are Hardman Resources (Australia), Roc Oil, Fusion Oil and Gasy ENI (Italy).

In its marine area, the park is home to an important population of marine animals and one of the most bio-diverse sites of fish in the world.

Woodside has been exploring the Mauritania Sea since 1998, and established two exploratory wells in 2001, which resulted in the discovery of Chinguetti. In 2002, 4 more wells were opened, which resulted in the discovery of Banda, at 35 miles from the coast.

It is believed that these oil fields could contain some 1.5 billion dollars of oil and significant amounts of gas. In the Banda field alone, it has been calculated that there are probably 100 million barrel reserves and several trillions of cubic feet of associated gas.

Mauritania has not yet developed an environmental legislation related to the oil industry, and because of this companies apply their own standards.

The Russian-British-Mauritian Consortium – International Petroleum Grouping (IPG) –operates within the park, in blocks 9 and 10, but has not carried out any environmental impact study.

The offshore oil operation could destroy the most important food source in the country, which is fishing. Fishing is one of the bases of the national economy. Woodside is now financing studies on birds and fish in the protected area, which has distracted attention from the real impacts of the activity.

Impacts on biodiversity can now be felt. For example, seismic activity in Block 1 coincided with the migration of fish of commercial importance from the National Park to the Senegal delta, in the Diawling National Park, which is where this species reproduces. Seismic activity can irreversibly change the structure of the fish population and change their behavioural patterns. In studies recently carried out in the area, it was found that various fish populations travel great distances to sites that are then exploded with dynamite, which has significantly diminished commercial fishing in these areas. The impacts could be long-term if their breeding grounds are permanently destroyed in the Banc d'Arguin National Park. (Oilwatch, September 2003).

Senegal: Government limits mining as a means to protecting forests

Senegal has announced it will not grant any new permits for quarrying and mining in the country's 233 forest conservation areas. The government of Abdoulaye Wade has said it will encourage companies already operating there to move out as part of efforts to reduce deforestation and protect the environment.

Environment Minister Modou Fada Diagne said that his department would begin talks soon with quarrying companies that already operate in the country's five million hectares of forest reserves and national parks with a view to moving them elsewhere. He added that the granting of all new mining and quarrying permits would be conditional on the approval

of social and environmental impact studies and an undertaking by the firms involved to restore the environment to its original state once the extraction of minerals ceased.

The new policy is particularly aimed at reducing deforestation around the capital Dakar and the towns of Tambacounda, Louga, Thies and Kaolack. According to the UN Food and Agriculture Organization, Senegal lost over 45,000 hectares of forest between 1990 and 2000. According to environmental experts, the uncontrolled expansion of quarrying in Senegal has led to coastal erosion, a reduction in the area of available farmland and skin and lung problems for people who live nearby. However, President Abdoulaye Wade has not granted any new mining or quarrying permits within Senegal's forest reserves since he was elected in April 2000.

It is hoped that the stance of President Abdoulaye Wade and his Environment Minister Modou Fada Diagne encourage other African leaders to follow suit and struggle to not let their countries bleed to death. The so called African “conflicts”, who actually are outright wars with hundreds of thousands of people killed, in most cases are triggered and fuelled by mining interests, where in many cases foreign corporations play a leading role. (WRM Bulletin N° 72, July 2003).

South Africa: Sustainability, Protected Areas, and development

The term “sustainability”, which also means “maintainability” is readily and loosely used nowadays and is often quoted as the “magic buzzword” whenever politicians and entrepreneurs alike wish to gain easy acceptance for a proposed development or programme. However, when one takes a closer look at the notion of sustainable development (“economic activity that meets the needs of the present without compromising the ability of future generations to meet their own needs“) and at our track record in terms of natural resource use, the truth is that we are still very far off from achieving “sustainability“.

A retrospective evaluation of conservation and sustainable development projects shows that most have not achieved successful conservation nor sustainability and do not address human needs.

At the first Earth Summit (Rio 1992) the Contracting Parties to the Convention on Biological Diversity, declared themselves conscious of the importance of biological diversity for evolution and for maintaining life-sustaining systems of the biosphere. Also, one of the most significant achievements of the Rio Summit was the laying down of the Precautionary Principle as a universal guideline for consideration of any action that “may” harm biological diversity!

Sadly, ten years later, at the second World Summit for Sustainable Development (Johannesburg, 2002) it was recognised that we are still failing with regard to achieving sustainability! Commitments were again made, amongst other things, to reduce biodiversity loss and reverse the current trend in natural resource degradation.

Looking at the situation at South Africa, an estimated 10% of South Africa's mammal species are threatened, 2% of our bird species, 12% of our reptile species, 16% of amphibians and 36% of our freshwater fish species. The total number of threatened plant taxa approximately doubled between 1980 and 1995 and the trend is that the topsoil continues to be lost and virgin land is subject to “development schemes” at an alarming rate. Tourism and recreation are recognised amongst the list of threats to biodiversity and wilderness! The Tourism Programme of the United Nations Environment Programme states: “In fact, it (tourism) can be compared in its deleterious impacts and environmental risks to any other major industry.”

The global norm for conservation is for countries to set aside at least 10% of the land for conservation. In South Africa, about 6% of the land is formally protected for conservation purposes. However, even that approach has not gone without destruction. Examples are widespread as a historical consequence of the country's 178 national parks and reserves. As Mavuso Msimang, Chief Executive of National Parks in South Africa has written, “Most of our wilderness areas were not empty of people and the establishment of national parks often involved the dispossession, removal, exclusion and social dislocation of indigenous communities“. Examples include the pastoral inhabitants of Namaqualand in the western Cape exiled from the Namakwalandse Burgersvereniging facility, several thousand victims of the Tsitsikama forestry reserves in

the eastern Cape, and the vast Kruger National Park, over 2 million ha in size, which exceeds the state of Israel and was subject to several waves of removal over the past century.

The broad definition of the environment includes the natural, economic, and social and political environments in which we move and reside. The limited, unequally distributed, resources of the world cannot cope with the present globalised pattern of consumption. Policy-makers make development decisions and these are primarily driven by immediate and short term (very occasionally medium term) social, economic and/or political needs and wants. The very long term – in fact, timeless – needs of nature, including animals, plants, soil and future generations of people, fail to be taken adequately into account.

The time is overdue for some solid commitment to the physical and biophysical environment through demonstrable application of the precautionary principle. Even within the framework of the set conservation goals, a quick look at the maps of the National Parks and other important conservation areas such as the Greater St Lucia and the Drakensberg Parks, show that development, “subdivision” and privatization have taken place at a dramatic rate over the last twenty years or so and that it has escalated beyond acceptable proportions. Moreover, “sustainability” has first to get right on the 94% of the land in South Africa that has the primary purpose of making money (including many high intensity private game reserves and lodges).

It is a moral and ethical obligation towards the next generation. They must be left with some options of their own and the present generation has not the right, nor any longer the excuse of ignorance, to deprive them any further. (WRM Bulletin N° 74, September 2003).

South Africa: Protected areas for whom? A sceptic’s view

South Africa has a long history of conflict over land.

Even before European colonists began their invasions, there was fierce competition for land resources between different groups of people living on the subcontinent.

Due to increasing numbers of people in central Africa, and conflict arising from political differences, there was migration southwards, and this led to new groups settling in areas that had previously been the domain of the San or Bushmen. The world renowned San Rock art that is found throughout southern Africa bears witness to the presence of these early inhabitants of the region.

Exactly what then happened is not clear, but major demographic change ensued. From a society of mainly hunter/gatherers, it became one dominated by pastoralists and agriculturalists, and with this, the localised extinction of San people in most parts. Some survived by moving into inhospitable desert areas such as the Kalahari.

In pre-colonial times, in a land that teemed with wildlife, it was possible to live from Nature's bounty. Even people's homes were provided for in the form of caves or overhangs that gave protection from cold and wet weather. This was to change as the cultural landscape transformed. As people migrated from the north, cattle, ploughs and thatched structures became the norm. Things changed again with the impacts of colonial imperialism, that continue to this day. This new order began to undermine and erode the traditions and cultures of the indigenous communities that made up the fabric of pre-colonial society in southern Africa.

Lust for land and the imperative of legal ownership and control were foreign concepts that were suddenly imposed where only communal occupation by tribal groups had been the case before. These notions were poorly understood by the existing occupants of the land.

The countryside was systematically carved up into farms and towns, and if the process was resisted, enforcement with guns usually won the day. Another strategy that secured vast tracts of land for European settlers was the deployment of missionaries into areas where the perceived heathens needed to be 'saved' and 'educated'.

This all led to a situation where European descended settlers eventually came to be the 'legal' owners of an estimated 83% of the land in South Africa. The remaining 17%, made up of the so-called 'black homelands' had to provide for the needs of 80% of the population, and even today, nearly 10 years after the institution of a democratically elected

representative government, much remains to be done to achieve a fairer distribution of land and other resources.

On the other hand, much of the land previously owned by white farmers has been a steady converted from individual to corporate ownership or control. More and more land has been systematically acquired and converted to monoculture activities such as sugar, cotton or timber plantations by multi-national corporations, with the effect that even more of the former inhabitants have been displaced, usually to a life in squalid conditions around the cities. Homes made mainly of waste packaging material are slowly being replaced by ‘matchbox houses’ that strongly resemble those built during the apartheid era.

Against this background, only about 6% of the country has been allocated formal conservation status within the National and provincial ‘protected’ areas. In order to see how this came about, it must be understood that much of that 6% earned conservation status by default, usually by virtue of having no perceived value for farming, or because easy access was problematic. In other cases, conservation status was given to land when it was considered necessary to establish ‘buffer-zones’ between white farmers and black tribal ‘homeland’ areas or neighbouring countries that were perceived to present a threat to the political status quo.

Until very recently, a dominant consideration when awarding formal conservation status, was having the “big five” mammals present. As a consequence, many of the most conservation-worthy areas, including centres of endemism where species diversity is the highest, did not fall within protected areas.

A new threat to the integrity of protected areas comes in the form of ‘Ecotourism Investment’. The present government seems hell-bent on selling off development rights to some of the protected area ‘family jewels’ that made the areas conservation worthy in the first place.

Development concessions, where exclusive rights to choice sites within protected areas are granted, can be ‘leased’ by investors. This is already happening in the Kruger Park and the Greater St Lucia Wetland Park. This system presents many potential problems, especially in that it will mean that ordinary visitors will not be allowed access to the concession

areas. Despite public opposition to the scheme, the government is pushing ahead with their plans to allow the development of exclusive tourist resorts deep within these parks. Most environmentalists firmly believe that development should only be allowed on the periphery of protected areas, where adjacent communities can derive the greatest benefit.

It seems that as before, prime public assets in South Africa are being usurped mainly for the benefit and enjoyment of elite groups. Wealth forged from the exploitation of people and land, with mines and plantations, now buys privileged access to the last unspoiled places ! So much for redistribution of wealth. (By: Wally Menne, WRM, December 2003).

Tanzania: Preservation results in human rights abuses

The preservationist approach to forest protection tends to consider people as a threat to nature protection and frequently results in the violation of the human rights of rural communities and indigenous peoples living in the forests. This view not only supports the unrealistic idea of a nature void of people, but also ignores the benefits that the traditional management of natural resources brings to nature conservation itself. Over the last few years, conflicts related to this issue have arisen in several places and the following case is yet another sad result of such approach.

In October 1998 riot police and forest officers entered the village of Nzasa at the Kazizumbwi Forest Reserve, 45 kilometres from Dar es Salaam. They beat them, burned their crops and houses. Hundreds of structures, mainly thatched residential houses and granaries, were pulled down and burned during the operation. At least 700 people – including women and children – were left homeless, evicted out of the area and with no other place to go to.

The Forest Department, heavily criticized by human rights groups, justified the violent operation arguing that the villagers had encroached upon the forest reserve and are not entitled to compensation. After the operation, the Ministry of Natural Resources and Tourism told the press that the government would not extend any assistance to the victims, as the area was not recognized as a village, and made the villagers

responsible for the destruction of 54% of the forest reserve. Said Abdallah, one of the victims, told the press that members of his lineage had been living in the area since the beginning of the century. “Yet government agents say we have invaded the reserve” he added. The villagers say authorities had brought the forest boundary inland by at least “three hours walk“. Investigations carried out by members of the press revealed that indeed every landmark in the area is new.

The victims of the abuse recently reacted suing the authorities for this violent action. The villagers argue that the so called “Okoa Kazimzumbwi Operation” was criminal, because the government agents entered their homes unlawfully, harmed and assaulted them, and burned their crops. The villagers also argue that authorities changed the reserve boundaries after the assault in order to accuse them of having invaded it. The case is now before the High Court. (WRM Bulletin N° 24, June 1999).

Tanzania: Human rights, social justice and conservation

Efforts to conserve certain threatened species or habitats have in too many cases been implemented at the expense of local peoples throughout the world. Although modern conservation thinking has been shifting away from its original anti-people bias, it has yet to redress many of its past abuses and to accept that people are part of the environment. The following quotes from the conclusions of a study on Tanzania carried out by Neumann may prove useful to that debate.

