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Efe pygmy children in the Ituri forest in Congo playing the "Osani" game, in which each child names circular objects and concepts.

Issue 106

our environment, our rights

standing up for people and the planet



**Friends of
the Earth**
International



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friends of the earth Friends of the Earth International is the world's largest grassroots environmental network, uniting 68 diverse national member groups and some 5,000 local activist groups on every continent. With approximately one million members and supporters around the world, we campaign on today's most urgent environmental and social issues. We challenge the current model of economic and corporate globalization, and promote solutions that will help to create environmentally sustainable and socially just societies.

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our environment, our rights

standing up for people and the planet



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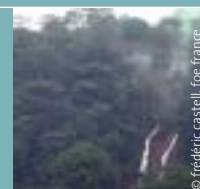


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Indigenous Embera children demonstrate during the Friends of the Earth International meeting on Human and Environmental Rights in Cartagena, Colombia.

preface: why we campaign for rights

tatiana roa, friends of the earth colombia, coordinator of friends of the earth international's work on environmental and human rights.



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What does the environment have to do with human rights? Why is an environmental group like Friends of the Earth International protecting and demanding human rights? What do concepts like environmental rights and environmental justice mean?

These were some of the questions that Friends of the Earth activists grappled with at the October 2003 conference on Environmental and Human Rights in Cartagena, Colombia. Representatives of our 68 member groups gathered with other environmentalists, social movements and human rights defenders to listen to stories of human rights abuses and discuss strategies for fighting environmental rights violations. The conference provided a basis for developing a philosophical framework to guide our thinking and campaign strategies.

This publication brings together some of the human and environmental rights abuses experienced by many of our groups, and their actions to protect these fundamental rights. Not only do we want to share these stories and our vision about environmental rights more widely, but we also want to state our commitment as a network to fight for the protection of the human and environmental rights of the people and communities we work with around the world.

what can we do?

Friends of the Earth International values the recent advances in the international recognition of individual and collective human rights. However, despite progress in creating legal frameworks to address rights, violations continue and are even increasing due to the current global model of production and consumption that is imposed by neoliberal economic globalization. Many states ignore or are unaware of international and regional conventions and regional agreements, giving free reign to transnational corporations to advance destructively and with impunity.

Friends of the Earth International will promote the concepts of environmental rights and environmental justice and work for the recognition of new rights. Beyond that, and together with other environmentalists, we will create an ethic that recognizes the value and diversity of life in all forms and the interdependence between human beings and nature. Our concept of environmental justice will acknowledge the dignity of nature, the web of life, and the independent rhythms of biological and ecological processes. In short, we will work to protect environments and people alike against the aggressions of neoliberal economic globalization.

We must recognize that existing enshrined rights are the fruit of the efforts of communities that have historically resisted violations and demanded their rights, and that we can only move further if we join the resistance of those whose rights are being violated today. For this reason, our alliances with social movements, both on the ethical and political levels, must form a basis for our campaigns. We plan to debate, define and promote national and international legal instruments in order to support the enforcement and protection of our rights, and we will strive for environmental justice in all that we do.



participation in decision-making, freedom of opinion and expression, and the right to resist unwanted developments. We also believe in the right to claim reparations for violated rights, including rights for climate refugees and others displaced by environmental destruction, the right to claim ecological debt, and the right to environmental justice.

Many of these rights, particularly the political ones, are well-established and enshrined in various conventions and agreements. We can credit the establishment of some of these rights, as well as the acceptance of others that are not yet legally recognized, to the ongoing struggles of communities and indigenous peoples around the world. Other 'new' rights, including rights for climate refugees, have arisen over recent years due to the acceleration of economic globalization and the accompanying environmental destruction and social disruption. Still others, like the right to claim ecological debt, have emerged as the result of years of campaigning by Friends of the Earth and others for the recognition of the impacts of northern resource depletion and natural destruction in southern countries. All of these rights are equally important, and they are all interdependent. Environmental rights are human rights, as people's livelihoods, their health, and sometimes their very existence depend upon the quality of and their access to the surrounding environment as well as the recognition of their rights to information, participation, security and redress.

introduction: environmental rights are human rights

People all over the world are claiming their rights. In early 2004, the Ava Guarani people of Argentina marched 1,774 miles to demand that the government return the 5,000 hectares of their ancestral territory given to a global corporation for sugar production. Cameroonian cocoa farmers have taken a French forest company to court for destroying their plantations in the mad rush to export logs. Friends of the Earth Uruguay and others have organized a national referendum that could make access to water a fundamental human right. Maple sugar tappers in the United States have sued the Bush administration, claiming that their livelihoods are threatened by the global climate change to which the United States is a major contributor. Tens of thousands of Europeans are demanding the right to eat food free of genetically modified organisms. And the list goes on.

What all of these claims have in common is that they are based on people's environmental rights. Environmental rights mean access to the unspoiled natural resources that enable survival, including land, shelter, food, water and air. They also include more purely ecological rights, including the right for a certain beetle to survive or the right for an individual to enjoy an unspoiled landscape. In Friends of the Earth's vision, environmental rights include political rights like rights for indigenous peoples and other collectivities, the right to information and

Rights can be asserted in a variety of ways: for example, by appealing directly to the violating government, international financial institution or corporation; through international, regional and national courts; by applying public and media pressure; and by building coalitions with others seeking similar rights. This publication draws on case studies from around the world to provide information and inspiration about the growing potential for rights-based campaigning within the environmental movement.

the development of human rights

Over the past decades, human rights have been identified and codified in a vast body of international and regional agreements. The best known of these is the 1948 Universal Declaration of Human Rights, which obliges members of the international community to respect the rights of all human beings to life, to an adequate standard of living, to liberty and security, to freedom of opinion and expression, and to participate in the government of his or her country. In 1976, two additional International Covenants entered into force under the auspices of the United Nations, one covering Civil and Political Rights and the other Economic, Social and Cultural Rights.

Civil and political rights are often considered the 'first generation' of rights, and are sometimes termed 'negative rights' as they require states to refrain from actions such as torturing their citizens or denying them free speech. The 'second generation' of Economic, Social and Cultural Rights, on the other hand, are often 'positive', requiring governmental action to provide goods and services like housing and schools. Both the first and second generations of human rights were framed in response to the needs of individuals whose rights were violated over the previous decades, and today enjoy a fairly high level of public acceptance, if not governmental adherence.

Indigenous Embera dance and demonstrate during the Friends of the Earth International meeting on Human and Environmental Rights in Cartagena, Colombia.



be inflicted on peoples whose civil, political, social and economic rights are not respected. Friends of the Earth International believes that a new ethic is required, one that strives for environmental justice and recognizes the interdependence of humans and their environments.

Environmental rights are complex in that they require governments to protect the environment, which often entails economic measures like regulating corporate activities, international trade, or investments by international financial institutions. The emerging need for rights for victims of global climate change poses a particular challenge to governments in that they are being asked to restructure economies and relinquish sovereignty by taking part in international environmental agreements such as the Kyoto Climate Protocol.

environmental rights legislation

On the official level, the link between human and environmental rights was first made in 1972 at the Stockholm Conference on the Human Environment. The 1992 Earth Summit in Rio de Janeiro helped to create a normative framework for environmental and human rights both in the principles set out in the Rio Declaration and in the Agenda 21 Plan of Action. In 1994, the Special Rapporteur on Human Rights and the Environment for the Sub-Commission on the Prevention of Discrimination and Protection of Minorities released a groundbreaking,



the emergence of environmental rights

In recent years, catalyzed by the negative impacts of widespread economic globalization on people and the environment around the world, another category of rights has arisen. These new rights often apply to communities or groups of people attempting to achieve healthy and sustainable livelihoods in various parts of the world. They are urgently needed, as the projects and policies promoted by international financial institutions, trade bodies and transnational corporations often trample people's rights to live in sustainable societies.

In the name of 'development' and 'free trade', governments and transnational corporations are steadily seizing control of land, water, forests and minerals. All of this leads to environmental and human rights violations such as the confiscation of land, evictions, pollution, destruction of natural resources, police presence, militarization, violence, intimidation and worse. Women very often bear the brunt of these violations as they struggle to protect and nourish their families. Those who attempt to defend the environment, including people from affected communities and environmental campaigners, are also often victims of intimidation and human rights violations by vested political and economic interests.

The same current economic globalization policies that are threatening people and their habitats around the world are also not designed to allow people to decide upon their own futures. Information about development projects and plans is often insufficient or nonexistent, and affected people are often excluded from the relevant decision-making processes.

Environmental rights go hand-in-hand with civil and political rights. Marginalized people around the world, including women, people of color and impoverished people in industrialized countries, suffer from environmental injustice by bearing the brunt of pollution. As many of the case studies in this publication show, the most egregious environmental rights violations tend to

detailed analysis of the relationship between human rights and the environment, concluding that environmental damage has an adverse affect on the enjoyment of a series of human rights, and that human rights violations in turn damage the environment. In the meantime, a series of UN resolutions, court decisions and international bodies have further shaped and endorsed this general statement. To date, however, there is little binding legislation referring to environmental human rights.

Furthermore, those suffering from environmental rights violations do not always have access to legal channels. International human rights law, and in particular environmental rights law, is complicated, slow and has limited enforceability. Not all states are not party to the relevant regional or international conventions, and their citizens thus do not enjoy access to the relevant international courts. Access to international courts can generally only be obtained when national remedies have been exhausted. Even when a case does manage to work its way up through the international legal system, victories are still few and far between. And then, even when the law comes down on the side of those who have been violated, governments do not always take up their responsibilities to rectify the situation.

Nonetheless, the existing human rights declarations and covenants do carry significant moral weight, and can be used to bring global attention to violations happening in the most remote corners of the earth. Important regional and national legislative initiatives exist, including the Inter-American Convention on Human Rights, the European Union's Charter of European Rights and the new African Charter of Human and Peoples' Rights, all of which specifically acknowledge the right to a healthy environment. Significant public pressure can be exerted on governments through the rulings of the courts that enforce these and other international rights laws. Affected communities are learning to make use of these national and international legal systems to bring attention to their plights and strengthen their campaigns for justice.

1. the right to a sustainable livelihood
2. the right to a clean and healthy environment
3. the right to water
4. the right to food safety and security

part one | sustainable societies



Pygmy mother and child, Cameroon.

1 the right to a sustainable livelihood

Friends of the Earth International believes that sustainable livelihoods are enabled when economic activities meet people's real needs, and resources are used sustainably. People must enjoy equal access to resources, and the benefits from the use of those resources should be equitably distributed. The indiscriminate pursuit of growth by corporations, supported by international financial institutions and trade bodies, often makes sustainable livelihoods impossible.

Sustainable livelihoods are dependent upon the fulfillment of various other rights; and they are threatened when these rights are violated. The rights to water, food and a clean and healthy environment are essential, as are rights for women, indigenous peoples and other collectivities, and for farmers. Procedural rights, including access to information, security and the right to redress must also be secured.

The cases of the Ava Guarani of Argentina, whose croplands have been given to a sugar corporation, and small communities in Cameroon whose fruit trees have been destroyed by multinational logging

companies, illustrate how the current global trade system destroys thriving and sustainable local economies. In both cases, affected people are making use of various pressure tactics and legal tools to reclaim their rights to sustainable livelihoods.

more information:

Friends of the Earth International's Trade, Environment and Sustainability programme:

www.foei.org/trade

Towards Sustainable Economies: Challenging Neoliberal Economic Globalization, Friends of the Earth International:

www.foei.org/publications/pdfs/sustain-e.pdf

one sustainable societies

1 the right to a sustainable livelihood

sugar poisoning for ava guarani

indigenous livelihoods disrupted by sugar corporation in argentina

friends of the earth argentina

Argentina's Salta province is the homeland of the indigenous Ava Guarani people. Today, the corn, manioc, and vegetables once grown by these people in the midst of fertile forests have been replaced by monoculture sugar cane and genetically modified soy cash crops. This environmental destruction has been accompanied by the displacement and repression of the Ava Guarani themselves.

The Ava Guarani lived on their ancestral lands until the 1970s, when violent evictions forced them from their homes and farms in order to make way for the San Martin del Tabacal company's sugar plantations and refineries. Many had no choice but to work in Tabacal's factories, 'paid' with vouchers valid only at the company's own shop. In 1996, the US-based Seaboard Corporation bought Tabacal and fired 6,000 employees, forcing many of the Ava Guarani to seek work in the city. Some 150 Ava Guarani families now live on just two

hectares of flood-prone lands, while the Tabacal mill uses one million hectares to produce sugar on indigenous territories.

In September 2003, a group of 70 Ava Guarani families decided to return to their ancestral territory, known as 'La Loma' (The Hill) in Salta province. Just days later, they were brutally evicted from their re-occupied land by a group of armed police, who aimed firearms at their heads then shot into the air. All of the Ava Guarani were then detained, including children and pregnant women. The displacement was reportedly ordered by the Tabacal company.

Ava Guarani demonstrate in Argentina for the return of their ancestral lands.



Ava Guarani demonstrate in Argentina for the return of their ancestral lands.



“Red is the color of our people’s blood; brown is our ancestral territory, our land and what we are fighting for; green is the color of nature, our crops, the forest, our woods.”

Ramon Tamani, Ava Guarani, Salta.

marching for justice

In November, members of the community marched nearly 300 kilometers to Salta City to claim their land rights and ask for justice. When their requests to meet with the governor were not granted, they decided to travel a further 1,500 kilometers to Buenos Aires to meet with the president of Argentina. Although the Minister of Social Development pledged to investigate the eviction and the land conflict with Tabacal, the eventual promised visit was short and unsatisfactory, and officials did not even manage to visit La Loma.

As the doors of governments and public offices closed behind them, the Ava Guarani received support from unemployed workers, peasant farmers’ movements, environmental groups and the media in order to organize actions at Tabacal’s main office in Buenos Aires. The Ava Guarani case has also attracted global attention. In April 2004, activists successfully penetrated Seaboard’s annual shareholder’s meeting outside of Boston, posing questions about indigenous land rights in Salta before themselves being forcibly evicted from the meeting.

Despite continued threats from the company and police, the Ava Guarani are holding out on their demand for five thousand hectares of land, enough to sustain 150 families. For them, the return of this small parcel of land to cultivate would be sweeter than sugar.

more information:

Comunidad Guarani El Tabacal:

originariaguarani@hotmail.com

Friends of the Earth Argentina: ***tierra@riseup.net***

Friends of the Earth International

www.foei.org/cyberaction/ava.html

Alerta Salta (in Spanish): ***www.alerta-salta.org.ar***

Indymedia Argentina:

www.argentina.indymedia.org/features/pueblos

Worcester Global Action Network:

www.wogan.org/seaboard

Argentina Autonomista Project:

www.autonomista.org/tabacal.htm

Seaboard information:

www.factoryfarming.org/empirepigs.htm

Pygmy children in Cameroon.

“We need money to clear the plantation again, and then we need to wait four years until the cocoa starts to produce again. I have four children, and am also responsible for the seven children of my unmarried sisters.”

Jean-Jacques Ngbwa Abondo, a Cameroonian plaintiff in the lawsuit against French multinational Rougier, in a 27 March 2002 article in Le Monde.



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one sustainable societies

1

the right to a sustainable livelihood

logging over livelihoods

cameroonian villagers sue french forest company
friends of the earth france



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In the Miatta region of Cameroon, 300 kilometers from the capital city of Yaoundé, once lush village plantations of cocoa, mandarin and other fruit trees have been crushed under the wheels of heavy machinery. Guttred red dirt roads lead deeper into the forest, but there are only gashes where the most beautiful and valuable tree species – sipo, iroko, mahogany, sapelli – stood before being illegally chopped down and dragged off for export. This means that villagers are not only deprived of income from their plantations, but they are also left with damaged biodiversity in the surrounding area.

