

RETAINING COMMUNITY SOVEREIGNTY OVER LAND



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Strategies and Learning



**Friends
of the Earth
International**

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INTRODUCTION

01

This toolkit aims to document the strategies used and lessons learnt from FoEI's cross programme campaign on land grabbing. This documentation covers the site battles against land grabbing in Uganda, Indonesia and Liberia as well as the international support for them. It records and evaluates the anti-landgrabbing campaigns carried out by FoEI at all levels including support to national site battles, regional and international levels since 2012.

In doing so it assesses the progress made, the successes and the challenges in this area of work. It reviews our ways of working and the external and internal aspects of our work. As a result it offers some broad lessons learned which can be utilised for future local to global campaigns of FoEI beyond just land grabbing.

The toolkit is designed for FoEI member groups. It is for internal learning and reflection and is not an external publication.

The first section provides a short background of the land grabbing campaigns. The next three sections have country-specific information on:

- National context
- Major successes
- Overall goals and objectives
- Strategies used
- Tactics
- Lessons learned and challenges

The final two sections analyse the campaigns that provided support to the site battles from Europe and the USA, and provide some learning on the broader campaigns on land grabbing in these two regions.

In all of the sections we reflect on the lessons learned through building the international campaign together with several groups.

This document is largely based on reflections made at an evaluation and planning meeting held in Amsterdam in October 2014. It has been supplemented by some interviews.

Although we tried to cover every aspect of our work, we are aware that the regional land grabbing campaigns are complex and varied and that this document cannot provide a comprehensive evaluation. Rather we hope that it can provide some useful insights for member groups and for the development of other international campaigns in the future.

BACKGROUND

02

Although FoEI has long fought against different forms of domination and territorial control, the international trend of land grabbing became a new area of work for us starting in 2009/10. The campaign initially grew out of communications from individual member groups highlighting land grabbing as a major issue in their national contexts. At the same time, FoEI embarked on a action planning process to focus and prioritise the work of the programmes and to increase coherence between them. This process resulted in the development of four FoEI cross-programme campaigns:

- Land grabbing
- Financialisation of nature
- Corporate capture
- Transformation

An outline and objectives for the land grabbing campaign were developed during a meeting between IPCs, the ExCom and SG members in 2011. The initial objectives were:

- To increase regulation; and To increase the ability of communities to prevent land grabbing

These activities were chosen to achieve our objectives:

1. Community-based campaigns on land grabbing in three countries, one in each region (Africa, Asia and Latin America) to include:
 - a) Research, workshops and awareness-raising at the community level;
 - b) Research and development of legal, legislative and campaign strategies for community-based resistance to land grabbing;
 - c) Support for the launch of community-based campaigns against land grabbing, including legal and legislative strategies; and

- d) Integration of community-based case studies on land grabbing in national and international policy recommendations.
2. In cooperation with allies, to develop land grabbing policy input for the FAO Committee on Food Security and anti-land grab campaigns targeting the World Bank.

The focus was supporting work on site battles by member groups. The rationale was:

These site battles would show that land grabbing can happen in a variety of ways – connected to all of the programmes – CJE, EJRN and FS. The original plan was to have three site battles – one on agrofuels, one on mining and extractives and one on REDD – distributed regionally. FoEI could gain expertise in this area of work, and afterwards decide upon the most useful strategies for campaigning at an international level on land grabbing.

This work also linked land grabbing to the issue of overconsumption in the North. It connected the site battles to overconsumption through the agrofuel campaigns (FoEE) and the CAP (EU) reform (animal feed) campaign.

Immediately after planning this campaign, FoEI faced a severe cut in resources and we had to downscale our ambitions. The site battles in practice became a REDD project in Indonesia, and land grabbing for palm oil plantations in Uganda and Liberia.

Our global work on land grabbing attempted to disrupt the mainstream narrative promoted at the international level by institutions like the World Bank. This narrative argues that the boom in land acquisition is positive as it can create investment in agriculture and land. It argues that land grabbing is a consequence of poor governance rather than the prevailing agriculture and investment models. This is evident in the World Bank's Principles for Responsible Agricultural Investment (PRAI). These principles facilitate land grabbing and do not address structural issues of overconsumption or who has control over the global commons. *Our work at the global level aimed to stop land grabbing; not regulate it or put codes of conduct in place.*

SITE BATTLES - LIBERIA

03

CONTEXT

SDI/FoE Liberia began to focus on land grabbing as an issue when a large number of concessions, mainly for agriculture, were granted to corporations in 2010. Some mining contracts were also granted around that time. As a result, 50% of Liberia's land was allocated to agriculture, extractives and forestry corporations. The activities of these agribusinesses and extractive industries infringe on communities' rights, pose threats to food sovereignty, increase the risks of conflict, contribute to deforestation and environmental degradation, and negatively impact biodiversity.

The concession agreements violate community rights, as they were signed into law without the consent of the people who have lived on and hold customary title to these lands. The concession agreements fail to adhere to applicable laws, and in some cases deliberately flout Liberian law as uncovered in the Post Award Process Audit for the Liberia Extractive Industries Transparency Initiative (LEITI).

This raises serious concerns as to the willingness and the capacity of the government to regulate the operations of companies and to enforce existing laws. Agribusiness operations have been characterised by rights violations and conflict with affected communities, and have highlighted the need for significant reform of the agricultural sector.

SUCCESSSES (SHORT TERM AND STRUCTURAL)

Successes include 'quick wins' in local struggles, national-level symptomatic victories, and structural reforms.

