

Seedling

Biodiversity, Rights and Livelihood



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GRAIN is an international non-profit organisation which promotes the sustainable management and use of agricultural biodiversity based on people's control over genetic resources and local knowledge. To find out more about GRAIN, visit www.grain.org.

Seedling

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Front cover:

"We are hungry": a man wears an empty rice sack on a demonstration against rising food prices, Dakar, Senegal, April 2008 (see page 2). (Photo: Normand Blouin/Reuters)

Back cover:

A young Dongaria Kondh woman (see page 5). (Photo: Survival International)

In this issue...

One of the themes to emerge from this issue is resistance. Over the last decade communities around the world have become more vociferous in their opposition to large mining projects that destroy their way of life, damage biodiversity and exacerbate the climate crisis. In our special feature activists from two countries where resistance is strong – India and Ecuador – describe their struggles. The Dongaria Kondhs, a tribal people in Orissa, India, are fiercely resisting plans by Vedanta, a UK-based mining company, to set up an open-cast bauxite mine on mountainous forest land that the Dongaria have occupied for several thousand years. For them, the forest is a sacred place, inhabited by their deity, Niyam Raja. They treat it with great respect, felling a tree only if timber is needed for their everyday life, and collecting fruit and roots with great care so that plants will regenerate. In Ecuador indigenous movements from many different parts of the country have been protesting over a new mining law. They oppose it because it tramples over rights won by indigenous people in the recent new Constitution and was passed without proper consultation.

Ecuador also features in another article, about attempts in three Andean countries to prevent the further privatisation of knowledge and life. There is much at stake. Ecuador, Bolivia and Peru are, culturally and biologically, one of the richest regions in the world. They harbour a wide range of ecosystems, from cold highlands at over 4,000 metres in the Andes themselves to tropical lowlands in the Amazon basin. The Quechua and Aymara are the indigenous peoples with the biggest populations in the area – which has been densely populated for millennia – but more than thirty other indigenous peoples also have their territories there.

The endeavours take different forms. In Peru the local government of Cusco is defying new regulations to weaken protection of biodiversity and traditional knowledge passed by the national government in compliance with the Free Trade Agreement (FTA) negotiated with the USA. In Ecuador social and indigenous movements managed to get a new Constitution approved that recognises the “rights of nature” and identifies food sovereignty as a strategic goal. Bolivia’s

new Constitution goes further, establishing clear limits to private property, allowing for the active participation of social organisations in discussion, and giving strong emphasis to the views, values and principles of indigenous and rural communities. With respect specifically to intellectual property rights, little progress has been made. Once again it is up to local people and their organisations to defend their knowledge and biodiversity.

These struggles are all fundamental in the search for a way forward. Despite the economic slowdown, the pressure on local livelihoods continues to increase, as is evident from our article on the impact on small fishers of the proposed FTA between ASEAN and the European Union. The EU is a leading exporter of fish and fish products, but its own stocks are declining sharply. Indeed, the bloc currently imports two-thirds of the fish it consumes. At present, the EU imports only minimal quantities of fish from ASEAN countries, so potentially it offers a big market. But small fishing communities are unlikely to benefit, as the EU will almost certainly impose such a restrictive regulatory regime that only big companies will be able to comply. Indeed, many fishing communities are already suffering severely from the recent wave of liberalisation: fish stocks are in decline; foreign vessels trawl sovereign waters; and many small fisherfolk have been forced to give up or, in desperation, to harvest what is left in the sea with dynamite and cyanide. And there is more to come, as countries sign away their oceans and their fisheries through trade agreements.

Considerable attention has been paid in the media over the last few months to swine flu. Recently, coverage has declined as, for the moment at least, the pandemic seems to be less virulent than was earlier feared. But the other pandemic – the food crisis – shows no signs of abating. Recent figures show that today more people than ever – over one billion – are permanently hungry. It is shocking to realise that 80% of these people are either farmers or farm labourers. Yet those in power continue to support an international food system that doesn’t feed the hungry but, instead, deprives even more people of adequate food. It is to this issue that we turn in the opening editorial.

The editor



The other “pandemic”

GRAIN

1 See Asia-Pacific Research Network, “People’s week of action against ADB (1–5 May 2009)”.
<http://tinyurl.com/lbeuce>

2 Agence France-Presse, “56k kids will die due to crisis”, *Straits Times*, 3 May 2009.
<http://tinyurl.com/lmwjv9>

3 Mark Landler, “IMF puts bank losses from global financial crisis at \$4.1 trillion”, *New York Times*, 21 April 2009.
<http://tinyurl.com/c8lpo3>
ADB puts the total financial losses, for 2008, at US\$50 trillion.
<http://tinyurl.com/lpmvpa/>

4 See GRAIN, “A food system that kills: swine flu is meat industry’s latest plague”, *Against the grain*, April 2009.
www.grain.org/articles/?id=48

5 Reuters, “UN: Higher prices push hungry over 1 billion”, *MSNBC*, 12 June 2009.
<http://tinyurl.com/lmwvdr>

6 Associated Press, “Financial crisis could bring number of those hungry to 1 billion”, *Boston Globe*, 7 May 2009.
<http://tinyurl.com/nnwp5q>

7 For example, the European Union created a €1 billion Food Facility, of which two-thirds would be new funding. The Asian Development Bank in Manila promised to double its lending to Asian agriculture in 2009 to US\$2 billion.

8 African Press Organisation, “African Development Bank promotes agribusiness investment funds”, *Tunis*, 28 January 2009.
<http://tinyurl.com/ntblku>
The Asian Development Bank is under a lot of criticism for its strategy to invest in private equity funds and its lack of transparency around this. One such vehicle is the JS Fund, which aims to invest in agriculture in Pakistan. See Poly Lesova, “New private-equity fund targets untapped Pakistani market”, *Market Watch*, 10 January 2008.
<http://tinyurl.com/lg3zhr>

In early May 2009, the Asian Development Bank’s (ADB) board of governors met in Bali for their annual meeting. Outside the venue, at the Asia-Pacific People’s Tribunal on ADB, social movements, NGOs and other groups condemned the Bank for its lending policies and economic prescriptions that have undermined people’s livelihoods and exacerbated poverty across the region.¹ In the middle of the tumult, the Bank released the following statistic: more than 56,000 children in the Asia-Pacific region will die this year due to the financial crisis alone.²

The financial crisis is indeed rumbling on, taking people’s jobs, homes and savings with it. The International Monetary Fund estimates that the total amount of bad assets behind the meltdown is around US\$4.1 trillion.³ The US government alone has signed off about US\$14 trillion so far to prop up the big banks and get the economy moving again. In the midst of the economic devastation, a much anticipated swine flu epidemic erupted from US-owned factory farms in Mexico and spread around the globe.⁴ Some scientists believe that this new virus could infect as many as one out of every three people on the planet, and international agencies and governments remain on full “pandemic” alert. But what about that other “pandemic” ravaging the globe for more than a year now – the world food crisis?

Agribusiness as usual

The food crisis that exploded in 2007–8 has not gone away. It is tightening its hold in many countries and threatening to rear its ugly head in the form of new price hikes later this year, according to experts.

The United Nations estimates that more than one billion people are now permanently hungry.⁵ That’s one in six people, every day – most of them in Asia (62%). According to the UN’s Food and Agriculture Organisation, the financial crisis alone added 104 million people to this pit.⁶ And, in the words of their Special Rapporteur on the Right to Food, 80% of the hungry are either farmers or farm labourers, those who produce our food. How can this have come about?

When you look at what has been done to address the food crisis, more than a year on, the picture is rather depressing. It is true that some governments have been open enough to invite farmers and social organisations into a planning process that would achieve some plurality of thinking (see page 32). But in most places, the responses have been one-sided and top-down. As GRAIN documented amply last year, the food crisis has been misrepresented as basically a production problem, and all the answers amount to the same imperative: produce more food. In monopoly capitalist thinking, that means commercial seeds, vast uniform lands for monoculture, lots of chemicals and unfettered trade and investment routes. As a result, a lot of money is being thrown at this recipe to “feed the world”, even though that recipe got us here in the first place.

Throughout the latter part of 2008, donors and UN agencies called incessantly for “more investment in agriculture” as the solution to the food crisis. A lot of conferences were held and some pledges were made.⁷ This year brought more of the same, though the funds are becoming more sophisticated. The French government has just set up, through the African Development Bank, a new private



equity fund to invest in African agriculture. With a starting capital of €200 million and a goal of €500 million, the Agence Française de Développement will channel money from private investors and sovereign wealth funds into the new fund against a guaranteed rate of return of at least 5%. The African Development Bank is putting its own capital into private equity funds, such as Agri-Vie, to spur agribusiness ventures on the continent; the Asian Development Bank is doing the same.⁸ The World Bank is increasing its agricultural spending from US\$4 billion in 2008 to US\$12 billion in 2009–10.⁹ At the same time, its commercial arm, the International Finance Corporation, has teamed up with Altima Partners to create a US\$75-million fund to invest in agribusiness “to increase food supplies”.¹⁰

It is true that more donors are talking about the importance of small farmers and family farms in this new investment rush. A number are aware that large-scale plantation-type agriculture is likely to bring environmental and socio-economic problems. A few are even specifically concerned about threats to biodiversity from monocultures and genetically modified (GM) seeds. But the big picture is that most of this food crisis money is being targeted to develop agribusiness in developing countries, not family farming or local community-oriented markets, which many believe are the only way forward if people are to feed themselves well. The same is true of the massive land-grab deals being pushed to produce basic food crops abroad.¹¹

With all of this going on, the impression may linger that these official initiatives to end the world food crisis amount to public money for public benefit. This impression should be dispelled. In reality, most of the investment is going into agribusiness development. There's a barrage of new agribusiness funds and investment vehicles that do things like channel pension savings into farmland across the world, drawing in the big pool of dollars desperately seeking alternatives to stocks. The agricultural adviser to the New Partnership for Africa's Development (NEPAD) recently stated that foreign investor interest in African farming is so strong today that it is “almost a social movement”.¹² Overall private sector figures are hard to come by, but in the meantime we can see that official development assistance itself is increasingly going private. All these funds and programmes emphasise getting corporate seeds, a handful of Western livestock breeds, and crop chemicals (especially fertilisers) on to the fields, so it is not hard to see who the big winners are. The agricultural input suppliers must be rubbing their hands with glee over these new indirect subsidies.



Scavenging grows as the number of hungry swells

The system fails to feed, let alone provide health

Feeding people is only a distant preoccupation of this investment rush into agriculture. If anything, it is consumers in export markets who are being considered, and a big chunk of the money isn't even going into food production at all, but into the production of biofuels.

The investments are not so much about producing more food but about changing the way food is produced and who it is produced for. Take China, for instance. Beijing has made the political decision that it wants big agribusiness, not peasants, to supply its growing market for meat and dairy. All levels of government are doing everything possible to lay out a red carpet for food corporations, both Chinese and foreign, from providing subsidies to rewriting land laws and food regulations. Investment in the Chinese dairy and livestock sectors has exploded as a result, as has the number of factory farms, which already topped 53,000 in 2003.¹³ A small number of Chinese corporations and foreign joint ventures are emerging as the titans of the industry, often bankrolled by high-rolling foreign private equity firms such as Goldman Sachs, Morgan Stanley and Kohlberg Kravis Roberts (KKR). Meanwhile, the tremendous feed requirements for these farms are supplied by the likes of Cargill and Bunge, who import GM soya from their operations in the Americas. The integration of China into the global agribusiness web is so complete that COFCO, the country's largest grain company, is rumoured to be negotiating to take over US-based Smithfield Foods, the largest pork producer in the world, of which COFCO already owns 5%.

9 World Bank, “World Bank to invest \$45 billion in infrastructure to help create jobs and speed crisis recovery”, press release, Washington DC, 23 April 2009. <http://tinyurl.com/mpmemt>

10 Lesley Wroughton, “IFC to invest in new agribusiness fund”, Reuters, 12 February 2009. <http://tinyurl.com/lrvqkj>

11 See GRAIN's resource page on the new land grabbing trend: www.grain.org/landgrab/. The International Food Policy Research Institute in Washington DC estimates that, worldwide, 15–20 million hectares of fertile farmland have been, or are in the process of being, leased or sold off under this new trend.

12 Dr Richard Mkandawire, quoted in Yaw Adu-Asare, “What experts say about agriculture underdevelopment in Africa”, My Joy Online, Accra, 6 May 2009. <http://tinyurl.com/mhtaae>

13 Mia MacDonald and Sangamithra Iyer, “Skillful means: The challenges of China's encounter with factory farming”, *Brighter Green*, August 2008, 20 pp. <http://tinyurl.com/mzh9co>





14 Zhou Guanghong, "The changing dynamic in China: the development of meat industry and consumers", Presentation, Chinese Society of Animals Products Processing, 18 April 2006.

15 "China's industry squeezed by bird flu, global crisis", food.com, 5 March 2009.
<http://tinyurl.com/lx1l7>

16 David Schechter, "Report: 1 in 8 Americans went hungry last year," CNN, 21 November 2008.
<http://tinyurl.com/64h86z>

17 Michael Moss, "Food companies are placing the onus for safety on consumers", *New York Times*, 14 May 2009.
<http://tinyurl.com/o46zbh>

18 Nicholas D. Kristof, "Our pigs, our food, our health", *New York Times*, 11 March 2009.
<http://tinyurl.com/cbhymj>

While agribusiness thrives in China, people are suffering, particularly peasants. Zhou Guanghong, a professor at Nanjing Agricultural University, predicts that with China's current policies the national share of meat produced by small farmers will fall from the current 80% to 30% by 2020, and that hypermarkets will move from a 15% market share of the retail market for meat to a 40% share over the same period.¹⁴ Millions more peasants will be driven off the land, even as the collapse of jobs in export manufacturing is sending equal numbers of peasants back to the countryside in desperation.

Chinese consumers are also being hit hard. While the government has been forced to step in to keep prices of meat and dairy down, to the extent of setting up the world's only state meat reserve, food safety problems are spiralling out of control. Last year's melamine scandal, which left at least six infants dead and another 300,000 ill, was a direct result of the rapid industrialisation of production and supply. The growth of factory farms has also generated new, more lethal diseases, such as bird flu, that are not only deadly for humans, but hugely disruptive for China's meat supply. The country's poultry industry says that bird flu is a major reason why poultry numbers are down by about a third in the first quarter of this year.¹⁵ A couple of years ago, an epidemic of a new lethal strain of blue ear disease laid waste to upwards of a million pigs in China and was seen as a key factor in the spike in pork prices.

It would be unfair to single out China, though, since this is a global phenomenon. In the United States, the shining star of the agribusiness model and its modern food-"safety" system, one in eight Americans went hungry in 2007 – and that was before the current economic tailspin began.¹⁶ Moreover, one in four Americans suffers from a food-borne illness every year, a number that does not include those whose health is affected by other parts of the industrial food chain, such as the estimated 45,000 agricultural workers who are poisoned by pesticides every year.¹⁷ The swine flu epidemic has focused attention on how the factory farms of the US multinational meat companies are incubators for deadly human diseases. The World Health Organisation said in late June that 311 people had so far died from the swine flu outbreak, but a shocking 18,000 people in the US die each year from a "superbug" called MRSA (methicillin-resistant *Staphylococcus aureus*), which is rampant in US pigs and pork sold to consumers. MRSA is believed to have evolved through the overuse of antibiotics in industrial pig farms.¹⁸ Today, the


same corporations are taking advantage of trade and investment agreements to set up or relocate their gigantic factory farms in poorer countries, where labour is cheap and regulations lax or non-existent – such as Mexico, Romania and China.

This deadly food system is being sold as the answer to the global food crisis, and these corporations are being tasked, and financed, to carry out the job.