According to local planters, the destruction is the work of the Cameroonian Forest Corporation (SFID), which has been illegally exploiting timber in the forests surrounding the village since the late 1990s. In 2002, Friends of the Earth France and seven Cameroonian villagers launched a civil action



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lawsuit against SFID and its parent firm in France, SA Rougier, claiming that the French company was largely responsible for the unlawful activities of its Cameroonian subsidiary, including property destruction, forgery, stolen goods and corruption.

The complaint was a precedent in French courts in the fight against overseas corporate impunity. Although criminal law is applicable to any crime committed by a French citizen outside French territory, the condition of double incrimination means that the offence must also be punished in the country where it was made. Although the plaintiffs produced evidence that a local sentence was not feasible due to the general climate of corruption in Cameroon, the court deemed this unacceptable. Moreover, French law stipulates that offences committed abroad are under the jurisdiction of the public prosecutor, who can consider that an act is

not sufficiently serious to justify the beginning of legal proceedings. These points led to the case being thrown out of French courts at the end of 2002, and then again in early 2004 following an appeal.

According to Friends of the Earth France, the decision highlights how flagrantly ill-suited French law is to the challenges and realities of economic globalization, and adds urgency to their call for a legally-binding convention for transnational corporations. In the meantime, they and the Cameroonian villagers are planning another appeal, this time to the French Supreme Court, in the hopes of overturning the decision.

more information:
Friends of the Earth Cameroon:
www.africa-environment.org/ced
Friends of the Earth France:
www.amisdelaterre.org

2 the right to a clean and healthy environment

Whether in cities, forests, farmlands or villages, people's environments may be degraded through air and water pollution, noise, ecosystem deterioration and reduced biological diversity. A emerging category of 'environmental rights' requires governments to set environmental standards in order to protect people's surroundings. In 1972, the Stockholm Declaration set out the right to life "in an environment of a quality that permits a life of dignity and well-being," and this right has since been enshrined in a number of other legal conventions.

An unhealthy environment inevitably impacts the health of the people living within it. In Curaçao, decades of pollution from the operations of the Shell corporation have fouled the air and burdened people with a host of health problems. In the Ukraine, local people have battled a car battery factory that has caused high levels of pollution and illnesses. In the United Kingdom, people are suffering from health problems related to night flights in and out of Heathrow airport.

In South Korea, activists have waged a long battle to preserve the Saemangeum wetlands, an important feeding stop for migrating birds that the government hopes to reclaim for industrial and agricultural purposes. In Colombia, the ongoing aerial fumigation of coca and other crops has devastated the health of the ecosystems and people living beneath this toxic spray. These campaigns to protect the health of people and the environment are all important contributions to the struggle to have environmental rights recognized and enforced.

one sustainable societies

2 the right to a clean and healthy environment

island sickened by shell's toxic legacy

Friends of the Earth Curaçao



Curaçao is a small island in the Caribbean, with kilometers of coral reefs, sandy beaches, and semi-arid landscapes in the interior. Thanks to Royal Dutch Shell, Curaçao also has a toxic legacy that has plagued the island's people and environment for close to a century.

In 1918, Shell began construction of an oil refinery on Curaçao, which lies just 90 kilometers off the coast of Venezuela. As Curaçao was a Dutch colony, this was a profitable arrangement for both the oil giant and the Dutch government. Venezuelan oil could be refined close to Venezuela but on Dutch territory, which was good for Shell's profits and did not risk giving the Venezuelans the means of refining their own oil.

In 1953, a year before Curaçao acquired autonomous status within the Dutch Kingdom, the colonial government exempted Shell from all environmental obligations. The newly acquired autonomy was thus largely powerless against the biggest employer and polluter on the island.

In 1985, Shell abandoned the refinery. Before leaving, and following consultation with the Dutch government, the company secured a declaration of immunity from the government of Curaçao. The declaration stated that Shell would not be held liable for any environmental damage that its activities had inflicted on the island over the 70-year period of its operations. In return for this immunity, Shell sold the refinery to a government agency for less than US\$1, a deal that both parties portrayed to the public as a win-win situation that would boost local employment. The government then leased the refinery to the Venezuelan state oil company, PdVSA, for a modest fee.



© foe curaçao



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locals cheated out of their health

The operations of the oil refinery have caused serious health and environmental problems, including premature deaths, cancers, birth defects, asthma, respiratory disorders, skin diseases and childhood illnesses. In 1983, a visiting Dutch agency concluded that: "Concentrations of pollutants on Curaçao are approximately four times higher than maximum concentrations accepted anywhere else in the world. This implies that irreparable damage is being inflicted to the health of human beings that inhale the chemical, organic and toxic pollutants emitted by Shell." (DCMR, 1983).

Amigu di Tera/Friends of the Earth Curaçao and the affected communities organized huge protest demonstrations on World Environment Day in 1988, 1989 and 1990. This resulted in a new environmental law, the first

since autonomy, but the law is weak. Although the refinery was required to obtain an environmental permit for the first time in history, the permit is lax and open-ended. The refinery is not required to make environmental improvements, and the law stipulates that the government must pay half of the costs of future environmental measures. As the government is broke, this means more health victims and more environmental degradation every day.

Shell gave a very bad deal to the 150,000 inhabitants of Curaçao, and Friends of the Earth, NGOs including the Humane Care Foundation, and local communities plan to hold the company liable. They are calling upon Shell to clean up the areas affected by its activities, to compensate the oil workers and communities whose health has suffered, and to compensate for property damage. In the meantime, they want the new operator to

immediately and drastically reduce the pollution that it generates and provide compensation for its part of the environmental damage.

more information:

Behind the Shine: The Other Shell Report 2003,
www.foei.org/publications/corporates/shellshine.html

Between 1995 and 2000, local people living near the plant began to suffer from health problems. These were confirmed by medical practitioners: a local dentist, for example, found lead in the teeth of his child patients. In addition, former plant workers began to disclose details of bad practice. Concerned individuals tried to get the authorities and the plant management to deal with these concerns to no avail.

breaking bread together

At this point, Friends of the Earth Ukraine was called in for support. They helped to organize a local action group, and called a meeting in April 2000 to protest against ISTA's infringement of environmental and human rights. Over 1,000 people turned up, including plant management, who angered the crowd by asserting that the plant was no more dangerous than a "bread shop".

After the meeting, ISTA started legal proceedings against the action group, the local Friends of the Earth branch and the local dentist, alleging that the plant was environmentally benign and that their image was being damaged. They attempted to intimidate the activists and their supporters into submission. In response, Friends of the Earth hired experts to collect information about the factory. They found that the plant did not have the necessary environmental

Involving the media in the campaign to stop expansion of polluting battery plant in the Ukraine.



© foe Ukraine

one sustainable societies

2

the right to a clean and healthy environment

right to health versus right to profit

ukrainian people triumph over polluting factory
Zelenyi Svit/Friends of the Earth Ukraine

Young members of Friends of the Earth Ukraine displaying banners: "No to battery plant!" "Don't sacrifice children's lives for batteries!"



© foe Ukraine

A legacy of the Soviet regime in the Ukraine can still be witnessed when human rights are pitted against economic profit: the motto 'results at any price' continues to be the official norm. As a result, economic development in the Ukraine is being achieved through the importation of cheap, outdated, and often outlawed technologies from developed countries. Not surprisingly, people's health and the need to preserve the country's natural resources are ignored.

A prime example of this maldevelopment has unfolded in the Dnipropetrovsk region, a heavily industrialized area with incredibly high levels of pollution. In 1992, the Ukrainian company ISTA began constructing a car battery factory there, importing equipment from Germany where local protesters had managed to stop production.

expertise, and was not fulfilling its obligations to supply information to the authorities. After Friends of the Earth publicly denounced the persecution of its members by the company, ISTA requested a meeting and the media became involved.

In the end, the planned expansion of the plant was stopped, people living in the vicinity of the factory were given a satisfactory out-of-court settlement, and the entire plant management was replaced. In addition, some existing national environmental laws were strengthened. As a result of the victory, the membership of Friends of the Earth Ukraine increased, putting the group in a stronger position to monitor the activities of ISTA and other companies that defy people's environmental rights.

more information:
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case flies in and out of court

Several years ago, the UK government changed the laws governing night flights to allow more of them to take place. As a result, a number of people who lived under the flight path and who were therefore already suffering from extreme sleep deprivation took the UK to court, and eventually to the European Court of Human Rights (ECHR). They claimed a violation of the right to respect for private and family life, as the ECHR does not have a specific right to a clean and healthy environment.

Two years ago, the European Court of Human Rights ruled in favor of the individuals. However, the UK appealed the decision and took the case to the Grand Chamber of the European Court. At this point, Friends of the Earth joined in the case to try and highlight the way in which other human rights courts around the world have addressed environmental human rights.

In a disappointing judgment in the summer of 2003, the Grand Chamber reversed the earlier decision, deciding in favor of the UK government. The judgment was severely criticized by human rights and environmental lawyers. Five of the seventeen judges hearing the case disagreed with the majority and found that the judgment unjustifiably gave “precedence to economic considerations over basic health conditions”. One small but positive feature to emerge was the formal recognition of ‘environmental human rights’ in an ECHR judgment for the first time ever.



one sustainable societies

2

the right to a clean and healthy environment

airplanes prevail over sleeper's rights

friends of the earth england, wales & northern ireland

“Sleep deprivation causes memory loss, muddled thinking, visual impairment and memory loss.”

British Airways advertisement for its Club World service.

Heathrow airport is one of the world's busiest airports, with close to 500,000 flights to or from the airport each year. Residents living next to Heathrow and under the flight path are exposed to extreme levels of noise, often four times higher than World Health Organization maximums. Such noise levels are well recognized as posing a threat to human health, and can lead to stress, depression, memory loss and visual impairment. Some people living next to the airport are exposed to the roar of an aircraft landing or taking off every 90 seconds, from 6 in the morning until after 10 at night, seven days per week.

The worst impact of Heathrow's night flights comes from the effect on people's sleep. In addition to the general noise of the flights, there are a number of flights every day that take place in the very early hours of the morning or late at night. These are a massive disruption to people's sleep, often preventing sleep altogether when they occur past 4 in the morning.

So who really profits from night flights? Namely the aviation industry, and in particular British Airways. It is therefore not so surprising that British Airways joined the court case on the side of the government. Their hypocrisy is surprising, however, as seen in their advertisements for their Club World passengers: ‘Don't Stand for Sleepless Nights’ and ‘Sleep deprivation causes memory loss, muddled thinking, visual impairment and memory loss’. Yes, precisely. One rule for big business and its first class passengers, and another for everyone else.

more information:

Friends of the Earth England, Wales and Northern Ireland:

www.foe.co.uk/campaigns/transport/

Activists have their heads shaved in front of the President's residence to protest against the Saemangeum wetlands reclamation project.



© kfem/foe south korea

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2

the right to a clean and healthy environment

the right to remain a wetland

saemangeum campaign in south korea nears victory

kfem/friends of the earth south korea

Friends of the Earth South Korea has been campaigning to stop the destruction of one of the planet's most important and ecologically diverse tidal flats for many years, and victory is finally in sight.

Saemangeum is the country's largest reclamation project, involving the construction of a seawall damming the mouths of two rivers. The existing tidal flats, part of Korea's beautiful coastline, and an important wetlands area will be reclaimed in order to create agricultural land and an industrial complex. As currently planned, the project will encompass some 41,000 hectares and will include a 33-kilometer long seawall.

When finished, some 22,000 local fishing people will be deprived of their subsistence activities. Many nearby islands and mountains, some even in national reserves, have been destroyed in order to supply soil and stone to construct the seawall and cover the tidal flat.

At least 200,000 shorebirds use Saemangeum as a feeding stop on the East Asian-Australasian flyway every year, including endangered species such as the Black-faced spoonbill, the Oystercatcher and Saunder's gull.

The 310-kilometer "3 steps 1 bow" protest march crossing the Han River bridge in Seoul.



© kfem/foe south korea



Leaders from South Korea's major religions (Buddhism, Protestantism, Catholicism, and Won Buddhism) lead a protest against the Saemangeum wetlands reclamation project.



© ktem/foe south korea



© ktem/foe south korea

The "3 steps 1 bow" protest march.

steps, bows and shaved heads

Some 86 percent of South Korean citizens are against the plan, and their resistance has been demonstrated in many colorful and passionate demonstrations. In 2003, four religious leaders carried out a '3 steps 1 bow' walk over a distance of 310 kilometers. Thirty-three Friends of the Earth South Korea activists shaved their heads in symbolic protest, and directors of the organization went on a ten-day hunger strike.

In November 2002, local people and environmental groups including Friends of the Earth South Korea took the government to court. In July 2003, the Seoul Administrative Court ordered the temporary suspension of Saemangeum in light of the massive environmental damage that is feared to result. Friends of the Earth is not letting up the pressure, however, and is calling for the restoration of the tidal flats to their original condition so that fisher people can resume their livelihoods and birds can flock back to the wetlands.

more information:
Friends of the Earth South Korea:
<http://english.kfem.or.kr>



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2

the right to a clean and healthy environment

fumigating colombia

an attack on human and environmental rights

censat/friends of the earth colombia

Although Colombians have obtained many rights, including the constitutional right to a healthy environment, justice remains out of reach. One striking example is the ongoing fumigation of crops destined for illegal use with Monsanto's Roundup Ready herbicide, which has destroyed important ecosystems and has seriously violated the rights of communities and the environment.

The government's aerial spraying of crops intended for illegal use (marijuana, coca, and more recently poppy) with the herbicide glyphosate, a 'poison rain' marketed by Monsanto, has been going on for more than three decades. However the recent, increased fumigation is part of a strategy against drug trafficking adopted by the US and Colombian governments that focuses on the weakest link in the process: the growers. Thus, those who suffer most in this war are the farmers, the indigenous peoples, the Afro-Colombian communities, their cultures and their ecosystems.

As environmentalists, Friends of the Earth Colombia believes that the illegal production of coca has contributed to the serious degradation of the Andes and Amazon forests. However, the spraying of glyphosate by low-flying planes only stimulates this degradation, not only through the unknown effects of the chemicals on the ecosystem, but by forcing the growers into the forest where the impacts of fumigation are even more damaging. Friends of the Earth is convinced that fighting one evil with another is pointless.



© censat/foe colombia



During the second phase of Plan Colombia, which coincided with the entry into power of President Alvaro Uribe Vélez, more than 250,000 thousand hectares of coca and poppy were sprayed. According to official figures, this has led to a reduction of 37 percent of crops; the reality however is that the fumigation has not contributed to diminishing crops. A recent report by the United Nations Office on Drugs and Crimes showed the greatest decreases in areas that had not been fumigated. This raises the question of why the government continues to fumigate, and whom this strategy benefits.

attacking public and environmental health

Farmers in the fumigated areas and some indigenous communities bear the brunt of this strategy, and have continuously called for the replacement of spraying by manual eradication. Indigenous communities insist that their traditional lands, as well as the cultural importance they place on the earth and the coca plant, be respected.

Local governments, environmental groups and human rights organizations have campaigned and taken legal action to stop the fumigation. The national government has refused to

Although the fumigation is intended to destroy crops for illegal use, it knows no borders and has also impacted farmers' subsistence crops, water sources, indigenous lands, and Afro-Colombian communities. Forests and biodiversity have been destroyed, as glyphosate is poisonous to most plant species. In short, the poison is affecting every link in the food chain, with the end result of harming human health.

Since its inception, Plan Colombia and in particular the fumigation strategy has provoked great social opposition. A recent governmental decision to fumigate national parks, including the globally-recognized UNESCO biosphere reserve La Sierra Nevada de Santa Marta, has provoked fierce reactions from a Park Defense group made up of academics, journalists, parliamentarians, environmentalists and human rights activists.