Some recent 'quick-wins':

- Stopping Sime Darby from cultivating and planting 20,000 hectares of community land in Bopolu District, Gbarpolu even though they have had permission from the state since 2012;

- Stopping Sime Darby's entry into Gbarpolu, i.e. the Gbarma and Bokomu Districts; and
- Community struggles and resistance to the Equatorial palm oil plantation being given the highest-level political attention (communities secured a meeting with the President).

National-level symptomatic victories include realising specific campaign objectives, but falling short of systemic changes or deeper reforms:

- Cancellation of illegal logging permits covering more than 2 million hectares of community land;
- Oil palm plantation expansion across the country has been drastically slowed since 2011; and
- Advocacy for tougher regulation of logging and a shift to more community-based/ community-owned forest use gained traction with and support from forestry authorities.

Structural reforms, i.e. policy and legal review and reforms include:

- The first national Land Rights Policy recognises and protects customary land rights;
- The right of communities to Free, Prior and Informed Consent has been provided for in policy and law;
- A draft Land Rights Act to further strengthen FPIC, to grant communities greater autonomy and a bigger role in decision making about natural resources, and to return community land granted as concession when concessions expire.

OVERALL GOALS AND OBJECTIVES

SDI's overarching **goal** is to champion legal reforms focusing on the land and agricultural sectors, while using existing laws and other instruments to derail plans to expand oil palm and rubber plantations onto community lands. There is a need to check expansion; otherwise there will be no land left by the time the legal reforms have been adopted.

SDI's **objective** is to strengthen the capacity of communities to organise and resist plantation expansion onto their land.

STRATEGIES (INTERNATIONAL AND NATIONAL)

1. **Advocacy for policy and legal reforms** to recognise and formalise customary rights to land (if land grabs are occurring in a legal context);
2. **Community land documentation and institutional development** to strengthen community governance of community land and natural resources and to develop community-owned institutions to govern land. Some of this work was limited as the legal framework wasn't there but SDI utilized some processes already enshrined in law; and
3. Supporting communities to **organise and resist corporate and government takeover** of community land.

TACTICS (INTERNATIONAL AND NATIONAL)

Advocacy for policy and legal reforms:

- Researching best practices in other countries;
- Formulating and advancing proposals for reform;
- Directly engaging with government and donors to influence policy discourses;
- Mobilising grassroots support and popularising our key demands for reform;

- Facilitating direct community participation in the policy discourse to broaden our influence – so that communities have a seat at the table and their voices are heard; Communities voicing policy asks gives the proposals legitimacy, as NGOs are often labeled as trying to disrupt governmental processes; and
- Creating coalitions at the national level.

Documentation and institutional development:

- Using existing laws to pilot community land documentation;
- Supporting communities to build and strengthen grassroots institutions; and
- Education on the legal requirements for community land documentation processes.

Resisting corporate and government takeover:

- Monitoring plantation expansion, documenting impacts, and sharing information on the situation with local, national and international partners;
- Facilitating and supporting mainstream media coverage, i.e. working with journalists;
- Social mobilisation and facilitating grassroots movement building;
- Mobilising financial resources to support a key role for grassroots and community-based organisations in social mobilisations and community-level advocacy. Although NGOs are often at the front of campaigns, SDI is supporting community groups financially and with capacity building so that they can lead the struggle at a local level;
- Organising workshops, which SDI supports through facilitation and the delivery of educational materials; and
- Targeting international financiers of palm oil companies to exert pressure on companies.

Three pillars support the foundation of SDI's work:

- Grassroots or community mobilisation to strengthen actions at the local level;
- Consensus building for CSO action at the national level on a wide range of public interest issues with a focus on governance and development; and
- Building coalitions and engaging in joint advocacy with international partners to raise the profile of national level issues and actions. Building an international coalition outside of Liberia that can support work on these issues and create international awareness requires building consensus with NGOs that do not completely share our values; however we recognize that they have a role to play in pushing the issue forward.

LESSONS LEARNED - POSITIVE

Supporting grassroots campaigns

Grassroots or community mobilisation and direct support for localised actions have:

- Given legitimacy to SDI's campaigns and strengthened community struggles;
- Strengthened local voices and enhanced local actions;
- Been cost effective, as most activities are planned and executed with minimum resources;
- Created core teams of community advocates and activists; and Provided for a wider distribution of educational materials to communities in need.

Having the communities themselves in the frontline has given the campaign more legitimacy. Corporations often accuse NGOs of instrumentalising communities; however, corporate attempts to discredit SDI failed as these campaigns are community-led. This way of working also gave communities ownership of their problems and made them more enthusiastic to address them. One example that worked was putting the media in direct contact with communities.

Coalition building at a national level

Consensus building for CSO action at the national level has:

- Raised SDI's profile and broadened the organisation's sphere of influence within civil society;
- Created space at the national level for broadening awareness and consciousness among CSOs; and
- Strengthened national-level coalition building around specific issues and established the organisation's relevance in policy discussions.

SDI broadened coalitions by working with other national organisations – most of which do not necessarily work on land or forestry issues but on development and governance issues. By linking land grabbing issues with governance discussions, SDI gave these organisations the impetus to engage with the issue.

International support and campaigning

Advocacy with international partners has:

- Raised the profile of local issues at the international level by supplying information directly from the ground. For example, generating international media interest and increasing coverage through international partners resulted in Liberia becoming the clearest example of land grabbing in Africa;
- Clarified that resistance work is the most attractive to the media as it offers a clear narrative. This is key, as international advocacy relies heavily on media coverage and publicity.
- Increased the chances that government and corporate interests will respond to issues;
- Increased the likelihood that in-country donors will take note of the issues and take steps to inform themselves (often relying on SDI's knowledge and information); and
- Increased the possibility of positive outcomes, i.e. changes in practice.