Wrong leadership

In this context, it is easy to conclude that the international community is failing miserably to deal with the food crisis. Back in 1996, heads of state gathered at the World Food Summit committed themselves to halve the number of hungry people in the world by the year 2015. Back then, the number of hungry people in the world stood at 830 million. Today, 13 years later, it becomes clear that we are probably heading towards doubling, not halving, that number. States also committed themselves to implementing policies to improve nutrition and food safety. Again, we have been heading in quite the opposite direction.

A fundamental reason why this is happening is that small farmers' organisations and the social movements are not being listened to. Not in the towns, not in the capitals, and certainly not at the glitzy international fora. Instead, the political class is listening to the financial and commercial barons who got us into this mess in the first place, and fixated on clearing the way for corporations and investors to transform "undeveloped" farming sectors into industrial operations. Last year, the UN set up a High Level Task Force to coordinate efforts to solve the food crisis. In addition to various UN agencies, the World Trade Organisation, the International Monetary Fund and the World Bank were given a lead role in this group. In January this year, at yet another high-level ministerial meeting, this time in Madrid, proposals were on the table to bring the private sector directly into the fold of those responsible to stop the growing hunger.

A new wave of expansion of what is in fact a dangerous, wasteful and unsustainable food system, from which local communities are being expelled at an alarming rate, is upon us. Unless radical action is taken soon to stop these processes and let leadership and change emerge from the grassroots, we seem to be in for more pain. For it is at the grassroots that genuine capacity and know-how exist about producing and marketing food in a way that not only respects the environment but really feeds people and promotes social justice. 

Over the last decade communities around the world have become more vociferous in their opposition to large mining projects that destroy their way of life, damage biodiversity and exacerbate the climate crisis. In this special feature, activists from India and Ecuador describe their struggles.

Saying “NO” to mining

INDIA



The British mining company Vedanta is pushing ahead with plans for an open-cast mine in the Indian state of Orissa to extract bauxite from the Niyamgiri Hills, a forested mountain range inhabited for centuries by the Dongaria Kondh tribal people. The move is being fiercely resisted by the Dongaria Kondh, who regard the mountain peak as sacred. They are receiving widespread support, at home and abroad, for their struggle.



Photo: Survival International

Photo: Survival International



Vedanta's alumina factory at Lanjigarh, south-west Orissa

Endangered tribals up against the terror of Vedanta

LIVING FARMS*

* **Living Farms** is an organisation working with landless, small and marginal farmers and consumers in Orissa, India, to improve food and nutrition security and food safety, and to uphold food sovereignty. Sustainable agriculture and natural resource management form their key strategy.

www.living-farms.org

Living Farms works with the Dongaria Kondh so that they can grow their food on their own land for the entire year. This is being done by re-establishing their local farming system through biodiversity-based integrated farming, increasing farms' resilience and self-sufficiency in energy, and by securing land rights. They network with other groups, in and beyond Orissa, who work with indigenous communities.

The Niyamgiri Hills, which range over 250 kilometres across the districts of Rayagada, Kalahandi and Koraput in Orissa, are home to more than 8,000 Dongaria Kondhs¹ and other tribals who are now wholeheartedly engaged in what they have been doing for centuries: defending their hills, forests and streams. This time, however, they face a more formidable enemy than ever – a mining giant that calls itself “Vedanta”, a term that in Hindu philosophy embodies centuries of spiritual knowledge and traditional wisdom.

In the first week of March 2009 the Dongaria and other tribes marched through dense forest to create a 17-km human wall along the base of Niyamgiri Hills to blockade the roads and thus to defend their sacred mountain and its biodiversity. This is a part of their sustained struggle to protect their life source. They are preparing to confront the terror of the modern-day Vedanta. Even though they are managing to hinder construction work, the new road has already reached the Dongaria village of Phuldumer, very close to the mine site.

Krushna Wadaka, aged 64, from the village of Katraguma in the Kurli Panchayat in the area, asks: “How can we survive if our lands are taken away from us?” He finds it difficult to understand how

the source of their life can be mined for profit. He continues: “We won't leave our land, come what may, and we will continue to resist any attempt to evict us.”

Vedanta – a British company owned by London-based Indian billionaire Anil Agarwal – was launched on the London stock exchange as Vedanta Resources plc (VRP) in December 2003. Vedanta signed a Memorandum of Understanding with the Orissa government on 7 June 2003 to set up a 1-million-tonne alumina refinery, along with a 100-MW coal-fired power plant, at an investment of Rs 4,000 crore (just over US\$800 million).

The major investors in Vedanta include Barclays Bank (UK), Deutsche Bank (Germany) and ABN Amro (a consortium that includes the Dutch government). The company plans to dig a vast open-cast bauxite mine in the Niyamgiri Hills to feed an alumina refinery that it has already built in the area, at Lanjigarh in south-west Orissa.

The Dongaria Kondh

The Dongaria – literally “hill people” – are a dwindling sub-section of the Kondh community, who have inhabited the forests of eastern India for several thousand years. They believe that

¹ The group is also known as the Dongria Kondh.



their surroundings have been provided by their benevolent supreme God King, Niyam Raja, their chief mythological figure, and that they are the direct or indirect progeny of Niyam Raja.

The Dongaria get almost everything they need from the forest and the “swiddens” (small patches of forest that they slash and burn in order to grow crops). The forest also plays a dominant role in their culture, domestic well-being and spirituality, as they believe it to be the home of many of their deities. Before they fell a large tree, for instance, the Dongaria Kondh entreat the gods for permission to do so.

The perception that forests are sacred lies at the root of the Dongarias’ profound respect for them. Indeed, they have long considered forest maintenance a virtue and regarded trees as “friends in need”. As children, the Dongaria are taught not only the guiding principles of conservation but also how to accomplish routine tasks with care. For instance, they will fell a tree only if it is necessary for building a house, and they collect fruit and roots judiciously, leaving room for regeneration. Their concept of Niyam – rule or law – is very strong, as are their communal values of sharing and equality.

The Dongaria worship the mountain as a living God, and are determined to save Niyamgiri from becoming an industrial wasteland. The very act of breaking up the earth for mining and construction contradicts their traditional reverence for Dharani Penu, the earth deity.

Unfortunately, however, rich deposits of bauxite (aluminum ore) have been discovered in the hills, and the mining lobby is keen to exploit them, seriously disrupting the lives of the Dongaria, perhaps to the point where they feel compelled to move to another region. According to anthropologist Felix Padel, “The Dongaria are hill people; resettling them on the plains is a form of ethnocide. They live in the hills, they worship the hills, and they survive off the hills. The Niyamgiri Hills are not simply where the Dongaria live, but the very essence of who they are. To resettle them is to destroy them.”

What mining will do to the hills

The Dongaria have mounted a strong campaign against the mining project. In early November 2007, the world’s second-largest sovereign pension fund, operated by the Norwegian government, sold all its shares in Vedanta, saying that investing in the company presented “an unacceptable risk of contributing to grossly unethical activities”. Later in the same month, to the delight of the Dongarias, India’s supreme court forbade Vedanta from mining the mountain. But it proved only a temporary reprieve: in August 2008 Sterlite, Vedanta’s Indian subsidiary, came back with a somewhat modified proposal and was given the green light (see Box).

But the Dongaria are still fighting back. If mining goes ahead, two of India’s strongest constitutional guarantees will be overturned: the right of a “primitive tribal group” to their territorial integrity

Yours today, “mine” tomorrow!

Kanchi Kohli*

The story of mining in Niyamgiri is one of people’s truth, bureaucratic lies and judicial failure. It is deeply enmeshed in India’s growth agenda and is symbolic of a world view which puts industrial expansion first, even if it will ravage lives, cultures, livelihoods and natural spaces.

On 22 September 2004, Vedanta Alumina Ltd (VAL) obtained environmental clearance (mandatory under India’s Environment Impact Assessment Notification, 2006) to construct an alumina refinery at Lanjigarh in Kalahandi district, Orissa state. This came after a Memorandum of Agreement had been signed between the state government of Orissa and Vedanta’s subsidiary, Sterlite Industries India Ltd (SIIL). The operations of this refinery were closely linked to the mining of bauxite sourced from the nearby Niyamgiri Hills, and the mining was originally considered part of Vedanta’s operations in the area. Before starting work on the refinery, VAL needed to secure more official clearances. These included a forest clearance for both the refinery and the mining areas, mandatory under the Forest Conservation Act, 1980, for the diversion of any forest land for non-forest use. In September 2004, when environmental clearance was granted, a proposal for the diversion of 58,943 hectares (ha) of the forest land for the alumina refinery was pending with the Ministry of the Environment and Forests, and was subsequently approved.

The total forest land sought, to be diverted for mining, in Niyamgiri Hills was 672,018 ha (660,749 ha for mining and 11,269 ha for a safety zone). However, VAL began to build the refinery before completing these procedures. This was

(continued on page 8)



(continued from page 7)

exposed by three petitioners, R.Sreedhar, Biswajit Mohanty and Prafulla Samantara, in a complaint to the Central Empowered Committee (CEC: a monitoring body set up by the Environment Ministry under directions by the supreme court's Godavaraman forest case bench; see www.forestcaseindia.org). The petitioners pointed out that the mining proposed in the Niyamgiri Hills was likely to have a devastating impact on forest, wildlife, and the Dongria Kondh tribal community, who had deep spiritual and livelihood associations with their sacred hill.

As the case was being heard before the CEC, the project's proponent came forward and denied that the mining component was an integral part of the project, saying that it was a separate project, for which clearances indeed had to be sought. If he had not done this, the construction of the refinery would have been rendered illegal, as the necessary permissions for mining had not been secured. If the projects were separate, however, as stated, then both environment and forest clearances would be needed for the mining operations.

After the presentation of facts before the committee, and a series of discussions, the CEC gave its recommendations to the supreme court's forest bench on 21 September 2005. It came out clearly against granting a forest clearance for the mining operations, saying that it would have a detrimental impact on the environment of the area and the lives of the Dongria Kondh community. Its report also pointed out that the area came under Schedule V of the Indian Constitution, which prohibits the transfer of tribal land to a non-tribal group.

Arguments continued in the supreme court, however. In a complete volte-face, the company lawyers and the Government of Orissa argued that the mining component was essential for the refinery, and without speedy clearances the company would suffer major losses. Faced with these arguments, the court asked the CEC to reconsider its first set of recommendations. But the CEC stood by its refusal to issue the grant of clearance.

In October–November 2007, there was an interesting parallel development. The Norwegian Council of Ethics withdrew its funding to Vedanta on the grounds of Vedanta's irregular practices and misdeeds. This was not only in response to events in Niyamgiri, but also took into account the operations of their subsidiaries in other parts of India. This news spread like wildfire in the international and Indian media, and was not something that the court could ignore.

On 23 November 2007, the Supreme Court of India pronounced its judgement. On the one hand it stated that the Court could not risk handing over the mining operations to Vedanta, but on the other it explicitly recognised that there was “no dispute in this case that mining of bauxite deposits is required to take place on the top of Niyamgiri hills”. The judgement completely ignored the CEC report and the illegalities in the clearance procedures, and found, instead, a legal loophole for the company. The judgment allowed SIIL, along with Orissa Mining Corporation (OMC), to appeal for clearance to go ahead with the project by assuring the court of a “rehabilitation package”. This package would require, among other things:

- The State of Orissa to float a Special Purposes Vehicle (SPV) for scheduled area development of Lanjigarh Project, with State of Orissa, OMC Ltd and SIIL as stakeholders.
- SIIL to deposit with the SPV 5% of its annual profits before tax and interest from Lanjigarh mining project, or Rs10 crores (US\$2 million), whichever is the higher, for Scheduled Area Development.
- SIIL to pay the net present value (the economic value of the forest being diverted) of Rs55 crores (US\$11 million), Rs50.53 crores (US\$10.12 million) towards Wildlife Management Plan around Lanjigarh mine, and Rs12.20 crores (US\$2.44 million) towards tribal development.
- The Orissa state government to carry out 16 specific measures, including the demarcation of the lease area; the identification of an area for compensatory afforestation; rehabilitation; the phased reclamation of the mined area; specific and comprehensive plans for wildlife management, and for the development of tribals.

Not surprisingly, SIIL, the State of Orissa and OMC Ltd unconditionally accepted this rehabilitation package. Meanwhile, the CEC filed another report on 24 April 2008 with alternative suggestions to those prescribed in the court's judgement. In an order dated 8 August 2008, the supreme court rejected most of CEC's recommendations, saying that it did not consider them viable. It confirmed the suggestions made in November 2007, and approved the clearance of 660,749 ha of forest for bauxite mining in the Niyamgiri Hills.

A public hearing for the expansion of refinery capacity in Lanjigarh took place on 25 April 2009, amid vociferous protest. Then, in mid-May, the environmental clearance for mining operations in the name of SIIL was granted, though mining has yet to take place in Niyamgiri.

*** Kanchi Kohli is a member of the Kalpavriksh Environmental Action Group and is based in New Delhi, India. She has worked for the last 11 years in campaigns and advocacy related to environmental and forest clearance of development projects.**



and to decide on their own path of development (Schedule V of the Indian Constitution); and the right to religious practices and beliefs (Article 25 of the Constitution), since the summit of this mountain is a sacred place of worship to the Dongaria Kondh's supreme deity, Niyam Raja.

According to activists, the open-cast mine would also wreck the rich biodiversity of the hills and disrupt key water sources that supply springs and streams in the area and feed two rivers that irrigate extensive farmland. It is well established that when a mountain has a bauxite cap it retains monsoon water, releasing it slowly throughout the year. But when the bauxite is mined, the mountain loses this water-retaining capacity. The surrounding area hardens and the fertility-promoting qualities go into reverse. Water from the mountains feeds 36 streams and two rivers – Vanshadhara and Nagabali – that thousands of people depend upon for their water needs and to irrigate their crops.

Agricultural practices

For many years the tribals were largely hunter-gatherers. They collected edible plants, leaves, fruits, tubers, roots, honey and mushrooms to meet their non-meat food needs. Eventually they began also to adopt the swidden method of slash-and-burn agriculture, cultivating different varieties of millet on hill slopes. Even while slashing, however, they took care not to cut down fruit-bearing and other trees that provide shelter for their crops.

They preferred this method of farming as it required no ploughing, no irrigation and practically no maintenance. The fertility of the slopes was due to the decomposition of forest litter. A plot was usually cultivated for 2–3 years and then left fallow to regain fertility. It was a continuous process: after a fallow period of 5–6 years cultivation resumed.

The Dongarias took various factors into consideration when deciding which crop to grow: family needs, land type, space available per family, time and extent of rainfall, sunshine hours, variety characteristics, location of embankments, taste, ecological and cultural value, labour, resource requirement and pest problems. They also thought about crop combination and how long each crop would take to grow. This is a far cry from the present reductionist principles of agriculture that have brought the world to the brink of a massive food crisis.

Even the Dongaria were vulnerable, however, to the seductive charms of “modern civilisation”. Attracted by the promise of higher yields, some



Peaceful but determined resistance to Vedanta's project

began to grow 40–45 different kinds of crops in a single farm. These included varieties of millet, sorghum, pulses, oilseeds, vegetables, and roots and tubers. Even so, they continued to hunt, gather and practise shifting agriculture.

Destructive mining for “prosperity”

The idea being promoted by Vedanta and a few political parties is that the mining project will contribute to Orissa's economy and make the Dongaria prosperous. For the mainstream, non-cultivating, town- and city-based population, it promises an era of prosperity, where those with initiative and business acumen can make a quick fortune.

The convention in company and government discourse is to assume that industrialisation increases people's standard of living as measured by a handful of indices, such as cash income and education, which are disconnected from real life situations. But statistics are easy to manipulate and, even if they could be collected in a perfectly neutral way, they tell a very one-sided story.

In fact, few basic statistics were kept with regard to the big population displacements in Orissa, not even the number of displaced and where they were resettled. The indices that were recorded are highly flawed: a higher income does not mean a higher standard of living. For the Dongaria the most important change was moving from a situation in which they owned their own land and grew their own food to one in which they were dependent on the company for their livelihoods – a complete break from their traditional, largely self-sufficient economy. Moreover, the loss of the connection



with the land, divisions in the community, and the penetration of money into relationships are being promoted as the indicators of growth!