Friends of the Earth Colombia is opposed to the fumigation on the basis of the precautionary principle, which says that "when an activity raises threats of harm to human health or the environment, precautionary measures should be taken even if some cause and effect relationships are not fully established scientifically." We are also on the alert for a new wave of fumigation using fungus, which could potentially be even more dangerous.

plan colombia

Colombia's anti-narcotics policy has the strong backing of the US government. In July of 2000, President Clinton approved US\$1.3 billion for a 'war on drugs' within the framework of Plan Colombia, which was allegedly intended to increase national security and decrease conflict in the country. Despite an enormous increase in fumigation, the strategy yielded meager results, with a mere 11 percent decrease in coca crops in 2000-1.

comply with two Constitutional Court orders that the spraying be stopped, and has not carried out any of the required social or environmental impact assessments. In turn, Monsanto continues to insist that glyphosate has no adverse impacts on human health or the environment.

The emerging evidence about the impacts of fumigation on human and environmental health is alarming. Medical experts in southern Colombia, which has been sprayed liberally, report high incidences of ocular and cutaneous afflictions, as well as the death of livestock and poultry. Ecuadorian investigations based on the border area with Colombia have found cases of over-stimulated central nervous systems, which causes headaches, nightmares, nausea, vomiting, stomachaches and weakness. Glyphosate also causes strong eye and skin irritation, matching reports by Colombians in the Putumayo region with these symptoms.

The rights that have been won today do not yet guarantee justice, and this is why other rights must be claimed: the right to not be displaced; the right to not be fumigated; and the right to protect indigenous reserves and the environment against destroyers like Monsanto. The fumigations must be stopped today, because very soon it will be too late.

more information:
Friends of the Earth Colombia:
www.censat.org *(in Spanish)*

3 the right to water

Water is becoming dirtier, scarcer and costlier for people in many parts of the world. Big dams, pollution, deforestation, industrialized agriculture and mining are all part of the problem, and the international financial institutions, trade treaties and multinational water corporations that promote the privatization of water services are decreasing people's access to water.

Friends of the Earth International believes that water is a fundamental human right as it is essential to livelihoods, and it should not be

treated as an economic good. Friends of the Earth groups are campaigning for water justice by promoting collective water management systems, urging water reduction and reuse, restoring rivers and wetlands to more natural states, and resisting the privatization of public water sources.

In the face of a global corporate push to privatize water sources, communities are resisting the violation of their water rights in various creative ways. In Cochabamba, Bolivia, massive public uprisings led to the withdrawal of the government's water privatization law and forced an unwelcome

water company to leave the country. In Slovakia, public water services in the city of Trenčín are being privatized without public involvement, fuelling Friends of the Earth's campaign against corporate water secrecy. To protect the right to water for future generations, Friends of the Earth Uruguay has co-initiated a procedure for constitutional reform that would make access to water a fundamental human right.

more information:

Friends of the Earth International:

www.foei.org/water

Water Justice: www.waterjustice.org

one sustainable societies

3 the right to water

water for the people

privatization gone bad in cochabamba
[cer-det/friends of the earth bolivia](#)



Neoliberal economic globalization, pushed by the US government and transnational corporations, is leading to the privatization of services, natural resources and practically every economic activity in Bolivia. This is happening quickly, and without proper consultation. Water, which has until now been managed by rural communities, farmers and indigenous peoples, is being handed over to corporations that aim to place every drop under the laws of the market.

the case of cochabamba

In 1999, the Bolivian government privatized the city of Cochabamba's municipal water services and handed them over to the Aguas del Tunari consortium, which consisted of International Water Limited (50% owned by Edison SpA from Italy and Bechtel from the US); the Spanish company Abengoa (25%); and four Bolivian investors.

Aguas del Tunari immediately raised the price of drinking water by about 300 percent. In the meantime, the government approved the privatization of all drinking water services and water resources such as rivers and lakes. The convergence of these events triggered a mobilization of communities in the Cochabamba valley.

Protest against Cochabamba privatization in the Netherlands: "Water is for the people, not the multinationals".



"In a poor country like Bolivia, the US\$25 million claimed by the transnational company could mean 125,000 water connections in Cochabamba, or 3,000 annual doctors' salaries in rural areas, or 12,000 annual teachers' salaries."

Osvaldo Pareja, Cochabamba.

Farmers, rural workers, environmentalists, students and other social groups came together in the Coordination for the Defense of Water and Life and carried out daily actions such as road blockades, demonstrations and strikes. This culminated in April of 2000 with a massive rally, which ended in several deaths and numerous injuries.

Ultimately, the people of Cochabamba were victorious in not only driving the company out of the country, but also in having the planned privatization law withdrawn. The contract with Aguas del Tunari was annulled, and water management was given to a public cooperative.

unhappy water giant

Aguas del Tunari responded by launching various actions in order to receive compensation for so-called "incurred losses". In November 2001, the company claimed US\$25 million from the Bolivian government to make up for the loss of revenue incurred with the cancellation of the contract. The case, which is pending, will be heard by a tribunal with three members: someone chosen by the World Bank President, someone chosen by the transnational corporation, and someone chosen by the Bolivian government.

Cochabamba's 'war on water' provides striking evidence of corporate power, but above all it is an inspiring example of the power held by people when they unite in order to defend their basic rights.

more information:

Water Justice: www.waterjustice.org

Friends of the Earth Bolivia:

pilcomay@mail.cosett.com.bo

fishing for information

Information was later divulged indicating that the conditions imposed by TVS were extremely disadvantageous for TVK, and that the huge profits included for TVS in the contract could lead to an enormous increase in water and sewage rates. Friends of the Earth Slovakia made an official request for the full text of the operational contract to the city of Trenčín, a major shareholder in TVK. The municipality passed the request along to the director of TVK, who refused to comply on grounds of commercial secrecy. Friends of the Earth asked the same of the private operator TVS, receiving the same negative response.

In 2000, TVK was awarded a grant from the European Commission's ISPA program for the extension of the sewage system and the construction of a water treatment plant. It was not until 2002 that the Commission began to investigate whether or not Trenčín's privatized water operations met the criteria for the ISPA program, and particularly whether the risk existed that the grant could contribute to undue profits for the private operator. Although the Commission insisted that TVK and TVS modify the contract, it ignored requests by Friends of the Earth Slovakia for its public release. The Commission in turn referred Friends of the Earth to the Slovak Ministry of Environment, which claimed that TVK declared the contract to be a trade secret. The Ministry of Environment closed the circle by recommending that TVK or



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Although the Slovakian parliament has adopted a very progressive Access to Information Act, the challenge remains for civil society to enforce the 'right to know' in practice. For example, water and sewage services are by law considered 'services in the public interest', but authorities have proven reluctant to release information related to their provision.

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3

the right to water

thirsty for information in slovakia

public shut out of water privatization plans
friends of the earth slovakia



© foe slovakia

In 1998, shortly before the elections in which it was replaced by a new cabinet, the Slovakian government decided to privatize water services in the city of Trenčín in the western part of the country. This was the first case of public services privatization in Slovakia, and according to official statements it was intended to serve as a "model of water sector transformation".

In fact, what happened was that a municipally-owned company, TVK, took charge of the water pipes and sewers, while everything else required for water services, including buildings, machines and vehicles, was transferred to TVS, a private firm that had been established by managers of the former state water company. The French multinational Suez Lyonnaise des Eaux then acquired majority control in TVS. This division of property between private and municipal companies forced the municipal company TVK to sign an operational contract with TVS in order to prevent the collapse of water services in the area.

TVS be asked for the information, and to date the contract remains hidden from public eyes.

The Slovakian Access to Information Act obliges the responsible authorities to disclose information related to public property or public finances, and explicitly states that revealing such information does not breach commercial secrecy. Nevertheless, corporate water services are very often put above the rights of those seeking information. The case is not yet closed, however: in January 2004, Friends of the Earth Slovakia filed a complaint to the Slovak Supreme Court.



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3

the right to water

water as a constitutional right in uruguay?

redes/friends of the earth uruguay

In October 2003, a 'human river' organized by Friends of the Earth Uruguay and other social and environmental groups delivered a petition of 280,000 signatures to the Uruguayan Parliament. The petition launched a procedure for constitutional reform that will be voted on, simultaneous to the national elections, on 31 October 2004. The proposed reform would halt and reverse the privatization of drinking water services and the commodification and sale of the country's fresh water reserves, including the Guarani Aquifer, one of the most important on the planet. The reform would also guarantee the public, participatory and sustainable management of the country's water resources.

If adopted, the reform would make access to water a fundamental human right and a constitutional right. This right would thus even be protected from erosion through free trade and investment agreements such as

those in the World Trade Organization, the Free Trade Area of the Americas and other bilateral and regional agreements.

The constitutional reform proposal has become the hottest political issue in the country, with the government and affected and interested corporations trying to undermine widespread public support through a massive media misinformation campaign.

more information:

Friends of the Earth Uruguay:
www.redes.org.uy (in Spanish)

4 the right to food safety and security

Friends of the Earth International believes that people have the right to decide what they grow and what they eat. Just as we should be able to decide what we put on our tables, farmers and communities should also have the right to grow the crops they choose for their own food security and sustainable livelihoods. In Costa Rica, for example, although farmers have rehabilitated the forests and water sources previously degraded by banana plantations, they are still struggling to keep the Standard Fruit Company from confiscating their homes and croplands.

Friends of the Earth has serious and legitimate concerns about the risks of genetically modified foods and crops (GMOs) for consumers, farmers, wildlife and environments around the world. In Mexico, the center of origin for maize, biological diversity and food security are threatened by contamination by genetically-modified crops. Our Bite Back campaign challenges attempts by the United States and others to prevent countries from deciding whether or not to allow genetically modified food and farming.

Farmers' rights, based on the "past, present and future contributions of farmers in conserving, improving, and making available plant genetic resources, particularly those in the centres of origin/diversity" (Food and Agriculture Organization) are increasingly gaining recognition. However these rights are also increasingly threatened, not only by genetic contamination, but also by Intellectual Property Rights, which allow corporations to privatize the knowledge shared between farmers over generations.

more information:

Genetically Modified Crops: A Decade of Failure, Friends of the Earth International:

www.foei.org/publications/link/gmo

GRAIN: www.grain.org

Action Group on Erosion, Technology and Concentration (ETC): www.etc.org

Years ago, farmers occupied Bambuzal with the rationale that this area was not included in the 10,000 hectares that the Costa Rican government donated to Standard at the end of the 1960s. Campesinos and campesinas have since created a subsistence economy there that has enabled them to improve their quality of life. They have also preserved their own tree species, and protected several water sources. After some years had passed, they asked the Costa Rica agrarian courts to grant them titles to this land.

this land is my land!

Before sweeping the land out from under the farmers' feet, Standard waged various battles to intimidate them and to delay the verdict. Eventually they sold part of the land to another transnational to be used for electricity production; this was illegal because the land was still tied up in litigation. Standard also engaged in other maneuvers involving foreign banks in an attempt to complicate the legal ownership of the land.

Eventually Standard brought criminal charges against the farmers, claiming that they had usurped the land. In collaboration with the Costa Rican government, the company contracted private security forces and public police to harass the farmers using force, repression and tear gas. Two farmers died: one asphyxiated and the other shot five times in the back.

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4 the right to food safety and security

costa rican farmers bamboozled by banana company

coecoceiba/friends of the earth costa rica



In 1967, the government of Costa Rica sold 10,000 hectares in one of the most fertile and biodiverse regions in the country to the Standard Fruit Company for the ridiculous amount of 1,000 colons (US\$2). This transaction reaffirmed the submission of most Costa Rican governments to transnational capital.

The Standard Fruit Company devoted the majority of these lands to banana cultivation, and the rest to growing the bamboo used to prop up the banana trees. As a result, this small area was called 'Bambuzal'. Although technological change in the 1990s made the bamboo unnecessary, the banana company continued to exert its dominion over the 875 hectares where it was formerly grown.

The farmers, counting on a quick verdict, have instead witnessed the government's unflinching support for the banana corporation as the case languishes in court. They are denouncing their eviction from land that was legally declared theirs to cultivate until a judgement was reached, and lamenting the burning of their farms, the destruction of their crops, and the indiscriminate cutting of trees by the banana company.

The right to land is a fundamental human right for farmers, who produce food, manage resources sustainably and create models for greater social justice and better wealth distribution. This right is a traditional and collective one that has long been defended by farmers around the world. In this case, true justice will be served only when the land is returned to those who make the best use of it: the farmers of Bambuzal.

Mexican maize varieties, Oaxaca, Mexico.



“Our seeds, our corn, are the basis of the food sovereignty of our communities. It’s more than a food, it’s part of what we consider sacred, of our history, of our present and future.”

Pedro, indigenous community member in Chihuahua, Mexico.

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4

the right to food safety and security

mexican farmers threatened by gmo contamination

action group on erosion, technology and concentration

Mexico is the center of origin of maize, where the greatest diversity of this crop is found. Since GM crops were first commercialized in the United States, there have been many concerns in neighboring Mexico about the possible contamination of Mexican corn. Corn varieties have been developed by indigenous and local farmer communities over thousands of years, and corn is one of the key reserves of genetic material for plant breeding, the basis

of food security. Maize diversity is key for farmer communities and plant breeders, and is needed for improving the quality and productivity of corn crops worldwide. Mexico also hosts the world’s most important collection of endangered corn seeds.

In 2001, the area in the US cultivated with GM corn was over 20 million acres, constituting over 50 percent of all corn cultivated in the country. Many cases of transboundary contamination have shown that illegal GMOs can easily cross boundaries and end up in other countries. StarLink corn for instance ended up contaminating the food supplies in Japan, South Korea, and Bolivia.

In 2001, Nature magazine reported that traditional maize varieties in two Mexican states, Oaxaca and Puebla, were contaminated with DNA from genetically modified maize. It is illegal to cultivate GM maize in Mexico.

The suspected source of the contamination is the United States, since it exports large quantities of maize for food and feed purposes to Mexico. It is believed that Mexican farmers planted US GM maize intended for food and feed without knowing it was genetically modified.

Despite the seriousness of the contamination, there still is no clear plan of action to address this genetic pollution, nor to prevent it from happening again. Moreover, monitoring done by civil society organizations in over 130 local communities in Mexico found that contamination occurred in nine states, seven more than the initial research showed. The organizations also claim to have identified StarLink GM maize, which is not authorized as food.

more information:
Action Group on Erosion, Technology and Concentration (ETC): www.etc.org

In May 2004, Friends of the Earth campaigners declared a bio-hazard' area around the WTO's headquarters in Geneva in protest of the WTO dispute over genetically modified food. They delivered a petition to the WTO signed by more than 100,000 citizens from 90 countries and some 544 organizations representing 48 million people.



more information:

Friends of the Earth International Bite Back campaign: www.bite-back.org

Friends of the Earth Europe:

www.foeeurope.org/biteback/index.htm

Friends of the Earth International GMO campaign: www.foei.org/gmo/index.html

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4

the right to food
safety and security

bite back!

thousands call for food safety
[friends of the earth international](http://foei.org)



More than 70 percent of citizens in the European Union do not want genetically modified organisms (GMOs) in their food. However, US President George Bush and big biotech companies are trying to use the World Trade Organization (WTO) to force the EU and the rest of the world to accept genetically modified food and farming. This is a grave violation of people's right to decide what they want to eat and of farmers' rights to grow the crops they choose.

Biotech companies have invested billions in GMO products with potentially harmful impacts on human health and the environment. Such products take away consumer choice, make farmers dependent on big business, and undermine food security in developing countries. It is not yet known what risks GMOs pose to people's health and the environment.

To force genetically modified products into global markets, President Bush filed a legal dispute at the WTO, accusing the European Union of blocking trade by restricting GMOs. If successful, not only will the EU have to accept genetically modified food and farming but so will the rest of the world.