Advocacy at the international level through FoEI has worked, and has helped to raise the international profile of SDI's work. In terms of engaging in the policy discussions, SDI has cultivated relationships with lawyers who support that area of work by reviewing legislation and providing technical input.

LESSONS LEARNED - CHALLENGES

Supporting grassroots campaigns

Identifying and training local activists and advocates requires building confidence and trust with those individuals. In some circumstances this may mean reinforcing privileged positions of influence. Standing in solidarity with community 'factions' that share SDI's views and agendas at times means alienating those that side with corporations and government. It is sometimes necessary to be very open about opposition to other members of the community who might be taking bribes and so forth. This involves being vocal in supporting one particular group whilst still trying to reach out to the other.

Coalition building – international and national

Building coalitions (both national and international) and consensus takes time, and in many instances slows down progress. SDI is trying to form a coalition of willing partners, particularly at the international level. This means bringing together INGOs that do not normally work together. We have noticed a willingness to come together because SDI is a common friend. This has been a challenging but useful strategy.

International alliances can weaken SDI's position nationally: for example, corporate lobbies may attack the organisation as a figurehead promoting the agenda of western environmental NGOs. Although corporations take notice of the FoEI logo on SDI documentation, they may also use it against the organisation by claiming that it operates at the bidding of international NGOs. To address these challenges, SDI has taken the lead in developing demands and media messaging for international level campaigning. Furthermore, all documents and releases are co-branded as FoEI and SDI.

This also highlights the challenge that we have to do more work in some regions to communicate that FoEI member groups make up FoEI, and that FoEI is not an outside 'international partner'.

Aligning national and international strategies, tactics and messaging

Campaign issues need to be presented in a nuanced way in order to satisfy all of the groups we work with. For example, SDI cannot publicly state in Liberia that all land grabbing corporations must be banished from the country. This is considered anti-development, and can lead to attacks by the government and a backlash in public opinion. Although the goal is to make the policy and community contexts so difficult that corporations will leave, this must be presented in a nuanced way.

This messaging and strategy, while necessary in the Liberian context, can present problems for FoEI when campaigning and communicating internationally about the campaign.

In the international political context, civil society is split into those organisations that want to 'regulate' land grabs but still allow corporations to control land and resources, and civil society organisations that aim to stop land grabs and transform the way resources are managed and owned.

FoEI has a strong position calling for a stop to land grabs and the corporations complicit in them. However FoEI communications must also take into account the realities in the regions and in countries such as Liberia.

Another example of a disconnect between local tactics and international strategy was the demand for FPIC. This was a tactic used at the local level to slow down plantation expansion and to highlight the need to respect community rights. Although FPIC in itself is not a solution, it was part of a broader campaign strategy for legal reform and the recognition of customary land rights.

On a national level, the FPIC demand has succeeded in slowing down expansion. Sime Darby for example has stated that it will not enter the region where SDI is supporting community resistance. Companies like Golden Veroleum are also committing to FPIC on paper, but the social agreements they reach with communities have no tangible benefits. However, this process is significantly impacting the companies: instead of 15,000 hectares at a time, they are getting 800 or 1,200 hectares here and there.

However, FPIC requirements became part of the international level campaign and were incorporated into demands to financiers. Thus when companies like Sime Darby committed to implementing FPIC, it seemed to financiers that the problem was solved. Other essential issues such as the illegality of the concession agreements were then ignored.

A key learning is therefore that it is not always possible to translate national strategies and communications in the international arena. We thus need to think carefully about international campaign strategy and communications based on national site battles.

International campaigning can also be very demanding on resources, sometimes needing a constant flow of information from on the ground in Liberia to deal with requests from international agencies. For example, financiers require constant updates to counter the information they receive from companies. Sometimes nothing has happened on site, and updates to this end from SDI can be misconstrued as the issue having been resolved. In fact, although the company may have temporarily slowed down expansion, it can legally begin clearing at any moment as their contract/concession agreement remains in force.

We must therefore put clear methodologies and extra communications resources in place that work for all groups involved before embarking on such a collaboration.

Short term versus structural successes

There are successes at different levels. Short term or symptomatic successes involve a particular problem that is addressed in order to give communities hope, and the more meaningful long term successes address the underlying issues and lead to government commitment to legal reform.

Role of the state

Government corruption is also a major issue. The Liberian government is the first to violate the law: for example the public land law forbids contracts of over 50 years, yet concessions have been granted for periods exceeding 50 years. The government also complains when companies sign on to sustainability mechanisms like RSPO, as they will have to operate at higher standards that slow expansion. Power is very centralised at the level of the president and central government. This is one of the reasons that SDI campaigns for more community and local control.

SITE BATTLES - INDONESIA

03

CONTEXT

Land grabbing is a severe problem in Indonesia, and is driven by the monopoly and expansion of four sectors: palm oil, mining, forestry (including REDD projects) and logging.

These four sectors control the biggest land area in Indonesia. To date, the political context has also been skewed against national campaign organisations like WALHI. The government has been very willing to give away land concessions for so-called investment in the country. There are several regulations from the local to the national levels that facilitate these investments, and the Ministry of Environment and Forestry and the Ministry of Energy and Mineral Resources are very open to concessions. These are in fact land grabs, and WALHI is working to stop these enabling regulations.

WALHI is also proposing alternative regulations to limit the expansion of these four sectors. This has been an enormous task, involving an analysis of local, national and regional regulations. WALHI has presented this analysis to the new government and is now focused on supporting the positive steps that have been taken.

