

Social Impacts of Plantations

from nett harm to
shared value?

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Forest
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Programme



The challenge from intensive plantations

Transformative impacts on society and the environment: both positive and negative



Negative social impacts:

- land grabbing from indigenous peoples and local communities
- land conflicts
- associated human rights abuses and repression of 'human rights defenders'
- land concentration : more land in the hands of fewer persons
- loss of local livelihoods and local food security
- reduced employment opportunities
- exploitation of workers and violation of labour rights
- gendered impacts : no or fewer, less well paid jobs
- use of agrochemicals (including known carcinogens)
- loss of crop choice by out-growers
- externalisation of risk to out-growers

Indigenous Chileans defend their land against loggers with radical tactics

Chile's Mapuche people are resorting to increasingly extreme tactics to reclaim their ancestral land from exploitive industries



▲ A Mapuche gathering in Ercilla, Chile. The Mapuche are protesting the presence of agricultural firms on their land. Photograph: Rodrigo Abd/AP

Resolving Conflict



Safeguarding against negative social impacts FSC P&C:

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Standards evolution

- As above FSC P&C already include provisions designed to **prevent some of these potential impacts** and to mitigate some others
- The other impacts are not yet adequately addressed or even recognised, although they are being discussed through various multi-stakeholder processes such as **The Forest Dialogue** and New Generation Plantations and now again by FSC

From Intensively Managed Planted Forests to Tree Plantations in the Landscape

- IMPFs should deliver benefits to national economies **and local communities**
- Good governance, ILO labour standards, respect for customary rights, application of the law
- *The larger the IMPF project and the less functional the national governance capacity, the greater the likelihood that social costs will be required to be borne by the IMPF project owner to create even minimal social benefits*
- Respect indigenous peoples' rights, land rights, FPIC, conflict resolution, benefit sharing, transparency, certification, formal employment, ILO Core Conventions and ILO C. 169
- TPL now reviewing progress 10 years later: some progress

Ref: Peter Kanowski and Hannah Murray, 2008, *Intensively Managed Planted Forests: towards best practice*, TFD, New Haven. https://theforestdialogue.org/sites/default/files/tfd_impf_review_kanowski_murray.pdf

Risks of further intensification

- New technologies (like GM Trees and cloning) risk further concentrating investment, land and market-share in large companies
- This risks exacerbating negative impacts and further marginalising indigenous peoples, poor farmers, workers and small-scale producers.



Towards 'shared value'?

- Sustainable Intensification?
- FSC defines SI as intensification that realises 'shared values'
- Green transition: meeting human needs
- More from less: more land 'spared' for other purposes
- More land and rights for social benefits and for biodiversity conservation and ecosystem services



The challenge for FSC

- FSC's initiative, in now taking on these challenges, is welcomed but additional safeguards, stronger protections of rights and more participatory approaches will be needed to ensure intensification is really socially 'sustainable' ie shared values realised
- **How do we ensure further intensification makes things better rather than making them worse?**
- **And what about past harms?**

The Right to Remedy

- Tort law: *'for every harm there is a remedy'*
- Under international human rights law, violation of a human right gives rise to a right to remedy
 - Wipe out all consequences of illegal act
 - Re-establish the situation which would have existed without the act
- Specific remedy provisions made for workers (ILO), women (CEDAW), children (CRC), indigenous peoples (UNDRIP).

Achieving Remedy

- Remedies include:
 - Restitution eg grabbed land is returned
 - Rehabilitation eg harms are restored
 - Compensation eg damages paid / made good
 - Satisfaction eg public apology
 - Guarantees of non-repetition eg new law/policy/procedure
- The right to remedy is a general right of all legal persons, including peoples

UN Declaration on Rights of Indigenous Peoples

Article 28

- Indigenous peoples have the right to redress, by means that can include **restitution** or, when this is not possible, **just, fair and equitable compensation**, for the lands, territories and resources which they have traditionally owned or otherwise occupied or used, and which have been confiscated, **taken**, occupied, used or damaged **without their free, prior and informed consent**
- compensation shall take the form of lands, territories and resources equal in quality, size and legal status or of monetary compensation....