In response, Friends of the Earth International and more than 350 other organizations – together representing 35 million citizens worldwide – launched the 'Bite Back' campaign. This initiative invites civil society around the world to submit Citizens' Objections to the WTO, demanding that the right to eat GMO-free food not be undermined and that the US complaint be dismissed. The first 100,000 Citizens' Objections were handed over to the WTO in May 2004. A final ruling in the case is expected in 2005.

1. collective rights
2. the right to know
3. the right to decide
4. the right to resist

part two | information, participation and security



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Landowner Sakas Aonomo at a log camp in Middle Fly, Western Province, Papua New Guinea. "By looking at that place I feel very sad and upset and frustrated about my land being destroyed."

1 collective rights

The concept of collective rights emerged because individual human rights do not guarantee adequate protection for indigenous peoples and other minorities exhibiting collective characteristics. These groups face various threats to their livelihoods, to their environments, to their health and to their security, and their very survival may depend upon the recognition and protection of their collective rights.

Collective rights guarantee the development and preservation of ethnic minorities' cultural identities and forms of organizations. A few existing legal instruments recognize these rights, including Convention 169 of the International Labor Organization and the political constitutions of several nations including Colombia, Bolivia and Ecuador. In Colombia for example, collective rights have

been invoked in the struggles of the Nukak Makuk, Uwa and Embera people.

Collective rights are intergenerational. Land rights must be understood from this perspective, as present generations have inherited the territory of previous ones, and are obliged to pass it on to future generations. For that reason, indigenous territory should not be classified as property but rather as inheritance or patrimony. In the cosmic vision of many indigenous peoples, territory is not only a physical space but also where productive systems like fishing, hunting, agriculture, extractive activities and so forth are carried out in a self-reliant manner.

Collective rights over biodiversity are the result of the preservation and maintenance of knowledge, innovations and other practices based in nature. The conservation and sustainable use of biological diversity is incorporated into the traditional lifestyles of

collectivities including indigenous and black communities, farmers and local people, and this invaluable contribution to global sustainability must be recognized.

In South Australia, a group of Senior Aboriginal Women have won the collective right to protect their land and their culture from a radioactive waste dump. They have received international recognition for their determination to "look after their country" in order to pass it along to future generations. The Dayak Pitap of Indonesia are campaigning against the appropriation of their ancestral lands by a mining corporation, proving that their self-determination as a people is more important than any profits that can be dug from the land.

two information, participation and security

1 collective rights

indonesia's dayak pitap want to be left alone

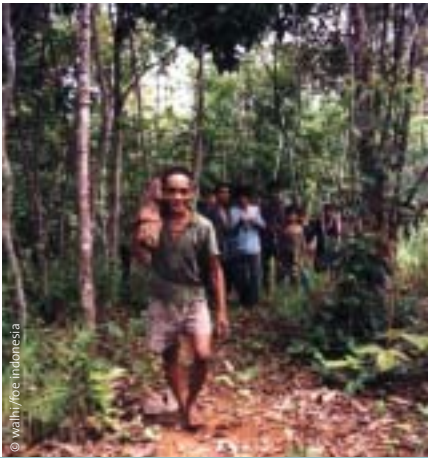
friends of the earth indonesia

The Dayak Pitap are a small group of fewer than 900 people living in the Meratus mountains of South Kalimantan, Indonesia. They live mainly through small-scale agriculture and rubber tapping, and also raise poultry, hunt boar and fish. For years, they have been plagued by the forestry and mining industries, which continue to pose enormous threats to their livelihoods and the local environment. They are determined, however, to manage their own livelihoods and environment without external interference.

South Kalimantan is blessed with natural resources including forests and coal, and has thus long been viewed by governments, Indonesian companies, foreign corporations and national security forces as a financial 'cash cow'. In the 15-year period between 1984 and 1999, more than 100 million tons of coal were produced in the province, with an average annual production of 7.7 million tons.

trickle up resource exploitation

Only a few have enjoyed the benefits of these riches, however, and communities have watched their environment degrading with no significant improvement in their welfare. Bulldozers, excavators, and dump trucks work night and day to exploit the land, while local people observe from the sidelines from within a cloud of ashes and dust.



The Dayak Pitap have been defending their rights to the environment and their livelihoods since the early 1990s, when they started feeling pressure from the logging and mining industries. As a response, they began to promote community-based forest management as an alternative to the private concession system. Large-scale private land concessions are responsible for environmental disasters throughout Indonesia, including flooding, community intimidation, social conflict and the erosion of traditional knowledge and wisdom.

Despite these efforts, the local government signed an agreement worth around US\$10 million with the PT Sari Bumi Sinar Karya mining company. The Dayak Pitap are united against the plan to open an iron ore mine in the community's sacred land, which spans two mountains. For the indigenous community, this area has long been used as a place of worship and as the final resting place for their ancestors.

taking control of the future

In response, the Dayak Pitap have drafted their own proposals for the local government on how to manage their natural resources, how to preserve their local customs and knowledge, and how to maintain social communities. They have also undertaken participatory mapping to delineate their territories and secure their rights, attended meetings with the local parliament, and lobbied local and national governments to protect and fulfill their rights to their livelihoods.

The Dayak Pitap, by making use of their right to say “no, thanks” to companies, governments and other stakeholders, have been an inspiration for other community groups in Indonesia seeking to protect their rights. They believe if the community unites, nothing can beat them.

more information:
Friends of the Earth Indonesia:
www.walhi.or.id

Kungka Tjuta women holding the Goldman Prize they were awarded in 2003 in recognition of their campaign against a radioactive waste dump in the Australian desert.



two information, participation and security

1

collective rights

the poison, leave it

aboriginal women win battle against
australian government

nina brown, irati wanti campaign office, coober
pedy, south australia

The Kupa Piti Kungka Tjuta are a council of Senior Aboriginal Women based in Coober Pedy, South Australia. They came together in the early 1990s to “keep the culture strong and look after [their] country”. They follow their Tjukur, variously translated as ‘Dreaming’ or ‘Law’, which tells the story of the Seven Sisters who traveled across the country, creating it.

In recent years, the Kungka Tjuta have traveled tirelessly across the continent to resist a federal government proposal for a national radioactive waste dump in the desert. The Kungka Tjuta have spearheaded a national environmental campaign in opposition to the waste dump. Their campaign is called Irati Wanti: “the poison, leave it”. In their words, “We know the country. The poison the government is talking about will poison the land. We say NO radioactive dump in our ngura - in our country. It’s strictly poison and we don’t want it.”

In 2003, the government granted final approval for the waste dump. Significantly, it was also the 50th anniversary of Australia’s entry in the global nuclear industry. Between 1953 and 1963, a series of British atomic weapons were detonated in the South Australian desert. The Kungka Tjuta are survivors of this nuclear testing program, and point to the deadly connection between past experiences and the present radioactive waste dump proposal. “All of us were living when the government used the country for the bomb,” says Eileen Wani Wingfield. “When they let the bomb off nobody knew anything about it. They are doing the same thing here. They told us you could eat the kangaroo, the emu, but ... that was a lie.”



“You don’t listen to us ladies. You’re still not listening. Do we have to talk over and over? It’s women’s place. Stop mucking around with women’s business. It’s our story to know for all Kungkas. Not a story for you white men. Not your land, even if you say you own it. Even if you buy it.”

The Kungka Tjuta in a letter to the Australian government, 2004.

The Kungka Tjuta have achieved national recognition and widespread support for their Irati Wanti campaign. The South Australian government is actively opposed to the waste dump construction, as are 87 percent of South Australians polled, and numerous communities along the proposed transport corridor are also resisting the plan.

The Kungka Tjuta’s resolve received international recognition in 2003 with the awarding of the prestigious international Goldman Environmental Prize to founding members Eileen Kampakuta Brown and Eileen Wani Wingfield. The annual prize is given to grassroots environmental “heroes” from six geographic areas across the globe, and is the largest of its kind. In a joint statement issued after the announcement of the prize the pair commented, “We all have to get together and look after this country. ... We are strong, old ladies. We will keep fighting.”

government trickery

A few months later, the federal government compulsorily appropriated the land for the proposed waste dump. This occurred only hours before the South Australian parliament was due to table legislation declaring the site a public park, which would have foiled the planned land seizure. The South Australian government took the case to court; it was dismissed, but won by unanimous decision upon appeal. The massive publicity catalyzed by the court decision has been a severe blow for the “national interest” reasoning spouted by the government, and politically humiliating in an election year.

Finally, in August 2004, the Irati Wanti campaign met with victory when the Australian government abandoned its plans for the nuclear waste dump. The Kungka Tjuta’s determination to see their struggle through was not in vain: “We’re here to look after the country. We’re not going to live forever. If we do the right thing to help the younger generation, they’ll turn around and fight for the protection of their country in their turn.”

more information:

Irati Wanti campaign: www.iratiwanti.org
kungkatjuta@iratiwanti.org

2 the right to know

“Environmental openness is an inalienable human right. Any attempt to conceal any information about harmful impact on people and the environment is a crime against humanity.”

Russian environmental activist Alexandr Nikitin, who was charged with espionage for contributing to a report that exposed illegal nuclear waste dumping.

People have the right to play an active role in protecting their environments, and access to information is key to securing this right. There is a great deal of secrecy surrounding the activities of corporations and their financial backers around the world. Governments too often collude with these schemes to keep illegal, unethical or simply unpopular projects and processes away from public scrutiny.

In response, communities and individuals are calling for information disclosure when activities impact the environment or people. Campaigners and citizens are making use of ‘right to know’ provisions on the national and international levels; for example, Friends of the Earth Germany is suing their government for refusing to release information about the

contribution of the country’s Export Credit Agencies to climate change. In the United States, groups including Friends of the Earth are calling for an International Right to Know requirement, which would force companies to reveal environmental, labor and human rights information about their overseas operations.

International financial institutions are notoriously non-transparent and non-participatory in their operations. In Slovakia, Friends of the Earth is working with people in the town of Ruzomberok to require the European Investment Bank to address the environmental and social impacts of its funding for a polluting paper mill.

two information, participation and security

2 the right to know

the right to know who wrecks the climate

german government sued for non-transparency
friends of the earth germany

Germany claims to be a leader in climate policy. Although this may be true in terms of the energy measures being taken on the national level, what about the impact of German technology exports? After all, Germany is responsible for one third of global exports in the mining sector, and has huge market shares in power plants, cars, airplanes and public transport systems. In this way, German exports help to determine the extent to which future global energy infrastructure will be climate-friendly or unfriendly.

Guarantees from Export Credit Agencies (ECAs) insure companies against economic and political risks they may face particularly in developing countries. The German ECA, Hermes, provides billions of dollars of funding for energy, mining and transport projects around the world on behalf of the German taxpayer. These projects give rise to greenhouse gas emissions that cause climate change.



Friends of the Earth demonstration in the UK against the Baku-Ceyhan pipeline, which is funded by the German Export Credit Agency.

Oil port near the Baku platform where the Baku-Ceyhan pipeline originates.



© manana Kochladze



© nick cobbing/foe swm

© nick cobbing/foe swm

Friends of the Earth demonstration in the UK against the Baku-Ceyhan pipeline, which is funded by the German Export Credit Agency.

A lack of transparency makes it impossible to assess exactly what contribution ECA-funded projects have made to climate change. The World Resources Institute (WRI) estimates that between 1996 and 2001, Hermes promoted fossil projects in developing countries that totalled US\$2 billion. For example, Hermes has supported supplies for the construction of Paiton 2, a disputed coal-fired power station in Indonesia; more than 400 kilometers of pipes for the controversial Baku-Tiblisi-Ceyhan pipeline; and aircraft for the airbus industry in the US, Sweden and Saudi Arabia.

For many years, Friends of the Earth Germany and Germanwatch have been requesting information from the Ministry for Economics and Labor about exports that might be contributing to climate change. Invoking the national Environmental Information Act, the groups asked Hermes to publish a detailed list containing all of the projects in the field of energy production for which export guarantees were granted since the adoption of the Kyoto Protocol in 1997.

The Ministry ultimately rejected the request, claiming exemption from the Environmental Information Act and that publishing certain data would violate business secrecy. In response, Friends of the Earth and Germanwatch filed a lawsuit in June 2004, accusing the Ministry of violating the Environmental Information Act. The outcome of this case could set an interesting precedent for other industrialized countries with ECAs involved in the export of climate-damaging technologies.

more information:

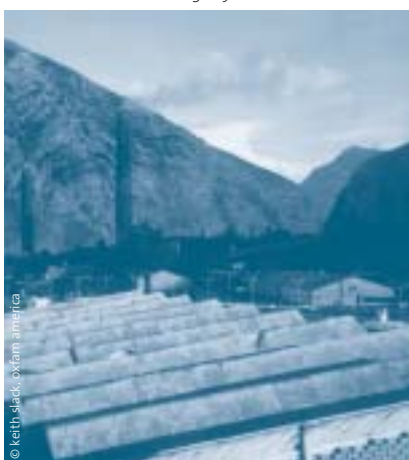
Climate Justice Programme:

www.climatelaw.org

Germanwatch: www.germanwatch.org

ClimateLawsuit.org: www.climatelawsuit.org

Doe Run smelter in Peru. Doe Run is the biggest polluter in the US state of Missouri, according to the US Environmental Protection Agency.



In the United States, the Bhopal accident led to the creation of the Emergency Planning and Community Right to Know Act, which was passed by Congress in 1986. This law requires corporations to report important environmental, health and safety information to the Environmental Protection Agency, which is then made available to the public in a user-friendly database called the Toxic Release Inventory.

The Toxic Release Inventory (TRI) has provided citizens, communities and investors in the United States with critical information that has led to significant voluntary reductions of toxic pollution and other environmental

poorly, destroying the environment, and collaborating with oppressive governments that violate human rights.

The International Right to Know (IRTK) legislative proposal is modeled on the highly successful US Right to Know regulatory requirements. Under IRTK, American companies and companies listed on any of the US stock exchanges will be required to disclose key environmental, labor, and human rights information about their operations abroad, such as:

- How much toxic pollution does the company release into the environment?
- What dangerous chemicals are employees exposed to?
- Were communities forcibly relocated to accommodate the company?
- Has there been sexual harassment or discrimination in the work place?
- Does the company use child labor?
- Does the company have secret agreements with security forces such as foreign militaries?
- Have there been any serious emergencies caused by chemical releases at their facilities?
- How many of their workers abroad are covered by collective bargaining agreements?

Under IRTK, companies will be required to make annual reports to the US Department of State. This information will then be provided

two information, participation and security

2

the right to know

the right to know, at home and abroad

friends of the earth united states

Shortly after midnight on December 3rd, 1984, one of the world's worst industrial disasters unfolded in Bhopal, India. Over 40 tons of lethal gases leaked from a pesticide factory owned and operated by an American company, the Union Carbide Corporation, now owned by the Dow Corporation. The streets of Bhopal were filled with the bodies of thousands of victims, many of whom suffered violent deaths. Today, thousands of people still live with debilitating health effects. By some estimates, the death toll has risen to 16,000 or more.

hazards. For example, information disclosed under TRI was used by citizens to convince IBM to phase out its use of chlorofluorocarbons – the main culprit in depleting the ozone layer. It allowed a group of citizens in Akron, Ohio to obtain a commitment from tire manufacturer BF Goodrich to reduce its toxic airborne emissions by 70 percent. TRI also gave communities in Oregon and Louisiana the information they needed to successfully enact toxics reduction statutes.

corporate secrecy overseas

However, American companies operating abroad are not required to disclose information that they must reveal when they operate in the US. This lack of disclosure has allowed many US multinationals to conceal irresponsible or disgraceful behavior, such as treating workers

to the public through a consolidated website on the Internet. Companies that fail to report or make inaccurate reports could face legal prosecution in the US as well as criminal and civil penalties. Likewise, private citizens and organizations will be able to file lawsuits against companies for non-compliance.