SUCCESSSES

Here are some of the successes of the WALHI campaign:

- Stopping the Kalimantan Forest Carbon Partnership project, which was a joint campaign with FoEI. This was a pilot REDD+ project in Central Kalimantan which would have used 120,000 hectares of forest;
- Stopping the AQUA water company, part of the Danone group, from gaining land and water concessions in the provinces of Bali and Banten;
- Reducing the concession for a palm oil plantation granted to PT ASMR (a supplier of Bumitama and a subsidiary of the Wilmar group). Supported by European campaigning, the concession in Central Kalimantan was reduced by 1000 hectares;
- Getting the German Deutsch Bank to divest from the Bumitama palm oil project in West Kalimantan. This was also a joint campaign with FoEE, FoE US and other European organisations;
- Blocking the license of the PT Kaalista Alam company to clear land for palm oil in the province of Aceh, and fining the company for its illegal activities. This was a precedent-setting verdict in Indonesia;
- Stopping PT India Tama's coal mine on the island of Sumatra; and
- Contributing towards President Jokowi's announcement that he will stop the LUM company tree plantation, conduct an audit of all palm plantations on peat land, and in particular that he will allow the local community of Sei Tohor to take ownership of the land. WALHI has worked with this community for the past several years, and presented a community forest management model to the president. Next year he will review the work done by the community, which could pave the way for a huge change from the current model of land concessions into future community management.

OVERALL GOALS AND OBJECTIVES (INTERNATIONAL AND NATIONAL)

WALHI's overall **goal** is the protection of communities' productive assets and the strengthening of control over their livelihoods and natural resources in order to achieve environmental sustainability.

The organisation's **objectives** include:

- Weakening corporate control over natural resource management;
- Holding corporations accountable for environmental damage and conflicts in Indonesia;
- Achieving government policies which support community-led natural resources management;
- Increasing quality services which respect and protect people's rights (civil society's political, economic, social and cultural rights);
- Creating a model of sustainable natural resource management that is recognised by the state;
- Building management models (production, distribution and consumption) based on community values and practices that are developed by the people; and
- Increasing infrastructure to support small-scale farming (production and distribution).

Strategy 1: Delegitimising corporations and exposing corporate crime in natural resource management

Tactics:

- Lawsuits (class action, legal standing, citizen law suits) against the bad practices of corporations, including land grabbing and environmental damage;
- Documenting and exposing 'corporate crime' through research, documentation, publications, mass campaigns, press conferences, media briefings, seminars and public discussions; and
- National and international campaigns about 'corporate crime' (market and financial campaign).

Strategy 2: Strengthening the functions and roles of the state to ensure people's sovereignty over agrarian resources and natural resource management

Tactics:

- Encouraging state policies that ensure people's rights to land and natural resource management (through seminars, public dialogues, legislation and a 'white paper' for the new government which covers all issues related to land grabbing and environmental damage);
- Delegitimisation of state policies that have the potential to eliminate people's rights to land and natural resource management (through seminars, public dialogues, expert meetings and judicial reviews);
- Ensuring state participation in the recognition and protection of the people's/community model of natural resource management (through policy dialogues, seminars, a national festival/conference

Strategy 3: Empowering communities to gain access and control over their natural/agrarian resources through the promotion of models for people's/community management, production and consumption.

Tactics:

- Strengthening the consolidation of communities so that they can manage and control their natural resources (through community organising, alliance building). This process is led by WALHI local offices in 28 regions;
- Increasing community-based skills and knowledge about models for management, production and consumption (through education/village meetings, exchange studies and skills trainings); and
- Lobbying for policies that build infrastructure for production and distribution (through policy dialogues/interventions, promotion of people's model).

LESSONS LEARNED – POSITIVE

The need to build evidence

WALHI conducts research on government policies, and then engages the government by holding general assemblies to show community and local regional support for policy demands. This builds popular pressure on the government, and increases the likelihood that government commitments to promises are followed through on. This also helps to hold the government accountable on issues such as corruption.

WALHI has also started a campaign to investigate, analyse and provide data on risks of policies and projects to the environment and people, the potential for disaster, and so forth. In this way they can clearly connect their analysis, backed with evidence, with particular government initiatives and justify the rejection of the policy or project. At the same time, they campaign for solutions: what the government must do to stop the impacts, for example.

Using different methods to engage with the government WALHI engages with the government through litigation (combative) and through dialogue. Although they do not negotiate with companies, WALHI does negotiate with the government as the builder of the legal framework for corporate operations. At the same time, WALHI exposes corporate crime and violence.

Dealing with corruption WALHI exposes the potential for extreme government and corporate corruption based on the prevailing model of natural resource development. For example, WALHI has developed a relationship with the KPK (Corruption Eradication) Commission. Another strategy is the building of people's power: integrating community and social pressure into campaigns so that civil society will hold the government to account in the long term.

Organising communities for long-term impacts

WALHI works closely with communities in conflict areas. Organised communities are stronger, and can continue the struggles on their own.

The necessity of alliance building

WALHI works at all levels to tackle the drivers of destruction and to promote solutions. They have active campaigns at the provincial, regional and national levels, and they also analyse the connection of specific cases to policies and decisions taken at the international level. In this way they can create alliances with international organisations to support their campaigns.

Linking to financial and consumer campaigns

All Indonesian corporations receive international financial support as well access to as the largest markets in Europe, the US and China. WALHI has successfully linked to international campaigns and divestment initiatives that discourage Europeans from using products produced by land grabbers.

Working at all levels

WALHI works at three levels: challenging corporate power, supporting community mobilisation and campaigning for state regulation. These three strands of work are interconnected and cannot be separated; they need to be worked on simultaneously.

Demonstrating solutions

WALHI promotes community land management models, for example supporting agroforestry in 100 communities through their community production unit. They also hold a national festival to support these models, and call for more international support to this end.