“The establishment of virtually every national park in Tanzania required either the outright removal of rural communities or, at the very least, the curtailment of access to lands and resources. The historical processes of colonialism and postcolonial nation-building thus shaped the basic relationship between peasant farmers and pastoralists and the conservation regime. From the perspective of pastoralist political activists, numerous injustices have been carried out by the state in the name of wildlife conservation. The fact that pastoralist voices speaking out against conservation as usual are now heard loudly at international conferences and workshops is in itself a remarkable historical shift in Tanzania’s conservation politics. Rural activists have incorporated the potent rhetoric of sustainable development and human rights into their struggle, an action that heralds a new assertiveness.“

“Local resistance to the loss of access rights to land and resources has motivated new efforts by international conservation NGOs to redistribute tourism benefits and promote social welfare in communities adjoining protected areas. Continued pressure from “below” will necessitate further attention to questions of land rights and justice. Increasingly in contemporary cases, local groups, often through the formation of indigenous NGOs, are demanding autonomous control of land and resources, which they view as customary property rights that have been usurped by the state. In this context, 'it is often sociopolitical claims, not land pressure per se, which motivate encroachments' into protected areas (Fairhead and Leach 1994:507). Local demands can be politically radical, and most international conservation NGOs and state authorities are reluctant to go so far as to grant sole control of forests and wildlife habitat to villages or other local political entities. Local participation and local benefit-sharing, however, are not the same as local power to control use and access. Yet, in the end, this is what many communities seek.“

“So far, pastoralists are the main social group organizing to redress the perceived injustices of wildlife conservation in Tanzania. Other affected groups, such as peasant farmers on other park boundaries, have not yet organized around similar issues. The potential exists, however, for a much more widespread and comprehensive political struggle over land and resource rights in protected areas, such as developed as part of the nationalist movement in the colonial period. Provided with new democratic openings, pastoralists are moving away from 'everyday forms of resistance' and protest toward more organized and formalized forms of political action. It is difficult to predict what new structures and policies for wildlife conservation will emerge as a result of their activism. Land rights activists have, however, made it clear that wildlife conservation issues cannot be addressed without considering broader struggles for human rights and social justice.” (WRM Bulletin N° 49, August 2001).

Togo: Community rights and forest conservation

Located at the Northern limit of the African tropical forest region, Togo has 1,396,200 hectares of forest cover, which represents 24% of the country's total area. In a landscape dominated by the savanna, forests

constitute a very important biodiversity site as well as a fundamental source of livelihoods for local communities. Nevertheless, forest management in Togo has been facing important problems.

Amis de la Terre-Togo (Friends of the Earth-Togo) considers that, even though promising conservation initiatives do exist, the management of the so-called “classified forests” (forêts classés) and that of protected areas has not been successful.

Twenty-four classified forests occupying 434,382 hectares are spread in the country. However, already in 1994 it was reported that about 20% of those forests were occupied by 47,500 displaced people. Local population has got a negative view of classified forests, as they are seen as an unfair interference of the State in their territories. This is basically true, even though the State's vision has been having a positive evolution to this regard – if compared with the situation in colonial times – and nowadays local communities can exert at least partially their rights to use natural resources in those areas. According to their culture, local people practice a sustainable use of forest resources. On the contrary, the commercial exploitation of fine woods – such as acajou, sipo, aybé, fraké, okoumé, ozigo and sapeli – has been identified as one of the main causes of forest degradation in Togo.

The situation of national parks and fauna reserves is not better. Two national parks (Fazao Malfakassa and Kéran) and nine fauna reserves (Togodo-Sud, Togodo-Nord, Ahaba, Kpessi, Aboulaye; Aledjo-Kadara, Galangashie, Fosse aux Lions, Oli-Mandouré) have been created in Togo since 1970, occupying 697,185 hectares. The case of Kéran National Park is paradigmatic. Its creation in 1971 provoked the forced resettlement of about 60,000 people, who did not receive any compensation and were installed in an area completely lacking infrastructure and services. Whenever the State has tried to increase the area of natural fauna reserves conflict has arisen with local communities, who see their livelihoods menaced. It is clear that they see protected areas as the direct cause of the reduction of their agricultural areas and hunting sites. In 1990 the situation became critical and massive attacks against protected areas took place. After the democratization process started in 1991 the occupation of protected areas increased.

How to combine local community rights and forest conservation? Friends of the Earth-Togo considers that the National Forest Plan approved in 1994 constitutes a positive step to this regard. The plan envisages the realization of an inventory of forest genetic resources to be used in management projects with the participation of local people; the sensibilization of local dwellers in relation to the negative impacts produced by fires, itinerant agriculture and the excessive cut of the forest to obtain firewood; the revision of protected area boundaries so that alternative activities can be developed, and the promotion of agroforestry. Friends of the Earth-Togo is initiating a project based on agroforestry, involving local people, to ensure the sustainable use of forests. Another project related to forest conservation has also been started to evaluate the characteristics and present situation of community forests, and to address the causes of community forest destruction in Togo. (WRM Bulletin N° 36, July 2000).

ASIA

Bangladesh: “Save Sundarban, Save people through empowered community participation”

The Sundarban is the largest contiguous mangrove forest presently remaining in the world, and has been declared a World Heritage site by UNESCO in 1997. However, it is now on the verge of destruction despite local peoples’ determined and bold resistance – even to death – against the destructive action of profit-led business, mainly the shrimp farming industry, as well as exploration activities of oil and gas companies.

A Biodiversity Conservation Project is under way in the Sundarban Reserve Forest, with funding from the Asian Development Bank (ADB), the Global Environment Facility (GEF) and the Governments of the Netherlands and of Bangladesh. Is this another case of conservation approach through bulky funds from international agencies which eventually tend to promote “development” projects? How are people taken into account? Or else, how do they benefit? How to see through the alleged intentions which always mean good?

Criticism to the Sundarban Bio-diversity Conservation Project (SBCP) has been put forward by the SBCP Watch Group, an initiative of the

people and peoples' organizations inhabiting the Impact Zone of the Sundarbans, which ask for an effective re-design of SBCP in line with local peoples' concerns.

First and foremost, the project has been designed and carried out as a top-down scheme. Though it allegedly aims at developing "a sound wild life management system" or "undertaking activities adhering to increased awareness of the environment", it has not acknowledged the long lasting traditional and cultural wisdom of native peoples who have sustainably lived on the ecosystem for generations.

Furthermore, the project allows, enables and promotes large-scale commercial activities which have already proven to be deleterious for poor people and the environment.

The shrimp industry, a highly depredatory and contaminating activity – carried out for the benefit of big companies – which threatens biodiversity and increases unemployment through displacement of fisherfolk, is allowed to continue, and a viable shrimp policy is absent in the project. So, they let things go on as is, with detrimental commercial shrimp aquaculture pervading the economy. Such "development" is very far from a "sound wild life management", indeed. And it has been not the result of lack of "awareness of the environment" on the part of the communities. It was precisely a great commitment towards sustainable livelihood and peoples' rights to their own resources which led Korunamoyee Sardar to resist with her life the invasion of the shrimp farming industry.

Suspiciously enough, the SBCP promotes silvicultural trials, a "strong" forestry database for "international users" (!), and a proposed privately owned social afforestation programme to be located outside the Sundarbans. The SBCP Watch Group thinks that all this is likely to lead to monoculture tree plantations, and not to community-based forest management relying on biodiversity and ecologically sound principles.

The main solution promoted by the SBCP for poverty mitigation is eco-tourism, and the great emphasis put in it does not give due consideration

to the possible destructive effects of eco-tourism on such a highly sensitive ecosystem as the Sundarbans. There are scores of literature and cases of previous and present projects – even in other parts of Asia Pacific – which show that most of these schemes are monopolized by large transnational tourism companies, yielding marginal benefits for the communities and widespread environmental destruction.

Typically, the conservation project for the Sundarban places emphasis – and money – on training professionals and paying technical consultancies, feasibility studies, monitoring, and so on, while the lack of a historical review of the negative environmental and social impacts of construction of roads, bridges, culverts, embankments, sluices and polders in the Impact Zone and beyond has caused massive environmental and ecological damage to the entire region including the Sundarbans.

In account of those and more other flaws, the watch group is in the process of launching an Advocacy Campaign for re-designing the SBCP in favor of Sundarbans Impact Zone dwellers, especially poor people, based on people's perceptions, study findings and analysis of secondary documents. It also aims at developing a strong Prediction Group to study the implications of any kind of future interventions by International Financial Institutions in the Southwest Coastal Region of Bangladesh.

Now, the Sundarban people have spoken, and loud enough to make the Asian Development Bank take the decision of re-designing the project. The goal of SBCP Watch Groups is "Save Sundarban, Save People through empowered Community Participation". This is a demonstration that any genuine conservation project has to be done for and with the people, especially those who have the experience of conservation through generations of living in this region. (WRM Bulletin N° 73, August 2003).

India: Wildlife conservation and people's rights

A group of about 20 social activists, wildlife conservationists, researchers, lawyers, and mediapersons met from 10 to 12 April, 1997, at Bhikampura-Kishori in Alwar District, adjacent to the Sariska Tiger Reserve in Rajasthan (western India). The meeting, called by the Indian Institute of Public Administration and Kalpavriksh, and hosted by Tarun

Bharat Sangh, was an attempt to initiate a dialogue between those advocating the cause of wildlife protection and those struggling to uphold the human rights of rural communities living in and around wildlife habitats.

Over the last few years, conflicts have erupted in many of India's national parks, sanctuaries, and other natural habitats, between officials and NGOs involved in wildlife conservation on the one hand, and local communities and social activists on the other hand. Clashes between the Forest Department and local people are increasingly common. A top-down, centralised model of conservation, which has ignored the dependence of local communities on the resources of natural habitats, as also their traditions of conservation, is one root of this conflict; other factors include the increasing politicisation and commercialisation of rural areas, breakdown of traditions, and the demands made by growing populations of people and livestock, all of which clash with conservation goals. Simultaneously, wildlife and wildlife habitats continue to be destroyed by the dominant industrial-commercial economy, and the rampant consumerism of the rich minority.

The same governments which declared protected areas (national parks and sanctuaries) are today eager to open them up for mining, dams, industries, tourism, roads, and other so-called development projects, to the extent of being willing to even denotify them. Activists, conservationists, and community members have increasingly felt the need to respond to these conflicts, and to explore ways of working together to conserve wildlife, ensure local people's livelihoods, and challenge destructive industrial-commercial forces. Yet dialogue among us has been limited and sporadic. This meeting was an effort to initiate a more systematic process of dialogue and mutual understanding.

The meeting agreed on a number of principles, strategies and joint actions. The final paragraph of the meeting's statement clearly establishes its approach to conservation:

“We resolve to work together towards ensuring the conservation of species and habitats, and the traditional rights of access to resources of local communities, for which our main struggle will be against the destructive industrial-commercial economy.” (WRM Bulletin N° 3, August 1997).

India: People versus nature or World Bank and government versus people?

In different countries of the world conflicts have arisen between the protection of national parks and the conservation of wildlife on the one hand, and the defense of the rights of people that live in those areas on the other. The hegemonic official model of conservation has a vision of nature as composed by beautiful – but empty – spaces, ignoring that the sustainable use that most local communities practice in these areas is the best guarantee for conservation. The problem is especially important in countries with a high density of rural population.

Indigenous peoples living inside and in the fringes of Nagarhole National Park, also known as Rajiv Gandhi National Park, in Karnataka State, are facing a dramatic situation. At the same time nature and wildlife are threatened in this so called “protected area” located in the south of India.

Nagarhole is one of the seven Protected Areas (PAs) where the World Bank is financing US\$ 68 million to the Government of India for the so-called Eco-Development Project. The project covers a total area of 6,714 sq. km comprising other Protected Areas and Tiger Reserves also in the states of Bihar, Gujarat, Madhya Pradesh, Rajasthan, Kerala and West Bengal, and affecting an overall population of 48,800 tribal people. The Forest Department and the Government of Karnataka are now trying to get the more than 6,000 indigenous people, living in 58 settlements inside the park, out of this territory. Even if they have lived in the area for decades, the authorities now consider them illegal occupants. The project is also affecting the 25% of the population living in the fringes of the park, that are forbidden from entering into the forest to gather minor forest produces, they have no rights for cultivation, keeping domestic animals, collecting food from the forest, hunting small game, building houses, using roads and transporting materials and most importantly, for cultural practices and religious rituals. Both the Forest Department and the Government of Karnataka score a long history of violations of the human and cultural rights of the tribal people in Nagarhole.

But their action is not isolated: the World Bank is actively supporting it.

Stating that “local people, when traditional rights and access are limited by the establishment of protected areas, often have little incentive to use natural resources in a sustainable way” (Project Information Document, March 1996) and lending the money for the project, the World Bank is backing a new forced displacement of the tribals from their ancestral lands and territories, and an impoverishment of the already increasingly endangered forests. Ironically the World Bank talks of “voluntary displacement” instead of forced displacement.

Concerned local environmental NGOs consider that the Project's stated objective of biodiversity conservation is just a smokescreen to pave the way for the expansion of industrial agriculture and tree plantations in the Park, as has happened in other cases in India and in several places of the Park itself. Nowadays only 30% of its whole area can be considered primary forest. The rest has been devastated by logging and timber plantations.

With the Eco-Development Project the Government of India is violating several norms and compromises on indigenous peoples and forced resettlement, forestry policy, climate change as well as the Human Rights conventions, and the ILO conventions 107 and 169 on indigenous peoples rights. Furthermore, the Indian Law and the National procedures for settling indigenous rights within the National Parks have been also seriously violated. Regarding the World Bank, it has ignored its own internal Inspection Panel procedures. Even though the time the local communities had to prepare for the visit of the Inspection Panel sent by the Bank in September 1998 was very short, they presented to the visitors an Alternative People Plan to the official project. Nevertheless, their proposal was at last completely ignored. Last but not least, these kind of projects are at odds with the latest concepts on nature conservation and protection, that include as a capital point the recognition of traditional knowledge and cultural skills, as well as indigenous peoples' and local communities' rights.