The Dongaria have been growing their own food on the Niyamgiri hills for generations. Dongaria culture is sustainable in the true sense of the word, in that it is a way of living in which people have been interacting with nature for hundreds of years without damaging the ecosystem.

Conservation vs large-scale destruction

It is a little known fact that the most significant and strategic use of aluminium is in the manufacture of arms, missiles and other destructive weapons. A stark and brutal irony thus infuses the whole episode: people who have co-existed peacefully with nature for centuries are now being hounded out and their habitation squandered to feed an industry the chief purpose of which is to profit from war and large-scale destruction.

It is not only the tribals who are threatened. Made up of hills, peaks, valleys and gorges, the entire Niyamgiri range is picturesque, and the dense forests stretch for miles connecting four districts. Elephants and Bengal tigers cross this range. Other animals found here are leopard, sloth bear, pangolin, palm civet, giant squirrel, mouse deer, langur, rabbit, four-horned antelope, sambhar and numerous types of snake and lizard. New species of birds, amphibians and plants continue to be discovered in the area. Because of its ecological importance a proposal has been made to declare it a wildlife sanctuary. An entire ecosystem will be destroyed if mining activity is allowed in this richly diverse eco-bowl.

Struggles in the past

In Orissa there have been numerous large-scale movements, in which tribals and dalits have played a central role, to stop the establishment of bauxite mines and aluminium factories. Protesters have been frequently arrested and beaten by the police and company employees. The first of these movements arose to prevent Bharat Aluminium Company (Balco), at that time owned by the Indian government, from mining the top of Gandhamardan, an exceptionally well-forested range in west Orissa.

Local people made great sacrifices to oppose Balco's plans. When their husbands were jailed, women stopped the police and company vehicles by putting their babies in the vehicles' path, to show that they had no future if the mountain

was mined. In the end the company had to admit defeat. This movement has been an inspiration to those struggling to protect their own life sources. Indeed, it is evoked by the Dongaria in their resolve to protect the Niyamgiri.

David vs Goliath

In this epic struggle for survival, on one side is pitted the immense political clout and financial muscle of a powerful business house, Vedanta, which is pushing for the immediate commencement of bauxite mining, and on the other thousands of local tribals (and non-tribals), who have resolved to protect their mother and God.

According to Salpu Jakesika, aged 34, a Dongaria from Mundabali village, “The Vedanta company will try to use force once again after the general election is over [in May 2009], but we will continue to resist.” Niyamgiri, he said, cannot be handed over to Vedanta. “The hills belong to the Dongarias and we are not going to let go.”

Prafulla Samantra, from *Lok Shakti Abhiyan*,² says that the mining will displace at least ten Dongaria villages, apart from causing widespread deforestation and pollution and devastating the perennial streams. “The Dongaria fear that, along with their livelihoods, their cultural identity will be lost too”, he says. “Vedanta has already built a refinery in the foothills to process the raw material it will extract from Niyamgiri. To do this they forcibly displaced several villages. These were tribal agrarian villages that now live without land or livelihood, and next door to a factory that, just two years after opening, has already been served notice at least twice by the state pollution control board for creating pollution that is affecting more than 20 villages. The company is also dumping toxic waste into the River Bansadhara.”

It is once again ironic that the Dongaria's resolve to safeguard the very essence of their identity is being depicted as “anti-development” and the tribal people themselves as “primitive” and “backward”. The fact is that the only really sustainable lifestyles are those of indigenous communities and others who live according to the principles of self-sufficiency that are characteristic of tribal societies, and whose values and religion are based upon respect for nature. For them, to sell their mountains for large-scale mining is an act of pure greed – eating into the flesh of the earth.

But for Vedanta such a philosophy holds no meaning. The living earth is for them a resource to be exploited for profit. Greed is an essential part of

² Lok Shakti Abhiyan is a national peoples' forum that campaigns for alternative politics for alternative development. Based on Gandhian socialism and working with intellectuals and social activists, it is creating a mass movement against the exploitation of natural resources in the name of “development”.





Photo: Survival International

A young Dongaria woman

their policies and the flesh of the earth the perfect menu for gorging their balance sheets. The unselfish motives of the “primitive” tribe of Dongaria are a puzzle for them, an obstacle to be overcome. Unfortunately for them, the tribals of the area are not “civilised” and refuse to listen to “reason”.

The world waits as the struggle continues.

Playing on a traditional instrument made from a gourd, Dambu Praska, a Dongaria Kondh bard, tells the story of Niyam Raja:³

*“He created fruit in the hills, grains in the plains,
He is the first of the Dongaria Kondh.
After making pineapple, mango, jackfruit and grains,
Niyam Raja said to us ‘Live on what I have given you’.”*

But with the arrival of the mining project, the story turns into a lament, with an impending sense of loss:

*“Niyam Raja is crying today; the hills will turn into mud,
The rocks will crumble and everyone will die.
Will there be any rivers left if there are no streams?
Will there be any streams left if there are no hills?
What will we do without the fruits, grains and buffaloes?
What will we do without Niyam Raja?
What will the animals do without the big forests?
What will we do without the plants that save lives?”*



3 Footage of Dambu Praska singing “The Lament of Niyam Raja” is available on Facebook, at <http://tinyurl.com/ly94zy>



GOING FURTHER

Living Farms gives regular updates on the Dongaria Kondh. Visit their website at: www.living-farms.org

Survival International, the international organisation that supports tribal people worldwide, is running a campaign in support of the Dongaria Kondh. For details, go to their website:

www.survival-international.org/tribes/dongria

or write to them at:

6 Charterhouse Buildings, London EC1M 7ET, UK

ECUADOR

Ecuador has based its economy on the extraction of natural resources. This process has arbitrarily used, abused and polluted the environment, and established an economic model characterised by external dependence, growth in internal and external debt, and the destruction of ecosystems. The recent introduction of the Ecuadorian Mining Law inaugurated a new episode in this story, which has characterised Ecuador since the country was founded: namely, basing economic development on a single commodity and degrading its natural resources.

Mining law in Ecuador is anti-constitutional

GLORIA CHICAIZA *



* Gloria Chicaiza is from the Ecuadorian NGO Acción Ecológica.

Ecuador's new Constitution of 2009 reflects many gains made by the country's peoples. The Mining Law, also passed in 2009, promptly neutralises many of these gains. Examples of constitutional provisions violated by the new law include: rights of Nature (Article 72); the country's pluri-national character and its well-being – that is, *sumak kawsay*, which implies living in harmony with oneself, society, and nature (Article 275); collective rights (Article 57); the government's duty to ensure food sovereignty (Article 281); the state's responsibilities concerning non-renewable natural resources (Article 313); the human right to water (Article 12); the priority of water (Article 318); the precautionary principle (Articles 73, 397); the obligation to give precedence to environmental protection in cases of doubt (Article 395); people's right to participate and be consulted (Article 400); the right to resist (Article 98). There are many others.

These constitutional violations have created a law that systemically favours mining companies in the following ways:

- **National treatment** The Mining Law grants foreign individuals and companies “the same treatment as that granted to any other national individual or company”. This is what transnational companies demand in all free trade treaties. Any advantages granted to national companies must also be granted to foreign companies.
- **Public utility** Fundamental human rights, such as the right to food and water, and existing activities may be overruled if the government declares land to be of public utility. This allows the expropriation of land without the consent of its owners, however long they have lived there.
- **Servidumbres¹** These violate the collective rights of nationalities, peoples, and communities

1 This is a legal term for the rights held over another person or thing, such as the right to pass through a house or garden; right of way.

recognised by the Constitution. The law ignores the ancestral rights of owners and occupants of land, territories and buildings, which can be expropriated without their consent, so as to guarantee rights and access to the mining companies. The law even makes it optional for mining companies to seek the agreement of the owners of land and territory; they are not obliged to do so, and can expel the owners as and when they judge convenient.

- **Participation and consultation** This will take place only after concessions have already been granted for mining projects. It cannot be a genuine consultation, for people will be dealing with a *fait accompli*. The law says that a community's demands will be taken into account by the sustainable mining projects, but there will be no room for dissent. This does not accord with the provisions of the Constitution, which while not binding companies

Ecuador's indigenous movements campaign against new mining law

GRAIN

The Confederation of Indigenous Nationalities of Ecuador (CONAIE), which represents 90 per cent of Ecuador's indigenous peoples, is strongly opposed to the new mining law. It says that it is based on a model of large-scale extraction and will benefit only foreign mining companies, while damaging the environment, polluting water resources and plundering the natural wealth of the country. "From the point of view of the social movements, and the indigenous movement in particular", says Marlon Santi, President of CONAIE, "Correa's socialism is not socialism at all.... He waves the flag of socialism, but he does other things."

In January 2009 the indigenous movements organised nationwide protests against the new law. People from indigenous, environmental, human rights and peasant organisations took part in various actions in 11 provinces. Participation was particularly strong in the central highlands, where about 9,000 indigenous people closed down the PanAmerican Highway. Humberto Cholango, the head of Ecuarrunari, an association of Quechua peoples from the Andes highlands and the largest member organisation within CONAIE, said at the time that President Rafael Correa had raised hopes when he took office in 2006, but that he had been incapable of understanding the country's indigenous people. "We do not accept that a government that says it is in favour of marginalised people should not take their views into account when it makes laws. It's inconceivable that laws as important as those on mining or food sovereignty should be passed without public debate, or that they should contain articles that run counter to the constitution itself, which enshrines the rights of nature", he said. The mobilisation provoked an angry response from President Correa. "Where does the biggest danger to the citizen revolution lie? In the infantile left, the infantile pro-indigenous movement and the infantile ecological movement, which have become active again, holding meetings to push for an uprising against mining", he said.

Ivonne Ramos, the president of one of the country's leading NGOs, Acción Ecológica, which Correa tried unsuccessfully to close down earlier this year, believes that a new wave of criminalisation is affecting environmental and human rights defenders across the country. She says that many of those now facing charges were granted amnesty by the National Constituent Assembly in March 2008. In particular, community leaders linked to organisations opposed to large-scale mining have been targeted, she says. Various members are charged with organising terrorism. Overall, Ramos foresees a much more "restrictive" environment for groups like hers over the next few years.

Ramos referred to the new food sovereignty law as evidence of how Correa's policies concentrate economic power. She says that the legislation, approved in April 2009 after a presidential veto, promotes agro-industry and favours powerful economic groups. It also opens the door to Terminator seeds, agrofuels and the legalisation of shrimp farming in coastal mangrove forests. Even the solidarity vouchers provided to the poor, she says, will favour the monopolistic economic groups that control nearly the entire national food chain. "When the people receive their vouchers", she explained, "they will be able to buy products in the big supermarkets at a reduced price. So the benefit is ultimately channelled to these powerful economic groups."



to accept the results of a consultation, does at least make it obligatory to hold one before the project is implemented.

- **Special treatment for indigenous peoples** The new law violates not only the Constitution but also international treaties and conventions on collective rights signed and ratified by Ecuador. The “special treatment” refers to the rights of communities, peoples and nations to be consulted, in accordance with article 398 of the Constitution, but it ignores article 57 of the Constitution, which guarantees the collective rights of communities, peoples and nations.

- **Criminalisation** The law establishes protection for mining companies and introduces various sanctions against “any disruption that prevents mining activities”. The mining companies can define what “disruption” is. This permits the criminalisation of individuals, communities and even authorities who oppose, criticise or denounce the mining companies or take any other initiative that could be construed by the companies as “disruption”.

- **Freedom to prospect** The law gives mining companies the right to prospect on land belonging to individuals or communities without their permission. This article takes away protection given to rural populations and attacks the right to property and collective rights guaranteed by the Constitution.

- **A step backwards on environmental matters** The law ignores the progress made on

environmental matters in Ecuadorian legislation. The Mining Law requires only an Environmental Impact Study (EIS) to be carried out, while the Environmental Management Law stipulated that environmental licences should be granted only to projects with an Environmental Management System, of which the EIS forms just one part.

All of this, in addition to the provisions for granting concessions, the unrestricted nature of the concessions, and the lack of independence of the regulatory bodies, means that the Ecuadorian mining law is riddled with unconstitutional provisions.

The well-known Chilean economist and jurist Julian Alcayaga had this to say about the Ecuadorian mining law:

“The law’s accommodating attitude towards mining activities and the scope given to foreign investors leads me to think that this law was drawn up by the same people that gave us the Chilean Mining Law, which we inherited from Pinochet and his Minister of Mines, José Piñera: that is, the transnational mining companies.”

“We were given all the riches of the world, but all they bothered about was the gold”

from *The Country of Cinnamon* by William Ospina 



INTERVIEW

Roger Moody is an expert on mining and mining transnationals. He has spent years uncovering the facts about how mining companies operate. He edits the Mines and Communities website, which exposes the social, economic and environmental impacts of mining, particularly as they affect indigenous and traditional communities.

In Ecuador and India, we see indigenous communities mobilising powerfully to try and stop mining projects that they see as damaging to their way of life and belief systems. Is this part of a global trend? Have local communities become more active in recent years in the struggle to defend their territories?

RM: No question. When I started working with a global network of mining-affected communities with Minewatch back in 1990, we were working on around 30 major struggles a year. Part of the reason for this was that we didn’t know about isolated communities who hadn’t yet “internationalised” their experiences. That began to change between 1990 and 1995, as not only Minewatch but larger

organisations (Amnesty, WWF, Human Rights Watch, and others) belatedly came to appreciate that mining was the big remaining global issue that they hadn't yet effectively tackled. In 1996 the World Council of Churches held a conference on Indigenous Peoples and Mining, which 50 delegates attended. At a follow-up conference embracing the same aims, held in Manila in March 2009, 85 delegates attended – and there could have been many more. As editor of the Mines and Communities website, established in 2001, I now receive every day as many complaints from mining-affected communities as were being circulated every week a decade ago.

Vedanta is the company the Dongaria are fighting against. What do you know about Vedanta's track record in other parts of the world?

Having examined the operations of numerous mining companies on a professional basis since the early 1990s, I'm often asked to name the “world's worst”. Until 2007 I refused to do so. It is often the case that in some respects the big multinational miners are better than their smaller counterparts – especially in their relationships with some (I stress only some) local communities. They've finally learned how to win some of these on board, by banging the “sustainable development” drum and offering relatively generous impact benefit packages and access to infrastructure. On the other hand, the bigger the company, the worse the environmental damage they can do or threaten to do. For example, in a survey of tailings (mine waste) dam collapses included in my book *Rocks and Hard Places*,¹ the majority of the worst disasters were at mines operated by big US and European companies.

However, after Vedanta was listed on the London Stock Exchange in late 2003, I felt bound to examine this specific enterprise in more detail. Now I have no hesitation in describing it as the world's most damaging mining company. It's not just physical damage we're talking about, but the entire armoury of deception – lies, breaches of faith and, above all, violations of regulations – to which the company has resorted over the past five years. While its conflict with the Dongaria Kondhs around its Nyamgiri bauxite project has seized the headlines (rightly so), I find that many people still aren't aware of Vedanta's egregious activities in other parts of India (in Tamil Nadu and Chhattisgarh, in particular) or its sullied record in Zambia and Armenia. In 2007, Anil Agarwal, the executive chair of Vedanta – who, with his family, holds some 54% of the company's share capital – set about making it a “global force”.

And that is what he's been doing, acquiring control of Sesa Goa, India's biggest iron ore exporter in 2007; and more recently buying into another iron ore producer in Brazil, taking a significant stake in Canada's largest (and most polluting) zinc-lead miner, and just now, in May, announcing a new copper plant for the United Arab Emirates. Potentially the most threatening of its current plans is to take over Asarco, the USA's third biggest copper-mining company, with the worst record for the country in this particular sector. Agarwal is a malevolent genius: Vedanta identifies run-down enterprises that can be acquired on the cheap and bring in quick profits, whatever corners have to be cut and regulations overridden. It's this one aspect of Vedanta's game plan which was exposed by the Norwegian government's Council on Ethics last year, when, after concluding an intensive two-year investigation, it concluded that the company was intrinsically incapable of observing even basic rules of good practice, and that the government's pension fund should disinvest from the company (which it did).