Supporting grassroots campaigns

Communities are trying to reclaim land in concessions actively being cultivated by corporations. This resistance shows the strong position of the communities with regard to access and control of land, and makes a strong case for companies to cease operations in these areas.

LESSONS LEARNED – CHALLENGES

Role of the state

Government corruption remains the biggest challenge in Indonesia. Corporations have close relationships with national, regional and local governments.

Community mobilisation

WALHI is working across a large geographical area covering 28 provinces, and even with regional offices it remains challenging to mobilise all of the communities to campaign against and reject state and corporate policies. There is a need to invest more energy into building people power and resistance.

Resource constraints

WALHI is also constrained in terms of funding so they can work simultaneously on challenging corporate power, supporting community mobilisation and campaigning for state regulation.

Capacity constraints

The capacity to engage in international work is also a challenge. The regional offices have less capacity than the national office to link with international campaigning; regional capacity thus needs to be developed.

SITE BATTLES - UGANDA

03

CONTEXT

Land grabbing is rife in Uganda, for many reasons, including for oil extraction, palm oil and REDD projects. In this particular case, the government, together with a private sector consortium, introduced a programme located within a fisherfolks' community on an island in Lake Victoria (Kalangala), to grow palm oil.

Due to the nature of the tenure system in Uganda the project usurped community land. The project consortium claimed the palm oil project would create local development, but in reality most of the community members lost their land and saw no benefit. Jobs created by the project went to people hired from outside the community, and the chemicals used on the plantation polluted the lake killing the fish. There was no community consultation, and no application of free, prior, informed consent. The consortium did not even undertake an environmental and social impact assessment.

NAPE wanted to highlight this case to show how human rights are being violated through land grabs in Uganda, and to get the Ugandan government to recognise that land grabbing is a serious issue that needs to be addressed.

SUCCESS (SHORT TERM AND STRUCTURAL):

- Knowledge- and capacity-building with communities in the project area has been very successful, and the communities have a much better understanding of their legal rights and about the impacts that oil palm plantation projects can have on food sovereignty. This has led to communities launching a legal case against the palm oil consortium.
- The government increasingly recognises that the lake is being destroyed, and it is working to create buffer zones around the lake.
- There is increased awareness among international financiers that the activities of Wilmar and The Forest Trust (a consultancy company that describes itself as working to 'transform' commodity supply chains,¹ which was hired by the consortium) are mainly targeted at getting communities to consent to selling their land. This increased awareness is resulting in financiers increasingly pressurising Wilmar to address community concerns.
- There have been changes in government policy. A presidential decree on land grabbing came out in 2013. This decree recognised that illegal evictions were taking place. It also incorporated a government decision to halt all illegal evictions and to help communities to regain their land.
- More communities across Uganda are now saying 'no' to losing their land, in response to projects in other sectors as well (such as the Buswi dam case for example).
- The campaign has reduced the consortium's ability to acquire land. Since the campaign started in 2012 there has not been any serious expansion in Buvuma. The project was supposed to expand by 40,000 hectares but they have only acquired about 8,000 hectares so far.
- The government has started talking to NAPE about how to address land grabbing.

1 <http://www.tft-earth.org/>

OVERALL OBJECTIVES

NAPE's **objectives** are to:

- stop land grabbing and stop the further expansion of oil palm;
- stop environmental degradation in Lake Victoria; and
- get the government to recognise the problem of land grabbing in Uganda and start finding ways to address it.

STRATEGIES

1. Mobilising communities

- Sensitisation of communities about legal access and their land rights;
- Training to develop community land applications to protect community land;
- Community exchanges bringing together people from different regions to share impacts and strategies, which have strengthened the communities' voice and even led to the creation of land associations where people can come together to make common demands; and
- Working with women's groups to support them working within their communities to stop land grabs and land and water degradation.

This latter strategy was an important one, which recognised that compensation payments were often given to men who could accept money and move to find work outside the community. Women were bearing the brunt of the land grabs and tended to realise the long-term implications of losing their land more quickly. This strategy ensured the women's concerns were brought to the fore and that women were present when compensation payments were being discussed.

2. Targeting parliamentarians

- Voicing support for 'people's' MPs in the run up to the 2016 elections;
- Getting MPs in the natural resources committee to visit the affected areas themselves, which resulted in a report from the relevant authorities validating NAPE's findings that there are few buffer zones, no land available to provide food, and no provision of safe water for communities; and
- Bringing together communities and local government, so that communities can voice their grievances directly.

3. Legal strategy

- Running several training sessions with lawyers, for communities to understand Uganda's land laws and their rights;
- Conducting alternative dispute resolution strategies prior to launching legal cases, including meetings bringing the community members, companies and government officials together, so that communities could ask for compensation and the return of grabbed land (or another parcel of equal value); and
- Along with FoEE and FoEI, supporting community members to launch a legal case by hiring lawyers to conduct background research and file papers (this case is ongoing).

4. International strategy

- Raising the profile of the case by launching a joint press release and media strategy with FoEI when the campaign was launched in Uganda, which resulted in widespread media coverage in international press;
- Creating campaign materials along with FoEI, such as a film with community member David Muisa, in order to reach out to media, put pressure on Ugandan decision makers, and help other communities to understand the impacts of the project;
- Launching an online international petition targeting the president's office in 2012 demanding resolution for affected communities in the case; and
- Together with FoEE, targeting the financiers of companies in the consortium, especially Wilmar International, and informing them of the impacts of the project on the ground and about the illegal land grabbing that was taking place.