Local communities, with the support of civil society organizations as the India Center for Human Rights and Law of Bombay, the Indian People's Tribunal on Environment and Human Rights, and **CORD**

(Karnataka NGO supporting the tribals) will continue their struggle against these imposed “solutions” that, in fact, are not solutions at all but a threat to the maintenance of their livelihoods and to the conservation of nature. (WRM Bulletin N° 20, February 1999).

India: An outdated approach to national parks and people

The preservationist approach to forest protection, which considers people as a threat to nature, ignores the human and territorial rights of rural communities and indigenous peoples living in the forests, who in fact usually contribute to their conservation. The view of nature as a void space, at the same time beautiful landscape and store of biodiversity for humanity, is not only unrealistic – since practically all the Earth is nowadays a geographic space modified by human intervention – but also leads to social and environmental conflicts. Even if this approach has been largely superseded, it is still being enforced in some cases, such as in India.

Since the 1960's, the designation of an area as a National Park by the government of India has implied the forced removal of its indigenous inhabitants, perceived as detrimental to nature. A 'fence, guard and protect' policy has been promoted by both government and some conservationists, as reflected during the IUCN meeting in New Delhi held in 1969. The then adopted guidelines for protected areas only slowly changed during the late 1970's, when indigenous knowledge and its usefulness for resource management began to receive recognition. The obligation to allow indigenous people to remain within their territories and have them participate in the management of protected areas now applies to all nations, including India, that signed the Biodiversity Convention of 1992. However, the following case from North India shows that the old policy is still alive:

“We, the Van Gujjars, are an indigenous forest dwelling people and have been living in the foothills of the Himalayas for centuries. We spend the winter months in the forests of the Shivalik mountain range at an average height of 1,500 feet above sea level, and the summer months in the high altitude pasture lands of the Himalayas at heights between 8,000 - 12,000 feet. For centuries we have reared our buffaloes in these forests and pasture lands and that is all we know to make our living.

Our buffaloes are a mixture of the indigenous breeds Nili and Ravi. These small and tough animals have been with us for generations with very little mixture of outside blood. These buffaloes are forest buffaloes so they are very well adapted to the tough life of the forest and the long treks of nomadic life. No other buffalo are capable of walking from heights of 1,500-12,000 feet, facing all hardships of very scarce fodder during transhumance. Our buffaloes are part of our family and have individual personalities and names of their own like Bhuri, Makheri, Nukra, Lali, etc. Our women also own buffaloes in their own name and they have full rights to the milk and milk products. These buffaloes are very efficient converters of roughage into milk. Their milk is rich and has a very high fat content (as high as 10-12%). During the summer months millions of tourists and pilgrims come to visit these parts of the Himalayas. It is only our buffalo that supply the milk to these people and if we did not do so, the mountains would become garbage dumps of packets and tins. In this way we are supporting 'eco-tourism' in the Himalayas. During the winter months our buffaloes give thousands of litres of milk daily to the cities that are close to our forests.

Our buffaloes start migrating on their own when the weather gets hot in the month of March or April or when it becomes cold in the month of September (close to the snow line). At times if we are not ready to move, we have to physically stop them. If they are not disturbed they can reach their destinations even on their own. They are like any other wild animal of the forests and know how to protect themselves against attacks from carnivorous animals. They have their own warning sounds and all of them gather together in a circle with the calves inside and can fend off any attack. This behaviour you will not see in dairy buffaloes.

Our buffaloes forage mainly on leafodder during the winter months and on the rich grass of the Himalayan pasture land during the summers. In winter we lop off branches from selected fodder trees making sure that enough nodal branches and leaves are left so that the tree may regenerate during the remaining period of the year. Also, we lop the branches just before the time of leaf fall of the particular species and in this way we ensure that the tree gets the full benefit of its foliage for growth. The herbivorous wildlife of the forests joins our buffalo in foraging on these

lopped leaves. Buffalo manure provides a very rich fertiliser for the forests. On the one hand we take leaves from the forests but in return we provide it fertiliser. Also, it is in our interest to remove the weeds so that young saplings of fodder trees can grow since these would provide food for our buffaloes in the years to come. Anybody can see that wherever we Van Gujjars live in the forest, the wildlife thrives. In this way we live in complete harmony with the forests and their wildlife and that is the only reason that our way of life has survived through the centuries.

We are vegetarians and our diet is largely based on milk and milk products. Also, we believe in the Ghandian principle that the 'Earth provides enough to satisfy every man's need, but not every man's greed' and we own only so many possessions that we can carry with us on our transhumance. We see the outside world today in a vice-like grip of consumerism and we have consciously kept away from this. No one in our community drinks alcohol or gambles. We do not dance and play drums like other communities. We believe that the drum is the symbol of the hunt and this is against our ethics and morals.

We do not and cannot harm the forest in any way because our very survival depends upon it. The degradation of our natural resources, forests and wildlife has come about because of indiscriminate and unsustainable use of these resources. We protect and conserve our forests and wildlife. We know every species of tree, every animal and every bird, we note every fallen branch and tree, we recognise every sound in the forest and its meaning.

These forests have been our home for centuries and we feel safe and secure in them. We know that women and children can be left in the care of the forests, but this is not so in the cities. You will not find a single Van Gujjar's 'dera' (large circular thatched hut) with a covered doorway because we feel that if our doorways are covered then we are excluding the forest from our lives. After all we are a part of the same 'Kudrat' (nature) that provides for the forests, for their wildlife and for us. It is this compulsion that has kept us as vegetarians. If we do not live in harmony with our surroundings then we would suffer. Except for a few stray incidents of elephant attacks no wild animal has ever

harmed any of us. We also understand that the protection of our forests' flora, fauna and wildlife is critical for the conservation of biological diversity in the country. Isn't this what our foresters, environmentalists, government and other people want?

In 1983 the State Government declared its intentions of converting our forests into a National Park. This is when our troubles began. The forest department told us that we would have to leave the forests and settle outside the new park boundaries. This we cannot do because we know that this would be the end of our buffaloes and without them it would be our end too. For centuries we have lived freely in these forests and have always considered them to be our own. We have never wanted to exploit the forests for money or any other consideration, which the forest department has previously done and now the tree smugglers and animal poachers are doing. We only take fodder leaves from the forest and return it through other benefits in ample measure. We have always ensured that no harm comes to these forests which are a part of 'Kudrat'. But today the forest department chooses to call us trespassers and tries to lay the blame of its own bad management at our doors.

We hear stories of other forest dwelling people in our country who also have similar problems like ours and note that this developing conflict between parks and people can only be harmful to both. This, we are told, is also happening in other countries around the world. These struggles are certainly the manifestation of the assertion of rights, but the initiative is to protect the ecosystem and wildlife of the Shivalik range of mountains and our, the Van Gujiars', and local villagers' traditional rights. We should have the choice to permanently live in and around the protected area in an environmentally and economically sustainable manner.” (WRM Bulletin N° 30, January 2000).

India: Indigenous peoples victims of “conservation” at Rajive Gandhi National Park

Two visions are confronted in relation to the conservation of protected areas. One of them – originated in the conservationist circles of the North – considers that they have to be kept as natural scenarios, void of

people. To make it possible, indigenous peoples and other local dwellers are seen as a menace which needs to be removed. From the modern viewpoint, nature needs to be considered in its coevolution with human cultures, and forest peoples constitute an essential part of this relationship, having a crucial role in forest biodiversity conservation.

India has been and still is a typical scenario of this conflict. Problems are frequent in India's national parks, sanctuaries, and other natural habitats, between government officials and NGOs involved in wildlife conservation on the one hand, and indigenous peoples, local communities and social activists on the other hand. Even though there has been a civil society initiative to address the problem, trying to build bridges between such opposite visions, indigenous peoples that have historically protected forest areas continue to be victims of abuse and violence to the hands of national authorities.

Such situation has happened again. After the brutal forceful dislocation of 51 families carried out by the Forest Department and the Police during midnight of June 12, last year, on September 23rd 2000, a large troop of Forest Department personnel arrived to the Kolengere tribal settlement in Nagarhole to forcefully dislocate the 30 tribal families from the settlement to a new "rehabilitation" site at Veeranahosalli, at the fringes of the National Park, and to demolish their existing dwellings. Local people tried to defend themselves from this attack, and were brutally repressed. Men and women were beaten by armed officers. Some very seriously injured individuals were admitted to hospitals at Gonikoppal and Kumara, while others were given primary treatments locally. Some local media, instigated by the Forest Department, falsely informed that local people were the ones instigating the clash with the support of NGOs like CORD, Kushalnagar and DEED, Hunsur.

The historical conflict between the Forest Department and the traditional inhabitants of the Park intensified during the last years with the move of the Government of Karnataka to implement the controversial World Bank Eco-development Project in the area. The official plan went ahead, even violating the operational directives of the Bank itself with regard to the Indigenous/Tribal Peoples, as well as their constitutional rights. Affected

indigenous people have been facing abuses related to this project. The World Bank's Inspection Panel that visited the area on 1-3 September, 1998 justified the tribals' position. Nevertheless, the Government of Karnataka has preferred to turn a blind eye to reality, and continues insisting that there is no forceful dislocation, and that it has the full consent of the people concerned.

Protective Laws and Acts to safeguard the life of the ethnic minorities in India do exist, but they are often neglected and violated by the lawmakers themselves. Additionally, real victims of official violence are accused of rioting. Social and environmental Indian NGOs are claiming that a proper inquiry into the recent repression is performed, and the culprits are brought to trial. (WRM Bulletin N° 38, September 2000).

India: Mining and plantations put National Park at risk

The temporary work permit given to the Kudremukh Iron Ore Company (KIOCL) to continue the extraction of iron in the Kudremukh National Park, located in the Western Ghats region of the state of Karnataka, has given place to severe criticism from national and international environmental NGOs, which had been putting pressure on the authorities for the company's request to be denied.

KIOCL has been operating in the Aroli and Malleshwara regions of Kudremukh National Park, under a 30-year lease, which expired in July 1999. Since then, the company has been lobbying to obtain a 20-year extension on the lease, but it has only been granted two successive year long temporary permits.

Impacts of mining in the area are apparent. A report of the Indian NGO Environment Support Group (ESG) proves that many fish varieties have disappeared due to pollution, and points out that farmers complain about the decline in agricultural productivity downstream due to deposition of mine tailings. River pollution has provoked an increase in cases of disease among villagers. In 1987 a 67 metre long slurry pipeline broke and its leakage reached the Yennehole River, which led to severe environmental damage.

The only action supposedly undertaken by KIOCL to mitigate the impacts

on forests and rivers in the area has been to plant alien trees! The company adduces having implemented a “reforestation” programme by planting 7.5 million acacia, eucalyptus and other alien tree species. If such claims were true it would make things even worse, since the substitution of a portion of forest by a plantation prevents the regeneration of the secondary forest, thereby impoverishing the environment. Both mining and plantations are a direct cause of deforestation. Nevertheless that of Kudremukh constitutes a particular case where both activities combine to destroy the forest.

At present the State Government has ordered an environmental impact study be undertaken before an extension on the lease is granted. However, this is not seen as a sufficient guarantee by local environmentalists. Leo Saldanha from the Environment Support Group says: “I sincerely believe that a systematic public campaign is the most appropriate option to ensure mining ends in Kudremukh. Nothing like the people's will to bend a government that is intent on violating public commitments and the law.” (WRM Bulletin N° 40, November 2000).

Indonesia: Campaign against illegal logging in National Parks

More than 150 Indonesian and international NGOs – among them the WRM – have endorsed a sign-on letter addressed to the authorities of that country denouncing the situation of two national parks and proposing solutions. The initiative was launched by Telapak Indonesia and the Environmental Investigation Agency. The letter reads:

“Illegal logging in both Tanjung Puting National Park and Gunung Leuser National Park is extremely serious and operates under the control of timber barons, members of military, the police and the Forest Department. The situation is made more serious because this is not simply a recent reaction to a political power vacuum, but an acceleration of illegal activities, corruption and collusion that were endemic prior to this recent emergency.

The local communities, although taking part in illegal activities, have reacted to the corruption they have experienced all around them for years. They are now being used in ever growing numbers to create anarchy in the

forestry sector to the continuing advantage of the local timber barons and the corrupt officials that support them. It is already known that illegal logging is the larger part of the forestry sector in Indonesia.

The undersigned organizations and individuals demand the stopping of illegal logging in the national parks in Indonesia. This must be done in the context of the following:

- Closure of illegal sawmills and immediate audit of licensed sawmills in the vicinity of the parks. Immediate investigations and prosecution of owners of sawmills, proven to be acting illegally.
- Major international donors, including the USA, the European Union, Japan, the IMF and World Bank, must be held responsible for upholding actions to stop illegal logging and reform forestry law.
- Investigation into corruption of the authorities, including the police, military and forestry department in the local area, the provinces and central government in Jakarta. Prosecution and replacement of individuals, including those at the highest level.
- An alternative forestry law taking into account local community rights, local participation in forestry, and recognition of land claims.
- Establishment of a Consultative Forestry Council with real moral authority and power to provide a medium for forestry issues to be resolved between all the stakeholders at a national, regional, and local level.
- Strengthening PKA in areas of management and establishing park boundaries through participatory mapping. Create an enterprise spirit that includes the community, wildlife and forest conservation and tourism.
- The international community must take responsibility for their consumption of illegally produced timber from Indonesia.” (WRM Bulletin N° 27, September / October 1999).

Indonesia: Sulawesi targeted for exploitation

Central Sulawesi is being billed as Indonesia's next big gas producer by Indonesian companies with exploration projects in this province.

Indonesia's state-owned oil and gas company, Pertamina, and Exspan Tomori Sulawesi – a subsidiary of Medco – say the province has huge potential for natural gas exploitation.