Mining companies always claim that they can mine without damaging diversity or local farming practices. Do they ever actually achieve this?

I'm not going to generalise. It took some years before those of us working to try to limit the industry's depredations got some positive response from some individual mining companies. And we haven't been entirely disappointed. For example, the world's largest “natural resource” company, BHP Billiton, promised a few years ago never again to dump its waste into rivers or on the sea bottom – and so far it has kept to that promise. Rio Tinto, on the other hand – BHP Billiton's major global rival – hasn't undertaken to follow that lead. Arguably, however, Rio Tinto is more aware of the consequences of mining in primary forest areas, and has done a few deals with communities of which the latter approve. At root, we're confronting an industry whose *raison d'être* is to go where the minerals are, whatever the consequences to current land and water usage, and to extract profit from irreplaceable resources. Nor do they actively promote recycling and reuse of mined metals, for that would threaten their fundamental mission. Judging from the unceasing flow of justifiable complaints that pass over my desk each day, it's impossible to conclude that mining practices have substantially improved over the past two decades. Indeed some – such as those used in the expansion of open-pit mining for copper, nickel and gold – have demonstrably got worse.

¹ Roger Moody, *Rocks and Hard Places – the Globalisation of Mining*, Zed Books, London, 2007.



It is too early to tell whether the communities in Ecuador and India will be successful. But are other communities managing to stop mining projects or to close them down? Can you give us some examples?


Yes they are, though it's difficult at the present time to distinguish between projects put on hold because of the current lack of debt finance and those which have been abandoned, possibly indefinitely, because the companies know they'll face continuing, possibly accelerating, resistance. In 2002, PriceWaterhouseCooper surveyed around 30 large mining companies, asking them if they'd been forced to abandon proposed projects because of external opposition – and if so, what type of opposition. The results were surprising: more than 20 had shelved proposals, and the most important factor was, indeed, community opposition. In the past year, BHP Billiton have abandoned some projects; Rio Tinto has sold off others. In most cases, we can't claim that such proposals have definitely been ditched because the company has recognised the legitimacy of the criticisms; almost always they will cite “economic constraints” instead. We can be sure, however, and increasingly so, that the corporate risks posed by critics, and active resistance at ground level, are factored into company assessments of a project's viability. We know this because the companies are telling us that it is the case.

Awareness is growing worldwide about the gravity of the climate crisis. Is this beginning to change public perceptions? Maybe the ‘development agenda’, where economic progress is valued before all else, is beginning to be challenged? Are people becoming more aware of the huge environmental and social cost of destructive development projects?

We've several steps to go before the contribution of mining to greenhouse gas emissions is widely recognised. It's only been in the past couple of years that UK climate change activists seem to have finally recognised that coal burning is the single biggest culprit. Steel manufacturing

comprises perhaps the second biggest contributor to adverse global warming (between 3% and 7%, depending on which figures you believe), with cement production running a close third. If you calculate (few have) the greenhouse gas emissions consequent on burning uranium (ridiculously touted as a “clean” fuel), then the use of mined minerals constitutes, collectively, the biggest climate villain (and that's without adding in the contribution – which is certainly not negligible – of constructing new mines and power plants to run them). There is also as yet little recognition – certainly at a policy level – that the hopes invested in carbon capture and storage from existing and future coal-fired power plants are false.

The world is in the grip of contradictory trends. On the one hand, we have ever bigger corporations laying claim to larger and larger tracts of land for the industrial production of food and biofuels and for mining, and, on the other, we have increasing community resistance over local projects. What is needed to make resistance more effective?

For a start, largely northern-based NGOs should stop laying down prescriptions; both the analysis and implementation of self-chosen strategies by communities resisting “development” have shot well ahead of many of those offered by desk-bound pontiffs elsewhere. In fact, by challenging specific projects (whether it be a coal mine, a biofuels plantation or a wildlife reserve) these communities are transforming the way the rest of us ought to think about “development”. In my opinion we should leave them to their own devices, while always being ready to offer support when asked (such as trying to cut off investment in companies like Vedanta, which mostly derives from European and US banks). The problem in determining the best strategy is not one, in my experience, that besets communities “at the rock face”. The retrievable, experiential, history of resisting bad mines goes back several hundred years (especially in Latin America). Increasingly I feel that it's those of us outside the field of battle who don't know what to do. 

GOING FURTHER

The Mines and Communities website can be found at:
<http://www.minesandcommunities.org>



In Ecuador, Bolivia and Peru, initiatives have been taken recently that raise hopes that mechanisms might be created to stop the further privatisation of knowledge and life. So far, progress has been disappointing, with fundamental problems remaining unsolved. Once again, it is up to local people to defend knowledge and biodiversity against destruction and privatisation.

The struggle against IPR in the Andes

GRAIN

There has been much legislative action in Latin America recently around intellectual property rights (IPR), most of it under the direct pressure of Free Trade Agreements (FTA). Examples include the following: Nicaragua extended the duration of patents on pharmaceuticals; the Dominican Republic signed UPOV 91; Costa Rica did the same, after having strengthened its intellectual property law to expand patents and copyrights, and weakened its biodiversity law to make the patenting of life-forms feasible, while the present government has tried to legalise the patenting of local knowledge through an executive order; Peru extended patentability by breaking a regional agreement with its partners in the Andean Community; Chile's Congress is discussing a new intellectual property law that will significantly expand and strengthen patentability, copyrights, and penal punishment for infringements (which include photocopying); Colombia has approved a three-year plan of action with goals almost identical to Chile's, a plan that will also imply breaking Andean Community agreements. And so on.

In this context, three new developments – in Ecuador, Bolivia and Peru – appear strikingly

different. They create expectations as to possible mechanisms that might stop the further privatisation of knowledge and life, but careful examination shows that the threats of IPR far from vanquished, and such expectations unrealistic.

There is much at stake in these processes. Ecuador, Bolivia and Peru are in the Andean region, culturally and biologically one of the richest regions in the world. It harbours a wide range of ecosystems, from cold highlands at over 4,000 metres in the Andes themselves, to tropical lowlands in the Amazon basin. The Quechua and Aymara are the indigenous peoples with the biggest populations in the area – densely populated for millennia – but more than thirty other indigenous peoples also have their territories there. Potatoes, sweet potatoes, several other tubers, cassava, tomatoes, quinoa, sweet peppers, beans, papayas are among the many edible species that either originate or have high diversity here. Andean peasants and communities have also produced unique varieties of corn, faba beans and onions. Llamas, alpacas, vicuñas and guinea pigs originated here too. The wealth of traditional medicinal knowledge is hard to exaggerate. Scientists estimate that there are more than 40,000 plant species in this region,



about half of them endemic (that is, occurring nowhere else).

Peru: a local attempt to stop biopiracy; national government sells out

Cusco is the name of a region in the highlands of southern Peru, a province at the region's centre, and the regional and provincial capital city, which was the seat of government of the Inca empire before the arrival of European conquerors. Historically, the people of the area have cultivated steep mountains, achieving high yields and conserving soil by means of terraces, which were so widespread that the Andes were named after them (*andén* is a Spanish word meaning platform or terrace). The area is currently a tourism hotspot, with Cusco city and Machu Picchu as its most famous attractions. Despite centuries of aggression against them, local communities have been able to maintain an enormous biological and cultural wealth, which is still the basis of their livelihoods. Hundreds of local and native varieties can be seen in farmers' fields, and Quechua – the native language – is still the mother tongue for most people in rural areas. Not surprisingly, Cusco has suffered a great deal from outside intervention. Besides the ubiquity of tourism, bioprospecting and archaeological expeditions are a daily occurrence, and samples of Cusco's wealth are stored or being exploited all over the world. In contrast, Cusco region's population, especially its rural people, are among the poorest in Peru, and indeed in Latin America

On 31 December 2008, the Peruvian government passed a series of legal amendments to meet the requirements for the implementation of the FTA with the United States. The new rules overwhelmingly strengthen all forms of intellectual property, and further weaken the already weak protection of biodiversity and traditional knowledge. Such protection as there was formed part of Decision 486 of the Andean Community, which was adopted in September 2000.¹ The new regulations open up native biodiversity, and especially traditional knowledge of it, to bioprospecting and patenting.

On the very same day, the Cusco regional government struck out in the opposite direction, releasing an executive order the explicit purpose of which is to promote "the conservation and sustainable use of the biological and cultural patrimony of the region, to protect traditional knowledge, practices and innovations of local communities, and to respect the collective rights of those communities, as established in National legislation and treaties signed and ratified by

Peru".² To do this, it establishes a system based on prior informed consent, compulsory benefit sharing and the right of communities to say no to bioprospecting. Every biodiversity-collecting activity must have a permit from the local authority, which in turn must ensure that all the requirements listed in the executive order are met. A governmental body at Cusco's regional level will have a mandate to monitor all collecting activities and to protect the interests of local communities when negotiating access and possible contracts. Detailed standards and procedures are set out, especially regarding the process of prior informed consent, and stricter requirements for any aspect related to access may apply in future.

The Cusco order differs from many other regulations regarding access to biodiversity and local knowledge. It seems to reflect a strong and sincere effort to protect local communities against possible abuses. It clearly states, for example, that traditional values and governance systems shall be respected; that consent must actually be given, and given in advance; government officers shall side with local communities in any case of conflict; if the regulation changes, it shall become stricter, not more lax, and so on. Unfortunately, it is far from clear whether any of these goals can be fulfilled, and there are some fundamental problems that remain unsolved.

To start with, the new regulation does not oppose, restrict or ban intellectual property rights over biodiversity and knowledge. It merely attempts to regulate the way in which patented materials and knowledge will be accessed and benefit-sharing negotiated. So it promises that bioprospection will be conducted according to rules, that local communities will be supported by government, and that communities will have the right to say no. However, it neither guarantees nor promises that disastrous contracts will not be signed, nor that destructive collecting expeditions will be prevented. Regarding patents specifically, the document is contradictory. Although it states that local knowledge and biodiversity are a collective patrimony that cannot be transferred, it simultaneously takes for granted that both local knowledge and biodiversity will be patented in the future.

Several other questions remain unanswered. How will this regulation be enforced? What will happen if someone breaks the rules? Nothing is said about this except that collection permits can be terminated. Situations such as a company violating signed agreements after bringing its collection out of Cusco – a perfectly likely event – are not even

1 A "non-official" English translation of the text of Decision 486 can be found at Comunidad Andina, Treaties and Legislation. <http://tinyurl.com/q59du3>

2 Cusco Government, Executive Order 048-2008-CR/GCR. CUSCO.



The Andean Community

The Andean Community is an integration agreement that currently involves Peru, Bolivia, Ecuador and Colombia. First signed in 1969, it has also involved Chile and Venezuela. Chile withdrew in 1976 when the military junta began to implement neoliberal policies and considered the policies of the Andean Community to be incompatible with them. Venezuela, having joined in 1973, withdrew in April 2006, after Peru and Colombia signed FTAs with the US that Venezuela regarded as incompatible with previous commitments of the agreement. These two withdrawals mark a significant reorientation of the agreement: from protecting national economies to facilitating neoliberal policies.

Because of its biological and cultural wealth, the Andean region has been involved in struggles over its resources and intellectual property issues from early on. In 1996, as social opposition to trade-related intellectual property rights (TRIPS) and the World Trade Organisation (WTO) agreement was starting to spread in the region, the Andean Community secretly passed Decision 345, almost a carbon copy of the UPOV 91 Convention. Shortly after, it approved an Access Regime to Genetic Resources through Decision 391. These decisions provoked further opposition, even among government officials. When the Andean Community started to draft a common intellectual property regime under pressure from WTO and US representatives, the opposition became loud and public. Years of lobbying, negotiation and mobilisation followed.

Finally, in September 2000, a new IPR regime was created through Decision 486. This decision expanded patents and copyrights far beyond what had hitherto been allowed in the region, but it did not permit the patenting of plants, animals and essentially biological processes. Although it included paragraphs that left room for interpretive manoeuvre, and diluted the exclusions, many regarded it as a barrier to the expansion of IPR. The US Government lobbied persistently, and set the elimination of the exceptions as a non-negotiable condition for the approval of FTAs with the Andean Community. The Peruvian trade minister has said that negotiations with the European Union (EU) must meet the same conditions. These demands were resisted by Ecuador and Bolivia. Under further pressure from the US, Peru and Colombia sought changes to Decision 486. Community members did not reach consensus: against the opposition of Bolivia, they approved a new decision, which allows each country to change aspects of Decision 486 without consulting other members.

1. A "non-official" English translation of the text of Decision 345 can be found at Comunidad Andina, Treaties and Legislation. <http://www.comunidadandina.org/ingles/normativa/d345e.htm>

2. A "non-official" English translation of the text of Decision 391 can be found at Comunidad Andina, Treaties and Legislation. <http://www.comunidadandina.org/ingles/normativa/d391e.htm>

mentioned. Conflicts like these are already taking place, even in relation to Andean and national regulations that are not as strict as those set by Cusco region. Peru is currently challenging (still without success) several patents claimed in the US and Japan over indigenous tubers with well-known medicinal properties.³ The plant samples were taken out of Peru in clear violation of a common access regime for the Andean Community that was approved in 1996 (see Box), and the patents were claimed in clear conflict with the IPR regime existing in Peru at the time. As national regulations move increasingly in favour of IPR, it can reasonably be expected that the situation will worsen.

Another big question concerns jurisdiction. Which will predominate in Cusco, the regional executive order or the national law? The executive order

was intended to be a clear message to central government that wide sectors of society do not want to allow the plundering of biodiversity and traditional knowledge. But in an era of FTAs, and with a submissive national government, it is likely that Cusco will be put under severe pressure to abide by the national law.

Ecuador: a huge step is taken, but there are many battles to come

Social movements – especially those of peasants and indigenous peoples – have played a profound role in recent Ecuadorian history. Three of the last five presidents have ended their rule amid widespread social unrest, and two of them – including the present incumbent, Rafael Correa – have reached power with the strong support of social movements. The

3 Sylvia Bazán Leigh, *Casos de Biopiratería para Productos Naturales y Acciones Adoptadas*, Instituto Nacional de Defensa de la Competencia y de la Protección de la Propiedad Intelectual (INDECOPI), Lima, September 2006 (in Spanish). <http://tinyurl.com/osgukx> and INDECOPI, "Informe", May 2003 (in Spanish). <http://tinyurl.com/n2jp3e>





backdrop for these processes has been entrenched social inequity, widespread poverty and a sustained sense of pride and identity on the part of indigenous peoples and rural communities. Like Bolivia and Peru, Ecuador is biologically and culturally rich and diverse. Its economy is so transnationalised that the US dollar is now the national currency. Since 1972, oil production has been an important source of revenue for Ecuador, accounting for 60% of the value of its exports in 2008.⁴ Bananas, cacao, shrimps and flowers are also important exports. Each one of these economic activities has entailed land and wealth concentration, massive pollution and environmental destruction, and equally massive and often violent displacement of rural communities. In parallel to the widely publicised growth of its gross domestic product, Ecuador has suffered intense emigration (estimated at more than 20% of its total population) due to displacement and poverty.

President Rafael Correa was elected in 2006, and his programme included the election of a Constitutional Assembly and the drafting of a new Constitution. These processes led to approval of the new Constitution in September 2008 by almost two thirds of the population.⁵ Its text is broadly based on principles and values held by the many indigenous peoples of Ecuador. Two features stand out: one is the recognition of the rights of Nature, which is to be respected in its integrity, including the maintenance and restoration of its vital cycles, structure, functions and evolutionary processes. Respecting the rights of Nature, preserving a healthy environment, and utilising natural resources in a rational and sustainable way are defined by the new Constitution as basic duties of all Ecuadorians. The other outstanding feature is the identification of food sovereignty as a strategic goal and obligation of the State.⁶

Regarding biodiversity and intellectual property, the Constitution states very clearly that the private appropriation of collective knowledge and genetic resources is banned (Articles 322 and 402). Whether this ban will be respected and can be enforced remain open questions. The new Constitution requires a wide range of new laws and implementing rules, and some laws passed since the Constitution entered into force indicate that there are reasons to remain very wary.