An IRTK law would lift the veil of secrecy surrounding the overseas operations of American-owned corporations. More importantly, information disclosed under IRTK would empower people to more effectively challenge the harmful impacts they face, while consumers and investors in corporations' home countries could choose to redirect their purchases or investments away from harmful corporate practices.

more information:
Friends of the Earth US International Right to Know campaign: www.foe.org/irtk.

ifis shirk responsibility for human rights violations

“The [World Bank’s Extractive Industries Review, EIR] received reports of alleged human rights violations ranging from intimidation, torture, kidnapping, and detention to rape and killings. Women and children often are the most severely harmed victims. According to information received by the EIR, the incidents of human rights violations are mostly not acknowledged by governments and courts in many developing countries. ... There was also a strong element of fear: quite a few people testifying to the EIR required anonymity when describing human rights violations.”

World Bank Extractive Industries Review, December 2003.

For decades, the World Bank and other international financial institutions (IFIs) have been forcing countries to open up for unregulated large-scale development projects without providing protection for people and the environment. Their operations have left behind misery all over the planet. People have

been displaced from their ancestral lands, rivers polluted, livelihoods destroyed and people’s security repeatedly put at risk.

The IFIs cannot currently be held accountable for the human and environmental rights violations generated by their programs and projects. The member states of multilateral development banks like the World Bank have all endorsed the UN Declaration on Human Rights, and are bound by its provisions. But these obligations are often forgotten when countries take decisions within the banks. Paradoxically, although the World Bank is itself a UN specialized agency, it is exempt from human rights obligations under UN treaties.

So far, IFIs have refused to take responsibility for the human rights impacts of their lending, saying they are non-political actors. They disregard widespread calls for compensation and reparations. Despite being public institutions with the aim to alleviate poverty, the IFIs continue to finance projects and programs that undermine people’s rights.

*more information:
Friends of the Earth International IFIs
programme: www.foei.org/ifi*

in surrounding areas, the risks arising from the pollution have never been rigorously assessed.

Despite local protests, the company geared up to increase its paper production, applying for construction permits for modernizing and increasing capacity. Affected citizens appealed against the deficiencies of the project construction permit process. Based on their claim, the court decided not to issue the permit until the local NGO’s concerns had been seriously investigated.

too little information and too late

Local citizens learned of the EIB loan only after it had been approved by the Bank’s Board of Directors in July 2003. In September 2003, Friends of the Earth Slovakia submitted a request for information to the EIB, asking three easy-to-answer questions about the transparency of the loan approval. The EIB answered only one of them, with unsatisfactory general phrases and excerpts from the Bank’s information policy.

two information, participation and security

2

the right to know

something smells around here...

European investment bank ignores
right to know

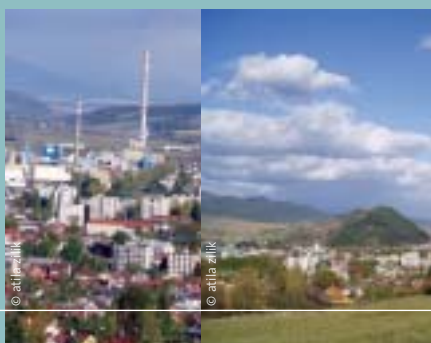
friends of the earth slovakia

Since 1999, people living in the Slovakian town of Ruzomberok have questioned plans for modernization and production increase at the Neusiedler SCP paper mill. The World Bank considered financing the project, but pulled out. In 2003, citizens were surprised when the European Investment Bank (EIB) appeared on the scene with a 64 million Euro loan to the paper mill. Their ignorance was understandable: the EIB disclosed information about the loan very late, and only through its website rather than directly to the public.

The environmental pollution caused by the SCP plant in Ruzomberok is a main reason for the town’s status as a highly polluted area. The town and surrounding areas are well known throughout the Slovak Republic for the unbearable stench caused by the plant’s emissions. In 1999, more than 3,000 inhabitants signed a petition against the company’s long-term pollution of their local environment. In spite of serious health problems in the town and

Furthermore, the EIB approved the loan request despite the fact that several ongoing legal proceedings submitted by affected local citizens concerning violations against their rights to public participation had not yet been settled. The local NGO has requested that SCP increase production only under two conditions: the installation of an air quality monitoring system, and the undertaking of a serious analysis of the local health situation both before and after project implementation.

The Ruzomberok case is one in a long list of EIB loans that have been made with neither transparency nor public participation. Ironically, the Bank itself portrays the project as a positive one, and had promised that “significant environmental improvements” would result.



3 the right to decide

Even when sufficient information is provided about a particular project or plan, people, and particularly marginalized groups like indigenous people, people of color and women, are not always allowed access to decision-making channels. The right to decide is crucial to people's self-determination, a fundamental principle in human rights law that holds that people can "freely determine their political status and freely pursue their economic, social and cultural development" (UN International Covenant on Civil and Political Rights).

The principle of free, prior and informed consent requires securing the consensus of all members of a group to a project within their area. The 1997 Indigenous Peoples Rights Act in the Philippines, for example, requires prior informed consent for corporate projects in ancestral lands and domains. In Papua New Guinea, it requires that communities confer amongst themselves according to their customary decision-making systems and through their own representative institutions. Adequate time, a full and transparent provision of information in appropriate forms and languages, and the absence of duress, intimidation, threat and negative incentives

are all required. This right has been instrumental in the stopping of illegal logging by a Malaysian corporation in Papua New Guinea.

In Nigeria, communities affected by the proposed West African Gas Pipeline are asking the Federal High Court to cancel the Environmental Impact Assessment for the project on the grounds that the companies did not consult communities as legally required. As the people living along the route of the pipeline will be most affected by the project, they are asserting their rights to be involved in the decision-making process and to determine their own futures.

two information, participation and security

3 the right to decide

west african pipeline dragged before nigerian court

friends of the earth nigeria and friends of the earth united states

Smoke is from a three-week-old pipeline fire. Existing oil pipelines, which weave through villages, often catch fire due to poor maintenance and vandalism.



© Jesika Fields, The U.S.



© Leslie Fields, foee.us

In March 2004, communities affected by the proposed West African Gas Pipeline challenged the Federal Ministry of Environment as well as the involved oil companies in a Federal High Court in Lagos, Nigeria. The petitioners, supported by Friends of the Earth Nigeria, are asking the court to stop the project, which they claim is being implemented without respect for Nigerian laws, in contravention of the African Charter of Human and Peoples' Rights, and in total disregard of the environmental and livelihood concerns of local communities.

The West Africa Gas Pipeline is a 620-mile long natural gas pipeline originating in Nigeria and passing through Benin and Togo before ending in Ghana. Although the idea for the pipeline was dreamed up more than two decades ago, it is only now that the project is underway that the consortium of oil corporations and the World Bank have decided to 'consult' with the people who will be impacted.

The communities involved in the lawsuit are asking the court to cancel the Environmental Impact Assessment for the project, including the public hearings, on the grounds that the companies did not follow due process by consulting communities. The oil consortium – composed of Chevron, Shell, the Nigerian National Petroleum Corporation, the Ghana National Petroleum Corporation, Soci t  Beninoise de Gaz and Soci t  Togolaise de Gaz – is hoping to complete the project by 2005.

Neither the information provided by the consortium nor meetings with the World Bank and Chevron have answered the public's questions about how the gas will be used, but it is alleged that the beneficiaries will be Ghanaian gold mining corporations. The US Bush administration has touted the US\$450 million pipeline as one of the projects that will help West Africa to become a major alternative source for oil and gas to the Middle East region in the near future.

more information:

Pipe Dreams, Friends of the Earth Nigeria, Oilwatch and Friends of the Earth United States: foe@foe.org

*Friends of the Earth Nigeria: www.eration.org
Oilwatch: www.oilwatch.org*

*Bank Information Center:
www.bicusa.org/africa/pppwwgap.htm*

Logging operations have not benefited children in the area of the Kiunga-Aiambak project.



© scheltema/greenpeace

two information, participation and security

3

the right to decide

bulldozing rights

road to nowhere in papua new guinea
celcor/friends of the earth papua new guinea



Log barge on the Fly River in Papua New Guinea.

© Greenpeace/foei

Forests provide the basis of livelihood and culture for the nearly 80 percent of Papua New Guineans who live in rural communities. By law, tribal groups own all but three percent of the country's land area and virtually all of its forest resources, and laws are in place to ensure that unwanted developments do not interfere with people's self determination. However, as the case of the Kiunga-Aiambak road project shows, laws are not always respected when profits stand in the way.

On paper, the rights of Papua New Guinean communities to their forests are well developed. The national Forestry Act provides for the recognition of customary landowners' rights to forest resources, proper royalty payments, and compensation for any damages caused as a result of logging operations. Any proposal for the use of forest resources requires the free and prior informed consent of the customary landowners, meaning that

communities are able to decide according to their customary structures, through their own representative institutions, and at their own pace without external pressure. Full information has to be provided in the relevant forms and languages, and landowners must seek proper legal and technical advice before deciding whether or not to allow resource development on their land.

However, the requirements for free and prior informed consent are usually not followed in Papua New Guinea, making communities vulnerable to the companies interested in extracting natural resources from their lands. People often cannot make informed decisions as legal information and services are not readily available. High illiteracy rates and limited infrastructure further complicate matters. Consent is often obtained through bribery, threats and other corrupt practices.



“Now when I see my bush, I cry. In the past we had sago, pigs, cassowaries and big trees everywhere. We used traditional paint from the bush. Now Aiambak is very different, life is very difficult. I cry for my village.”

Jerry lawe, Aiambak villager.

shadowy road project

One case of the imbalance between rights on paper and rights in practice is the Kiunga-Aiambak road project. In 1994, a licence was granted to the Paiso company to clear logs in order to make way for a road. Although the company was allegedly held by the landowners, it was actually owned by two individuals, a PNG national and a Malaysian businessman closely associated with the Malaysian logging company Concord Pacific. In the first of many violations of national forestry laws, Paiso illegally sub-contracted the logging to Concord Pacific.

The company later received an illegal extension to its license, making the Kiunga-Aiambak project one of the largest in the country. It also skirted its legal obligation to pay royalties to landowners. In 2001, the company was granted yet another illegal permit that allowed it to log an 830-kilometer

corridor through the forest and remove a total of 5 million cubic metres of logs.

An independent review appointed by the World Bank released a damning audit of the project in October 2000. The results confirmed the illegalities of the project, and verified that landowners had been harassed and threatened with firearms by loggers and police.

In 2001, Friends of the Earth Papua New Guinea, representing 300 landowners in the Kiunga-Aiambak area, lodged a claim with the World Bank Inspection Panel. The Papua New Guinea government had been granted a loan from the World Bank, and the claim called on the Bank to withhold the second tranche of the loan until illegal logging had been stopped. In response, the World Bank absolved itself of responsibility, and recommended an action plan that did not address any of the complaints.

Meanwhile, NGOs and local groups carried out direct action to prevent the transport of illegal logs. In 2002, Greenpeace activists blocked the export of logs from Kiunga-Aiambak for three days.

In July 2003, the national court ruled in favor of the landowners and ordered all logging and road construction to be halted. The people of Kiunga-Aiambak are still in court, however, seeking compensation for their land and their livelihoods.

more information:

Friends of the Earth Papua New Guinea:

www.celcor.org.pg

Greenpeace Australia Pacific:

www.paradiseforest.org/paradise_lost/kiunga_aiambak_road.php

4 the right to resist

When people's environments and human rights are threatened, they have the right to safely express their discontent through protest. The right to freedom of opinion and expression is a well-established civil and political right in both national and international law, and is fundamental to the concept of democracy and the respect of human dignity. Article 19 of the Universal Declaration of Human Rights states that:

"Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinion without interference and to seek, receive and impart information through any media and regardless of frontiers," and Article 3 maintains that: "Everyone has the right to life, liberty and security of person."

Nonetheless, environmental and human rights activists all over the world are often denied these rights when their ideas and actions conflict with the status quo. Their lives may be put at risk when they offer resistance,

as several of the cases in this publication show. Here, Juan Almeyda from Friends of the Earth Honduras offers a personal testimony about how his rights have been threatened throughout his life for defending human rights and environmental justice. The Quichua people of Ecuador have also suffered from grave rights violations during their resistance against the oil companies that have invaded their territories with the backing of the state.

two information, participation and security

4 the right to resist

poverty, violence and environmental justice

a testimony by Juan Almeyda
Friends of the Earth Honduras

"First of all, I consider myself as belonging to the people of Honduras and to humankind with all the rights that brings. They say we were 'discovered' more than 500 years ago, but the reality is that we had already discovered ourselves. For in the veins of my people runs a rainbow of blood: the indigenous peoples of Honduras, the Mayas, Chorties, Lencas, Pech, Tawakas, Misquitos, Nahuales, Tolupanes and Garifunas, and the English speakers of African descent, mixed with the Spanish, Latin Americans, English, German, French, Italians, Arabs, Jews, Asians and other families from different parts of the globe.

I was born and raised in an environment of poverty and violence, where alcoholism and prostitution flourished. When I was six years old, the government ordered the schoolteachers to make us witness the execution of a prisoner. I still remember the trauma of seeing how they blew out the brains of this man who had been deprived of his freedom. When I was eight, someone was commissioned to assassinate my father in order to take away a piece of his land, and I saw him almost decapitated. As a child I saw campesinos at the United Fruit Company kill each other with machetes while under the effect of alcohol, and I saw soldiers assassinate the campesinos.

a short history of honduras

Honduras is a multi-ethnic country, rich in culture, biodiversity and mineral resources. At the same time it is one of the most impoverished countries in Latin America due to colonial and post-colonial plunder. Paradoxically, it is a nation that exports food and is still one of the most malnourished in Latin America. In the international sphere we are considered a 'banana republic' or a 'country for sale'. For centuries we have been occupied, evicted and exiled from the land and from our culture. The crushing of our languages, the repression of our cultural expression, the denial of our history, the imposition of religion through the domination and humiliation of our people, the economic occupation and expropriation of our resources has always been accompanied by ideology, politics and the military.

Throughout history, Honduras has been under economic occupation by banana, mining and tobacco companies. Wood exports have stolen the water, the air and the forest from us. Banana monoculture crops have flooded and destroyed the forest with the pesticides and dioxins. The mining industry occupies almost a third of the land available for agricultural production, and open-cut mining has created artificial cyanide lakes in different parts of the country. Due to the economic, political, cultural and military occupation as well as trade agreements with the US and other countries, economic inequality means poverty for more than the 80% of the population.

An estimated 2.3 million hectares of forest were destroyed between 1994 and 2001, predominantly by wood export companies. Agents contracted by these multinational companies have been accused of attacks on campesinos and native organizations. Teodoro Martinez, leader of the San Juan tribe, was beheaded for defending his people's land. In the last twelve years, more than 48 indigenous and black leaders have been assassinated, and the crimes remain unpunished.

I currently run the Center for the Prevention of Torture, and the premises have been raided, the computers damaged and stolen, the telephones and electronic systems interfered with, and our members assaulted by paramilitary forces and issued death threats.

Half a century ago, families settled the land abandoned by a branch of the Chiquita Banana company and set up the village of Tacamiche with churches, schools and a health center. In the 1990s, by order of the banana company and in cooperation with the government, more than 100 houses and 200 hectares of maize and beans were destroyed by military tractors. I witnessed the discharge of more than 200 canisters of tear gas, which not only made us cry but also burned children and caused three women to miscarry. As I cared for the children's injuries, I could see that the nightmare of the terror generated by 500 soldiers will last their entire lives.