General affairs manager of the company's joint co-operation body, Tri Siswindono, said Central Sulawesi could easily become Indonesia's biggest natural gas producer. With 20-28 trillion cubic feet (tcf), the Donggi and Senoro fields hold up to twice as much gas as Aceh's Arun field, operated by ExxonMobil, which has around 14 tcf left. The combined Sulawesi fields had almost three times as much as Papua's Tangguh project, he said.

The joint operators are planning to build a liquefied natural gas (LNG) plant to process the gas, to start production in 2007 at the latest, according to Pertamina director Baihaki Hakim. He says the markets are there – Marathon wants to buy 6 million tonnes of LNG per year and the Philippines and Japan have also declared an interest in buying Donggi LNG.

According to Pertamina, the project will mean building a new town at Donggi with potential for thousands of jobs. The area is close to Morowali nature reserve, home of the Tau'taa/Wana indigenous people.

The project is being promoted by Pertamina as a matter of national pride because it will be the first in which the company will carry through a “mega-project” independently, rather than as partners with foreign operating companies.

The environmental group WALHI Central Sulawesi has appealed to environment minister Nabel Makarim not to be in hurry to approve Exspan and Pertamina's oil and gas projects in the region, as the developments are likely to cause damage to the environment, harm livelihoods and prospects for tourism. In the Tiaka area, for example, which lies 11 nautical miles off the coast in Tolo Bay, oil exploration activities have already damaged coral reefs, according to the group.

A report by Indonesia's Tempo Magazine, described how oil and gas exploration, along with forest destruction, have contributed to the decline of the endangered maleo bird population on Banggai Island. A gas leak in 2001 killed maleos and other birds and caused islanders to suffer from nausea and headaches. Tiaka Island, which was turned into a helipad and tanker terminal, was also home to 400 families of indigenous sea-faring Bajo people. A protest by the Bajos was answered by a terse

“Stay or get out of the area“. Exspan also wants to convert Bangkiriang, a forest wildlife reserve, into an oil exploration and exploitation area, according to Tempo.

WALHI is also opposing the project's plans to build a 100 ha artificial island in Tolo Bay, by dredging 3 million tonnes of sand and gravel, to create space for storing oil drilling equipment. WALHI says the plan puts coral reef ecosystems covering almost 44 hectares under threat. A survey conducted by WALHI volunteers found that around 80% of the corals on the Tiaka Reef were in a good condition, and were inhabited by hundreds of species of fish and molluscs, including the Napoleon Wrasse (*Cheilinus undulatus*) and giant clams (*Tridacna*).

The planned conversion of the reef into a storage island would also limit the access of local people to marine resources. WALHI says the environmental impact analysis (AMDAL) for the oil and gas development was carried out without the participation of local people who will suffer the direct impacts. The NGO is also warning that the dredging of riverbeds and land sites for excavating sand and gravel will bring the threat of floods and landslides to local villagers and their farmland. WALHI says it is not opposed to the development, but insists that developers abide by environmental laws and protect the rights of local indigenous communities.

Central Sulawesi's provincial governor Prof Aminuddin Ponulele previously said he would issue a licence for Exspan and Pertamina to create the artificial island based on the recommendation of the provincial AMDAL commission. This stated that the area consisted only of sandbars and that the development would not threaten the surrounding marine life. The commission also said that its survey had found that the corals in the oil drilling area were mostly already dead. Exspan and Pertamina also reported that more than 80% of the corals were damaged.

The companies plan to start extracting oil from Tiaka in June 2003, with a production capacity of 6,500 barrels per day (bpd). US company United Texas Petroleum first discovered oil in Tiaka in the 1980s, but decided that the field's prospects were not good enough for further development. Pertamina and Exspan then took over exploration in the field.

According to Tempo, the Banggai district head gave his firm support for development: “Nothing should stand in the way of Exspan's plan to develop the natural resources of Banggai”, he said. “This is a matter of prestige for Banggai.” (Down to Earth Newsletter No. 56, February 2003).

Indonesia: Mounting opposition to mining in protected areas

The “Coalition to oppose mining in Indonesia's protected areas” has issued a media release to expose how mining activities are encountering strong and mounting opposition at various levels. The Coalition is composed of the following ten groups: JATAM; WALHI-Friends of the Earth; Indonesian Center for Environment Law; WWF Indonesia; Kehati; PELANGI; Forest Watch Indonesia; MPI; POKJA PSDA; PELA.

Reactions at open pit mining in protected forests have been coming from civil society in Sumatra, Kalimantan, Java, Sumbawa Besar (south-east Indonesia), Sulawesi. These include letters of protest, postcards, demonstrations, declarations and statements by provincial governments, students, academics, indigenous peoples, ordinary Indonesians and by the international community.

It seems that public perception is that things have gone too far with mining activities. That's how the Canadian mining company Placer Dome's plans to mine for gold in the protected forests of South Kalimantan's Meratus Mountains – home of the Dayak peoples and the orangutans – have sparked a passionately worded letter of protest by Indigenous Dayak representatives, a demonstration in the South Kalimantan provincial capital on the 1st of July demanding government action to reject Placer Dome's lobbying and a declaration of the Provincial Government calling on the Indonesian national parliament not to permit mining in the Meratus protected forest. It's high time, since 44% of Dayaks' forests have been degraded in just 12 years!

In Palu, capital of central Sulawesi island, sustained community opposition have included protests directly against Rio Tinto and Newcrest's plans to build a gold mine in the Poboya Protected Forest Park. Actions have yielded statements by both the provincial House of

Representatives (2 July 2003) and by Prof Aminuddin Ponulele, Governor of Central Sulawesi, that they will refuse any central government attempts to permit the mine to go ahead. The threat posed by heavy metals, dust and other mine wastes to the Poboya Protected Forest Park and the water supply for 200,000 residents of Palu is too great a risk according to Governor Aminuddin, who was quoted by local paper Radar Palu on 3 July 2003 requesting Rio Tinto / Newcrest's joint venture company PT Citra Palu Minerals to leave Central Sulawesi province.

Even the usually apolitical UNESCO Asia Pacific office in Jakarta (United Nations Educational, Scientific and Cultural Organisation) have appealed to Indonesian parliamentary committees currently considering government plans to mine in protected areas. They sent a letter with specific reference to tiny Gag island in West Papua where BHP Billiton plans to build the biggest nickel mine in the world and dump mine waste into the sea. An IUCN / UNESCO International Workshop held in Hanoi in February 2002 had chosen the Raja Ampat archipelago including Gag Island as one of seven sites to consider for World Heritage listing from a field of 25 potential sites in Southeast Asia for its high biodiversity: 505 species of coral – which is an extraordinary 64% of all known coral species in the world –, 1,065 fish species – amongst the highest fish diversity in the world. UNESCO's intervention is a blow to BHP Billiton's lobbying to overturn protected forest status and the company's plan to use STD-Submarine (ocean) Tailings (waste) Disposal, despite it's claims to have reformed after the Papua New Guinea Ok Tedi disaster. BHP's Ok Tedi mine in Papua New Guinea caused severe, long-lasting pollution of the Fly River, and local communities successfully sued BHP for multi-millions of dollars in damages.

The international community has also reacted. Over 1,100 letters have been sent by individuals and organisations in 43 countries addressed to Indonesian President Megawati and including testimonials such as this from Beth Partin, who heard of US mining company Newmont's push to expand into Indonesia's protected forests: "I live near Denver, Colorado where Newmont is based. In Colorado, we live every day with the damage caused by mining, for example, the Alamosa River was poisoned more than a decade ago by a cyanide leak and after years of cleanup is only beginning to show signs of life."

To date around 6,000 sets of three postcards, one addressed to the House of Representatives, another to the Forestry Department and the third one to the Minister for Mineral Energy and Resources have been signed and sent by ordinary Indonesians as an expression of support for existing environment protections against mining. Student environmentalists have staged protests at the Australian Embassy in anger at Australian and other foreign government lobbying on behalf of mining companies. Protests have also been held at the House of Representatives and the Forestry Department, with more planned. Heads of forestry education at five prestigious universities: Bogor Institute of Agriculture, Gajah Mada University, Mulawarman University, Hasanuddin University and Lampung University Groups, have issued a declaration of opposition to mining in protected areas on 3 July 2003. Students and academics highlighted the total economic contribution made by sustainable forestry and environment protection, which according to Indonesia's national budget, outweighs that of mining, with much more potential untapped. (WRM Bulletin N° 72, July 2003).

Indonesia: The Dayak people in the first co-managed Protected Area

The Kayan Mentarang National Park situated in the interior of East Kalimantan, Indonesian Borneo, lies at the border with Sarawak to the west and Sabah to the north. With its gazetted 1.4 million hectares, it is the largest protected area of rainforest in Borneo and one of the largest in Southeast Asia.

The history of the natural landscape of the park is inexorably intertwined with the history of its people. About 16,000 Dayak people live inside or in close proximity of this National Park. The communities living in and around the park are still largely regulated by customary law or “adat” in the conduct of their daily affairs and the management of natural resources in their customary territory. The customary chief (kepala adat) administers the customary law with the help of the customary council (lembaga adat). All elected officials at village level and prominent leaders of the community sit on a customary council. Traditional forest areas with

protection status or strict management regime exist. “Tana ulen”, for example, is land whose access is restricted, limited. It is an expanse of primary forest rich in natural resources such as rattan (*Calamus spp*), sang leaves (*Licuala sp.*), hardwood for construction (e.g., *Dipterocarpus spp*, *Shorea spp*, *Quercus sp.*), fish and game, all of which have high use value for the local community.

The Nature Reserve established in 1980 had a strict protection status, meaning that no human activities are allowed inside the protected area. WWF together with LIPI (Indonesian Institute of Research) and local people ran a long-term social science research program (“Culture and Conservation”, 1991-1997) and conducted experimental community mapping to show that the communities were dependent on forest resources and had rightful claims to the land. The results provided the necessary evidence to recommend a change of status from Nature Reserve to National Park in 1994 (where traditional activities are allowed).

The issue of social entitlements, and particularly lack of tenure security, was identified by the WWF team as a key issue and priority area for intervention in the period 1996-2000. Although Dayak people had been living in the area and made use of forest resources for centuries, the forest they inhabited and managed was “state forest” with a situation of open access, whereby the state could decide to allocate exploitation rights or decide to establish a conservation area without prior consent of the local communities. Local communities had very little power in trying to defend the forest or secure the source of their economic livelihood against the interests of logging companies, mining exploration, or outside collectors of forest products.

Under these circumstances, the WWF Kayan Mentarang project developed a strategy and program of field activities that would lead to the legal recognition of “adat” claims and “adat” rights so that indigenous communities could continue to use and manage forest resources in the conservation area. Activities included: community mapping; qualitative assessments of the use and availability of forest resources with economic value; workshop for the recognition of “tana ulen” or forest under traditional customary management; participatory planning for zonation recommendations and the redrawing of the external boundaries of the

park; drafting of “adat” or customary regulations for the management of the national park; strengthening of local organizations and institutional development.

Following several meetings and discussions among the ten “adat” leaders from the customary lands around the park area, the Alliance of the Indigenous People of Kayan Mentarang National Park (FoMMA), was formed and formally established on October 7, 2000. The main objectives were to create a forum for conveying the aspirations of the indigenous communities and debating issues concerning the management of the National Park and natural resources in the customary lands of the park. FoMMA is concerned with guaranteeing protection of the forest and the sustainable use of natural resources as well as protection of the rights of indigenous people, and also concerned with increasing their economic prosperity. FoMMA now legally represents the indigenous people on the Policy Board of the park, a new institution set up to preside over the park's management. The Policy Board includes representatives of the central government (agency for Forest Protection and Nature Conservation), the provincial and district governments, and FoMMA. The operating principles of the board emphasize the importance of coordination, competence, shared responsibilities, and equal partnership among all stakeholders. The board was formally established in April 2002 with a Decree of the Ministry of Forestry, which also spells out that the park is to be managed through collaborative management (a first in Indonesia).

After decades of marginalisation and dispossession, recent developments in the Kayan Mentarang National Parks offer hope to the indigenous communities of Kalimantan. It is becoming increasingly evident that conservation objectives can rarely be obtained or sustained by imposing policies and projects that produce negative impacts on indigenous peoples and local communities. Alternative and progressive approaches that genuinely take into consideration local peoples' needs and rights and secure their full involvement in biodiversity management and decision making can provide a more solid basis for ecological protection and improvement of people's livelihoods. There is hope that the co-management arrangement being developed in Kayan Mentarang will fulfil these objectives. (By: Cristina Egghenter, WWF Indonesia Kayan Mentarang Project; Martin Labo, FoMMA and Maurizio Farhan Ferrari, Forest Peoples Programme, WRM Bulletin N° 73, August 2003).

Malaysia: Penan indigenous people and protected areas

The concept of nature without – and in most cases excluding – people, which fed natural areas conservation theory in the past decades, is still being applied in as different countries as India and Brazil. Even though the principles of sustainable forest management internationally adopted recognize the importance of the full participation of local communities in all levels of forest management, in several cases local dwellers are seen as a threat for nature conservation. Reality counters this vision, since they are generally directly responsible for keeping protected areas – which are their home and source of livelihoods – alive and functional.

In Sarawak, a number of Penan communities in the Apoh, Tutoh, Layun and Patah areas in the Baram District, Miri Division are appealing to the State authorities to stop carrying out survey works by the Forest Departement on their traditional lands. The survey is being undertaken for the creation of the Apoh/Tutoh Forest Reserves and Maringgong Protected Forests. The claims of the indigenous peoples are based on the grounds that the affected Penan have objected – from its very beginning in 1998 – the project of converting their customary lands into forest reserves, and fear that the security of their people and their vital resources in their respective areas could be jeopardised if outsiders encroached into their territories without their prior knowledge and approval. They urge the Forest Department and the Sarawak Government to cease all survey work in the affected areas immediately.