Business and Human Rights

obligations and responsibilities

UN Guiding Principles on Business and Human Rights (UNGPs): 'Respect, Protect and **Remedy**' framework

- States have an **obligation** to **protect and respect** human rights and provide **remedy** for violations, and ensure businesses do too
- Businesses have a **responsibility** to **respect** international human rights and provide **remedy** for violations **even where national laws don't require this**.
- Businesses have a **responsibility** to provide **remedy** for violations if they acquire enterprises that have caused harms (they inherit the responsibility).

UNGP Guidelines on

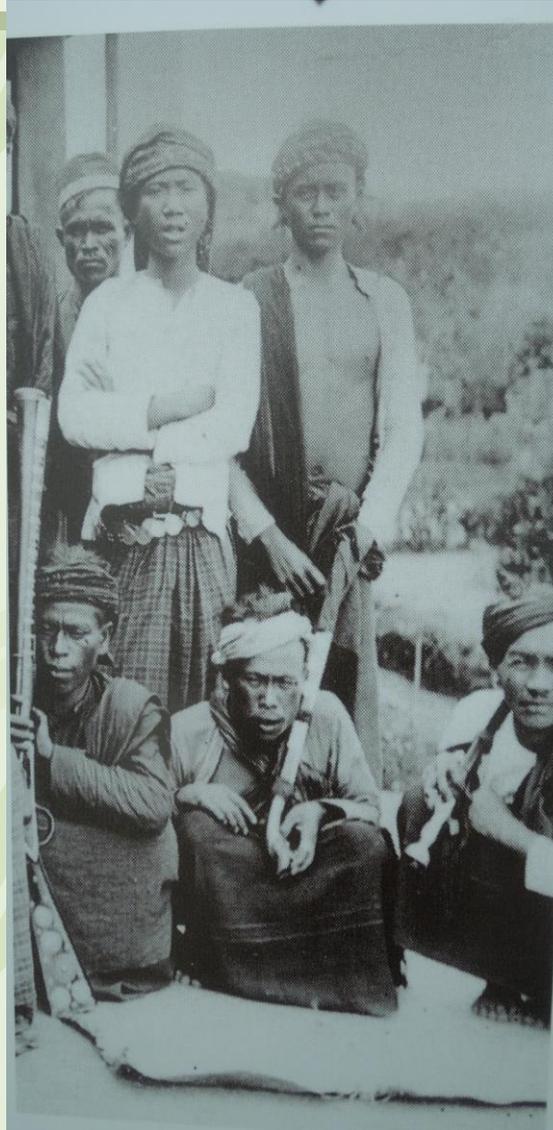
Non-judicial remedy procedures

- Accessible: shared with rights holders, in appropriate languages, protected from reprisals
- Predictable: clear procedures, timeline, consistent decisions
- Equitable: level the playing field / resourced/ impartial
- Transparent: complaints & responses visible (no black box)
- Rights-compatible: upholds HRs, aims to provide **remedy**
- Legitimate: addresses violations not just keep scheme clean
- and provide mechanisms for learning: monitored

Sources: Hannah Storey, 2020, *Non-judicial grievance mechanisms as a route to remedy – an unfulfilled opportunity*, Forest Peoples Programme : https://www.forestpeoples.org/sites/default/files/documents/Non-Judicial-Grievance-ENG-v04_0.pdf and UN Human Rights Council report 2020: A/HRC/44/32

Toba Batak of North Sumatra

- Independent highland people conquered by Dutch 1911
- 2000 year old trade in frankincense from managed forests
- Rights to lands and forests not recognised by government
- Customary territories handed out as forestry concessions





Mixed economy based
on forest products,
handicrafts, farming
and fishing



Toba Pulp Lestari

- Raja Garuda Mas Group
- 180,000 ha. concession
- *Eucalyptus* plantations
- Native forests and farmlands cleared
- Frankincense-based livelihood destroyed