So far, the new laws have either been drafted by the government, or have depended upon its strong support. The contents are sometimes far from encouraging, in so far as they contradict the Constitution. The mining law provoked several protests because of this (see page 13). The

law on food sovereignty has encountered serious problems too: the first two government drafts were withdrawn owing to opposition from social organisations. A third version, drafted by the Constitutional Assembly, was passed, but then partially vetoed by the President in order to allow – in serious contradiction with the Constitution – the introduction of transgenic crops and, possibly, Terminator seeds.

It cannot be ruled out, therefore, that future laws and implementing rules on intellectual property will contradict or disregard some of the best aspects of the Constitution, especially if such laws and rules are drafted under the influence of the more conservative sectors of the Ecuadorian government. The outcome will depend on how widely and how deeply local organisations and communities are involved in the development of new regulations.

Bolivia: social movements make gains, but the debate continues

Almost two-thirds of Bolivia's people (and more than three-quarters of its rural population) are of indigenous descent, by far the highest proportion in Latin America.⁷ With ecosystems that range from very cold highlands to lowland tropical rainforest, Bolivia is also home to tremendous biodiversity. Bolivia has abundant natural resources, especially minerals and natural gas, and the country has been the target of international greed and ruthless local exploitation. Bolivians suffer the second-worst poverty levels in Latin America (after Haiti). The Bolivian people also have a long history of organisation and resistance: early popular rebellions and uprisings against the Spanish conquerors, long strikes by mineworkers, and numerous huge peasant mobilisations are points of reference for social movements all over Latin America.

In December 2005, Bolivians elected Evo Morales as their president. Morales is an Aymara coca peasant, and a respected, well-known social leader. His election was the result of sustained social struggle, encompassing fighting for the right of indigenous peoples to remain in their territories, resisting the war against rural communities waged by the Bolivian and US armies under the guise of fighting cocaine production and smuggling, and campaigning for the recuperation of the natural resources exploited and depleted by transnational corporations, for better working conditions, better education, better health care, and so on.

One of the most important electoral promises of Morales' campaign was the drafting of a new Constitution. Despite a viciously racist opposition

4 Information derived from Ecuador en cifras website. <http://tinyurl.com/m2wqu6>

5 Maggy Ayala Samaniego, "La Constitución aprobada el domingo en Ecuador abre la puerta para las generales", *El Mundo.es Internacional*, 30 September 2008. <http://tinyurl.com/4xoadm> "Positive vote for the new Ecuadorian Constitution confirmed – a brief review", *International Law Observer*, 16 October 2008. <http://tinyurl.com/mojd8x>

6 The text of the new Constitution of Ecuador may be read (in Spanish) at: <http://tinyurl.com/nbe2s8>

7 J.L. Vivero and X. Erazo, "Derecho a la Alimentación, Políticas Públicas e Instituciones contra el Hambre", in J. Ortega, R. Pérez and R. Rivera (eds), *La inseguridad alimentaria en América Latina y la situación de los indígenas*, LOM, Santiago, 2009.

led by wealthy landlords and business people, a Constitutional Assembly was elected in June 2006, and the reformed Constitution was approved by a wide margin in January 2009.⁸

As in Ecuador, the new Constitution draws many principles and concepts from indigenous cultures. One such is “good living” (“vivir bien”), which implies respect and protection for the dignity and welfare of all persons and all beings, including Nature. Another fundamental principle is the right of indigenous people to self-determination and to their territory, which explicitly includes the right to maintain collective property forms.

Six articles of the Constitution deal directly with intellectual property rights. They are the following:⁹

- **Article 30** ... indigenous peoples have the following rights ... II. To collective intellectual property over their knowledge and sciences ...
- **Article 41** ... III. The right to access medicines cannot be restricted by intellectual property or commercial rights ...
- **Article 42** ... The promotion of traditional medicine shall incorporate a registry of natural medicines and their active substances, as well as the protection of the associated knowledge as intellectual, historical and cultural property, and as patrimony of indigenous nations and peoples.
- **Article 100** ... II. The State shall protect knowledge by means of a registry of intellectual property that safeguards the intangible rights of indigenous nations and peoples, and those of intercultural and Afro-Bolivian communities.
- **Article 102** The State shall register and protect the individual and collective intellectual property of the works [obras] and discoveries of authors, artists, musicians, inventors and scientists, according to conditions set by law.
- **Article 304** ... II. Indigenous autonomies have the following shared competences: ... safeguard and register collective intellectual rights related to knowledge on genetic resources, traditional medicine and germplasm, according to the law.

Additionally, Article 56 states that every person has the right to collective and individual private property, as long as such property has a social

function; private property is guaranteed only if its use does not harm the collective interest.

The Constitutional process in Bolivia is still open. New laws are needed to translate the new Constitution – in many ways revolutionary – into practical norms and regulations. This is a major, sophisticated social task. It is hard to predict what direction the new laws will take in relation to intellectual property. There are many reasons to be optimistic, such as the clear limits to private property, the active participation of social organisations in discussion, and the strong emphasis on the views, values and principles of indigenous and rural communities. But there are also at least three reasons for deep concern. First, the opposition is far from giving up, despite repeated defeats in national elections and votes. Their ties with transnational corporations are well known, and they will use their presence in Congress to draft regulations as close as possible to the US blueprint. Second, Andean Community agreements may take precedence. As part of the Community, Bolivia still accepts patents and the privatisation of knowledge and biodiversity, and it is legally bound to have an access- and benefit-sharing system. The new Bolivian Constitution is rather vague on these matters. Third, the Constitution recognises the concept of intellectual property rights, which are incompatible with its underlying principles; their contradictory inclusion is bound to create tensions. Will Bolivia become entangled in trying to achieve a “just” form of privatisation, or will it ensure that the use, conservation and enhancement of biodiversity and traditional knowledge is kept under the control, rules and values of local and indigenous communities? The outcome will again depend on how widely and how deeply local organisations and communities are involved in discussion of the new regulations.

The international context: from bad to worse

The outcome of these developments will not depend exclusively on the struggles and power relations at national level. Foreign intervention and exploitation is not only part of the history of the Andean countries, but a growing scourge. The United States has signed FTAs with Colombia and Peru, and used the governments of both countries to put pressure on the more independent administrations led by Correa and Morales. Although Ecuador and Bolivia have resisted the pre-conditions demanded by the US, the European Union has managed to appear pliable, and negotiations have continued. But the EU’s requirements concerning intellectual property are unmistakable: they want “the highest possible



⁸ Simon Romero, “Bolivians ratify new constitution”, *New York Times*, 25 January 2009. <http://tinyurl.com/magcbf>

⁹ For a full text of the Constitution of Bolivia (in Spanish), see <http://tinyurl.com/mq9xo5>


standards”, just like the US. The EU seems to be willing to sign a basic agreement that remains vague, but numerous clauses leave powerful tools to impose the worst forms of IPR in the future. In turn, the World Intellectual Property Organisation (WIPO) has continued its campaign to strengthen IPR in the region, organising more than twenty courses and seminars in the last three years for government officials in the region on how to implement all forms of intellectual property.

With Colombia and Peru openly willing to be pawns in the game of “divide and conquer”, pressure to erase any advance in human and social rights will only grow, even at the risk of terminating the integration agreement in the region. When Bolivia refused to accept changes to Decision 486, the Peruvian foreign minister made a public statement more appropriate to countries in war than to old partners disagreeing.¹⁰ Other measures taken by the Peruvian government have brought relations between Peru and Bolivia to its lowest point in years. Colombia, in turn, has strained its relationships with Ecuador to the limit, including militarily violating their common border.

What lies ahead?

What is taking place in the Andean region goes beyond intellectual property rights. It is part of a centuries-long struggle between domination and resistance, economic exploitation and social justice. Sustained, profound social struggle has brought about the constitutional developments

discussed here, and it will take many more years to defend what has been achieved and to reach what the peoples of the Andean region are trying to achieve. The power of popular sectors is still frail, and conservative sectors are so entrenched in the state and economic apparatus that every step in legal and regulatory processes may encounter a setback or provoke a backlash.

Regarding IPR, the basic problems are far from solved. Peru has shown itself willing to submit to the demands of the US and the EU, so local attempts like that in Cusco will face strong central government resistance, if not repression. Even if the Cusco regional government is able to implement the new regulation, it will not escape the question of ownership of life and knowledge. In Ecuador, tensions between the most conservative government sectors and social organisations will continue, and only wide, vigorous debate and mobilisation will guarantee that the constitutional measures will translate into actual policies. The Bolivian government has given the strongest signs of a deep commitment to the needs, views and demands of local communities, but the fact that the concept of intellectual property is included in the Constitution creates unavoidable contradictions and potential conflicts. These can be expected to get worse, given the ferocity of opposition forces, and the disagreements with the US and EU over trade negotiations. Once again, the burden of defending knowledge and biodiversity against destruction and privatisation is in the hands of local people and their organisations. 

¹⁰ “CAN aprobó modificación a Decisión 486 para implementación de TLC entre el Perú y Estados Unidos”, Andina news agency, 14 August 2008. <http://tinyurl.com/maff8g>



GOING FURTHER

Elizabeth Peredo, Fundación Solon. Racismos estructurales. http://funsolon.civiblog.org/blog/_archives/2009/5/6/4177230.html

Peru: Amazonian indigenous people rise up 2 May 2009 <http://www.greenleft.org.au/2009/793/40809>

Ecuador Mining Law: Less Harsh Than Expected. 15 June 2008 <http://seekingalpha.com/article/81390-ecuador-mining-law-less-harsh-than-expected>

Informe sobre el proyecto de Ley de Minería. http://www.accionecologica.org/index.php?option=com_content&task=view&id=935&Itemid=7558

Gaining access to the territorial waters of many developing countries has been a goal of expanding global capital in recent years. It comes in different forms and under different names but with the single objective of extracting profits for big business. The European Union (EU) is at the forefront of this drive. Through fisheries partnership agreements (FPAs), the EU is able to sustain its lucrative fishing industry and export its overfishing problems to other parts of the world – Africa, the Caribbean, the Pacific – often with disastrous consequences for local small fishers. Now the EU is testing Asia's waters. In this article, GRAIN investigates how Asia's small fishers stand under the proposed EU-ASEAN free trade agreement (FTA).

Empty coasts, barren seas

GRAIN

It is like the opening of a movie: a slow pan of a long stretch of undeveloped white-sand beaches, nipa huts defining the edge of the coastal community, a multitude of small boats by the shore. The very sight evokes calm. But in this tiny fishing community off the mainland Mauban, Quezon, in the Philippines, such calm disappears as soon as the residents talk of their daily struggles. The fish catch has plummeted in recent decades, forcing many to give up fishing or, in more desperate cases, to harvest what is left in the sea through dynamite and cyanide fishing. Most fishers claim that this rampant illegal practice, coupled with the establishment of a thermal power plant in the nearby Mauban mainland, have almost emptied the island's municipal waters of fish. Lawlessness is also a big factor. Once in a while Taiwanese fishing vessels are spotted, but neither the local coastguard nor the fishing authorities do anything about them. The fishers claim that this has to do with the country's almost open-access policy, resulting from its fisheries liberalisation drive over the past decade. Worse, residents are being evicted from the area, by means of police, military and legal harassment, because of plans to transform the island into a tourist resort.¹

This is becoming a common story, as the situation is replicated throughout Asia: fish stocks decline; foreign vessels trawl sovereign waters; different forms of "development" constantly threaten the livelihoods of coastal communities. The global expansion of capital under the guise of "free trade" makes this pattern of extraction and exploitation a common reality. Indeed the wave of liberalisation that has swept across Asia's fisheries in recent decades has turned the territorial waters of, say, the Philippines, Thailand or Indonesia, into a free-for-all industrial fishing ground for rich and powerful nations, at the expense of local small fishers. And there is more to come, as countries sign away their oceans and their fishers through bilateral trade agreements.

In a speech in Jakarta in 2004, the European Commissioner for Trade at the time (now WTO Director General), Pascal Lamy, underscored the importance of making use of the "available tools" in engaging with the rest of the world.² He was emphasising the complementary nature of bilateral negotiations to multilateral agreements such as the WTO, and giving momentum to a bilateral free trade agreement that has been talked about for

1 Based on personal visit to Cagbalite Island and conversations with local residents, January 2007.

2 EU-ASEAN Partnership: Harnessing Globalisation Together. <http://tinyurl.com/kvyk33>



Table 1: The global fish trade in 2006

Global production	144 million tonnes combined capture fisheries (64%) and aquaculture (36%)
Value of exports	Total world exports of fish and fish products: US\$85.9 billion (55% increase from 2000)
Value of imports	Total world imports of fish and fish products: US\$89.6 billion (49% increase from 2000) Developed countries accounted for about 80% of imports, in value terms.
Top commodities	Shrimp: 16.6% Groundfish: 10.5% (e.g. hake, cod, haddock and Alaska pollock) Salmon: 10.7% Tuna: 7.7% (percentages are from overall internationally traded fish products)
Top fishing countries	China, Peru, USA – occupying top three positions since 2001 in capture fishery production in the EU: Spain, Denmark, UK, France
Most caught species	worldwide: Peruvian anchoveta, Alaska pollock, skipjack tuna, Atlantic herring, blue whiting by the EU: Atlantic herring, European sprat, blue whiting, Atlantic mackerel
Top aquaculture countries	China (accounts for two-thirds of world production), India, Vietnam, Thailand, Indonesia in the EU: Spain, France, Italy, UK, Greece
Most cultivated species	worldwide: Various species of carp, whiteleg shrimp, atlantic salmon, giant tiger prawn by the EU: sea mussel, rainbow trout, blue mussel, Atlantic salmon

many years between the EU and the Association of South East Asian Nations (ASEAN).³ Just like its competitor the United States, the EU wants more liberalisation and opening up of developing countries' economies to its transnational corporations. Since the WTO collapse in Cancún in 2003, however, the entire multilateral trading system seems to have gone down with it, and areas such as market access and investments are now negotiated on a bilateral basis. The EU cannot ignore a potentially big investment market like ASEAN, currently dominated by the US, Japan and China.

In May 2007, both ASEAN and the EU agreed to start negotiations, with the aim of concluding an FTA within three years. The proposed FTA aims to liberalise substantially all goods and services, by removing practically all forms of protection and barriers to trade, ensuring that nothing stands in the way of foreign investment. Through this FTA, the EU plans to secure its place in the ASEAN region in line with its Global Europe vision, its post-colonial blueprint for world domination through free trade. Fisheries comprise one sector that the FTA seeks to liberalise further, primarily in order to open up the ASEAN market for EU products and technology, and to ensure the supply of seafood products to the EU, as well as raw materials for its booming aquaculture industry.

It is important to note that the EU, while it negotiates an FTA with ASEAN as a bloc, does the same in parallel with individual countries:

EU–Philippines, for example. So while it offers financial support for ASEAN integration, it extends the same support to individual countries to increase trade with the EU. It is a clever approach. Although the EU prefers an integrated market, it also sees the importance of prising open individual markets, especially for the political dynamics that this creates in the region. The EU–ASEAN FTA may be currently suspended, with the EU appearing to have other priorities at present. Was it the slow pace of the negotiations that stalled the deal? Or has the EU wrung enough concessions from individual ASEAN countries that it can now afford to let go of ASEAN as a bloc? One thing to keep in mind is the experience in other regions: the EU's interest is not so much in promoting free trade as in controlling it.