5. Campaigning for solutions – agroecology and food sovereignty

- NAPE has implemented a programme that looks at community ecological governance and increasing agroecological farming, including by, for example, helping to save indigenous seeds and increase manure production, and reviving community knowledge about how to manage land and food production;
- A memorandum of understanding has also been signed with the government to establish apiary projects to increase returns for small-scale farmers; and
- A schools of sustainability has been launched – this is a training programme that attempts to create a critical mass of people demanding their rights.

TACTICS

- Community meetings;
- Online petitions;
- Community theatre and drumming schools for women to exchange information on the impacts of land grabs; and
- Radio talk shows, and articles published in local, national and international press.

LESSONS LEARNED – POSITIVE

It was found that good success at the international level starts at the grassroots level. Issues discussed at the international level should be based on the needs and demands of communities, based on strong grassroots engagement. If something is to be an international campaign it should first have a grassroots campaign.

FoEI and FoEE have been instrumental in the campaign's successes. Articles in international newspapers were read by the government and relevant company officials. As a national organisation it is not easy to reach international media. NAPE is 60% donor funded so it is also useful to be able to have the campaign visible in international articles read by donors. Developing joint international strategies and actions is very powerful – these included cyberactions, reports and publications, exchange visits and Real World Radio support.

Targetting financiers made the companies Wilmar and BIDCO pay more attention to this case and the way in which they are dealing with affected communities and the environment. Wilmar's head of sustainability recently visited Uganda.

We can benefit a lot from working towards solutions at the same time as fighting land grabbing. For example, the court case we are running now could take years to come to a conclusion, but in the meantime we should be running projects to implement agroecology locally and to put solutions into practice.

LESSONS LEARNED – CHALLENGES

Dealing with community compensation demands can be challenging. The long-term goal was to stop land conversion to palm oil, but communities also wanted compensation in the short-term. When the government agreed to compensation this raised a challenge since several impoverished communities accepted the money and gave away their land. However in the long term money does not enable communities to have a sustainable livelihood. It doesn't address the underlying issues of access to land and resources for livelihoods.

The state sanctioned plans to allow companies to take over land in Uganda. Though the government says it will stop illegal evictions, it fully supports increased acquisition of land by companies. This is a major challenge. Uganda has some of the best land laws. For example, land in Uganda belongs to the people not to the state. However the state can buy land that is privately owned in the 'public interest'. The problem comes in defining this public interest. The government, for example, deems flower farming and REDD projects to be in the public interest. So this framework needs to be challenged. The proper implementation of existing laws is also a major challenge. NAPE bases its advocacy on the existing laws, which the government does not heed.

The current state crackdown on NGOs and advocacy is another major challenge. There are many new very negative laws that make it difficult for NGOs to campaign. For example, public order management laws state that police permission is needed for assemblies of more than three people. There is also an 'NGO' law planned, which, if it comes into force, would require submission of all NGO workplans to the government for approval. Therefore NAPE makes it clear that it works on behalf of communities, and when issues are raised by communities themselves this makes it easier.

Some international organisations, such as WWF, come into Uganda and promote alien species of flora and fauna at the expense of local people and ecosystems. Trying to counter this can be a challenge. Even when it comes to oil palm, not all organisations are opposed to plantations, because some of them benefit from the plantations. This means that some of these organisations supported this particular project and this brings challenges. NAPE believes it is cheap reasoning – they do not see the interdependence of ecosystems or the links between people and the ecosystems.

Working internationally requires funding, and also requires more capacity from people and more personnel in the organisation. So working internationally also needs financial support dedicated to institutional needs.

FINANCE AND SOLIDARITY CAMPAIGNS – US AND EUROPE

04

CONTEXT

FoE Europe has campaigned on financing for palm oil and plantations for several years. A result of this campaign was that many financiers adopted environmental and social governance policies. In 2001, a joint report on the financing of palm oil plantations by the Dutch ING and ABN AMRO banks was released by Greenpeace and Milieudefensie. Joint follow-up actions also took place.

In 2002, the five largest Dutch banks developed a forest policy. In 2004, the *Greasy Palms* report on palm oil and links to the EU (through consumer companies and financiers) in the UK and the Netherlands was released. In 2006, a review of financier's policies was conducted in the Netherlands by Milieudefensie.

The results of this review showed that all of the banks had adopted policies on respecting national laws, High Conservation Value (HCV), respecting local communities and 'no burning'. However the language used was vague and confusing, and the policies did not always reference international treaties. The scope of the policies was also limited in several ways: geographically (only Indonesia), sectorally (only palm oil), the type of client (no conglomerates) and the type of financial service (project financing, but also bond issuances).

The policies were implemented through the monitoring of clients and complaint mechanisms. As there was a lot of project financing, financiers were only concerned with problems on a specific plantation and did not examine the company's overall conduct. It was clear that issues could not simply be solved between NGOs and financiers, and that government regulation was needed. Recommendations were made to banks and to the Dutch government.

Like FoE Europe, FoE US has worked on finance in the past, though not with a focus on palm oil or forests. A result of prior FoE US campaigning was that several US financiers adopted environmental and social governance policies. In the last two years FoE US has embarked on a campaign to expose the links between US finance and land grabs for palm oil and get the financiers to adopt better policies.