The environmental NGO Sahabat Alam Malaysia (SAM) shares the concerns and anxieties raised by the affected Penan and is urging the State Government to heed to the Penans' demands and cease all survey works in the affected areas. SAM is of the view that the move to constitute large areas of lands and forests which encompass customary lands of the native communities as forest reserves or protected forests in complete disregard of the rights of indigenous communities is not only contrary to law, but would also lead to the loss of control over their lands and their own future.

In most cases in Sarawak “forest reserves” and “protected forests” are

anything but that: they are granted to timber companies or used for other “development” purposes. If these forests are indeed devoted to conservation proposals, they should not result in the deprivation of the native communities to their ancestral lands. SAM emphasises the need to review laws and policies which enable the extinguishment of native customary rights before any forest areas are constituted as Permanent Forest Estates (as forest reserves or protected forests). Until this happens, conflicts between the government and the communities and between the communities and the timber and plantation companies will increase. (WRM Bulletin N° 35, June 2000).

Philippines: Indigenous peoples’ rights-based approach to conservation

The Philippines has been regarded as one of the most active and progressive countries in Asia in terms of developing policies and laws recognising the rights of indigenous peoples and ensuring their participation in protected area management and decision-making. However, it is indigenous peoples’ themselves that are finding the adequate ways for ensuring conservation and respect to their rights.

The National Integrated Protected Areas System (NIPAS) Act was signed into law in 1992 with the objective of developing a comprehensive protected areas system and integrate the participation of indigenous and local communities in protected areas management and decision-making. The participatory approach is supposed to happen mostly through the Protected Area Management Board (PAMB), which is composed of government officers, NGOs, and local community representatives.

Indigenous peoples' rights started to be more explicitly recognised in 1993, with the issuance of the Department of Environment and Natural Resources (DENR) Administrative Order No. 2 (DAO 2), which allows for the delineation of ancestral domains and the issuance to indigenous communities of Certificates of Ancestral Domain Claims (CADC) and Certificates of Ancestral Land Claims (CALC). These claims are not titles but provide that indigenous holders have some degree of control concerning what is going to happen in their territories. These right-based provisions were further strengthened in October 1997 with the

proclamation of the long-awaited Indigenous Peoples Rights Act (IPRA) by President Ramos. One of the IPRA's features is the granting of a collective right to land through the Certificate of Ancestral Domain Title (CADT) and of individual rights through the Certificate of Ancestral Land Title (CALT).

Since the passing of these laws, both their strengths and weaknesses have been pointed out. The NIPAS Act has improved the participation of indigenous and local communities in protected areas management and decision-making in many cases. Several NGOs and Community-based Organizations, however, point out that in several cases the PAMB has not been functioning effectively due to a number of limitations, varying from lack of documents in local languages and resources for meetings and workshops, to the fact that the PAMB's chairperson is a government officer and that local people are usually shy to voice their concerns in the presence of government officials, leading to the decision-making power remaining still firmly in government hands.

Concerning IPRA (the Indigenous Peoples Rights Act), while many indigenous groups still consider it a legal instrument that can be used to protect their rights, some others have called for the repeal of the law. Apart from the theoretical and practical ambiguities of the law, one main criticism has been that the National Commission on Indigenous Peoples (NCIP) does not truly represent the indigenous peoples as some of the commissioners were mostly appointed by the President without proper consultation and – especially under the Estrada administration – were either corrupt or inefficient, or both. The NCIP underwent radical restructuring during 2001 and a new set of Commissioners selected through a more participatory process at the provincial, regional and national levels, was instituted in mid-2001.

With new infused enthusiasm, President Gloria Magapagal-Arroyo announced in her Presidential Address to the Nation that 100 000 hectares of “Certificates of Ancestral Domain Titles” (CADT) would be awarded yearly. But due to lack of appropriate budget and other internal weaknesses, only two CADT were awarded by the end of 2002. The Chair of the Commission has been replaced again at the beginning of 2003. While there is still hope among the Philippine indigenous peoples that the NCIP will truly work in the interest of indigenous peoples, there

is also a feeling that unresolved issues still need to be ironed out and that the NCIP must be strengthened in terms of human, institutional and financial resources.

One particular case study that is particularly illustrative of the positive way in which the IPRA can be used, but also of the possible conflict between the NIPAS Act and the IPRA Act is that of Coron Island, Calamianes Islands, North Palawan.

The Tagbanwa indigenous people of Coron Island have been living on a stunningly beautiful limestone island surrounded by water once rich in marine resources, their main source of livelihood. By the mid-1980s, not having secure legal tenure over these environments, the increasing encroachment by migrant fishers, tourism entrepreneurs, politicians seeking land deals, and government agencies interested in controlling various resources of the island, meant that they were fast losing control over their terrestrial and marine resources to the point that they were facing food shortages.

They reacted by setting up the Tagbanwa Foundation of Coron Island in 1985 and applying for a Community Forest Stewardship Agreement (CFSA). They were awarded a CFSA covering the whole island and neighbouring, small, Delian Island, (for a total of 7748 hectares) in 1990.

Soon after, however, they realised that their main source of livelihood, the marine waters surrounding the island, were being degraded at an alarming rate by dynamite, cyanide and other illegal and destructive fishing. Through the use of DENR's DAO2 and the help of a national NGO, the Philippine Association For Inter-cultural Development (PAFID), in 1998 they managed to obtain the first CADC in the country that included both land and marine waters, for a total of 22,284 hectares. They produced high quality mapping of their territories, an Ancestral Domain Sustainable Management Plan, and followed up the development of the IPRA law successfully, using it to obtain a CADT in early 2001. However, given that all CADT were put under review with the restructuring of the NCIP in mid-2001, this title is also under review.

The CADC and CADT were put to prompt use when Coron Island was

selected as one of the 8 sites under the National Integrated Protected Areas Programme (NIPAP). The ultimate intention of the Department of Environment and Natural Resources was (and still is) to gazette the whole island as a Protected Area, but this has so far not materialised because the Tagbanwa fear that they would once more lose control over the island. Having gained a CADT over the island they prefer to stick to their right-based approach to resource management rather than accepting an uncertain participatory approach through the Protected Area Management Board. One of the main reasons mentioned by the Tagbanwa for their refusal of the NIPAP project was the fact that Coron Island was selected as one of the 8 sites for the project without any consultation with them and without seeking their free and prior informed consent. Several other indigenous communities in other parts of the country are looking at CADT over land and water as a tool to secure their rights to land and marine resources.

This case aptly illustrates the potential conflicts between the NIPAS and the IPRA. The Coron Island case could actually also be seen as the use by an indigenous community of a rights-based law (IPRA) to support a community-conserved area (CCA) versus the use by the Department of Environment and Natural Resources of a participatory protected areas law (NIPAS) to push for a state-declared Protected Area. This brings to the fore important questions in conservation policy: how can the conservation efforts of local communities (such as CCAs) be recognised and protected? Do they need legal recognition? How can they complement, or in certain cases be preferred, to the more conventional state-declared Protected Areas?

The case of the Tagbanwa of Coron Island illustrates that when an indigenous community is strongly determined to protect its natural resources and rights, given the right support (such as available laws and supporting NGOs), it can effectively take action to obtain recognition of its rights and to protect the ecosystems on which it depends. It also shows that for indigenous peoples it is worth investing time in using a rights-based approach to biodiversity management to obtain a private community title through IPRA, rather than accepting a participatory approach as offered by NIPAS, as this is still beset by problems related to the issue of who really holds power within a participatory arrangement. This case also illustrates the dichotomy between official (state-declared) protected areas versus community-conserved areas.

The Tagbanwa used an innovative law that recognises indigenous peoples' property rights and customary law (despite its limitations) in an initiative that could be broadly defined as a community-conserved area (CCA) and rejected a government plan to gazette the island as a Protected Area (PA). It is actually a case of conflict between CCA and PA, which could be avoided or settled if governments started to recognise and accept the value of CCAs and see them as a valid complementary approach to conventional PAs. (By: Maurizio Farhan Ferrari, WRM Bulletin N° 73, August 2003).

Thailand: Two opposite approaches to forest conservation

What has been happening in Thailand during the past years has developed into a showroom of some of the best and worst practices as respects to forest conservation. Local people and their allies have been fighting – in many cases successfully – against powerful actors who are denying them their rights and destroying their means of subsistence. At the same time, they have been creating an alternative approach to forest conservation and use. What follows are some comments from a field trip which took place last November to the Northeastern provinces of Thailand, hosted by the Project for Ecological Recovery, a Thai NGO affiliated to the WRM. These comments are restricted to observations in the visited areas and do not pretend to give an overall view of the problem as a whole.

- The logging ban and “reforestation”

After years of large scale logging, forest cover in Thailand declined from almost 60% to only 25%. Such extensive destruction derived in devastating floods, which in turn resulted in the loss of human lives and the destruction of villages and people's means of subsistence. In answer to public outcry, the Thai government approved in 1989 a logging ban which is still in force. At the same time, forestry academics came up with the idea that the country needed to increase its forest cover to 40% and began working in that direction. However, what they understand by forest cover is completely different to what most people understand as such. For these – and most – foresters, forest cover means simply to have a canopy of trees – any trees. So they chose one tree from Australia

to increase Thailand's forest cover. The chosen tree was the fast-growing species *Eucalyptus camaldulensis*, the activity carried out was called “reforestation” and the result was “planted forests”.

At the beginning, villagers didn't have any opinion about this tree, so there was no opposition. In short time opposition began to grow due to different factors. In the first place, because eucalyptus started to be planted in the communities' lands, thus depriving them of a number of vital resources such as grass for grazing, food from wildlife and flora, medicines, fibres, fish, etc. Secondly, because plantations began to modify the environment in a way that resulted in impacts on their production, particularly due to a decrease in the availability of water for their crops and animals. It thus became very clear to villagers that “planted forests” were not forests, because these provide water and a number of other products and services which these plantations not only do not provide but on the contrary they deplete. Now only foresters believe – or try to – that they are “reforesting” the country.

- *The pulp and paper industry*

Plantations are however not only being implemented with a stated environmental objective of increasing forest cover: there are other more concrete interests at stake. Northern forestry consultants (particularly the Finnish Jaakko Poyry) and “aid” agencies (for instance, Australian), as well as local and transnational actors working with and for the pulp and paper industry, as well as the pulp industry itself have played a major role in the expansion of this type of plantations. The main objective is to produce large amounts of cheap raw material to feed an export-driven pulp industry.

As elsewhere in the world, the Thai pulp industry is highly destructive, both in terms of pollution and in terms of the dramatic social and environmental changes it imposes on the surrounding area. The industry needs to feed its mills from nearby sources because the cost of transport is a limiting factor, so plantations are concentrated in the surrounding area. Pressure is put on the local people to either sell their land or plant it with eucalyptus or suffer the consequences. If people have no land titles, then they are simply dispossessed. It also applies the same policy

of initiating its activities with no pollution control. Over the years, organized opposition forced the industry to implement some measures with the least costs possible and then tried to show them as an example of corporate responsibility over the environment. In the case of Phoenix Pulp and Paper in Khon Kaen, the latter was shown through something they euphemistically called “Project Green”, where eucalyptus planted in small holdings were irrigated with effluents from the mill. While eucalyptus grow very fast, other existing trees and vegetation died and the polluted water contaminated the water table and reached the surrounding paddy fields destroying the crops. Certainly not a very “green” attitude.

- The unpopular national parks

The “increase forest cover” policy is complemented with national parks aimed at ensuring the preservation of forests. The approach is however that people are seen as outside dangerous actors, which need to be excluded. The boundaries are defined by the government, with no consultation with the people, who see that their lands are being encroached by government officials. But people don't see forests in that way. They see forests as part of their means of subsistence and they don't view – as foresters do – forests as only composed by valuable wood. When I asked the people we met why forests were important to them, they seldom mentioned wood, except for firewood. Vegetables, mushrooms, ants, medicines, meat, fruit, water, were always mentioned before wood.

Absurd as it may seem, monocultures of eucalyptus and teak are also being planted inside the boundaries of the national parks. The intention is probably twofold: to increase “forest cover” and to plant what they consider to be “valuable” wood. Although perhaps the reason is even more simple: eucalyptus and teak are easy to grow and the technical package is well known by foresters, who know little about the majority of the numerous species which grow in Thailand's diverse forests.

- The peoples' struggle

Local people have suffered and resisted imposed “solutions” such as exclusive national parks and eucalyptus plantations. The pattern has

been similar in all areas. Firstly, the government tries to convince people that its projects are either not going to affect them negatively or that they will benefit from them. The second stage is when people begin to realize that they are being affected and try to do something about it. The third stage implies organization and capacity building (where NGOs have played a major role.) Finally, the affected communities get together and carry out a number of actions to defend their rights. These actions have ranged from dialogue to confrontation and from local to regional and national. Cutting, uprooting and setting eucalyptus plantations and nurseries on fire have gone hand in hand with meetings, peaceful demonstrations and discussions with government officials. Numerous meetings have been held at village and regional level and huge demonstrations have been held for many days in front of the provincial government house. They have created a wide range of networks on different issues. They have travelled to the provincial capitals and to Bangkok to hold meetings with government officials and private enterprise managers. They joined their different struggles in the Assembly of the Poor, which organized a nationwide demonstration in Bangkok.