High stakes in global trade

Over the last five years, increased demand for fish and fishery products has propelled an increase in global production, reaching a record 144 million tonnes in 2006⁴ (see Table 1). Combined imports and exports account for US\$176 billion, dominated by China, Japan and the USA. But the EU's stake is not small. Its exports in 2006, valued at US\$21.6 billion, account for 25% of the world's total (US\$85.9 billion) that year. Among the world's top exporting countries, led by China and Norway,⁵ are EU member states: Denmark, Spain and the Netherlands, with combined exports of US\$9.6 billion – 44.4% of the EU's (and 11.2% of the world's) total fish exports. There is no doubt

³ The EU currently has 27 members: Austria, Belgium, Bulgaria, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, United Kingdom. ASEAN has 10 members: Brunei Darussalam, Burma, Cambodia, Indonesia, Laos, Malaysia, Philippines, Singapore, Thailand, Vietnam.

⁴ FAO, "Fact Sheet: The international fish trade and world fisheries", June 2008. <http://tinyurl.com/nhfvbd>

⁵ Norway is a member of European Free Trade Association (EFTA), which also includes Iceland, Liechtenstein and Switzerland.



that sustaining the EU's fishing industry is the key to securing its stake in the global fish trade.

At the same time, however, the EU's own fishery resources are declining sharply, putting pressure on its 27 member nations to enforce quotas on certain species and to cut the number of fishing fleets. The EU is currently one of the largest aquatic food markets in the world, relying on imports for two-thirds of its fish consumption. Average per capita annual consumption is about 21 kg.⁶ In fact, the EU is listed among the top importers, following Japan and the United States, with total imports – led by Spain, France, Italy, Germany, UK and Denmark – amounting to US\$41.8 billion (43.5%) of the world's total of US\$96 billion in 2007.⁷ Of course, much of the EU's imports comes from other European nations.



Fish on a fishmonger's slab

ASEAN's export of fish and fishery products to the EU is currently minimal, hence some governments see the FTA as an opportunity to increase exports to the EU market. Thailand's and Vietnam's combined exports were worth only US\$8.6 billion in 2006, 10% (as opposed to the EU's 25%) of total world exports.⁸ While Vietnam's catfish increasingly finds a market in Europe, almost all of Thailand's exported shrimps (30% of the overall shrimp market) go to the US. The EU may offer a potentially big market for ASEAN countries' fish and fishery exports, but it would impose such a restrictive regulation regime that only big companies might be able to comply.

In fact, in order to be allowed to export to the EU, ASEAN has to comply with standards of safety assurance and traceability before fish and fishery products can enter the EU market. The exporting

country must have public health legislation and controls for the fisheries sector equivalent to those that apply in EU legislation. Lamy obviously wasn't telling his audience in Jakarta that small and artisanal fishers would lose out in the effort to increase exports to the EU. In 1997, Bangladesh made short-term losses of at least US\$14.7 million when the EU decided to impose a five-month ban on shrimp imports owing to the failure of Bangladeshi exporters to meet EU safety standards.

The real winners in this bilateral FTA between EU and ASEAN are of course not governments but the transnational companies (TNCs) that smile quietly as governments secure for them access to coastal waters, lucrative markets, and a perfect environment for investment.

Box 1: How the proposed EU-ASEAN FTA will hit small fishers

- Trade in goods, specifically the dismantling of import/customs duties and tariff reduction: more capacitated, highly subsidised EU fleets will be able to fish ASEAN waters, including in the exclusive economic zones, and land its capture on ASEAN shores to the great disadvantage of smaller domestic competitors. This would result in significant loss of livelihood, especially for small and artisanal fishers.
- Sanitary and phytosanitary (SPS) measures: due to the increasingly complex requirements for food safety assurance and traceability set by the EU market, ASEAN will be forced to comply with high standards of safety assurance and traceability before fish and fishery products can enter the EU market. This would not only ultimately bar ordinary produce from small fishers but also gives the EU more leverage to refuse shipment of any product that didn't comply with its standards.

In a nutshell, what the FTA does is create unfair competition, having lopsided rules that favour the EU's fishing and market conditions.



6 Green Facts, latest data on fisheries, 2009. <http://tinyurl.com/lcre7t>

7 Globe Fish, "Globalisation and the Dynamic of International Fish Trade", PowerPoint presentation, 2008. <http://tinyurl.com/mtmbj7>

8 FAO, "Fact Sheet: The international fish trade and world fisheries", June 2008. <http://tinyurl.com/nhfvbd>

Box 2: Fished off! The case of north-west Africa

Since 1979, African governments have continued to enter into fishing agreements with the EU – in exchange for payment for access rights – to allow its highly subsidised industrial fleets to extract valuable fish species, even those on the brink of extinction. As a result, Mauritania's lobsters disappeared many years ago. Senegal's octopus stock is now close to collapse. And many, if not most, of Senegal's and Mauritania's local fishers are out of business and migrating illegally to Europe. Against this backdrop, the EU signed again in 2002 a US\$64-million four-year fishing deal with Senegal to fish for bottom-dwelling species and tuna. In 2006, it also struck a deal with Mauritania to pay US\$146 million a year for six years for access to its waters of 43 EU vessels.¹ How many poor governments could refuse such a deal?

Under the United Nations Convention on the Law of the Sea, distant-water fleets are allowed access to resources that the coastal state is not able to exploit itself. In reality, fishing agreements allow access to resources which are fully exploited, or even over-exploited, as in the case of Senegal and Mauritania. The same fate could befall Asia's tuna population (bluefin, bigeye, skipjack – all threatened), and most especially the population of its local fishers, under an agreement with the EU. Though the EU may not use the same FPA instrument with ASEAN, an agreement on fisheries will none the less come from the same template; that is, favorable to the EU.

1 See, for example, Sharon Lafraniere, "Europe takes Africa's fish, and boatloads of migrants followed", *New York Times*, 14 January 2008. http://www.nytimes.com/2008/01/14/world/africa/14fishing.html?_r=1

Exporting the EU's overfishing problem

The EU is partly to blame for overfishing world fish stocks; it ranks among those with the largest fishing fleets – 90,000 of the world's 1.3 million decked vessels. It is estimated that about 80% of all species in EU territorial waters are overfished. Spain and the UK lead in the number of foreign fleets outside Europe. Some estimates suggest that about 60% of fish landed in the EU come from outside its territorial waters.

For years, the EU has tried to enforce a quota on its fish catch and to cut its active fleets. However, government subsidies in the form of "exit grants" extended to vessel owners to facilitate this are instead mostly used by EU countries to pay for fishing access elsewhere rather than cut its fleets.⁹ In fact, government subsidies – estimated at US\$15–20 billion per year – account for nearly 20% of revenues to the fishing industry worldwide, promoting excess capacity and encouraging overfishing.¹⁰ Through fisheries partnership agreements (FPAs), EU fleets can pay for fishing access to other countries' territorial waters and exploit their marine resources with practically no limit. Not only does this give the EU's huge market a constant supply of fish, it also keeps its industrial fishing fleets active. An association of Spanish fishing companies considers payment for access to be the key to preserving the economic vitality of the EU's fishing industry. In essence, FPAs simply export the EU's overfishing problem elsewhere.

The EU has signed more than 20 bilateral fishing agreements, mostly in Africa, but also in the

Caribbean and the Pacific. Partners include, among others, Mauritania, Senegal, Morocco, Nigeria, Gabon, Cape Verde, Seychelles, Solomon Islands, Micronesia.¹¹

Fisherfolk groups in the Philippines are wary of the entire FTA with the EU. The *Kilusang Mangangisda* (Fisherfolk Movement–Philippines) believes that European countries would be able to gain access to and exploit the marine resources of the Philippines and the whole of south-east Asia through the FTA.

"If European fishing boats gain access to Philippine and ASEAN marine waters, it would only intensify overfishing and the damage to fishery stocks, given the lack of a common set of fishing regulations and policies on a regional level. Without a common fisheries policy in ASEAN, EU fishing boats could operate in its waters virtually without restrictions", according to the group.¹² They claim that highly migratory species such as tuna, mackerel and sardines, commonly found in the waters of ASEAN countries, will be vulnerable to overfishing. Tuna and mackerel are among the most caught species in the world.

Another group, *PAMALAKAYA* (National Federation of Small Fisherfolk in the Philippines), sees this as worse than the controversial Japan–Philippines Economic Partnership Agreement (JPEPA). Under the JPEPA, Philippine marine resources will be opened completely to Japanese companies, leading to more overfishing, which would have a heavy impact on the small fishers. "If JPEPA is nightmare, the Philippines–EU

9 Béatrice Gorez, "Policy Study: EU–ACP Fisheries Agreements", Coalition for Fair Fisheries Arrangements, March 2005. <http://tinyurl.com/l84dvy>

10 World Ocean Network, Fact sheet on global production of fisheries and aquaculture, Ocean Info Pack. <http://tinyurl.com/nt8rmw>

11 Béatrice Gorez, "Policy Study: EU–ACP Fisheries Agreements", Coalition for Fair Fisheries Arrangements, March 2005. <http://tinyurl.com/l84dvy>

12 bilateral.org, "RP fishers buck EU–ASEAN free trade deal", <http://tinyurl.com/nz3fc7>



partnership and co-operation pact is an across-the-nation tragedy that will soon hit this nation of impoverished and starving people. The real agenda of EU in orchestrating this biggest sell-out of the century is to pass the burden of their economic and global crisis to the downtrodden people of countries like the Philippines", says the group.¹³

A hotbed for corporate profits

Big fishing companies are positioned to reap profits under the FTAs not only from capture fisheries. With fish stocks falling throughout the world's oceans, the tide is moving towards aquaculture, a practice traditionally operated on a small scale by local fishers. Over the years the global fish trade has transformed aquaculture into a huge industry. It is now considered to be the world's fastest-growing food-producing sector. Aquaculture accounts for about half of global fish food, with 53 million tons produced in 2007, worth US\$75 billion.¹⁴ The industry is dominated by a few vertically integrated companies, those from the EU among the biggest.

A recent communication from the European Commission outlines the EU's direction in global aquaculture.¹⁵ The Commission sees the future of the EU's aquaculture industry in covering "the whole supply chain including both high-value and innovative products, which meet the

Table 2: The largest global seafood companies in Europe and Asia today

Europe	Asia
Marine Harvest Group (Norway)	Nippon Suisan Kaisha Ltd (Japan)
Austevoll Seafood ASA (Norway)	China Fishery Group (China)
Cermaq ASA (Norway)	Thai Union Frozen Prod. Pub. (Thailand)
Leroy Seafood Group ASA (Norway)	Maruha Group Inc. (Japan)
Pescanova SA (Spain)	Pacific Andes Intl Holdg Ltd (China)
Alfesca (Iceland)	Sea Horse Corp Pub. Co. Ltd (Thailand)
BioMar Holding A/S (Denmark)	Kyokuyo Co. Ltd (Japan)
Aker Seafoods ASA (Norway)	Uoriki Co. Ltd (Japan)
Icelandic Group hf (Iceland)	Chuo Gyorui Co. Ltd (Japan)
Nireus Aquaculture (Greece)	

Source: Glitnir

needs of consumers in the EU and abroad, and the production of high-standard equipment for aquaculture businesses". It also argues for the EU to invest in the global market by selling its technologies and know-how in order to help tackle the challenges of sustainability and safety.

But while aquaculture is projected to take pressure off the world's oceans, we should note that it is also increasingly contributing to their demise. The rapid expansion of farming shrimp, salmon and other carnivorous high-value species such as cod, sea bass, and tuna has increasingly diverted fish catch into industrial feed rather than food for people. This comes into direct conflict with local food security, as it takes 2–5 kg of wild-caught fish, processed into fish meal and fish oil for feed, to produce a single kilogram of farmed fishmeal.¹⁶ In 2006, the aquaculture sector consumed an estimated 23.8 million tonnes of small pelagic fish in the form of feed inputs (about 26% of total world catch from capture fisheries), including 3.72 million tonnes used to make fish meal, 0.83 million tonnes to make fish oil used in compounded aquafeeds, and an additional 7.2 million tonnes of low value/trash fish as direct feed or in farm-made aquafeeds.¹⁷

Table 2 shows the largest seafood companies currently, which are poised to have greater advantage over their smaller competitors. These companies are behind some of the most extensive and extractive fishing activities around the globe.

In order to maximise profits, these companies buy out smaller companies in order to usher tighter control by few corporate players in the industry. An FTA fits perfectly into this scheme as it offers opportunity to outsource production to other countries and to integrate its different stages



Photo: GRAMIN

Thailand is the world's largest farmed shrimp exporter

13 "Anti-FTA group sees [€]10-million European food aid to Manila as grease money for rapid OK of RP-EU pact", *The Pamalakaya Times*. <http://tinyurl.com/myhluj>

14 Globe Fish, "Globalisation and the Dynamic of International Fish Trade", PowerPoint presentation, 2008. <http://tinyurl.com/mtmbj7>

15 European Commission, "Building a sustainable future for aquaculture: A new impetus for the Strategy for the Sustainable Development of European Aquaculture", April 2009. <http://tinyurl.com/mbzljij>

16 "Effects of Aquaculture on World Fish Supplies", *Issues in Ecology*, Vol. 8, Winter 2001. <http://tinyurl.com/nmz8sb>

17 Albert G.J. Tacon and Marc Metian, "Fishing for Aquaculture: Non-Food Use of Small Pelagic Forage Fish – A Global Perspective", in *Reviews in Fisheries Science*, Vol. 17, No. 3, January 2009. <http://tinyurl.com/lokakf>





18 "Domstein, Cermaq, and Fjord Seafood merger to create new company", Quick Frozen Foods International, April 2002, cited in *The Free Library*.
<http://tinyurl.com/nwzbec>

19 "Pescanova acquires Pesquera Vasco Gallega", Quick Frozen Foods International, April 2002, cited in *The Free Library*.
<http://tinyurl.com/mmtgg5>

20 Fish Information and Services (FIS), "Pescanova Opens Processing Plant in Nicaragua", 25 November 2008.
<http://tinyurl.com/lnl5v9>

21 Wright Reports, "China Fishery Group Limited – Company Profile Snapshot".
<http://tinyurl.com/n6g9yn>

22 Google Finance, "China Fishery Group Limited", 2009.
<http://tinyurl.com/mjyh4>

23 Funding Universe, "Nippon Suisan Kaisha Limited", based on 1990 source.
<http://tinyurl.com/lhpssn>

24 Greenpeace, Trading away our oceans, January 2007.
<http://tinyurl.com/lqbhpa>

25 Based on personal visits to towns in Phang Nga bay, southern Thailand, and conversations with local fishers, December 2007.