I was educated with ideas borrowed from the North. I did part of my studies in the United States, where I felt the racism in my living flesh, but I also got to know the solidarity and the generosity of those North American people who opposed the wars in Vietnam, Central America and Iraq. I have learned to differentiate between the managers of imperialism and the beautiful solidarity and conscience of the people.

I am a doctor and physiologist who combines scientific with popular knowledge. I am learning to be a healer, and how to use medicinal plants from indigenous people and campesinas.

I have been condemned by death squads in my country for defending human rights and environmental justice, for helping poor people, and for my anti-imperialist conscience. I am still alive thanks to the solidarity of my compatriots in the North American, European, Third and Fourth Worlds.

resisting violence

The government's policies are based on an authoritarian, fascist and militarist ideology. This has led to diminished welfare expenditures in health and education while police and military security expenses have increased. Parallel to this has been a promotion of the idea that children and young people are the cause of violence in Honduras, and they are assassinated daily by death squads in a policy of social cleansing. It is estimated that 549 minors were killed in 2002, and 370 in 2003 (House Alliance, 2003).

The case of Honduras shows how deeply linked the violation of human rights is with environmental justice.

Love and solidarity can build peace, environmental justice and human rights. Let our fight become a love poem to humanity and Mother Earth, and let the uniting of different cultures become a reality."

un human rights norms under attack by business

corporate europe observatory

"From a Shell perspective, we don't find the Norms helpful." Robin Aram, Shell's Vice President of External Relations and Policy Development, 2004.

In 2003, the UN Commission on Human Rights (UNCHR) put forth a proposal for Norms on Business and Human Rights. If approved next year, the Norms will make the human rights obligations of transnational corporations explicit, and suggest further steps towards corporate accountability.

In response, corporate lobby groups such as the International Chamber of Commerce (ICC) launched a fierce counter-campaign aiming to kill off the proposal, with self-proclaimed corporate social responsibility pioneer Shell in a leading role. The US and the UK governments have also adopted hostile positions towards the Norms.

The Norms, a compilation of the social, economic and environmental obligations for transnational corporations, was drafted by a respected body of 26 human rights experts from around the world. While confirming that states have the main responsibility to protect human rights, the Norms also oblige business to "within

their sphere of activity and influence" refrain from activities that directly or indirectly violate human rights, as well as to actively promote and protect these rights.

Although the Norms do not have the status of a formal UN treaty, the proposal moves beyond pure voluntarism and includes the creation of a new implementation mechanism. The text suggests that breaches in the Norms can result in compensation to the victims. While the enforcement mechanism is still only a proposal, this is what has caused the most outrage among business lobby groups.

As Stefano Bertasi from the ICC explains: "We see them [the Norms] as conflicting with the approach taken by other parts of the UN that seek to promote voluntary initiatives." The ICC greatly prefers the UN's Global Compact, which it helped to prepare. The Compact states nine very general principles concerning human rights, labor and environment to which companies can sign on, but lacks any meaningful monitoring or enforcement system. The failure of the Compact to prevent rights abuses by corporations is now becoming increasingly apparent.

more information:

Shell Leads International Business Campaign Against UN Human Rights Norms, Corporate Europe Observatory: www.corporateeurope.org/norms.html

human rights and in this specific case, the collective rights of the indigenous peoples."

In March 2004, the Head of the Armed Forces Joint Command entered Sarayaku's central village area accompanied by heavily armed military police and army officials in order to intimidate the local people.

In July 2004, a ruling by the Inter-American Court of Human Rights ordered the Ecuadorian state to "guarantee the life and personal integrity of the members of the Sarayaku community and their defenders, as well as the right of free movement of the members of Sarayaku". Just a few days earlier, the United Nations Committee on Economic, Social and Cultural Rights had expressed concern "that natural extracting concessions have been granted to international companies without the full consent of the concerned communities" as well as about "the negative health and environmental impacts of natural resource extracting companies' activities at the expense of the exercise of land and culture rights of the affected indigenous communities and the equilibrium of the ecosystem."

Although the ruling and the UN statements appear to be significant developments for



Quichua house.

two information, participation and security

4

the right to resist

blood and oil in the ecuadorian amazon

quichua rights upheld by inter-american court

Sarayaku President Franco Viteri explains the position of the community to a military commander.



Sarayaku, which means "river of maize", is home to some 1,000 people who live amidst 135,000 hectares of pristine forest in the Ecuadorian Amazon. However, oil flows under the territory of the Quichua people, and as a result their lives and livelihoods are increasingly under threat from transnational corporations and the Ecuadorian government.

In December 2003, a group of people from Sarayaku on their way to a peaceful demonstration in protest of oil activities within their territory were viciously attacked by aggressors. Shortly afterwards, the Inter-American Commission on Human Rights extended the Precautionary Measures it had previously granted in favor of Sarayaku for an additional six months. Quichua legal counsel Jose Serrano observed that "the extension of the precautionary measures ... serves to call attention to the Ecuadorian government's severe and systematic practice of violating

indigenous peoples both within Ecuador and globally, the Quichua are not ready to let down their guard. Even with the world's eyes upon them, their people continue to suffer from aggressions as well as repeated public threats by the Ecuadorian authorities to militarize their territory in order to allow the Argentinean oil company CGC to take control of their lands and livelihoods. This case may be only the beginning: in July 2004, the oil-thirsty Ecuadorian government declared a "total opening" of the southern Ecuadorian Amazon for the oil industry.

more information:
www.sarayaku.com

1. rights for environmental refugees
2. right to claim ecological debt
3. right to environmental justice

part three | redress



Children watching Shell gas flare.

1 rights for environmental refugees

The number of environmental refugees around the world today is as high as 25 million, according to the International Red Cross, and is increasing exponentially. Environmental refugees are forced from their homes by phenomena including large dams, desertification, forest destruction, and most recently, climate change. To date there exist

few mechanisms to accommodate these people, who lose their livelihoods, their cultures and their dignity when forced from their homelands. Friends of the Earth International believes that the concept of human rights must be broadened in order for new and evolving issues to be recognized and protected, including the phenomenon of climate refugees.

In China, the Three Gorges Dam will ultimately displace nearly 2 million people as its reservoir fills, and the land and employment promised to the resulting environmental refugees has not materialized. Friends of the Earth Australia is campaigning for the recognition of the rights of the inhabitants of the Pacific Island states, whose homelands face submergence with increasing global climate change.

three redress

1 rights for environmental refugees

damning human rights at china's three gorges

peter bosshard, international rivers network

"To struggle against the heavens is endless joy. To struggle against the earth is endless joy. To struggle against people is endless joy," Chinese Communist Party Chairman Mao Zedong once famously exclaimed. The Three Gorges Project on the Yangtze River is marked by this outdated contempt for the environment and human rights. The gargantuan dam project will create a reservoir with a length of more than 600 kilometers and produce as much power as 15 large nuclear reactors combined. It will displace up to 1.9 million people, destroy invaluable archeological treasures, and turn the Yangtze River into a toxic waste dump.

"If we only had one free newspaper in China, the Three Gorges Project would not go ahead," the noted dissident journalist Dai Qing often remarked. After all opposition was squashed in the 1989 Tiananmen massacre, conservative government factions bulldozed the project through a skeptical state apparatus.

When criticism could no longer be safely expressed in China, International Rivers Network (IRN) and other environmental groups called on foreign governments and financial institutions not to support the Three Gorges project. The World Bank and the US Ex-Im Bank both decided to stay away, but the governments of Germany, Switzerland, Sweden, Canada, France and Brazil approved official export credits of more than US\$1.5 billion for the scheme so that their companies would get large contracts.



The door of this house is marked with the Chinese character "chai", meaning that it will be submerged with the filling of the Three Gorges Reservoir.

© ben sandler



repression and environmental refugees

Dam construction has meanwhile been completed, and the Three Gorges reservoir is partly filled. In 2003, IRN commissioned an independent researcher to investigate the human rights impacts of the project. The researcher found that the land and jobs promised to the displaced residents were not available, compensation funds were routinely being diverted into other projects and private pockets, and any opposition against the inadequate resettlement provisions was being met with heavy repression. The Three Gorges project has become “an instrument of repression with widespread human rights abuses”, the investigative report concludes.

In a letter supported by 105 other organizations, IRN called on the governments funding the dam to ensure that the project and its resettlement program complied with international human rights norms, and for

construction activities to be put on hold until these standards were met. NGOs also proposed that governments draw up strict human rights guidelines for their export credit agencies. In a joint briefing with Human Rights in China and Friends of the Earth International, IRN presented these demands to the UN Commission on Human Rights in Geneva in 2003.

In a rare public comment, the Chinese government called the findings of the investigation “recklessly distorting gossip and rumors”. Most western governments did not bother to give any response to the criticism and concerns. Only the Swiss government carried out its own investigation, and the Swiss foreign minister raised the human rights violations when she visited China.

Governments often justify their support for destructive dam projects by claiming that through their involvement they can improve

the environmental and human rights standards of the project under question. By their inactivity, most governments that fund the Three Gorges Dam have demonstrated that such claims are empty promises.

more information:

Human Rights Dammed Off at Three Gorges, International Rivers Network:

www.irn.org/programs/threeg/3gcolor.pdf



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three redress

1

rights for environmental refugees

global warming and climate refugees in the pacific nations

friends of the earth australia

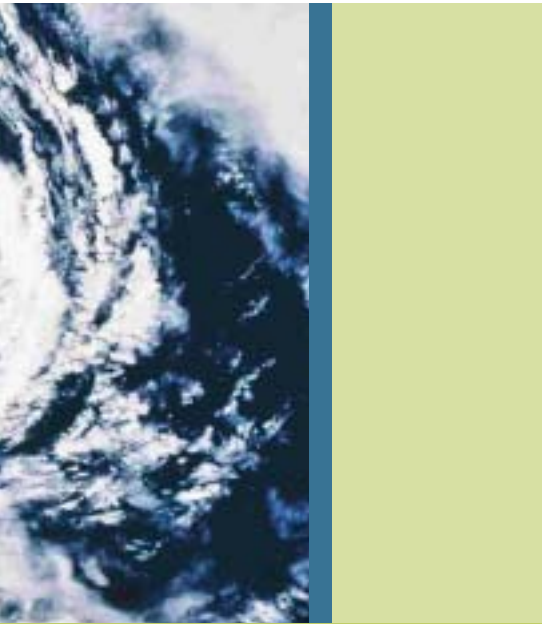
The approximately seven million inhabitants of the 22 small Pacific Island states have a common concern: that climate change will make their homelands uninhabitable. Climate change and sea level rise are serious threats for these people, and impacts are already being felt on food and water security as well as human health. The potential complete obliteration of Tuvalu in the coming decades challenges the value that the world places on the sovereign rights of low-lying island nations to exist. This is one of the most fundamental of human rights, and whilst the world debates about minor reductions in global greenhouse gas emissions a game of roulette is being played with the fate of Pacific Islanders.

The Pacific nation of Tuvalu, where the atolls are an average of only 2.5 meters above sea level, has gained international recognition as one of the world's most vulnerable nations to climate change. However all of the Pacific Islands have been ravaged by a steady increase in cyclone frequency and severity in recent years, such as Cyclone Heta in January 2004 that destroyed almost the entire infrastructure of Niue near Papua New Guinea. Increased flooding at high tide, which is already being experienced in Tuvalu, as well as the impacts of extreme weather events on infrastructure, food and water security, have the potential to render some nations uninhabitable in the near future. Clearly, the consequences of climate change are not simply environmental, but also social, cultural and economic.



© foe australia

Tuvaluan activist Siuila Toloa speaking at a public meeting in Canberra, Australia.



Yet if current modelling and trends are correct, even these rather daunting numbers are dwarfed by what seems to be possible in the near future. One expert on the topic of climate refugees, Norman Myers of Oxford University, says that there could be 150 million environmental refugees on the move within 50 years, including up to 1 million in the Pacific. Other researchers have suggested higher figures, with some estimates reaching 400 million displaced people by the middle of this century. These people are not currently recognized by the United Nations High Commissioner for Refugees (UNHCR), and are thus not afforded any particular protection or support once they become displaced.

expanding rights

While the definition enshrined in the Universal Declaration on Human Rights remains a vital benchmark in ensuring the basic dignity of all peoples, the concept of human rights must be expanded to include new and evolving issues in the 21st century. These include recognition of the concept of ecological debt and the carbon debt owed by the over-consuming North to the rest of the world. In practical terms, this will mean the recognition of the phenomenon of climate refugees by national governments and entities such as the UNHCR.

While the North will need to work with affected communities in the South (through

customs. Tuvaluans are heavily dependent on their immediate ecological surroundings for their subsistence. They have noticed a marked decrease in their traditional crops due to saltwater intrusion, and marine resource harvests have also declined. The resulting reliance on imported, processed foods, which in turn are associated with lifestyle diseases such as hypertension and diabetes, threatens both food security and health.

sovereignty concerns

Samoan environmental activist Fiu Mataese Elisara has highlighted the fact that all Pacific nations have the right to exist as sovereign nations on traditional lands rather than being forced from their lands by global warming. This right is enshrined in Article 15 of the Universal Declaration of Human Rights, whereby all peoples have the right to a nationality.

What does it imply for sovereignty if nations lose all or some of their lands and territorial waters to climate change? While one group of Tuvaluans has developed plans to purchase an island off Fiji to relocate to, what will happen to their sovereign rights once they relinquish their traditional lands? It is standard practice for refugees to be 'incorporated' into the citizenship of recipient countries where they settle permanently. But it can be argued that we are facing an unprecedented situation where entire nations may be lost. Many

Climate change also brings up two new and immediate rights concerns: What happens to people who are displaced by global warming? And what happens to the sovereign status of nations that need to be abandoned? As more and more people find their homelands uninhabitable, many will need to flee, becoming 'ecologically displaced people'.

the social dimensions of climate change

While the concept of environmental refugees is not new (the term has been in use since the late 1940s), climate refugees are an emerging phenomenon. In its World Disasters Report 2001, the International Red Cross suggested that 25 million people (up to 58% of the world's existing refugees) may be environmental refugees. These people are fleeing a multitude of disruptions, and, it appears, global warming is one of them.

acknowledgement of the ecological debt, increased and new forms of foreign aid and the transfer of appropriate and sustainable technologies), the ultimate form of 'adaptation' to global warming will be the recognition of climate refugees. While there is a growing awareness that this should be a last resort measure, that is, an option for when all attempts to adapt to changed local conditions have failed, considerable forward planning will be required to put structures in place to assist people to move should global warming make their current existence untenable. In this sense, New Zealand/Aotearoa should be acknowledged for the migration program it has negotiated with Tuvalu, which will allow the majority of the Tuvaluan population to relocate to New Zealand in a staged programme in coming years.

As noted by Tuvaluan activist Siuila Toloa, when climate change forces the movement of people as refugees, there is the potential that countries will lose their sovereignty and traditional

aspects of national and international law will need to be tested and adapted in coming years to deal with this problem.

As Siuila notes, "Most developments in developed countries are undertaken at the cost of the environment", and in the case of climate change the impacts will largely be felt by southern communities. National decisions that relate to development models, infrastructure and energy thus all have an inherent human rights dimension to be considered. Siuila's words are also a timely reminder that a reduction in natural resource consumption in the North must take place in order to prevent the loss of sovereignty by small island states and other extremely vulnerable southern nations.

more information:

Friends of the Earth Australia:

www.foe.org.au/climate

www.foe.org.au/population

2 right to claim ecological debt

For decades, northern countries have helped themselves to the natural riches of Latin America, Asia and Africa in order to fuel an unsustainable economic growth. The exploitation of forests, biodiversity, minerals, oil and traditional knowledge has left environmental destruction and social and cultural upheaval in its wake. Friends of the

Earth International is calling for the recognition and repayment of the ecological debt – the cumulative results of decades of resource plundering, destroyed biodiversity, environmental damage, waste dumping and climate change – owed by industrialized countries to the people of the South.