All this has meant that thousands of people have had to dedicate an enormous amount of their time and effort to defend their rights. They have had to travel long distances to make their voices heard by provincial and national government officials. Many have received life threats and some have been imprisoned. Among these, I would like to mention the following people from one of the villages we visited: Chom Sutponit, Som Jorjong, Visit Rotchanasom, Won Ponpruek, Bunnaaw Pairao, Noopha Mekdon and Sai Jaroen. Although none of them are currently in prison, they still face charges in relation to their anti-eucalyptus campaigning activities and could still face imprisonment. A different case is that of Kam Butsri from Buriram province, who has been in prison for over 3 years and could be kept in prison for 4 more years. His major "crime" was that of cutting down eucalyptus trees that were damaging his community's livelihood. Comparing the offense with the punishment, I tend to see him as a political prisoner, whose imprisonment is meant to serve as an example to bring fear to other possible opposers.

The people's struggle has been successful in many places. In one of them, the powerful Asia Tech company has agreed not only to stop

planting eucalyptus, but also to cut them down. In another case, the government has agreed to pay for the removal of the stumps of the eucalyptus. Phoenix Pulp and Paper had had to pay damages to local villagers affected by its effluents. Shell company decided to withdraw from a large scale plantation project. All these are positive examples to show the power of apparently powerless villagers once they organize and fight for their rights.

- The people's approach

Widespread deforestation has not only had negative impacts on the environment; more importantly, it has impacted on people's livelihoods. Many local communities are thus striving to bring their forests back, but with a totally different approach from that of mainstream professional foresters. Forest regeneration is not seen as increasing forest cover but as increasing the numerous products and services that forests provide. Forests and agriculture are not viewed as opposed: on the contrary, they constitute an interactive system. People need food and other products, and the forest not only provides many of them, but also supports crop production and cattle raising.

This approach – called community forest management – is completely different from most forest conservation policies and practices. Trees do not have an abstract environmental – and even less commercial – value: what is valuable is the forest as a whole, including water, grass for grazing, vegetables, fruit, etc., all linked to the satisfaction of local human needs. Local people are the decision-makers over their forests and establish democratically agreed rules and regulations on forest use. Shared satisfaction of local needs and shared decision-making and monitoring ensures forest conservation. Such forest management compares favourably with the “biosphere reserve” approach. For example, one of the community forests we visited had a central strict conservation zone, surrounded by what experts would call a “buffer zone”, which is in fact the forest production area, where grazing and gathering activities take place. The approach differs, however, in that biosphere reserve management is imposed on communities, while community forest management is decided by them. Such difference is

essential, because the latter ensures peoples livelihoods as well as forest conservation, while the former only aims at controlling that local people don't destroy the forest.

- The hated tree

As a forester, can you tell us how to kill eucalyptus trees? This question was posed to me by villagers in the province of Sakhon Nakhon. In another village, a man put very strongly forward the idea of a worldwide anti-eucalyptus day. An Australian colleague visiting the area with us felt very embarrassed by questions posed accusingly to him by villagers about this terrible tree from his country. Although a long time opposer of large scale eucalyptus plantations myself, I have never heard such a deeply rooted hatred towards a tree as I felt during my visit to the northeastern provinces of Thailand. Neither Australia nor its tree are of course guilty of the way in which the tree is being used. But given that eucalyptus are being planted in numerous countries in a way that dispossesses local people of their basic resources and in a way that depletes those same resources, it has become a symbol of destructive forestry. People in Spain and Portugal are fighting against this tree in similar manners as in Thailand and India. Hawaiian people have recently succeeded in halting a eucalyptus development project. Organizations from Brazil, Chile, Uruguay, Colombia, Venezuela, South Africa, Malaysia, Indonesia, New Zealand, Spain and from many other countries are getting together to fight against the spread of this type of plantations. While all this was happening, the FAO, the World Bank, the “experts” and forestry officials continued promoting a forestry model based on this tree and trying to prove that people was wrong. What happened is exactly the contrary: more and more local people are proving, not only that they were right but also that they have positive solutions to the local and global problem of deforestation.

- The message from Thailand

The long and increasingly successful struggle of the Thai people is enlightening and needs to be shared with other people facing similar problems in other parts of the world. The main message is that success is possible. They have experienced failures, but learnt from them. People have learnt to organize themselves at the village, local, regional and

national level and to build a shared leadership. They have put an emphasis on capacity building in order to acquire the necessary skills for effective action. They have used different tactics at different stages of the struggle. But furthestmost, they have been convinced, not only that they were right, but that they could succeed. And that's just what they are now doing. (By: Larry Lohmann, WRM Bulletin N° 8, January 1998).

Thailand: The struggle of forest peoples to remain in the forest

There has been, over the course of the last decades in Thailand, many developments concerning the rights of the tribal peoples found throughout the country, but predominantly in the north. The difficulties faced by the entire country, stemming from bad environmental management, came to rest upon the shoulders of the tribal people as they now inhabit the last remaining stretches of forested land. However, is the basic assumption made here valid? The assumption that the small remaining forested lands must be kept free from human habitation, indeed, that the human occupants must be removed and the wilderness kept in a pristine and isolated state to be used for day excursions by the rich. That this is the most effective conservation strategy that could be adopted? It is easy to demonstrate that this western philosophy of conservation does not apply to Thailand, that far from protecting the valuable and vulnerable natural resources it destroys priceless cultural heritage and removes from the delicate ecosystems the resource management strategies of the people that have protected the forests over centuries.

However what is the right approach to take? The struggle for land rights by the indigenous/tribal people of Thailand's north has been so long and difficult because of this question. It highlights the most controversial aspect of the struggle; on the one hand are people that claim to have preserved the land they occupy since time immemorial and demanding the right to continue to do so and on the other are people who claim to work for the good of the entire Thai community, to be protecting a vital and delicate resource that is essential for the prosperity and health of the nation. How to decide between these two seemingly compatible but polarised views? The secret lies in the obvious, to combine them, to allow those with the knowledge and experience to preserve that which they have been protecting for centuries.

Economic development has been a focus of the Thai government since 1961; it is a form of development which stressed the increase of agricultural production for export, removing the traditionally sustainable nature of Thai agriculture. This immediately meant that the land under cultivation in Thailand increased dramatically, adding to the already serious deforestation problems. It is worth noting at this point that the new emphasis on surplus production did not have as great an effect in the areas populated by hilltribes. In Mae Hong Son, where the population of hilltribes is estimated at 80%, the forested cover is significantly greater than in comparable provinces. This environmental damage could not go unchallenged and thus the government did begin to pay attention to the problem. In 1992 the Cabinet declared that all land was to be divided into zones in which the land uses would be controlled. Three classifications were put into place, dividing economic, agricultural and conservation areas. Area allocated to Conservation Area: 88 million rai; to Economic Area: 52 million and to Agricultural Area: 7 million rai.

Within this declaration were the procedures for increasing the area of conservation land, as the 88 million rai target was not complete. These procedures illustrate more clearly than anything else the western image of conservation which has been adopted by the Royal Thai Forestry Department. Once land has been classified as conservation land, all communities already in residence must be, if possible, relocated away from the delicate area. Trees planted immediately in all areas of the vacated land. If immediate relocation is not possible the government takes control of all the land used by the community and strictly controls any activity upon that land. The community should be convinced to leave the land and when this is achieved trees are to be immediately planted. This system of regeneration of land shows the view held by the government on conservation land, ie. that it is pristine forest devoid of all human habitation, a state of existence which is ultimately and obviously unsustainable. Before moving on to the reaction of the communities to these threats to their lifestyles it is worth taking a look at the reality of land uses through these areas. The conservation area, stated at 88 million rai has actually at most 68 million, as 20 million rai currently have mining concessions granted by the government, the same government which has actually removed land titles from long standing communities within

the conservation areas to facilitate the declaration and increase of conservation land.

Not only has the government granted mining concessions in the proclaimed delicate ecosystems of conservation class land but in addition the logging, the government sanctioned logging, which took place in Thailand over the last 30 years of increased material prosperity, can be blamed for the devastating environmental damage on Thailand today, damage which culminated with the deadly floods in the south of Thailand in the beginning of the 1990s. This was what had to happen before the government stopped legal logging, what will have to happen to stop the mining? Yet despite the obvious culpability of the government in environmental problems such as this, the campaign has been to place the blame on the shoulders of the tribal peoples in the north. I will examine this campaign in detail later but it is a good indication of the strength of corruption that the fight has become so dirty.

So what has been the response? How have the people reacted to having their ancestral lands and only known way of life threatened? The clearest result is the startling growth in peoples' organisations, the people have come together in highland organisations, lowland organisations and have combined their voices in networks such as the Northern Farmers Network in order to protest the decisions of the government that were threatening them. The well-known Assembly of the Poor saw huge turn-outs of people determined to present their stories and the truth about the situation in Northern Thailand to the government. This massing of support for the poor of the north saw two main responses; the first was the government meeting with delegates on the 17th and 29th of April, 1997, to draft a Community Forest Law which would give the right of resource management of surrounding forest land back to the villages. These meetings were held in Chavalit Yongchaiyudh's time as Prime Minister and with the subsequent changing of the Cabinet the process was slowed. The second apparent result was a strong reaction by the government and Green NGOs against the peoples' organisations; the government has used the hilltribe communities as scapegoats in a number of problems, allegations that when looked at in detail are hardly credible.

Firstly, however, we should look at the accomplishments of the two meetings, the 17th and 29th of April. The draft law as designed by the Cabinet was debated by both the green NGOs, the peoples organisations' delegates and the government and a solution, acceptable if not welcomed by all resulted. A committee was established to determine the legitimacy of claims to land ownership and it was accepted that if occupancy could be proved to pre-date the 1993 declaration of "conservation land" then land rights would be granted. Another meeting was also held during April, on the 22nd, to which the delegates of the peoples organisations were not invited. It was here in this meeting that the procedures for the land delineation and titling were drawn up. The mapping was to be done by the military using the satellite mapping techniques and the Royal Thai Forestry Department was responsible for the process of delineation. Difficulties emerged in the process of demarcation, the mapping by the military was slipshod at best and in some cases villages did not even appear on the maps drawn up.

Many times the agreements reached in these two meetings have been in danger, most recently, as mentioned, because of a smear campaign run by the government and the green NGOs, many established by retired members of the Thai military and the Thai Forestry Department. The alliances between the government and the NGOs of this kind have quadrupled since the rising popularity of the peoples organisations from 4 to 25. This has meant that, because the green NGOs support the view of forests devoid of human habitation, factionalism has appeared in the NGO community.

This factionalism has made the dirty work of blaming the hilltribes for the environmental damage much easier; in the Doi Inthanond area the fires which have recently broken out were immediately considered the work of the Hmong and Karen hilltribes in the area. The ensuing battle to extinguish the fires was attended by thousands of Hmong and Karen people every day and the careful watch to ensure no more fires could get out of control was taken up by these tribes. However, the actions of these people went largely unnoticed in contrast to the similar actions of a smaller group of lowlanders who also aided in fighting the fires. This type of one sided reporting is incredibly damaging to the standing of the hilltribes in the public eye and this standing, in this respect, is essential if changes are to be wrought at the policy level.

The incident at Doi Inthanond is not unusual. The well-publicised Salween logging disaster and more recently the reaction to increasing deforestation in Chiang Dao, Chaing Mai Province are also clear examples of the one sided and intentionally misleading reporting of environmental problems in the north. There has emerged recently, however, a recognition in the public sector of the real nature of these problems. Increasingly people are seeing the “scapegoat” allegations for what they are and support is again on the rise for the peoples' organisations.

However, the process of land demarcation and the granting of land titles upon the results of the demarcation, as agreed to in the April 1997 meetings last year, is under greater threat now than ever before. On April 21st 1998 the government will debate whether to allow the process to continue. It has already been stated and there is a very real possibility that the government will decide against the peoples organisations. It is now that support is needed from the international community. Organisations, NGOs, peoples' organisations and international alliances must now make their voices apparent to the Thai government. The rights of the indigenous/tribal peoples in Thailand's north cannot be ignored any longer and the strength of international opinion is well known. (WRM Bulletin N° 11, April 1998).

Thailand: The racism behind the modern conservation paradigm

The upland forests of north Thailand have become an arena for intensely contested perspectives on forest protection as state forestry officials and some nature conservation groups attempt, in the name of forest conservation, to remove local communities, particularly hilltribe people living in and using these forest areas, with the argument that upland forests act as watersheds for lowland rivers and must therefore be kept free of human interaction.

The book “Redefining Nature: Karen Ecological Knowledge and the Challenge to the Modern Conservation Paradigm” explores the conservationist ideology and the themes surrounding it: the racial and anti-rural character of nature conservation imposed by the state, the power and politics involved in defining what counts as knowledge of nature conservation, and the struggle of the Karen ethnic people to protect

their homes and fields as they engage and resist the politically powerful: the state foresters, policy-makers and nature conservationists.

Author Pinkaew Laungaramsri, an anthropologist at Chiang Mai University, begins the book with the tragic story of the suicide in March 1997 of a Karen elder, Pati Punu Dokjimu (to whom the book is dedicated), from Huai Hoi village in Chiang Mai province, after his home and swidden rice fields were taken over by the state in the name of nature conservation, threats of arrest and resettlement became a daily nightmare, and finally saw his hopes of dialogue with the *phu yai* – the powerful state authorities – destroyed. As Pinkaew movingly describes it, in a world in which freedom of choice is not granted to powerless hill people, Pati Punu had chosen the only path he had in his struggle for autonomy; the path that took away his life, but allowed him to remain Karen in soul and spirit.

“Redefining Nature” unravels the complex processes of power relations by which the modern concept of nature conservation – voiced by foresters and nature conservationists representing the desire for the modernisation of the country – has historically come into being in Thailand, and searches for radical questions rather than tacit answers, and hidden falsehoods rather than unquestioned truth.