26 "Chaos and Order in Viet Nam's Seafood Sector", April 2009.
<http://tinyurl.com/kj7j3a>

– farming, processing and distribution. A large proportion of Scotland's fish farms are now owned by the massive multinational corporation Marine Harvest, the world's largest aquaculture company and producer of other animal foodstuffs. It is now part of the Norwegian–Dutch multinational Nutreco. At the same time, a merger among Norwegian fishing groups – Cermaq will own 60% of the new company, Fjord Seafood will pick up the remaining 40%, Domstein has a 26% stake in Fjord – is aimed at creating the second-largest salmon farming operation in the world (after Nutreco). The merger is predicted to corner 12% of the global salmon farming market and 40% of the salmon feed market.¹⁸

While some merge to create bigger companies, others are content to buy out quotas. Spain's Pescanova has bought out trawler company Pesquera Vasco Gallega for the hake quota in Argentina that comes with the company's two boats, which work the hake fishery off Argentina. The acquisition is part of Pescanova's expansion strategy that started with the takeover of Pescafina, a company that was ailing financially but had access to Cuban fisheries.¹⁹ Pescanova also owned Argentine trawler operator Argenova, which has 12 ships fishing for prawn, patagonian toothfish and squid. Last year, Pescanova additionally acquired Novahonduras SA for €5 million, for shrimp aquaculture in Honduras. Pescanova is one of the biggest players in aquaculture, with investments in Spain (shrimp), Chile (salmon), Brazil (tilapia), Portugal (turbot), and Nicaragua (shrimp), among others.²⁰

Meanwhile, Asia's second largest company, the China Fishery Group Ltd, typifies how a vertically integrated company maximises its profits. Through its subsidiaries, the company operates as a global, integrated industrial fishing company. Its fishing operation comprises fishing, sale of fish and marine catches, and rental of unutilised fishing quota, as well as fishmeal and fish oil production. Its sales in 2008 were worth US\$3.2 billion,²¹ which is more than a third of the value of China's total fish exports. As of last year, it has acquired Epesca Pisco SAC, Pesquera Ofelia SRL and Pesquera Mistral SAC; it owns a Peruvian fleet of 39 purse-seine fishing vessels and eight fishmeal processing plants.²²

When it was established in 1920, Nippon Suisan Kaisha (Nissui), the harvester of Japan's and the world's largest fishing haul, was the country's first private-sector research institution devoted to the study of marine life. In order to broaden the company's line of marine products and reach new markets, Nissui began to enter into joint ventures

with foreign companies during the 1970s, starting with companies in Indonesia, Spain, Chile, and Argentina. Now it has subsidiaries in practically every part of the world. While the company describes itself as a "vertically integrated marine-based food company", it also produces, processes, and markets agricultural and livestock products and has developed a line of pharmaceuticals.²³

A sea of irony

But while the big companies are reaping enormous profits from their operation, what's left for the small fishers are nothing but empty coasts and barren seas.

Thailand may be the world's largest exporter of farmed shrimp, but shrimp aquaculture has driven the country's massive conversion of productive agricultural lands (previously devoted to rice paddies), and is the primary cause of its coastal pollution.²⁴ The toll also extends to loss of biodiversity and food security. In southern Thailand, around Phang Nga bay, local residents have observed that local shrimp species used for making the shrimp paste that is part of their food culture has disappeared since the introduction of Pacific whiteleg shrimp, which is being promoted by the agribusiness giant Charoen Pokphand for shrimp farming.²⁵

At the same time, fishing activities in at least four provinces around Phang Nga bay are undergoing "restructuring" under the Coastal Habitats and Resource Management (CHARM) Project, implemented by the Department of Marine and Coastal Resources with the financial backing of the European Union. The project includes establishing a fish market network and mobilising production for export, under a highly regimented system. The number of fishers per area is regulated, and they have to register to be part of the fish market network; one can no longer just fish and sell the fish unless one is part of the network. Phang Nga residents say that this simply adds another layer of control over Thai small-scale fishers.

Vietnam poses an interesting paradox. Although it is the world's eighth-largest seafood exporter, with export earnings of US\$4.27 billion in 2008 (up from US\$ 3.75 billion in 2007), its seafood sector is currently a shambles, as it has suffered from oversupply and shortages at the same time.²⁶ The boom in Vietnam's seafood industry has reportedly triggered an enormous amount of poorly regulated fish breeding, so that processors could not guarantee to absorb the whole output, despite the spread of modern processing establishments.

As a consequence, many fish farmers have gone bankrupt, and an estimated 40% of catfish-breeding ponds are now abandoned in the Mekong delta region. Though there was a recent rise in catfish prices, not many farmers wanted to go back. Many fish farmers, including shrimp growers who have suffered a series of poor harvests, ended up selling their land to pay off loans. Vietnam's seafood exports are likely to drop by 15–20 per cent in 2009 alone, according to the Vietnamese Association of Seafood Exporters and Producers.

Indonesia's marine resources may be among the richest, but they are exploited by foreign vessels almost at will. The Fisheries and Maritime Affairs Ministry estimates that Indonesia loses around US\$3.2 billion a year to poachers from Thailand, China and the Philippines.²⁷ A state policy in 2007 extends private sector concessions (including to foreign entities) on coastal areas and small islands of Indonesia to more than 20 years, which could further legitimise overfishing by foreign commercial interests.

It is not only the seas that are seized. A national programme to industrialise shrimp ponds over the period 2006–13, financed by Asian Development Bank to the tune of US\$30 million, has been wreaking havoc on wetlands and coastal communities. The loss of wetland ecosystems and mangrove forest for pond activities has been linked to flooding in 12,000 villages.²⁸ Expansion of shrimp farms in Lampung led to a scarcity of fish along the coast, forcing local fishermen out to the open sea, which in turn cost them more in fuel. In the end, they simply had to give up fishing because earnings hardly covered operational costs.

Throughout Asia the trend is the same. Cambodia's fish stocks are dwindling, affecting the food security of fishing communities that depend on them. Bangladesh, fast becoming the shrimp capital of the world, is fraught by the displacement of local communities and consequent violence. Thousands of fishers in Malaysia have suffered a big drop in catch due to the increase in aquaculture ponds



Fishing boats among other craft in the harbour at the Basque port of Lekeitio

Photo: GRAIN

being set up along that country's coast. These are the realities that form the backdrop to the FTA that ASEAN wants to negotiate with the EU, and there is no sign that they will improve in the near future. The recent suspension of negotiations might be timely, not just for both parties to stand back, but especially for ASEAN governments to ponder the FTA's merits.

Stop the FTA, defend the small fishers

The increase in global fish trade has been the main trigger of the global decline of fish stocks. Further liberalisation of fisheries to increase trade is therefore misplaced, as it could simply lead to overfishing and ultimately to global fisheries collapse. The prospective profits are huge, but with the continuing consolidation in the fishery industry, the prosperity is likely to flow into the coffers of a few big companies. This will be at the expense of the many small, artisanal fishers who continue to depend on an invaluable but fast-disappearing marine biodiversity. As they lose the coasts, the small fishers also lose their livelihoods and any remaining options for the future.

This trend must be reversed. There is still time to act together – fishers, farmers, everyone – and put a stop to an EU–ASEAN FTA. The suspension of negotiations presents an opportunity to hammer nails into its coffin. A multitude of alternatives in managing resources and promoting trade exists within the fishing communities. But unless they are defended against the onslaught of big companies, they have no chance of surviving.

27 Rendi Akhmad Witalar, "State income from fishing drops", *Jakarta Post*, February 2008. <http://tinyurl.com/nmblna>

28 From a joint statement of NGOs and Fisher Mass Organisation towards Government Performances for Four Years In Fishery and Marine Sector. <http://tinyurl.com/14lp43>



GOING FURTHER

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Sharon Lafraniere, "Europe takes Africa's fish, and migrants follow", *New York Times*, 14 January 2008. http://www.nytimes.com/2008/01/14/world/africa/14fishing.html?_r=1&fta=y

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A Farida
KhtarB Benny
HaerlinC Carlos
CorreaD David
QuistJohnson
EkpereF Francisca
RodriguezG German
VelezH Hope
ShandI Ibrahim
OuedraogoJ Jack
KloppenburgerK Joseph
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Xue Dayuan

To outsiders, it seemed that for many years protecting biodiversity was not at the top of the Chinese government's agenda. Has that changed now?

It has been changing continuously. Compared with such environmental issues as water pollution and air pollution, biodiversity seems quite distant from daily life. However, thanks to the joint efforts of scientists, government officials and social participants, awareness of the need to protect biodiversity has greatly increased. Moreover, the biodiversity issue was recently mentioned in several national and provincial programmes. However, more patience, attention and effort from the whole society are needed to push this issue higher up the national agenda.

As a member of the task force drafting biodiversity legislation in China, could you explain the main changes that you are planning to introduce?

At present, much legislative work is under consideration, such as Access and Benefit Sharing (ABS) legislation and bio-safety legislation. There are obstacles on the way, but the Chinese government is actively planning to make changes.

A few years ago there was news that Guizhou province in South China would take some legal steps to protect indigenous knowledge and to prevent 'biopiracy'. The draft 'Guizhou Provincial Regulation on Traditional Knowledge Protection'

was being talked about? Can you describe the main measures that were taken? Are there any lessons to share from the experience?

The pilot project in Guizhou was suspended for a time but now it has been resumed. As the first province to introduce legal measures to protect indigenous knowledge, Guizhou has set an example, and it will certainly promote protection work in other areas rich in indigenous knowledge. In addition, we are jointly conducting a project with Third World Network (TWN), which is investigating indigenous knowledge in Guizhou. We will share the research results with organisations and researchers interested in this issue.

Could you share your assessment of the new amendments in patent law vis-à-vis genetic resources? Are they intended to bring China into fuller compliance with the World Trade Organisation (WTO)?

Article 5 and Article 26 of the new WTO Patent Law require disclosure of the sources and origin of genetic resources. It has positive effects on protecting genetic resources and promoting bio-safety.

China's proposal to amend Article 27.3(b) is a good demonstration of China's efforts to implement WTO regulations. In addition, China will seek to balance and coordinate ABS demands to ensure further compliance with the WTO.



Could you explain China's new National Intellectual Property Strategy, which was announced in 2008, and its impact on biodiversity?

The new strategy entails greater efforts to protect the intellectual properties of genetic resources and traditional knowledge. It will certainly promote biodiversity protection and ABS legislation in China.

As a scientist, do you believe that research in China is changing as a result of the new IPR changes?

There is no obvious change yet since the new patent strategy won't come into effect until 1 October 2009. At this stage, scientists are trying to familiarise themselves with the new strategy. I am sure that in the future the new strategy will positively enhance awareness of the need to protect genetic resources and traditional knowledge.

What are your views about genetically modified organisms (GMOs)? Do they have a role to play in China's agriculture?

In general, we believe that GMOs have a positive role to play in China's agriculture. The government is investing to gain the benefits of GM insect-resistant

and disease-resistant new varieties. However, there are many uncertainties and technical problems as well. It is difficult to make predictions.

On the one hand, China is aware of the wealth of its biological resources and traditional knowledge. On the other hand, it is authorising GMOs, even though they are creating serious problems of contamination in many countries in the world. Isn't there a contradiction?

There is no great contradiction. The government has not seen persuasive evidence of GMO contamination. GM cotton is widely planted in China, but cotton is not a native plant. Rice, however, is native to China, and for this reason we are worried about the risk of contaminating wild rice. This is why for a long time we have refused to approve the commercialisation of GM rice.

As a member of the Convention on Biological Diversity's Expert Group on Traditional Knowledge Associated with Genetic Resources, how do you see the global ABS regime developing?

It is not well developed. I doubt whether agreement on an international regime can be reached by 2010.



A karst basin (flat limestone valley) in Libo county, Guizhou, China

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African agricultural policies and the development of family farms

JINUKUN

The agricultural policies implemented by the leaders of African countries during the last 50 years have promoted only cash crops. The cotton, cocoa, palm oil, rubber, groundnut and other sectors have been organised and resourced and the crops exported to feed the industries of the North with practically no value added. Unfortunately for the continent, the price of agricultural commodities is set by the West to the detriment of African producers, and this has been one of the main reasons behind the crises in these sectors, which have drained the continent's resources abroad, following the example of the mining industry. During this period, no substantial effort was made to support the production of subsistence crops until recent riots against high prices.

Although governments have promoted cash crops, it is nevertheless true that it is the productivity of hundreds of thousands of family farms that has made Cote d'Ivoire, for example, the world's biggest cocoa producer and placed African cotton among the best in the world. Despite the difficulties they face and the lack of support, family farms have been largely responsible for ensuring food self-sufficiency on the continent. When climatic conditions are good, the Sahelian countries of Mali and Burkina Faso can easily produce surpluses of cereals. In Benin, data provided by the National Office for Food Security in 2007 proves that the country's tuber needs are covered, thanks to production of more than 5,400,000 tonnes. In addition to its capacity to feed the people, family farming is the continent's biggest provider of employment. Family agriculture, which is the crucible of our culture, has been able to adapt to several changes, notably climatic.

Moreover, despite their seeming fragility, small African peasant producers have a lot of knowledge about the continent's very rich agricultural biodiversity. When put together with appropriate agroecological techniques, approaches that draw on this knowledge produce highly satisfactory results. The use of organic fertiliser such as compost, for example, and anti-

erosion techniques, have doubled and even quadrupled yields from local seeds. Integrated pest management without using pesticides has led to a 30% increase in production. Finally, in Mali, the Office du Niger rice producers won the prize for best yield, with more than eight tonnes per hectare, using only organic fertiliser and local seeds.

The support that would have sustained these performances has gradually been whittled away. Government support for agriculture fell by 62.5%, from US\$8 billion to US\$3 billion, between 1984 and 2006. On average, developing countries allocate 4% of their national budgets to agriculture, and several countries allocate only 1% or even less. These figures clearly show the growing disregard for agriculture. Agriculture, however, provides 60–80% of jobs, and accounts for 25–40% of the GDP of African countries. African farmers feed approximately 90% of the African population.

Unfortunately, a flawed analysis of recent food riots has led African leaders to discredit this form of agriculture and to introduce policies that promote industrial rather than family agriculture, despite the performance of family farming that we describe above.

The violent riots against the cost of living raised the awareness of the international community about agriculture's vital role in maintaining political stability and national security, and even international security. Several meetings were convened to discuss the situation both in Africa and elsewhere with a view to raising significant amounts of money. Some announcements have been made about funds, and several African countries are preparing a strategic plan to relaunch their agricultural sectors. These plans essentially aim to promote agribusiness by granting large areas of land to nationals and, especially, to foreign governments and transnational companies. Madagascar, for example, granted nearly 1,500,000 acres to the Korean company Daewoo. We would not be surprised to find that similar transactions are being conducted by our countries and that the land reform under way in most West African countries seeks nothing more than to legitimise similar

situations and to leave the door open by legalising the plunder of our land. These large areas are taken away from small producers and devoted to monoculture and the production of agrofuels and cash crops. In addition to the warnings about the risk of famine, we can expect real social crises.

Unfortunately, this production model, which already exists in Europe, is viable only thanks to massive government subsidies and the intensive use of chemical pesticides and fertilisers, which accelerates environmental destruction. For example, the European Union and the United States provide as much as US\$350 billion per year in subsidies to their agricultural sector but provide only US\$50 billion in public aid to Africa. It is as if developing countries are being propped up only to be brought down. Given the scandals of mad cow disease and dioxine chicken, this agricultural model is increasingly called into question by Westerners, who are turning towards healthy foods produced through organic agriculture.

Considering the limitations and disastrous consequences of this form of agriculture on health and the environment, we call on our leaders to be cautious and to promote family farming, which has shown that it can be successful and has demonstrated its productivity.

We also call on African peasants to resist and protect their agriculture, as they have always done.

We congratulate those African countries that have showed some trust in their farmers by granting them a prominent position and even putting them at the forefront in the preparation of laws on agriculture. Our colleagues from Senegal and Mali will talk about this later. We will also hear from Benin farmers who are currently participating in the review of the country's strategic plan to relaunch the agricultural sector.

Cotonou, 23 April 2009

JINUKUN, the national network for the sustainable management of natural resources in Benin, is the country's focal point of COPAGEN, West Africa's coalition to protect African genetic resources.



Affirming Life and Diversity. Rural Images and Voices on Food Sovereignty in South India*

Deccan Development Society (DDS) Community Media Trust, P.V. Satheesh and Michel Pimbert, International Institute for Environment and Development (IIED) and the Deccan Development Society, London, 2008.

Set of 4 DVDs, plus booklet

review by **GRAIN**

These four DVDs, which contain 12 films with a total length of almost six hours, are a veritable treasure trove. They are the result of a seven-year collaboration between the UK-based IIED, the Deccan Development Society of Andhra Pradesh, India, and women's sanghams (Indian village associations of the poor). The process was guided throughout by a steering group made up of representatives of all three partners. The films, which were shot by the women, deal with the struggle by farmers in the drylands of the south Indian state of Andhra Pradesh to develop socially and ecologically sustainable ways of living and farming. The semi-arid region is regularly hit by drought, and farming is difficult, yet the plateau enjoys a rich agrarian culture, with a wide diversity of crops and livestock, and a wealth of local knowledge.