Affected communities and Friends of the Earth in Paraguay and Argentina are calling upon the World Bank and Inter-American

Development Bank to provide compensation and remediation for the environmental and social disruption caused by the Yacyretá mega dam. On the opposite side of the world, Friends of the Earth Scotland is building alliances between Scottish and southern communities in order to address the repayment of the ecological debt.

three redress

2 right to claim ecological debt

scots address ecological debt

friends of the earth scotland

As one of the first countries to industrialize, Scotland has accumulated an ecological debt. In response, Friends of the Earth is building solidarity between communities in Scotland and communities in southern countries in order to address the repayment of the country's ecological debt. Rather than calculating a financial cost, they are looking at other ways to address this debt – by targeting exploitative multinational companies, by supporting local struggles in different parts of the world, by reducing resource dependence and by supporting refugees in Scotland, for example.

Friends of the Earth has designed a popular education program for community groups focusing on ecological debt, which has proven to be a useful concept for expanding people's understanding of the environment, poverty and debt issues. It raises questions about a worldview dominated by a free market perspective, adds weight to the argument for debt cancellation for Third World countries, and draws attention to the responsibilities of the North towards the South.

more information:

Friends of the Earth Scotland:

www.foe-scotland.org.uk/inter/ecodebt.html



The 110,000-hectare artificial lake that was created when the reservoir was partially filled in 1994 inundated unique natural ecosystems, valuable agricultural land and densely populated urban areas. The impacts of the project on indigenous, rural and urban communities have been enormous, with thousands of families being involuntarily relocated. Rising groundwater levels and altered surface water flows have contaminated water supplies and exposed thousands of poor urban families to increased risk of water-borne disease.

Existing compensation and resettlement programs have failed to meet the basic needs of thousands of affected families, creating a lasting legacy of poverty and suffering. To make matters worse, the governments intend to raise the reservoir level from 76 to 83 meters above sea level, which will likely displace at least 57,000 additional people.

claiming reparations

The enormous social impacts of Yacyretá constitute a grave violation of basic human rights to property, housing, health, livelihood, environmental and quality of life. In 1996, Friends of the Earth Paraguay and affected communities presented a claim to the World Bank and the Inter-American Development Bank, requesting that the violations of both banks' policies in relation to the dam be investigated. The reports of the two independent inspection panels recommended immediate action to remedy the harm caused



© foei paraguay

“Large dams have fragmented the world’s rivers and displaced between 40 and 80 million people.”

World Commission on Dams Final Report, ‘Dams and Development’, 2000.

three redress

2

right to claim ecological debt

reclaiming submerged rights

communities seek compensation for impacts of yacyretá mega-dam
friends of the earth paraguay

Yacyretá is one of the largest and most complex hydroelectric projects in the world, and a striking example of the environmental and social rights violations caused by large dams. Affected communities in Paraguay and Argentina are currently claiming the right to compensation and remediation for the extensive damage done to their lives and environments.

Construction of the 67-kilometre dam across the Paraná River, joining Argentina and Paraguay, began in 1983 with funding from the World Bank and Inter-American Development Bank. Ever since, the project has been plagued with delays, corruption, disputes, political instability and abuse of power. Attempts by civil society to participate in the decision making process have been met with strong institutional resistance.

by violation of bank policies. Yet to date, no credible action has been taken. In 2002, a local community organization presented a new claim highlighting the ongoing violations of bank policies; the reports of the investigations on this second claim have not yet been issued.

Friends of the Earth Paraguay is calling for the Yacyretá Binational Entity to compensate for the damages that have been caused by the dam. They propose the implementation of a debt payment mechanism to finance compensation, the mitigation of past damages, and reinvestment in affected communities. They are calling for the development of programs to restore watersheds and key ecosystems, to implement sustainable agriculture and to reinvigorate towns and cities. They also want international financial institutions and governments to create a ‘remedy and reinvestment fund’ in order to restore the quality of life of affected people.



© foei paraguay

3 right to environmental justice

Around the world, the most marginalized people are very often the targets of environmental injustices. Companies do business so as to avoid liability for their activities, and the absence of environmental and social regulations has allowed many corporate crimes to go unpunished. With meaningful means of redress, communities would be able to right corporate wrongs in national courts, through international mechanisms and with the establishment of home country liability for corporations that misbehave abroad.

In an attempt to draw attention to environmental discrimination, Friends of the Earth Scotland provides support and training for environmental justice activists all over the country. One manifestation of environmental injustice is environmental racism, which disproportionately targets and harms the environment, quality of life and security of communities, workers and individuals based on race, class, gender, caste, ethnicity and/or national origin. In the United States, communities of color and indigenous peoples bear the brunt of pollution due to deliberate corporate and government policies.

Climate justice is an emerging demand due to the increasing human rights violations associated with climate change. It will be the earth's most marginalized people who will be the hardest hit by global climate change, despite the historic contribution of the rich nations to this pending catastrophe. Friends of the Earth International's Climate Justice Project is supporting communities in the Niger Delta whose livelihoods are being spoiled by polluting oil companies. Friends of the Earth United States and climate victims in that country are suing the US government for failing to address global warming, and Friends of the Earth Nepal is working with Himalayan communities threatened by melting glacial lakes.

three redress

3 right to environmental justice

environmental justice movement

west dallas, united states
and now the world
friends of the earth united states

In the United States, research has clearly demonstrated that African American, indigenous and other communities of color bear a disproportionate burden of the pollution in their areas. It is well documented that race—not income, education, property value or other indicators—is the single most determinative factor in the siting of toxic facilities, as well as in lax environmental enforcement. According to the National Black Environmental Justice Network, people of color communities are at greater risk of suffering from environmentally-related health disorders than are residents of predominantly white communities.

For years, the most notorious polluter in West Dallas, Texas was a lead smelter that was operated from 1934-84 by the RSR Corporation. Between 1950 and 1952, the city government resettled 19,000 residents to a segregated section of an industrial zone “as an Area to be occupied primarily by Negroes” (West Dallas Neighborhood Development Corporation). West Dallas was also designated as a neighborhood for Mexican immigrants and Mexican-Americans. The RSR smelter's byproducts – battery chips, lead slag, and pea gravel – were deposited in piles in the neighborhood. These piles were utilized as fill for driveways and house lots, and children grew up playing in them.

Every night there were emissions of lead flue dust, cadmium, zinc, and arsine gas. The heavy metals dispersed as a fine mist of particulate matter over the neighborhoods, and settled on homes, land and vegetation. West Dallas was also home to four petrochemical



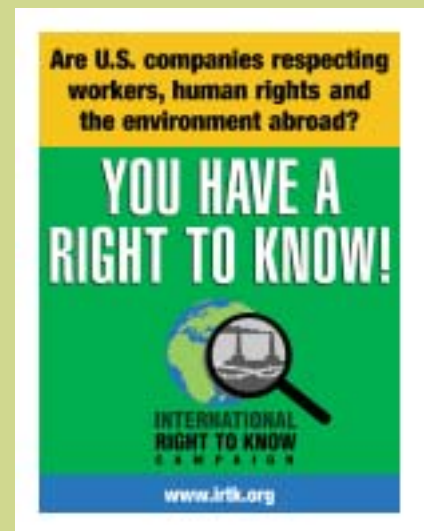
Young people from California march for environmental justice.

© Literacy for environmental justice, California

Environmental racism goes hand-in-hand with economic globalization, with poorly regulated, polluting companies operating in developing countries like Nigeria.



© elaine gilligan, foie env



refineries, storage facilities and open-air lagoons; four chemical manufacturing companies; six mining companies and quarries; and two cement companies and kilns. Completing this toxic district were two tank and boiler works, and a number of foundries, metal and machine shops, solid waste dumps and landfills.

a movement is born

Activists in West Dallas spent sixteen years getting the smelter closed, and another sixteen years advocating for the cleanup. The awakening of West Dallas citizens to the pollution and incumbent health, social and economic disorders occurred – as with many other communities around the US – with the advent of the environmental justice movement. The United Church of Christ's Commission on Racial Justice convened the first National People of Color Summit in 1991,

bringing together over 1000 people. Eleven years later, another Summit was convened and attendees flocked from around the world; in the intervening years networks were created, policies and laws were enacted, setbacks and a conservative backlash were weathered, and the environmental justice movement grew and grew.

The environmental justice movement, as it originated and gelled in the US in the 1980s and 90s, became a global phenomenon mobilizing the poor, people of color and minority groups around the world. Globalization is exacerbating environmental racism, as transnational companies relocate their facilities to countries with cheaper labor and weaker or unenforced environmental standards. The relocated facilities are often sited in communities of color.

Governments must ensure that their policies and practices adhere to the 'polluter pays' and precautionary principles as outlined in the Rio Declaration. Global corporate hegemony must be challenged on every level: locally, nationally, regionally and internationally so that corporate rights do not supersede town councils, national parliaments, congresses and international treaties. No less than the future of the global environment, nations' sovereignty, and the democratic freedoms and human rights of all peoples are at stake.

more information:

Friends of the Earth United States:

www.foe.org

Southwest Organizing Project: www.swop.net

friends of the earth seeks climate justice

friends of the earth international

Friends of the Earth International hosts the Climate Justice Programme, launched in 2003. Dozens of organizations and lawyers have collaborated to support law enforcement around the world to combat climate change and associated human rights abuses. This new and dramatic response to climate change gives people the ability to use legal rights to seek redress, to protect their lives and livelihoods, and to send a clear message that they are not passive victims but players on the political stage whose concerns must be respected.

Legal challenges are underway in the United States against the Bush administration's export credit bodies for not taking climate change into account when providing financial support for fossil fuel projects and its Environmental Protection Agency for rejecting its power under the Clean Air Act to regulate global warming emissions (www.climatelaw.org/media/states.challenge.bush). Friends of the Earth is collaborating

with other organizations, US states and cities, and affected individuals in these cases.

The first European climate change case began in the Berlin courts in June 2004, with a challenge to the German government's secrecy over the fossil fuel projects supported by its export credit agency (see page 32).

Meanwhile, a petition to the Inter-American Commission on Human Rights against the United States is being developed by the Inuit of Canada for violations of their human rights due to climate change, including their rights to property, culture and subsistence (www.climatelaw.org/media/inuit).

A 2004 Friends of the Earth International publication about ExxonMobil's contribution to climate change (www.climatelaw.org/media/exxon.contribution) has shown that we can work out how major companies around the world have fueled global warming. This kind of analysis will help cases aimed at establishing climate change liability against corporations.



Shareholders outside the 2004 Shell AGM in London are urged by Friends of the Earth to read all about how the company is damaging communities and the environment in the Other Shell Report (www.foe.co.uk).

three redress

3

right to environmental justice

agents for environmental justice

friends of the earth scotland



© foe-scotland

In 1999, Friends of the Earth Scotland adopted environmental justice as its campaign priority, combining the objectives of support for local communities with the global goal of cutting over-consumption. Their call for local, global and intergenerational equality can be summed up with the slogan: "No less than a decent environment for all; no more than our fair share of the earth's resources."

The group's Agents for Environmental Justice project provides popular education, support and training for community activists fighting for environmental justice. The agents are drawn from urban, rural, semi-urban, trade union and minority ethnic communities, where they are involved in struggles against open-cast mines, road developments, quarries, fish farms, and GM crops, as well as substandard housing, black and refugee issues, alternative economic development and sustainable waste management.

The first twelve agents were awarded Certificates in Environmental Justice by Queen Margaret University College as a result of the project, and a new group is currently being educated.

Through the resulting social action, the project improves the environment for communities throughout Scotland. This is obviously important for Friends of the Earth, as the interests and struggles of local communities and workers are incorporated into their campaign priorities and ultimately contribute to the group's overall environmental goals.

more information:

Friends of the Earth Scotland:

www.foe-scotland.org.uk/nation/ej.html

A lawsuit has been filed against US government agencies that fund destructive projects abroad that contribute to climate change.



“We’re nervous about climate change—if we have no maples, we have no farm income and the value of our land will be devastated.”

Vermont maple sugar farmers
Arthur and Anne Berndt.

three redress

3

right to
environmental justice

us climate victims file suit

friends of the earth united states

In 2002, Friends of the Earth United States, Greenpeace and the cities of Boulder, Colorado and Oakland, California filed a lawsuit in the US District Court in San Francisco on behalf of their members and citizens who are victims of global warming. The suit was filed against two US government agencies – the Export Import Bank (Ex-Im) and the Overseas Private Investment Corporation (OPIC). Ex-Im and OPIC are taxpayer-funded agencies that provide financing and loans to US corporations for overseas projects that commercial banks deem too risky.

This legal action – the first of its kind – alleges that OPIC and Ex-Im illegally provided over US\$32 billion in financing and insurance for oil fields, pipelines and coal-fired power plants over the past ten years without assessing their contribution to global warming and their impact on the US environment as required under key provisions of the National Environmental Policy Act (NEPA). NEPA requires all federal agencies to conduct an environmental assessment of programs and project-specific decisions having a significant effect on the human environment; however, according to the complaint, OPIC and Ex-Im have refused to review the contribution of their programs and fossil fuel projects to global warming.

Friends of the Earth and Greenpeace members involved in the suit include a North Carolina couple who fear their retirement property will be lost to storm surges, erosion and the rising sea level; maple syrup producers in Vermont who believe their business will be ruined as maple trees disappear from the area; and a marine biologist whose life’s work is in jeopardy because the coral reefs he has spent a lifetime studying and enjoying are disappearing at an alarming rate due to bleaching from rising ocean temperatures.

more information:

Climate Justice Programme:

www.climatelaw.org

ClimateLawsuit.org: www.climatelawsuit.org

Shell oil spill at Rukpoku.



© elaine gilligan, foiewni

three redress

3

right to environmental justice

climate change and environmental racism in the niger delta

peter roderick, climate justice programme

If you've ever wondered what Dante's inferno might feel like, take a trip to Shell Nigeria's gas flare at Rumuekpe in the Niger Delta. Or perhaps to the two Shell flares at the Umuebulu community along the Aba Road just outside Port Harcourt. Or to the scores more operated by Shell, ExxonMobil, ChevronTexaco, Agip and TotalFinaElf in Africa's most populated country. You'll never be the same.

These monstrosities, which rage 24 hours per day and seven days per week, would never be accepted in a white community, and are as good an example of environmental racism as you'll find anywhere. Even the World Bank has described them as "the most striking example of environmental neglect" in the country. There are at least three powerful reasons why they must stop.

no reason to flare

First, they are an appalling waste. In the rest of the world, almost all gas separated off from the crude oil with which it is mixed is used by domestic or industrial customers, or re-injected – in western Europe the figure is 99 percent.

Second, they harm the people who live near them, as well as their environment. Imagine the psychological effect of living with such noise and intense heat every day and night. Little grows close to gas flares, and they typically contain several toxic substances, such as benzene, a proven carcinogen. Villagers complain of acid rain corroding their roofs. Small wonder that the main Shell residential camp with its barbed wire perimeter fences is located down the Aba Road far from its Umuebulu flares beside which the local poor live.



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Woman tending her plot at Shell gas flare site, Rumuekpe.



“The main beneficiaries of the oil sector are foreign oil companies and the Nigerian government. As yet, there has been very little direct impact of oil and gas production on the lives of Nigeria’s poor.”

World Bank, 2002.

Third, they are a significant contributor to climate change. Flaring natural gas causes emissions of both carbon dioxide and methane, two of the most important greenhouse gases. Precise estimates of the amounts of gas flared are notoriously difficult to come by, and there is no worldwide database. One World Bank estimate suggests that typically 4.8 trillion cubic feet of gas is flared or vented annually, of which Nigeria contributed 965 billion cubic feet in the late 1990s - about 20%, by far the single biggest national emitter. The Bank reckons that the country’s flaring has contributed more greenhouse gas emissions than all other sources in sub-Saharan Africa combined.