The author describes a major stumbling block preventing foresters from considering the idea of co-management of forests with local people: “An obstacle which, I came to realise later on, was a racial prejudice against ethnic-minority hill people. This prejudice [among foresters] is so strong, definite, and decisive that it obviated the necessity of further truth finding about forest problems. In fact, what is repeatedly portrayed by the international conservationist idea of human/nature division is a human/human boundary which tends to reinforce or conceal class, ethnic, anti-agricultural, anti-commons or other discrimination in the allocation and permitted uses of land.”

But this hegemonic representation of poor ethnic minorities, however, is never constructed without contestation. Pinkaew weaves an absorbing narrative about the Karen people of Mae Ning Nai village and takes us to their swidden rice fields, forests and their homes, and relates their stories of the struggles to protect their livelihoods.

The book compels us to look afresh and questions the power, ideology and prejudices behind the politics of nature conservation, if for nothing else because, by the end of the book, we realise that the survival of hundreds of communities dwelling in forest areas not just in Thailand but elsewhere in the Mekong Region is being threatened by it. (WRM Bulletin N° 60, July 2002).

Vietnam: Highway project would gravely affect protected areas

On February 21 2000, Vietnamese Prime Minister Phan Van Khai approved the construction of a project to transform the historic Ho Chi Minh Trail into a 1,690 kilometres long National Highway, running from the capital Hanoi to the southern Ho Chi Minh City, former Saigon. According to the authorities, the new route would ease growing congestion on Highway 1, located along the coast, and consolidate national defence along Vietnam's western border with Laos and Cambodia. Cuban engineers belonging to the Cuban-Vietnamese joint venture construction firm VIC will participate in the project.

Since the Government gave the go ahead to this project in 1999, the issue has been attracting the attention of the public opinion in general, and from environmental and conservation organizations in particular. If the currently planned alignment is realized, the new national highway will cut through ten protected areas (Nature Reserves and National Parks), including the famous Cuc Phuong National Park This show of concern was the main reason for the dialogue held last May 17 2000 at the National Environment Agency (NEA), organized by the Vietnam Forum of Environmental Journalists (VFEJ).

The authorities argue that in addition to its benefits for the national transportation system, the new highway constitutes an opportunity for 28 million people of 34 ethnic minority groups – including 200 of the 1700 poorest communes – to improve their living standards. Moreover, this infrastructure is seen as a way to reduce the negative impacts of the increasingly serious flooding that is affecting the country, especially for those people living in the lowland areas, and as a way to mitigate unemployment, particularly among young people, since teams of “Youth Brigades” will participate in the construction of the road.

Being this megaproject of such high strategic importance, it was expected that information on it would circulate widely. However, this has not happened. Little is known about the Ho Chi Minh Highway's Master Plan and its environmental impacts. Although some works have already started in some provinces, it is not clear how much forest will be lost or degraded, and what sort of impact the road will have on biodiversity. The secrecy with which the Ministry of Transportation and Communication is dealing with the whole thing has generated misinformation even among other governmental agencies.

Concern has specially arisen on the fate of Cuc Phuong National Park, which in 1962 became the first natural protected area in the country, representing nowadays the last stretch of lowland primary forest in north Vietnam under protection. The park area can easily be connected with Pu Luong primary forests in Thanh Hoa province, which would constitute a large tract of protected woodland. But the highway project will cut the park area into two pieces.

During the above referred dialogue at the NEA, it was made clear that environmental impacts of the highway on Cuc Phuong National Park are of no concern for the promoters of the project. Mr. Minh, Vice-Director of the Project, admitted he ignored everything about Cuc Phuong, and Mr. Than, one of Cuc Phuong authorities, said that they were not informed when the survey team came to carry out its survey. As a matter of fact, from the very beginning little discussion on environmental issues occurred. Mr. Nguyen Ba Thu – present Director of the Forest Protection Department and former Director of Cuc Phuong National Park – said that he had never been informed about how the road will cut through the park.

Fragmentation of habitats have a deleterious effect on biodiversity. There is enough evidence that new highroads are associated with negative effects on environmental integrity of forests. The case of the Amazon forest is paradigmatic to this respect. What will happen in the future is uncertain, since until now the Vietnamese government has shown little consideration for the country's forests, preferring to promote tree monocultures, and to boast nostalgic nationalist feelings. Nevertheless, at the meeting concerned voices expressed that it is not too late to avoid

that the highway passes through this valuable protected area, and they denounced that the Environmental Impact Assessment – required by Vietnam's own national law – has not been performed. As part of this process, alternative routing should be considered in order to minimize negative environmental impacts. (WRM Bulletin N° 35, June 2000).

Vietnam: Road-building threatens Phong Nha Nature Reserve

The Vietnamese government is currently negotiating with a range of bilateral and multilateral “aid” agencies to raise funds for its five million hectare reforestation programme. So far, little of the estimated US\$4.5 billion needed has been formally committed, but in December, the UN Food and Agriculture Organisation (FAO) announced a US\$287,000 project “to promote the programme in Vietnam“. On 7 December, Nguyen Van Dang, Vietnam's Rural Development Minister and Fernanda Guerrieri, FAO's representative in Vietnam, signed the agreement for the FAO project.

The five million hectare reforestation programme aims to boost Vietnam's tree cover to 14 million hectares – the area of forest indicated on French maps of 1945. However, much of this tree cover, which the government and the international “aid” institutions invariably describe as “forest”, is in fact monoculture plantation. Under the five million hectare plan, the government proposes planting one million hectares of fast-growing tree plantations for the pulp and paper industry. This year 250,000 hectares of plantations were established under the programme, according to a recent announcement from the government. And next year the government plans to plant 120,000 hectares with fast-growing trees to serve the paper, mining and chipboard industries.

At the same time as advertising increased “forest” cover however, the government continues to destroy Vietnam's remaining areas of forest. In Quang Binh province, for example, a road is currently being constructed which for 12 kilometres runs through the core zone of the Phong Nha Nature Reserve – an area under consideration by UNESCO for potential World Heritage Status. According to Flora and Fauna International in Vietnam, no adequate environmental impact assessment has been carried out, although the proposed road cuts through the habitat

of several rare species including Ha Tinh Langurs, Black Langurs, Red-Shanked Douc Langurs and Siki Gibbons. Phong Nha is also renowned for its spectacular limestone rock formations. In 1924, a British explorer named Barton investigated the Phong Nha caves on a 15 day expedition, and described the caves as among the longest and most beautiful in the world.

A military enterprise, the Truong Son Construction Company, is in charge of building the road and is employing soldiers as a workforce. In places the proposed road would be 12 metres above the current ground level, and much of the material required to build the road would be taken from areas blasted to clear the route of the road. As well as disturbing wildlife, the extensive blasting would seriously damage the fragile cave systems in the Nature Reserve.

The controversial 1,690 kilometre-long Ho Chi Minh Highway, also under construction in Vietnam, will pass close to Phong Nha, on its proposed route from Hanoi to Ho Chi Minh City. Earlier this year Ha Dinh Duc, an eminent Vietnamese biologist, expressed his concern that blasting associated with the construction of the Ho Chi Minh Highway could damage Phong Nha's caves. In reply, Ha Dinh Can of Vietnam's Transport Ministry, told the San Jose Mercury News: "No blasting. There's nothing to worry about. The caves will not collapse. We're even forcing the construction companies to quarry their road stone more than 60 kilometres away from the limestone ranges."

Such precautions simply do not apply to the road through Phong Nha – the Truong Son Construction Company estimates that 4.5 tonnes of explosives will be needed for every kilometre of the road through the limestone area.

Flora and Fauna International (FFI) argue that the Phong Nha road is contrary to Vietnam's law on Special Use Forest (Nature Reserve). FFI is working with other conservation groups in Vietnam, including World Wide Fund for Nature, Birdlife International, Frontier and the Frankfurt Zoological Society, to petition the government to halt construction immediately until a thorough and independent EIA is carried out.

According to James Hardcastle, of FFI Indochina Programme, “The road construction has been bypassed in the general debate and petition against the Ho Chi Minh Highway. FFI feel that action should be taken immediately to also review the feasibility and environmental impacts of this smaller road.” (By: Chris Lang, WRM Bulletin N° 41, December 2000).

Vietnam: Na Hang dam – the reality of sustainable development?

Jordan Ryan, the head of the United Nations Development Programme in Vietnam, is keen on sustainable development. In May 2002, at the launch of a partnership between aid agencies, NGOs and government ministries to protect Vietnam’s environment, Ryan announced, “If we succeed, one day it will be said of this new partnership: ‘It made sustainable development a reality in Vietnam.’”

A few weeks later, this time at the signing of a \$2 million project called Vietnam Agenda 21, Ryan said, “The challenge is to make sustainable development a reality in Vietnam.”

One of UNDP’s projects in Vietnam is called Protected Areas Resource Conservation (PARC). Funded jointly with the Global Environment Facility (GEF), the project covers three protected areas, including the Na Hang Nature Reserve in the north of Vietnam. The Vietnamese Government created the nature reserve in 1994, to protect the habitat of the largest population of the critically endangered Tonkin snub-nosed monkey. Na Hang is one of only four sites in which the monkey is found.

In early June 2002, the Song Da Construction Corporation held a party in Na Hang to celebrate the start of construction of the Na Hang hydropower dam. The 342 MW dam will flood one of the most beautiful riverine areas in the Na Hang Nature Reserve, including pristine forest adjacent to the area where the snub-nosed monkey lives. The monkey is extremely sensitive to disturbance.

By the end of last year, the Song Da Construction Corporation had removed more than two million cubic metres of earth and rock from the construction site. A concrete bridge now spans the Gam River and

the first of more than 3,300 households have been evicted to make way for the reservoir behind the dam.

PARC awarded the contract to run the Na Hang Nature Reserve to consulting firm Scott Wilson Asia-Pacific. In a preliminary environmental assessment of the dam, carried out under the PARC project, Scott Wilson wrote: “A dam at Na Hang will potentially have significant impacts on the natural resources of the area and also on the local people including both those who will be resettled and those who will remain in the area.”

Yet the PARC web-site makes no mention of the Na Hang dam. PARC’s web-site lists the threats facing the nature reserve as: “agriculture and land conversion ... timber exploitation, wildlife hunting, and the unsustainable harvest of minor forest products.”

Conversely, some dam proponents make no mention of the Na Hang Nature Reserve while looking at the Na Hang dam. In April 1999, a consortium of consulting firms began a National Hydropower Plan Study in Vietnam with funding from the Swedish and Norwegian governments. The Na Hang dam is included in the list of dams that the consultants recommend to be built. The consultants, SWECO International (Sweden), Statkraft Engineering and Norplan (Norway), make no mention of the Na Hang Nature Reserve in their recommendations.

In a 1999 draft inception report the consultants wrote “There are no rare species specifically recorded in the project site and protected areas are apparently not very close by.” They added, “This will need to be verified. It is not possible to predict at this stage.” The consultants wrote this five years after the Vietnamese Government established the Na Hang Nature Reserve.

Although construction of the dam has started, financing of the project is still in doubt. Vietnam’s state-run Electricity of Vietnam (EVN) is to provide \$43 million towards the project costs. The government has already paid \$85 million to EVN for land clearance and resettlement.

EVN is looking to secure \$260 million through commercial loans from Vietnamese banks. A further \$80 million will be needed to pay for technical equipment.

Vietnam's banks, however, seem reluctant to fund the project. A senior executive with Vietnam Industrial and Commercial Bank told the Vietnam Investment Review, "The difficult thing is that [Vietnam's banks] have participated in many big power projects in 2002." A senior executive at Vietcombank commented that it was unlikely that Vietcombank would fund the project alone. "We might work with other [banks] to provide syndicated loans," he said.

In February 2003, Dinh Quang Tri, deputy general director of EVN, said that EVN was considering asking foreign equipment suppliers to help finance the project. "We would open a bid in which the foreign-invested equipment supplier is likely to cover finances too, or EVN could use the deferred payment method," Tri said.

The Song Da Construction Corporation is reported to be working with several international firms including Alstom (Switzerland), Shanghai Electric Corporation, DongFang Group and Harbin Group (China), Energomachexport and Technopgomexport (Russia), Siemens (Germany) and VA Tech (Austria).

In November 2000, the Vietnam Economic Times reported that the French Government had agreed to a grant for the Na Hang hydropower project. The news came shortly after a visit to France by Vietnam's President Tran Duc Luong.

At the Vietnam Agenda 21 project launch UNDP's Jordan Ryan commented, "To have sustainable development, Vietnam will need to answer tough questions and make hard choices." Yet the highly paid international 'experts' working for UNDP, GEF, Scott Wilson, SWECO International, Statkraft Engineering and Norplan have failed even to ask tough questions about the Na Hang dam and its impact on the forests, people and wildlife of the Na Hang Nature Reserve. (By: Chris Lang, WRM Bulletin N° 73, August 2003).

BEYOND THE TROPICS

Russia: If trees are family, an oil pipeline is ungodly

In her sunlit kitchen, Nellya A. Prushenova does the dishes in a pail of steaming water that she melted from ice, and talks animatedly about a frightening new neighbour.

It is not human, or even animal. It is a new oil pipeline, which will run near this tiny village in the mountainous Russian region of Buryatiya, just north of Mongolia, into China. Oil companies and government officials say it is important, it will bring money and forge a new trading tie.

Ms. Prushenova does not see the allure. The main problem, in her words, is construction. Bulldozers will be tearing up the land her grandparents grew up on. Trees will be cut down. Worst of all, the sacred places – a bald patch on a mountain, a hill – are in risk of being violated.

“Bad things happen when trees are cut down,” said Ms. Prushenova, a rail-thin history teacher in the local school who brings in extra income as a fortune-teller. “A child can get sick, or all of our cattle might die. Maybe there will be a flood. Our nature is very easily offended.”