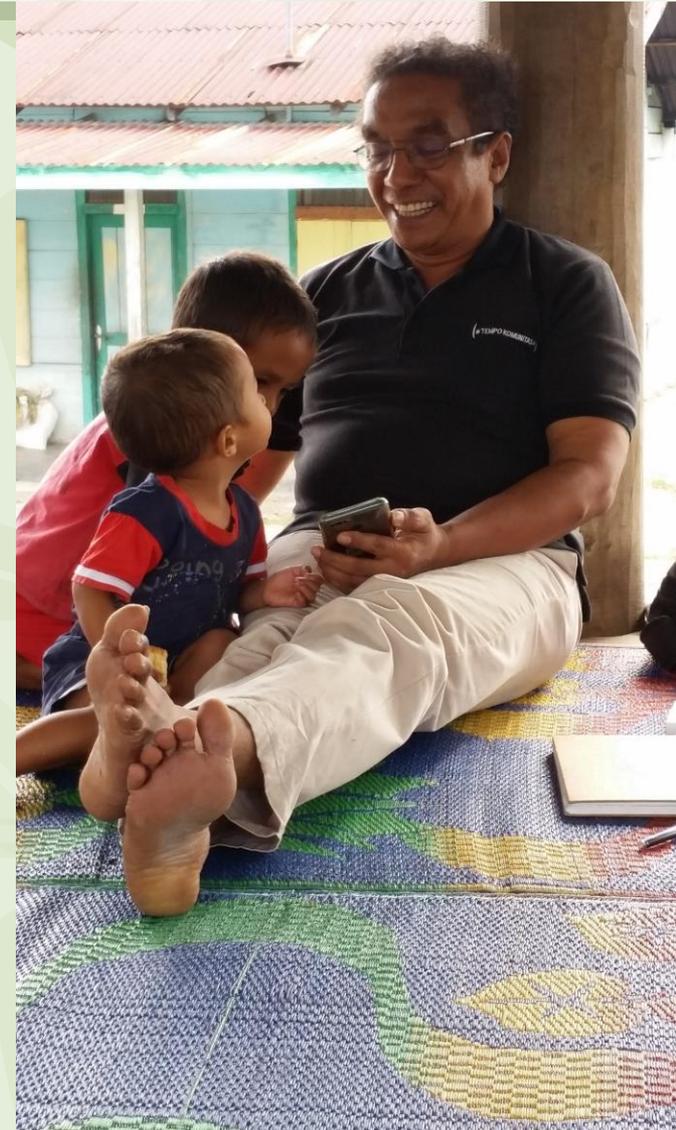
Appeal to the International Labour Organisation

Community of Ompu Ronggur appeals to ILO via Convention 111 alleging discrimination for non recognition of their ownership rights to their lands and destruction of their 'traditional occupations'



Government recognition

- ILO calls on government to recognise the people as indigenous
- Discussion by Ministry of Labour
- In 2021 District government passed PERDA recognising Toba Batak as an indigenous people
- 3 new areas of forest now recognised as customary forests
- **Remedy** yet to be made for past social harms and loss of land.



FSC Remedy Framework

- FSC P&C disallowed any forest conversion after 1994
- Big Indonesian plantation companies 'disassociated' once deforestation spotted
- Since 2010, FSC revisiting this policy
- Also seeking to provide social remedy not just keep system clean
- Latest meeting now allows companies which have deforested to re-enter FSC **so long as** they restore forests and make **remedy** for social harms
- Applies to full corporate group and to acquirers (for customary and human rights abuses and proportion of forest loss)