SUCCESSES (SHORT TERM AND STRUCTURAL) USA

- The first achievement has been to build a multinational campaign with shared funding and very strong coordination between FoE US and FoE Europe. Furthermore there is good coordination with WALHI and NAPE, and to some extent ERA and SDI. This has short-term and long-term benefits in building the strength and skills of our network.
- Wilmar adopted a new sustainable sourcing policy in December 2013 based partially on the joint campaign, but also on the more reformist campaigns of other NGOs. This policy was not a FoE objective, and in some measure it presents a challenge, but it should be seen as a sign that the campaigns have impact and the organisation must keep pushing for greater victories.
- One of the financier targets, JPMorgan Chase, updated its environmental and social policies to make palm oil a "sensitive sector". Similar to the Wilmar commitment, this is not an end in itself, but signifies a move towards greater transparency in finance. Ideally, this kind of voluntary commitment by a bank shows regulators (who generally follow rather than lead the banking sector) that greater regulation is needed to prevent abuses.

SUCCESSSES (SHORT TERM AND STRUCTURAL) EUROPE

- The European campaign demands were addressed by financiers, who now accept responsibility for specific plantations even if they provide general and not just project finance to the companies involved. They also now examine the company's activities as a whole and do not limit their scrutiny to projects they are financing. This is a step forward.
- Highlighting the local negative environmental and social impacts of land grabs and making them a global campaign has effectively put pressure on governments and companies and slowed down certain projects. It has also provided involved local communities with a certain level of solidarity support.
- Successful action alerts and actions at shareholder meetings targeting Rabobank and Deutsche Bank were carried out. About 98,000 online actions were taken, resulting in Deutsche Bank's divestment from palm oil company Bumitama.
- Building coalitions with member groups across Europe; FoE EWNl, FoE France, FoE Netherlands, FoE Sweden and FoE Finland.
- A coalition was built with FERN, Global Witness and other NGOs around regulating financiers at the EU level. This resulted in a very positive response from MEPs and DGs on the topic (even from DG Enterprise). The same research on financial regulation for agricultural investment is now being undertaken in the US.
- Palm oil is now viewed as a more high risk investment. This is also the case for some other sectors like pulp and paper.

OVERALL GOALS AND OBJECTIVES – USA

1. To pressure financiers in the US, and to reduce their contribution to deforestation and land grab. This can happen either by divestment and cancellation of loans (cutting off financial flows to the sector) or, if this is not possible or feasible, by pressuring their client palm oil producers and traders to improve and adhere to national laws, legal norms, and international human rights standards;
2. To influence financial regulators and multilateral agencies to implement and enforce norms and policies related to palm oil, deforestation and land grabbing; and
3. To support local communities in partner countries to defend their interests against palm oil companies; to foster biocultural diversity, agroecology and agroforestry; and to promote rights-based land and forest governance.

OVERALL GOALS AND OBJECTIVES – EUROPE

1. To pressure financiers in the EU to halt their contribution to deforestation and land grab, either through divestment and cancellation of loans (cutting off financial flows to the sector).
2. To regulate financiers at the EU and also at the national level to prevent them providing financial services to land grabbing companies.
3. To support local communities in partner countries to defend their interests against palm oil companies; to foster biocultural diversity, agroecology and agroforestry; and to promote rights-based land and forest governance.

STRATEGIES (INTERNATIONAL AND NATIONAL) – USA

- To pressure the financiers of palm oil to: In turn pressure companies they own or loan to to reduce harm;
- Improve their environmental and social policies; and
- Withdraw financing;
- To use documentation and mobilisation to make palm oil an increasingly high-risk investment; and
- To demand stronger governance to deter land grabbing and to ensure community rights and community land tenure.

ACTIVITIES

- Solidarity campaigning in 2012/2013: started campaign on EU and US financiers working with NAPE (FoE Uganda) and SDI (FoE Liberia).
- Europe: Presented cases to financiers on Wilmar (21-05), Sime Darby (24-06) and Bumitama (21-11), with FoE EWNI, FoE France, FoE Netherlands, FoE Sweden, FoE Finland and interested groups in Germany.
- US: Targeted financiers of Wilmar including Bank of America, Citigroup, JPMorgan Chase, and the largest pension funds in the country, CalPERS and TIAA-CREF, engaging with those that want to engage. Public campaign against one investment company - Dimensional Fund Advisors.

TACTICS (INTERNATIONAL AND NATIONAL)

US

- Email action alerts targeting companies and banks;
- Letters and meetings with banks and investors to raise issues, multi-stakeholder consultations, shareholder resolutions, and briefing for investors;
- Report on commodity crimes (also focusing on tax evasion);
- Contacting all the banks and investors to make them aware that they are violating policies and telling them to directly pressure Wilmar to stop land grabbing; and ultimately when that failed, to divest from Wilmar;
- Email action alerts resulting in tens of thousands of FoE members giving this same message to Wilmar;
- Reporting on the social and environmental abuses and financial crimes of Bumitama, a company that supplies Wilmar. This not only puts pressure on Bumitama directly, to pressure Wilmar to end its sourcing from Bumitama, but also pressures banks to divest from the company;
- Using email action alerts and public action to demand that Arnold Schwarzenegger get DFA to divest from palm oil; and
- Engaging directly with the banks and financiers to tell them about the problems with Wilmar and the palm oil sector in general. We believe that direct engagement without negotiation is important because 1) it shows willingness to confront our adversaries directly; 2) it demonstrates to regulators that the financiers are aware of the problems; and 3) it gives us insight into their activities and approaches. While we do not believe that financiers should be responsible for policing themselves, we do believe banks must have standards regarding what they will and will not finance, and that these standards must be public, transparent, fully implemented and constantly improved.

Europe

- Building coalitions with groups in Sweden, Finland, Netherlands, the UK, Germany and France, and working with FoE US;
- Targeting financiers of Sime Darby, Wilmar, Bumitama and PT SIL (still to be developed) in EU countries;
- Meeting Wilmar with FoE US, NAPE and WALHI;
- Actions at shareholder meetings of ING and Deutsche Bank;
- OECD complaint against Rabobank on Bumitama; and
- Action alerts aimed at Rabobank and Deutsche Bank.