Her anxiety is shared by a small group of villagers in this settlement of 1,500 people. The villagers practice Buryat shamanism, a set of beliefs that centres round a reverence for nature. Trees and rivers are worshiped. The main prayer rite in the spring celebrates, as Ms. Prushenova says, “the earth waking up.” Angry gods can make much mischief.

Beyond angry gods, there is another reason why Ms. Prushenova is incensed by the coming pipeline. It will run in a narrow valley between two mountain ranges, part of the Tunkinsky National Park. The swath of plains, forests and rivers is an old trade route into Mongolia. A wall of snow-capped mountains rises behind the village, 37 miles from the Mongolian border.

Development in the park is banned, and last year one of the villagers took the initiative of sending a letter to the ministry of natural resources

in Moscow to remind the government. An answer came back, months later, confirming that, under the current laws, the territory cannot be used for the pipeline.

But the oil company, Yukos, has proposed moving the park's boundaries. It argues that the park, set up in 1991 with hasty, Soviet maximalism, penalized the dwellers of the valley, who were left in a legal bind, banned from cutting wood for their stoves. A pipeline, they argue, will generate jobs, be less invasive than oil extraction and leave a corridor only 130 feet wide.

Ms. Prushenova would not have known about the pipeline had it not been for an energetic environmental activist, Nina Vecher, aged 57. Ms. Vecher, a physics teacher turned activist grandmother, says she does not believe the promise of jobs. Who, she asks, realistically expects Yukos to hire a bunch of cattle herders.

Moreover, fees to be paid for damages during construction were set in Soviet times and have been practically obliterated by inflation. Lastly, no one can guarantee there will not be spills.

Together with environmentalists from Irkutsk, Ms. Vecher has travelled all over the district here, telling people about the pipeline. Friends of the oil company struck back by publishing an article in a regional newspaper asserting that the environmentalists, financed in part by an American grant, secretly plotted to thwart Russian economic interests on behalf of America.

Ms. Prushenova cares little about American spies. She has more immediate concerns: feeding and clothing her 14-year-old daughter on \$120 a month. Chickens live in the kitchen in a coop she built herself that doubles as a table for one of the village's few phones. Rugs knit from old sweaters are on her floor. Firewood, costly on her tiny budget, is the only source of heat.

The oil company argues that taxes paid to local budgets will help to breathe life back into the region. Buryatiya, one of Russia's poorest regions, will receive \$20 million in revenues, according to Yukos, during the building of the pipeline through 340 miles of Buryat land.

“You can't stop progress,” said Mikhail Zamyatin, head of production at a Yukos oil refinery in the neighbouring region. “They did it in Alaska. Why can't we do it here?”

That argument has some convinced. Valentina G. Aslamova, a retiree, said ecological degradation began several years ago, when the national park could no longer fend off illegal timber cutters. The Yukos pipeline, she said, would at least bring cash, and might eventually lead to gas supplies in the region, now heated entirely with wood.

“Let Yukos come,” said Ms. Aslamova, who has lived in the valley for all her 73 years. “The forest is being chopped down anyway. It could give some jobs to our young people, who are dying from alcoholism.”

Wood poachers are a far greater danger to the area than the pipeline, Ms. Aslamova said. In midnight thefts, men – sometimes villagers themselves – cut down large swaths of forest to sell to a growing new market in China.

“We can't control it,” said Aleksei A. Bordashov, deputy head of the park's ranger force. “Three years ago, this cutting barely existed.”

The topic brings sadness to Ms. Prushenova's face. She knows who among the villagers is responsible. Other cutters come from far away, like the men who will come to build the pipeline.

“Technologically we are becoming more modern,” she said. “But we've lost the sense of living. I'm not against civilization. But my forefathers are from the trees. I am afraid for them.” (By: Sabrina Tavernise, *Zun – Murino Journal*, 2003).

USA: The Arctic National Wildlife Refuge

The Arctic National Wildlife Refuge is a 19 million-acre Refuge and harbours an unparalleled diversity of wildlife. Encompassing an entire mountain range cross-section, it is the last place in North America where the full spectrum of arctic life is protected in one seamless expanse.

Nestled between the Brooks Mountain Range and the shores of the Beaufort Sea in remote northeast Alaska, the narrow 1.5 million-acre coastal plain of the Refuge is the biological heart of this untamed wilderness.

Unfortunately, it has also been targeted for drilling and industrial development by the oil industry and its allies in Congress. The fragile Northern Slope is also highly sought-after by industry. But, there is a growing citizen action campaign to protect the coastal plain and permanently shield it from the relentless attacks of the multinational oil companies.

The House Resources Committee just passed a bill that broadens financial incentives for natural gas, oil and coal producers and opens the Arctic National Wildlife Refuge to oil drilling.

Republicans on the committee contend that the measures are a vital part of a strategy to revive the American economy, but Democrats say the bill fleeces the nation's taxpayers and its natural resources.

The Committee Chairman Richard Pombo, a Republican from California said that United States is in desperate need of additional domestic sources of energy and would be foolish not to use natural resources found on federal public lands. He added that energy is the foundation of the U.S. economy". "With troops in Iraq, it makes sense to boost our energy security" Pombo said.

The committee approved the "House Energy Security Act of 2003" by a vote of 32 to 14.

A 2002 Congressional Budget Office (CBO) estimate on the existing deep-water royalty holiday alone would offset royalty receipts by some \$91 million between 2002 and 2011. And CBO estimates that royalty relief for marginal properties would reduce royalties by some \$491 million over the next 10 years.

Republicans say the industry would not attempt further offshore oil and gas development without these incentives and argue that the nation's

economic slump will be sustained without increased domestic energy.

“We have to offset the risk involved in extremely costly ventures,” said Representative Billy Tauzin, a Louisiana Republican.

There is additional financial relief for oil and gas companies within the bill.

One provision would require the federal government to reimburse oil companies that reclaim orphaned gas and oil wells.

Another requires the government to reimburse oil and gas leaseholders for the costs of completing required studies mandated by the National Environmental Policy Act.

The bill limits the timeframe for states to appeal federal decisions on offshore oil and gas leasing development under the Coastal Zone Management Act.

Oil drilling in the Arctic National Wildlife Refuge (ANWR) is a key provision within the bill. ANWR has become one of the nation's keystone environmental issues, as many contend drilling in the refuge would shatter its pristine and fragile ecosystem.

“Not to drill is wrong for this nation,” said Alaska Representative Don Young, a Republican. “We need that oil.”

Drilling in ANWR will “cause some environmental damage,” said Pombo. “But there has to be a balance between today's needs, today's technology and tomorrow's technology and ANWR is part of that.”

Other measures in the bill would lift limits on how many acres oil and coal companies can lease, a move that Democrats contend will further monopolize these industries and could increase energy prices for some consumers.

The bill would also streamline approval of hydroelectric dams and some \$500 million in grants to the biomass industry over the next 10 years are

tucked into the bill. It mandates the use of the by-products of federal efforts to thin forests on public lands.

Republicans said that the nation's economy is closely tied to the availability of cheap energy and they believe fossil fuels must be the key component of the energy plan. (Oilwatch, September 2003).

Pakistan: Khirtar National Park, a campaign brief

Normally, National Parks and Wildlife Sanctuaries the world over, well preserved and promoted to support sustainable eco-tourism and research, are places of everyday fun and enjoyment. In the case of Pakistan though, it is quite ironic that most people only become aware of their existence when their pristine environments are threatened – mostly due to man-induced development activities!

The Khirtar National Park, Pakistan's largest National Park and the first of Pakistan's parks to be included in the United Nations listing of National Parks in 1975, provides us with one such example. Spread over 1,192 square miles consisting mostly of dry, arid landscapes, with sparse hardy vegetation and rocky outcrops, the Khirtar National Park lies in the Sindh Province, to the North of the city of Karachi and to the west of the Indus River.

Apart from being the habitat of a variety of wildlife species, including the famed Sindh Ibex (Wild Goat) and Urial (Wild Sheep), the park is archaeologically important for its ancient tomb of Taung and the ruins of the world's largest historical fort at Ranikot.

Unfortunately, the mention of the Park's name does not bring to the mind of the people visions of its beauty and splendour. On the contrary, over the last ten years, the name Khirtar has become synonymous with 'controversy' and 'conflict'.

The park first hit the national headlines when in 1989, the Japanese Government agreed to provide funding for the Indus Highway Project, planned to link Pakistan's Northern Areas with the coastal city of Karachi.

The Khirtar National Park found itself right in the middle of the proposed Nuriabad – Sehwan section of the Indus Highway! Information dissemination through the press led to a public outcry, which was channelled through press releases, signature campaigns and ultimately a ‘Public Interest Litigation Case’, filed by SCOPE (a local NGO) and WWF-Pakistan in the High Court of Sindh Province. The government was forced to commission an Environmental Impact Assessment (EIA) through the help of IUCN Pakistan. The EIA’s findings that the negative impacts of the proposed highway far outweighed its economic benefits persuaded the government to reroute the highway. However, the celebrations were short-lived, as the conservationists were soon to be confronted with a far more difficult challenge – posed by a far more powerful and destructive adversary.

On July 5, 1997, the Directorate General of Petroleum Concessions, an affiliated body of the Federal Ministry of Petroleum and Natural Resources, Government of Pakistan, granted a concession to the Premier Oil Group to explore for oil/gas, in the Dumbar Block. Premier Oil later merged with Shell Oil, to form the Premier – Shell Pakistan Group. Presently, after the pulling out of Shell from the project, the operation is managed by the Premier – KUFPEC Pakistan Exploration Limited-PKPEL.

This time around, it was not just the park’s biodiversity, that was being threatened;(90/% of the park lying in the Dumbar Block) the law of the land was simultaneously being violated. The Sindh Wildlife Protection Ordinance 1972, as it existed at that time, prohibited all kinds of mining and exploration activities in the national parks of the Sindh Province. This law stood further augmented by the Sindh Wildlife Amendment Act 1993, and a Sindh Government Notification, 1997.

It was for this very reason, that when the Premier Group approached the Sindh Wildlife Department (SWD) to gain access to the area, the SWD officials resisted this move and also approached the World Conservation Union (IUCN) Pakistan to seek expert guidance. IUCN Pakistan in turn formed a Sub-Committee on Khirtar within its Pakistan National Council (PNC) membership to look into this matter and advise the IUCNP management on the best course of action. As the issue

gained more publicity, more citizen groups entered into the debate and a coalition called the ‘Citizens Committee on Khirtar’, was formed. Leading national NGOs such as Shirkat Gah, Shehri, SDPI, WWF Pakistan and SUNGI, formed part of this coalition to give it a truly national look.

As the project proponents of the oil/gas exploration project were insisting on starting an Environmental Impact Assessment (EIA) of the project, the citizen groups resisted this move. They argued that an EIA is always considered an integral part of a project, whose environmental impact it assesses. Since in this case, the subject project was clearly an illegal act, so it stood to reason that its EIA would also be illegal. They won their argument and it was agreed that only a ‘Baseline Scientific Study’ of the park would be conducted to prepare an inventory of the park and assess its ecological status, and based on its findings, a ‘Management Plan’, for the park would be developed.

Sadly, this spirit of compromise did not last long. The citizen groups claimed that contrary to the Conventions reached in a ‘Consultative Workshop’, that a Baseline Study, instead of the earlier proposed EIA would be carried out, the EIA started within a month of the Workshop was conducted in parallel to the Baseline Study and concluded prior to its completion! (The second component of the Baseline Study was started in September 2000 while permission for EIA was granted in August 2000). The oil/gas project proponents countered by saying that conducting an EIA would not necessarily lead to the start of exploration work in the park.

Since as a nation, we Pakistanis normally find it difficult to resolve differences through across the table discussions, so, as in the case of the Indus Highway Project, it was a march to the Sindh High Court again! A group of nine citizen groups filed a constitutional petition in the court on January 4, 2001, calling for the cancellation of the oil/gas exploration license.

By this time, the Khirtar campaign had hit the world headlines. Major media networks such as the BBC and CNN were covering the campaign, articles were being published in prestigious news publications like the Guardian and the Sunday Times, and large globally based environmental

/watchdog networks, such as Friends of the Earth, Oilwatch and Global Response joined the campaign. Friends of the Earth even intervened in the petition on behalf of the citizen groups.

Amidst mounting citizen pressure, the Shell Oil Group decided to pull out at this stage, citing operational reasons, leaving Premier Oil to play a lone hand. The citizen groups on the contrary, identified Shell's pullout as a major campaign success. However, it was not only Shell that was feeling the heat, the Government was also getting anxious. They, however, reacted in a different manner. On June 1, 2001, through a Notification, issued by the Governor of Sindh, the Sindh Wildlife Protection (Amendment) Ordinance 2001 was promulgated, allowing for oil/gas exploration activities in the national parks of the Sindh Province! Consequently, the citizen's petition lost its legal punch and was dismissed by the court. However, the local citizen groups have not given up and are in the process of devising new plans and strategies.

This campaign represents a classic case of the conservation verses development debate, not unique to Pakistan. Many lessons have been learnt.

The fact that environmental issues have never been granted priority in the country makes it difficult to mobilize mass public support for environmental causes. High levels of poverty and illiteracy also limit public understanding and acceptance of matters related to protection of wildlife and ecosystems. Failure of successive governments to incorporate environmental concerns into their overall national policies and planning frameworks makes intervention and mitigation at implementation phases difficult.

Unless there is a show of political will and understanding by the policy-makers of the complexities and importance of environmental concerns, leading to a shift from development to sustainable development, it is feared that despite spirited public campaigns, there will follow many more Khirtars and many more lost court cases. (By: Farhan Anwar, CBE, 2003).