Towards remedy in Riau



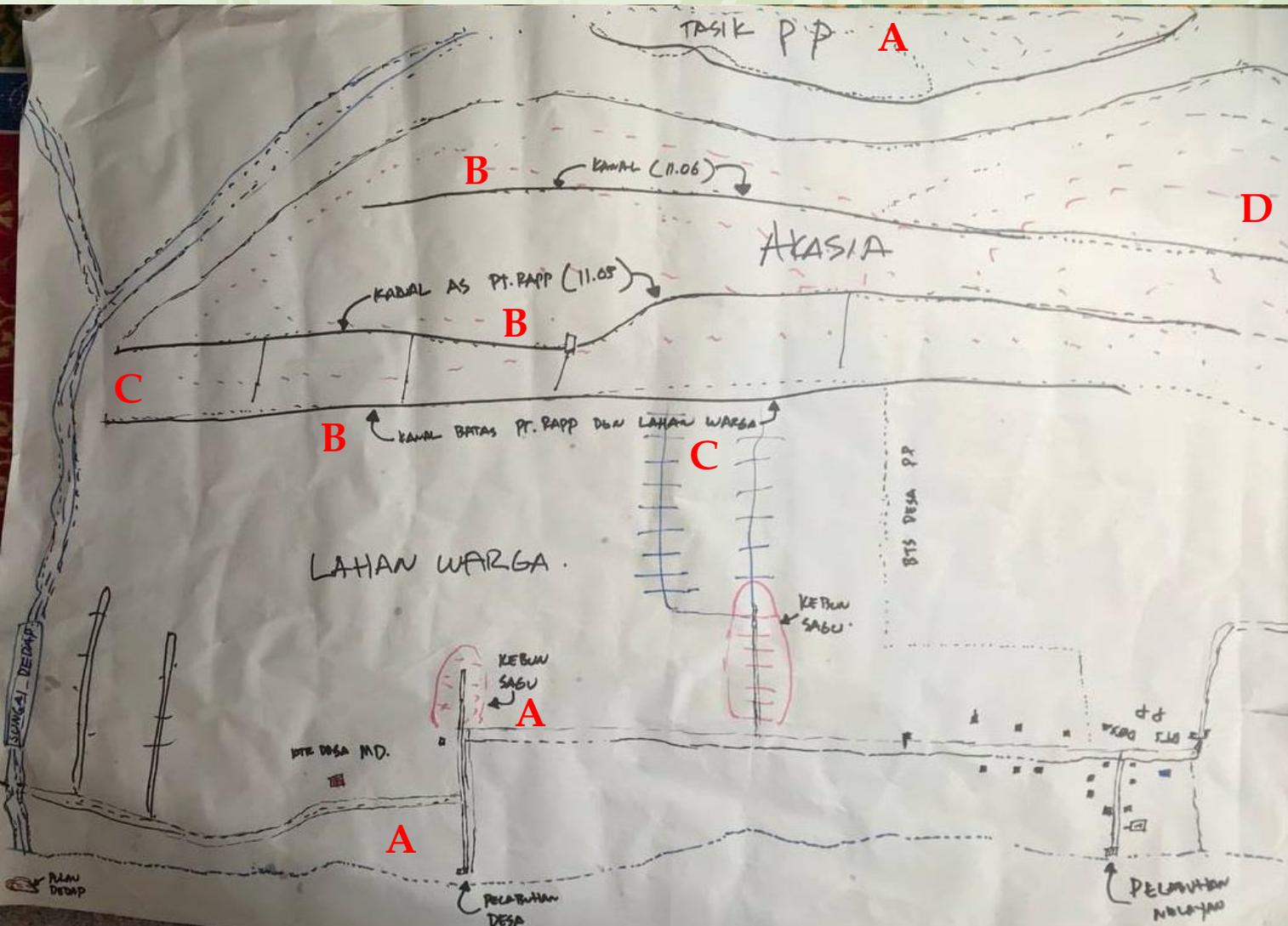
- Several million ha. of plantations
- Over 1,000 villages affected
- Companies in Riau now agreeing to restore and make remedy
- Not sure how to identify customary rights



Akit people in
Pulau Padang



Sketch map showing territory and impacts



Key to map

- A** Sacred curing site
- B** Canals block access
- C** Spill-over pollutes streams
- D** Security prohibiting access by road

Aspirations

- Want a negotiated solution
- Regain access to sacred lake
- CSR to promote traditional religion
- Return the land
- Improve farming
- Help with fishing gear and fishing cooperative



Finding solutions

'Their should be a discussion about sharing lands but not taking lands that we own'... 'We need to evaluate any proposals as a whole community and not just have them engage with one or two people' ... 'We want a proper agreement'... 'We want good relations with the company.'





www.forestpeoples.org

Thank you