LESSONS LEARNED – POSITIVE

Engagement with financiers

Putting pressure on companies via financiers can work as a tactic to make an otherwise unresponsive company listen to our demands. In many cases we succeeded in having our demands addressed. Financiers now accept responsibility for specific plantations even if they finance at general level, and they also examine the company as a whole rather than limiting their focus to the projects they are financing.

Impact of international campaigning

Our campaigning has put the financing of land grabbing on the global agenda. Highlighting national issues and turning them into a global campaign has also slowed down certain projects.

LESSONS LEARNED – CHALLENGES

The issue of corruption needs to be addressed

Given the points raised by both WALHI and SDI, that government corruption is at the heart of the problem, we need to clarify that stronger governance is not just a question of passing laws, it's a question of changing long-standing cultures of corruption that have real incentives for those who benefit, financially or otherwise, both within the corporations and in home and host country governments.

Focusing on voluntary mechanisms is problematic

Financiers' Environment Social and Governance (ESG) policies are good on paper but not in practice. It is not clear how they engage with, assess or develop indicators for companies. The implementation of these policies is not transparent, and there are no clear complaint processes. There has been no change in company practices even with these policies in place. Most large financiers are still financing palm oil company Wilmar and similar corporations.

Even when financiers do divest, it may be the case that little changes on the ground, as others are always ready to enter when one investor leaves. Sustainability policies do not equate to real change on the ground nor do they meet our goals for transformation.

Furthermore, work on voluntary initiatives can take the focus away from binding government regulation, and as such can be seen as a form of greenwashing unsustainable corporations. The announcement of these sustainability initiatives by financiers and companies can also convince the public and politicians that the problem is solved.

Using existing voluntary guidelines to bring about a specific change and promoting voluntary guidelines as solutions are different issues. We can use voluntary policies as tactics, but not as strategies.

Supporting community resistance is critical

We need to build people power and mobilise communities to present a stronger challenge to multi-stakeholder processes and the corporate sustainability agenda.

Conflicting positions held by other NGOs can present a challenge

Financiers' and companies' ESG policies are not working, but this is challenging to communicate as other NGOs continue to focus on financiers' ESG policies and palm oil companies' CSR policies. It is tricky to position ourselves when other coalitions are campaigning for improved ESG policies. It is a challenge to expose the upcoming sustainability initiatives of palm oil companies as meaningless when other NGOs are communicating them as campaign successes. We have to counter these short-term 'shallow' wins from other NGOs, and respond when these false solutions fail. It is also a challenge to ensure that NGOs campaigning for zero deforestation initiatives do not weaken our campaigns.

Investors' legal responsibilities in the US and many EU countries is problematic

The law in the US and in many EU countries states that the only responsibility of investors is to earn profits for their shareholders, and that anything that interferes with profits – including the recognition of environmental and social impacts – is outside of their legal responsibility. This is known as 'fiduciary responsibility'.

Demonstrating alternatives is an important practice aspect of successful campaigns

We have not invested enough in linking our work on alternatives (community management models) and impacting on the global discourse. We also need to strengthen the discourse on food sovereignty as the bottom line of our demands and our vision – we need more examples from the regions so we can increase visibility.

DEMANDS OF INTERNATIONAL CAMPAIGNS

We also need to be clear about what is really needed to run an international campaign – resources, a constant flow of information, extensive follow up, etc.

DIVESTMENT CAMPAIGNING

Divestment is not an economic strategy but a moral one. Groups are cautious about calling for divestment in a sector as:

- It does not mean we achieve the outcome as there are several actors waiting to invest; and
- Messaging around investment and divestment needs to be done carefully and can be very challenging in southern contexts.

ALIGNING STRATEGIES AND TACTICS INTERNATIONALLY IN FOEI

An important overall lesson learned was the need to define and clearly communicate the difference between goals, strategies and tactics in a joint campaign spanning several regions. It is also important to recognise when an action is tactical and when it is a strategic goal in itself.

For example in the site battle campaigns one tactic/demand was to ask the financiers of the companies grabbing land to put pressure on particular companies to stop their land grabs.

In each part of the international campaign (in Liberia, Uganda, Indonesia, USA and Europe) pressuring financiers was one tactic in a broader set of campaign demands for regulation and transformation. For example, the decision to pressurise corporations with respect to improving their own policies was needed in the USA national context given the US government's complete lack of will to regulate the finance sector. In Europe, on the other hand, targetting financiers' voluntary policies was a tactic on the road to demanding regulatory change from governments. In the site battles, it was also used as a tactic to get the companies to slow down their activities, but it was located within an overall strategy of challenging corporations, pushing for government regulations and supporting communities.

However when this national or tactical strategy was translated to the international arena, through FoEI labelled materials and demands relating to particular site battles, there was a lack of clarity about whether this strategy was in accordance with FoEI's policy on non-engagement with TNCs and denouncing voluntary commitments from companies.

Since financiers are also corporations a demand for them to regulate other companies is similarly problematic. Therefore these demands, though they may be appropriate as a tactic in particular cases, are not suitable for international messaging.

Therefore an important learning is if campaigns in international programmes are targeting companies we should to be clear in advance about our joint strategies, tactics and messaging to see how it is leading to 'dismantling the power of corporations' – the goal outlined in the FoEI STAP. Currently, there is an ongoing discussion about calling for divestment from financiers and moving forward from case-specific demands. However, there continue to be solidarity requests made within the network to target private financiers in specific cases.

This is something for FoEI to reflect on – whether a tactic such as divestment is possible in particular cases, even though it cannot be a campaign goal in itself.

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