Add to these arguments the facts that the first Nigerian legislation relating to use of this gas dates back to 1969, that general flaring has been illegal since 1984, and that Nigerian citizens have legally enforceable rights to life, dignity and to live in a satisfactory environment, and the obvious question is: why does the flaring continue?

The oil companies have persuaded the current, quasi-military Obasanjo regime to allow them to continue flaring until at least 2008. They argue that they cannot afford to stop flaring, but this is simply not credible. The combined annual profits of the relevant companies are tens of billions of dollars, and most of Nigeria’s oil reserves lie in “relatively simple geological structures” according to the US government.

But the story is not one of total darkness. Rumuekpe villagers successfully “fought and fought” Shell, says Mr Chukwunye Ezevi, to install a borehole for fresh water. Even though absolute flaring amounts have increased, the percentage of Nigerian flaring is reported to have reduced recently. There is some proof that putting pressure on the companies works. Friends of the Earth Nigeria and the Climate Justice Programme are working together to increase these efforts locally, nationally and internationally. Then, the people of the Niger Delta might be treated in the same way as people in other parts of the world and, in the process, needless greenhouse gas emissions will be stopped.

more information:

Friends of the Earth Nigeria: www.eraction.org
Climate Justice Programme:
www.climatelaw.org

3

three redress

right to environmental justice

himalayan communities threatened by melting glacial lakes

friends of the earth nepal

The Sagarmatha National Park is famed for Mount Everest, the highest peak in the world. Small communities struggle to grow food on the rugged terrain, and Sherpas graze their livestock in the upper peaks during the warm months. Wild animals native to the area include the Himalayan tahr, the goral, the serow, the musk deer, the Himalayan black bear, and some 118 bird species.

This dramatic region is threatened by climate change, which would have potentially horrendous consequences for the people and nature in these lofty settlements. Increased temperatures can rapidly melt glacier ice, and precipitation at higher altitudes will fall as rain rather than snow. The lives and livelihoods of the mountain communities are already being affected by climate change: crop patterns are changing, and water resources are under

threat. Furthermore, twenty glacial lakes are at risk of outburst, which would have catastrophic effects on downstream communities.

Supported by Friends of the Earth Nepal, the communities are exploring the possibility of petitioning UNESCO to place the Sagarmatha National Park on the World Heritage in Danger List. They may also be able to ask the Nepal Supreme Court to remedy the breach of these people's human rights, and order companies and governments to pay for the cost of making the glacial lakes safe. If necessary, they may also be able to petition the UN Human Rights Committee about the denial of their rights.



© tania dunster

1. landmark environmental rights cases
2. legal tools addressing human and environmental rights
3. human and environmental rights contacts

appendices



© scheltema/greenpeace

Traditional canoes like this one on the Aramia River in Papua New Guinea are threatened by large-scale logging operations in the country.

Using legal channels to secure any form of human or environmental rights can be a slow, expensive and frustrating process. The existence of laws, conventions and agreements does not guarantee that they are respected or implemented, and as the case studies in this publication show, many individuals and communities have used legal channels to no avail. However, there are some important precedents and ongoing legal cases that can serve as inspiration for those waging legal battles as part of a broader campaign. A few of these are described below.

yanomami vs. brazil In the 1970s and 80s, the construction of a road through Yanomami indigenous territory in the Brazilian Amazon posed a huge threat to the survival of these people. The resulting intrusion of gold miners brought diseases to which the Yanomami had no resistance, and an estimated ten percent of the population has since been decimated. In 1985, the Inter-American Commission on Human Rights ruled that the Brazilian government had violated several human rights and must remedy the situation. Despite this historic ruling in the field of environmental rights, the government has not kept its commitment to protect Yanomami land, and these people are still threatened.

awas tingni vs. nicaragua In 2001, the Inter-American Court ruled against the state of Nicaragua in connection with illegal logging in the territories of the indigenous Awas Tingni people. The Nicaraguan government was ordered to recognize and protect the Awas Tingni's rights to their traditional lands, natural resources and environment. This case, the first land and resource dispute to be addressed by the Inter-American Court, was an important victory in the emerging field of environmental rights litigation.

lubicon cree vs. canada In 1990, the Human Rights Committee (which enforces the International Covenant on Civil and Political Rights) ruled that both historical inequities and more recent developments threaten the way of life and culture of the Lubicon Lake Band Cree of Canada. The Canadian government, which had expropriated Lubicon land for oil and gas exploration, was ordered to rectify the situation as soon as possible. Despite this historic legal victory, however, the Lubicon Cree have had to apply continual pressure on the Canadian government to respect the Committee's decision.

western shoshone vs. us government In 1993, a group of Western Shoshone Native Americans filed a petition with the Inter-American Commission on Human Rights alleging that their rights to their ancestral land were being illegally violated by the United States. Ten years later, the Commission ruled that the claims of the United States to Western Shoshone land were indeed illegal and violated international human rights law.

guerra vs. italy In 1998, the European Court of Human Rights made a strong link between human rights and environmental protection by ruling that Italy had violated the European Convention on Human Rights by failing to provide the local population of Manfredonia with information about the risks of accidents at a nearby chemical factory.

ecuadorian amazon communities vs. texaco From 1964 to 1991, the US oil company Texaco allegedly illegally dumped 18.5 million gallons of toxic waste and contaminated residue in the Ecuadorian Amazon. In 1993, a class-action lawsuit was filed in the US on behalf of some 30,000 indigenous and settler residents in the affected areas. Texaco delayed the case for years by refusing to accept the jurisdiction of the American court. In 2002, however, the US court ordered the company to accept jurisdiction in Ecuador. If won, the case could result in US companies being held environmentally accountable for their actions in foreign countries.

doe vs. unocal In this ongoing case, Burmese peasants are seeking redress for human rights abuses including the involuntary relocation of entire villages, forced labor and violence that resulted from Unocal's pipeline project. The case, brought under the Alien Tort Claims Act in 1997, is now in appeal. The lawsuit marks the first time that a US corporation has faced a trial in the US for alleged human rights abuses committed abroad.

wiwa v. royal dutch petroleum (shell) In November 1995, two Ogoni leaders from Nigeria, Ken Saro-Wiwa and John Kpuinen, were hung in Nigeria. This and other related abuses are the focus of a lawsuit against Shell for its role in suppressing peaceful opposition to oil activities in the Niger Delta. The case continues despite Shell's attempts to throw it out of court, where it is being heard under the Alien Tort Claims Act.

bowoto vs. chevrontexaco In 1999, victims of gross human rights abuses associated with Chevron's oil production activities in the Niger Delta filed suit against Chevron in a federal court in San Francisco. The case, filed under the Alien Tort Claims Act, is based on the shooting of peaceful protestors at Chevron's Parabe offshore platform and the destruction of two villages by soldiers in Chevron helicopters and boats. Chevron's attempt to have the case dismissed, arguing that Nigeria is the proper forum for the dispute, did not succeed.

more information:
EarthRights International:
www.earthrights.org

the main human rights treaties

- Universal Declaration of Human Rights, 1948
www.un.org/Overview/rights.html
- International Covenant on Economic, Social and Cultural Rights, 1976
www.unhchr.ch/html/menu3/b/a_ceschr.htm
- International Covenant on Civil and Political Rights, 1976
www.unhchr.ch/html/menu3/b/a_ccpr.htm

human rights courts

- International Court of Justice in the Hague
www.icj-cij.org
- Inter-American Court of Human Rights
www.corteidh.or.cr/index_ing.html
- International Criminal Court in the Hague
www.icc-cpi.int

rights at the regional level

- European Convention for the Protection of Human Rights and Fundamental Freedoms (1950 and subsequent amendments)
www.magnacartaplus.org/echr
- American Convention on Human Rights, 1969. Has a Declaration on Rights of Indigenous Peoples (the San Salvador Protocol)
www.cidh.org/Basicos/basic3.htm
- African Charter of Human and Peoples' Rights, 1986
www.hrcr.org/docs/Banjul/afhr.html
- Draft Arab Charter on Human Rights (adopted 1994, revised Jan 2004 but not yet in force)
www.pogar.org/themes/reforms/documents/acharte_r.pdf
- Aarhus Convention (UN Economic Commission for Europe Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters), 1998
www.unece.org/env/pp/documents/cep43e.pdf
- Charter of Fundamental Rights of the European Union, 2000
www.europarl.eu.int/charter/default_en.htm

useful treaties for environmental rights campaigning

- Stockholm Declaration of the United Nations Conference on the Human Environment, 1972
www.unep.org/Documents/Default.asp?DocumentID=97&ArticleID=1503

- Convention on the Rights of the Child, 1989
www.unicef.org/crc
- Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries, 1991
www.unhchr.ch/html/menu3/b/62.htm
- The Rio Declaration on Environment and Development, 1992
www.unep.org/Documents/?DocumentID=78&ArticleID=1163
- Agenda 21: Programme of Action for Sustainable Development, 1992
www.unep.org/Documents/?DocumentID=52
- The Vienna Declaration and Programme of Action, adopted by the UN World Conference on Human Rights on 25 June 1993
www.un.org/events/humanrights/vienna.html
- Draft Declaration of Principles on Human Rights and the Environment, prepared by Special Rapporteur Fatma Zohra Ksentini, 1994
www1.umn.edu/humanrts/instree/1994-dec.htm
- United Nations Draft Declaration on the Rights of Indigenous Peoples, 1994
www1.umn.edu/humanrts/instree/declra.htm
- Beijing Declaration, 1995
www.un.org/womenwatch/daw/beijing/platform/declar.htm
- Copenhagen Declaration on Social Development adopted by the World Summit for Social Development, 1995
www.un.org/esa/socdev/wssd/agreements
- Habitat Agenda from United Nations Conference on Human Settlements (Habitat II) in Istanbul, 1996
www.unhcr.org/unhcr/english/hagenda/
- Rome Declaration of the World Food Summit, 1996
www.fao.org/wfs/index_en.htm
- Draft International Covenant on Environment and Development, IUCN Commission on International Law and International Council of Environmental Law, 2000
www.iucn.org/themes/law/pdfdocuments/EPLP31ENsecond.pdf
- Proposed United Nations Norms on the Responsibilities of Transnational Corporations and Other Business Enterprises with Regard to Human Rights
www.unhchr.ch/Huridocda/Huridocda.nsf/0/64155e7e8141b38cc1256d63002c55e8?Opendocument

Amazon Watch: www.amazonwatch.org

Amnesty International, Just Earth programme: www.amnestyusa.org/justearth/

ANPED Northern Alliance for Sustainability: www.anped.org/index.php?a=4&b=4170

Center for Constitutional Rights: www.ccr-ny.org/v2/legal/human_rights/human_rights.asp

Center for Economic and Social Rights: www.cesr.org

Center for Human Right and the Environment: www.cedha.org.ar/en (English)
www.cedha.org.ar/es (Spanish)

Center for International Environmental Law: www.ciel.org

Corporate Crime Reporter: www.corporatecrimereporter.com/

Corporate Europe Observatory: www.corporateeurope.org/norms

EarthJustice: www.earthjustice.org

Earth Rights International: www.earthrights.org

Environmental Defense: www.environmentaldefense.org

Friends of the Earth Colombia: www.censat.org/Index_DDHH_DDAA.htm (Spanish)

Friends of the Earth International: www.foei.org

Friends of the Earth Spain Ecoigualdad site: www.ecoigualdad.org (Spanish)

International Federation for Human Rights: www.fidh.org (English, French, Spanish)

International Labor Rights Fund: www.laborrights.org

International Rivers Network: www.irm.org

Multinational Monitor: www.multinationalmonitor.org

Oilwatch: www.oilwatch.org.ec

People's Movement for Human Rights Education: www.pdhre.org/rights

Rainforest Action Network: www.ran.org

Sierra Club: www.sierraclub.org/human-rights

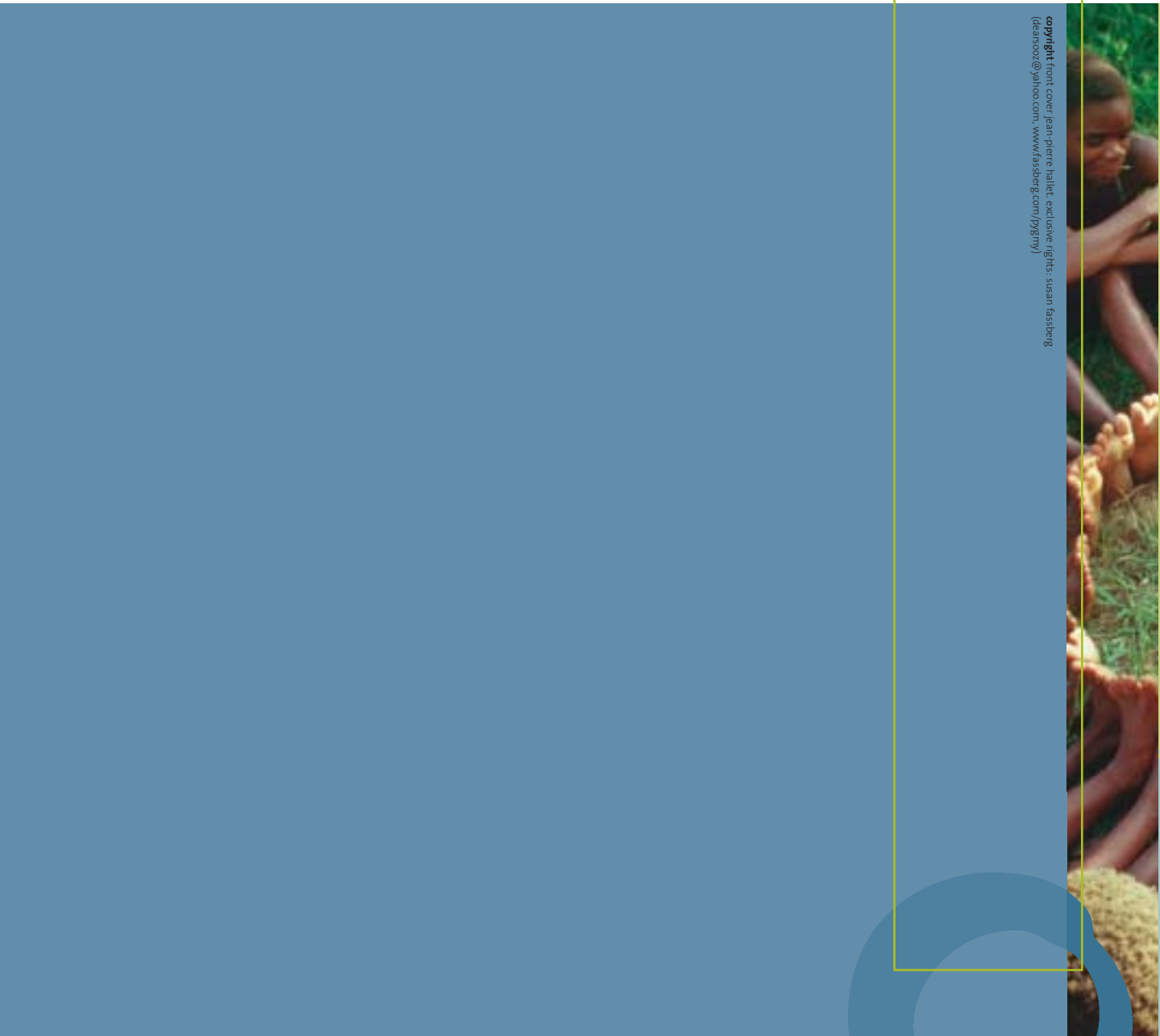
other useful sites:

The Embassy Network (embassy and consulate addresses and links): www.emb.com

List of UN treaties with their status: untreaty.un.org/English/TreatyEvent2002/index.htm



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