The films, shot over several years, give a fascinating account of local farming struggles. The first film looks at the impact of the Indian government's Public Distribution System (PDS), by which Green Revolution rice is brought in from other regions of India to feed the poor, further



impoverishing local farmers, who find no market for their crops. It documents the way in which women's sanghams decided to set up an alternative decentralized, locally controlled PDS, in which they buy up locally grown dryland cereals (millets and sorghum), work out for themselves the families who need free food, and distribute the cereals to them. This scheme has proved so successful in improving livelihoods and sustaining the local ecology that it is changing official policy at state level. Another film documents over a year farmers' experience with BT cotton, recording their early hopes and their subsequent bitter disillusion. The filmmakers, it seems, had no *a priori* agenda: if Bt cotton had improved lives in any way, the farmers would have certainly had no hesitation in saying so. Another film shows the importance of uncultivated foods in the dalit food system: some 80 species of uncultivated leafy greens are eaten, and they are the source of many nutrients essential for good health. Other films deal with the difference that technology, when appropriate and introduced under local control, can make to farmers' lives, and a visit by sangham women to Quechua communities in Peru.

These films are beautifully shot and cogently argued, demonstrating conclusively that non-literate women from marginalised communities can articulate pictorially their understanding of the world around them to produce powerful videos. The films also show in no uncertain way that, when given the chance, local people can work out their own solutions to problems in a participatory process that strengthens their institutions and organisations. It makes no sense for external organisations to impose their own agenda on such vibrant communities, and yet that is still what happens in many parts of the world.

* The DVD series and book can be ordered from IIED, 3 Endsleigh Street, London WC1H 0DD, UK.

<http://tinyurl.com/mujg2l>



"I expected a reaction but not such a violent one"

In April 2009 Andrés Carrasco, an Argentinian embryologist, gave an interview to the leading Buenos Aires newspaper *Página 12*, in which he described the alarming results of a research project he is leading into the impact of the herbicide glyphosate on the fetuses of amphibians. Dr Carrasco, who works in the Ministry of Science's Conicet (National Council of Scientific and Technical Investigations), said that their results suggested that the herbicide could cause brain, intestinal and heart defects in the fetuses. Glyphosate is the herbicide used in the cultivation of Monsanto's genetically modified soya, which now covers some 18 million hectares, about half of Argentina's arable land.¹



Dr Andrés Carrasco

Carrasco said that the doses of herbicide used in their study were "much lower than the levels used in the fumigations". Indeed, as some weeds have become resistant to glyphosate, many farmers are greatly increasing the concentration of the herbicide. According to *Página 12*, this means that, in practice, the herbicide applied in the fields is between 50 and 1,540 times stronger than that used by Carrasco. The results in the study are confirming what peasant and indigenous communities – the people most affected by the spraying – have been denouncing for over a decade. The study also has profound consequences for the USA's anti-narcotics strategy in Colombia, because the planes spray glyphosate, reinforced with additional chemicals, on the coca fields (and the peasants living among them).

Three days after the interview, the

Association of Environmental Lawyers filed a petition with the Argentine Supreme Court, calling for a ban on the use and sale of glyphosate until its impact on health and on the environment had been investigated. Five days later the Ministry of Defence banned the planting of soya in its fields. This sparked a strong reaction from the multinational biotechnology companies and their supporters. Fearful that their most famous product, a symbol of the dominant farming model, would be banned, they mounted an unprecedented attack on Carrasco, ridiculing his research and even issuing personal threats. He was accused of inventing his whole investigation, as his results have not yet been peer-reviewed and published in a prestigious scientific journal.

Carrasco was firm in his response: "When one is dealing with a subject of limited public interest, one can keep the study secret until all the last details have been resolved. But when one uncovers facts that are important for public health, one has an obligation to make an effort to publish the results urgently and with maximum publicity." Even so, he was clearly taken aback by the strength of the reaction. "It was a violent, disproportionate, dirty reaction", he said. "I hadn't even discovered anything new, only confirmed conclusions that others had reached. One has to remember, too, that the study originated in contacts with communities that have suffered the impact of agro-chemicals. They are the undeniable proof of the impact." He is not intimidated: "If I know something, I will not shut my mouth."

1. See *Seedling* January 2009, "Twelve Years of GM Soya in Argentina – a Disaster for People and the Environment".
<http://www.grain.org/seedling/?id=578>

Ghana's farmers are in a bad way

Ghana's farmers are among the latest victims of trade liberalisation. According to IRIN, a news service run by the UN Office for the Coordination of Humanitarian Affairs, most of the two million people living in the Upper East Region of Ghana are involved in tomato production, and many have been driven to despair by mounting debts.

Tomato farming used to be profitable, but nowadays, partly because of heavy investments from abroad (particularly Taiwan) in large industrial farms in Burkina Faso, tomatoes are cheaper there. The Ghanaian women, known as "queens", who control the trade have been crossing the border to buy the cheaper tomatoes. Local farmers have watched their crop rot in the sun.

Tomato farmer Martin Pwayidi told IRIN that the market collapse meant that he has lost the US\$2,000 he had borrowed from a bank and invested in his four-acre tomato farm. "Last year was very terrible for me. I lost everything. There was absolutely no reason to live. I am just lucky to still be alive today", Pwayidi said. Five of Pwayidi's friends attempted suicide in 2008. "Some tried to hang themselves; others drank insecticides and disinfectants."

"All over the sub-region there is serious price-undercutting and price fluctuations from country to country for agricultural products," said Ibrahim Akalbila, coordinator of the local NGO Ghana Trade and Livelihood Coalition. West African trade laws impose no duty on agricultural products crossing borders, so it is easy for buyers to play off producers in one country against those in another. The situation is likely to get worse. European Union Economic Partnership Agreements (EPAs) are currently being negotiated, which means that West African markets will soon be flooded with heavily subsidised EU products. Buyers are likely to abandon African products in favour of European ones. "Unless ECOWAS [The Economic Community of West African States] introduces a common pricing policy, more farmers will commit suicide", Akalbila told IRIN. "Sub-regional poverty reduction strategies will be compromised, and more and more families will slide into poverty. The result will be a crisis of unimaginable proportions."



Tomatoes in a street market, Togo, West Africa



Brazil becomes the world's biggest consumer of pesticides

Brazil's consumption of pesticides and herbicides grew by 25% in 2008 to 734 million tonnes, worth US\$7.1bn. For the first time ever, the country overtook the previous world champion, the USA, which consumed 646 million tonnes, worth US\$6.0bn. In what few would see as a coincidence, that same year Brazil recorded its largest area ever planted with GMOs, almost of all of which are crops that have been genetically modified to be resistant to herbicides. Indeed, 45% of the herbicides and pesticides were used in the cultivation of soya, most of which is genetically modified.



One might have expected the Brazilian authorities to be concerned about the impact on public health of such extensive use of poisonous substances on the country's farming land. After all, Anvisa (Agência Nacional de Vigilância Sanitária), the country's biosafety agency, recently said that 15% of the country's foodstuffs contained excessive chemical residues. According to official figures, 5,300 people were made ill and 162 people were killed by agricultural chemicals in 2007. But, remarkably, the increase has been celebrated, at least by the industry. José Otávio Mentem, a lecturer at the University of São Paulo and the executive director of ANDEF (Associação Nacional de Defesa Vegetal), the body that represents the herbicide manufacturers, said: "the fact that Brazil is leading the world in its use of herbicides shows ... that the country is achieving the much-needed sustainability in the economic, social and environmental fields by generating work in the countryside, by promoting food security and, moreover, by supplying energy from renewable raw materials."

Biowatch turns the tables

In early June 2009 a Constitutional Court judgement on genetically modified organisms (GMOs) in South Africa brought victory to the NGO Biowatch South Africa in its nine-year struggle for constitutional justice. Initially, the case was about the right of access to information on GM crops grown in South Africa, but, in the wake of a very controversial court ruling, it turned into a much broader struggle against the intensifying oppression of civil and environmental rights worldwide. As a result, this case sets an important precedent about access to justice, not only in South Africa but also internationally.

In its struggle to obtain information, Biowatch not only met with obstructive officials at the Department of Agriculture, but also faced great hostility from Monsanto, Delta Pine and Stoneville Pedigreed Seed Company, all of which joined in the campaign against Biowatch. In the High Court, Biowatch won the right to 8 out of 11 categories of requested information. Despite this, in a clear attempt to silence Biowatch, Monsanto insisted that its costs should be paid by the NGO, citing the "healing balm of costs". It was the only company to adopt such a hard-line attitude. Two different courts concurred with Monsanto and ordered Biowatch to pay Monsanto's costs.¹

Biowatch was faced with a difficult choice: the risk of collapse through losing even more money in further litigation, against the chance of winning justice in the higher courts. However, given the wide-ranging impact of this judgement on all sectors of civil society, it seemed very important not only to defend the right of access to information, but also to ensure that public interest groups were not discouraged from litigation. If Biowatch had not defended these important principles, a company like Monsanto, notorious for taking farmers to court, would have become even bolder in its oppression of the struggle against GMOs worldwide.

Fortunately, South Africa has a good Constitution and a Constitutional Court with highly regarded judges, many of whom had been very active in the anti-apartheid struggle. They unanimously made the right decision: that the government has the responsibility to ensure that its conduct is consistent with the country's laws and Constitution.

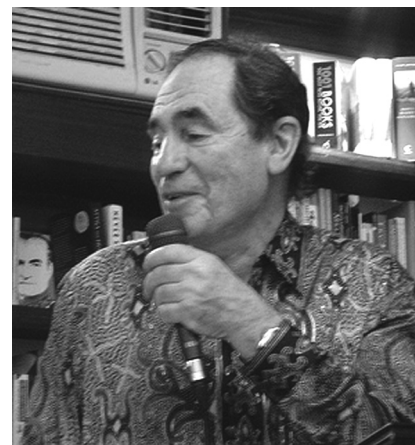


T-shirt, Johannesburg

Justice Albie Sachs ruled that the High Court had "misdirected itself in the whole matter of costs" and its decision was "demonstrably inappropriate on the facts, and unduly chilling to constitutional litigation in its consequences." He continued: "The government's duty was to act as impartial steward, ... the greater the public controversy, the more need for transparency."

This case has highlighted some of the difficulties in campaigning on GMOs: the controversial nature of these crops; the fact that, despite good legislation, the balance of power still lies with the wealthy (in this case the multinationals); and the fact that many governments, like the South African, are complicit in the efforts by companies such as Monsanto to impose GM crops without public oversight. But in the end, it also brings out one hugely important truth: that, with resilience and determination, people can win their struggles for access to information, justice and freedom of choice.

1. For more details, see Biowatch's website, www.biowatch.org.za



Justice Albie Sachs



Update on swine flu

An interesting aspect of the swine flu outbreak is how early the link was made with factory farming. This was largely the result of pressure from local residents in the village of La Gloria in the municipality of Perote, Mexico. Like other communities, in Romania (Europe) and North Carolina (USA), they have been struggling for years against the social, environmental and health impacts of the large pig farms that Smithfield, the world's largest pork producer, has set up through a joint venture near their hamlets. Indeed, well before the outbreak, some leaders in La Gloria were arrested or beaten up because of their opposition.

When people were affected by a strange respiratory disease in 2008, they were convinced from the beginning that the outbreak was caused by waste coming from the farms. The community made repeated efforts to get the authorities to investigate. When the authorities finally sent a medical team to test people in the community, they found that 60 per cent of the community's 3,000 people were affected by an undiagnosed respiratory disease. It was not until weeks later, on 27 April 2009, when the country was well into a swine flu epidemic affecting thousands of people, that the Mexican government announced that the sole sample taken from La Gloria (that of a 5-year-old boy) and sent to a laboratory with the capacity to diagnose human swine flu, had come back positive for H1N1 – the first recorded case of swine flu in the country.

Only at this point did the authorities and media turn their attention to this community. When journalists turned up in La Gloria, the villagers, refusing to be intimidated by the company or the government, pointed directly to the factory farms, particularly to the tanks of effluent beside the hog barns, as the cause of the outbreak. For once the mythical nature of modern "biosecurity", promoted by the meat industry's propaganda, was exposed for the whole world to see. The community's direct experience of the health and environmental impact of living next to a factory farm, together with a growing body of research and analysis showing that factory farms create the ideal breeding grounds for the emergence of new variants of influenza in humans, made it abundantly clear where the blame lay for this epidemic. Smithfield has, of course, denied any link.

Communities like La Gloria are on the front line of resistance to pandemics, but they are totally excluded from official responses or strategies. Indeed, it was owing to luck that the one sample taken from the community was properly tested. How many other villagers were affected, we will never know. We are also unlikely to have conclusive evidence that the disease emerged from the Smithfield operation, because the company is in charge of the investigation. But even if we never have this "smoking gun", the people of La Gloria know, and many more people now understand, the grave risk to the world's health (not to mention the economy) that these factory farms represent, because of the way they breed dangerous pathogens.

Not a single factory farm in Mexico was closed down, or even thoroughly or independently investigated. The authorities in far away Egypt, by contrast, took advantage of the swine flu epidemic to order the wholesale slaughter of the 300,000 pigs reared by small producers. They took this drastic measure even though swine flu is widely known to be transmitted by humans not pigs, and no case of the disease had been reported in the country. In Egypt, a predominantly Muslim country, the raising and consumption of pigs is largely restricted to the country's Christian minority, about 10 per cent of the population. The largest group of pig farmers are the largely Christian rubbish collectors, who live in the slums of Manishyet Nasr on the outskirts of Cairo. Isaac Mikhail, the head of their association there, said that they reared about 65,000 pigs in the slum, and that this activity provided the principal income for about 55,000 people. When the slaughter began, angry pig farmers blocked the roads and hurled rocks and bottles at the police, who responded by charging armoured cars into the protesters.

In response to international criticism, including from the OIE and the FAO, the Egyptian government said that it was a hygiene measure to rid the country of "unsanitary pig farming conditions" and to make way for "cleaner" European-style factory farms. Ministry of Agriculture officials have said that pig rearing will restart in two years, using imported animals in specially constructed farms in the countryside.

When the bird flu first broke out in Asia in 2003, the poultry corporations denied

that their farms were the cause. Back then, it was difficult to highlight the role of factory farms, as the companies, with the active complicity of the authorities and the media, were able to turn people's attention to wild birds and traditional poultry practices. But this is changing, despite what occurred in Egypt. The link between factory farming and the growing threat of pandemic diseases in humans is undeniable, and even if governments and international agencies continue to toe the corporate line, local struggles against factory farms have assumed their rightful place at the centre of the global response to emerging diseases. One indication of this shift is the key role played by La Gloria residents at a large meeting, held in Jalisco, Mexico, at the end of May, of the Asamblea de Afectados Ambientales (Assembly of the Environmentally Affected). Whereas once La Gloria residents felt isolated in a lonely struggle against a food giant, now they are at the centre of a growing movement to fight all projects that affect local populations with pollution, poisons, illness, GMO contamination, and so on. Indeed, the Assembly's next meeting at the end of 2009 will be held in La Gloria.

GRAIN publications on swine flu and related issues:

Against the grain, "A food system that kills", April 2009.

<http://www.grain.org/articles/?id=48>

Edward Hammond, "Indonesia fights to change WTO rules on flu vaccines", *Seedling*, April 2009.

<http://www.grain.org/seedling/?id=593>

Patrice Sagbo, "Mismanaging avian flu in Benin", *Seedling*, July 2008.

<http://www.grain.org/seedling/?id=554>

Against the grain, "Bird flu in eastern India: another senseless slaughter", February 2008.

<http://www.grain.org/nfg/?id=554>

Against the grain, "Bird flu – a bonanza for 'Big Chicken'", March 2007.

<http://www.grain.org/articles/?id=22>

Briefing, "Fowl play: the poultry industry's central role in bird flu crisis", February 2006.

<http://www.grain.org/briefings/?id=194>



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