




2ND QUARTER 2020

# APRNewsletter

The Official Newsletter of Asia Pacific Research Network

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## INSIDE STORIES

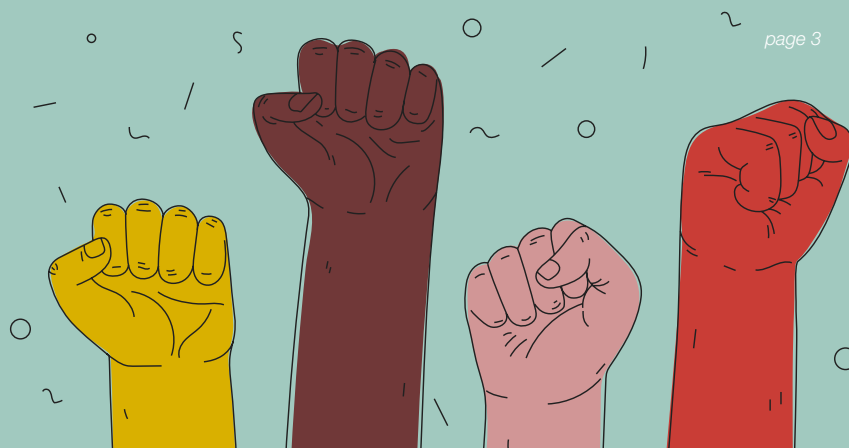


The UN Human Rights Council must act to stop the attacks on indigenous peoples, human rights defenders, and our communities

*page 8*

Decade of action: CSOs and people's movement clamor for Development Justice to achieve Agenda 2030 in the era of Covid-19

*page 3*



Implication of Draft EIA Notification, 2020 in Manipur

*page 11*



The Global Mining Industry and the People's Resistance during the COVID-19 Pandemic

*page 20*





#### ABOUT THE COVER

DELHI - Volunteers clean the campus hall of a spiritual organisation, which is being converted into a 10,000-bed coronavirus care centre. (Money Sharma/AFP/Getty)

#### Editorial Board

Jazminda Lumang  
Ima Ariate  
Mara Medrano  
Julia Puno  
LJ Abes  
Ericson Caguete

#### Contributors

People's Coalition on Food Sovereignty (PCFS)  
Christina Lamremdik  
Jiten Yumnam



The Asia Pacific Research Network (APRN), a regional network of NGOs provides various forms of capacity on important socioeconomic and geopolitical issues such as people's trade agenda, cross border investments, development finance, democracy and militarism, governance and development effectiveness, among others. APRN does this through different programs and projects on research advocacy, training and seminars, coordinated researches, civil society networking, policy and communications.

#275 Horeb House, St. Andrew's Theological Seminary, E. Rodriguez Sr. Avenue,  
Barangay Kalusugan, Quezon City, Philippines, 1112

+63-2-79054912 secretariat@aprn.org /APRNet aprnet.org

## Decade of action: CSOs and people's movement clamor for Development Justice to achieve Agenda 2030 in the era of Covid-19

By Julia Puno



(freepik.com)

The Asia Pacific Regional CSO Engagement Mechanism (APRCM), alongside other CSO and major stakeholders, participated in the recent 7th Asia Pacific Forum on Sustainable Development (APFSD) last May 20, 2020. With the current global health pandemic of COVID-19, the United Nations Economic and Social Commission for Asia Pacific (UNESCAP) decided to bring the forum to virtual means in order to proceed with the matters needed to be discussed on the regional trends happening in the region today.

The APFSD is an annual and inclusive intergovernmental forum and a regional platform

for supporting countries, particular those with special needs, in the implementation of the 2030 Agenda for Sustainable Development. The theme of the 7th APFSD is "Accelerating action for and delivery of the 2030 Agenda in Asia and the Pacific". The APFSD aims to serve as an avenue for major groups and stakeholders to discuss their progress in achieving the Sustainable Development Goals (SDGs) and share their outlook on the occurring issues in their countries and how it transcends to frame the state of play of the Asia Pacific region. The program agenda was divided into three: opening, election of the bureau and

adoption of the agenda, regional perspectives on accelerating progress on the 2030 agenda for sustainable development, and linking national, regional, and global dimensions of the 2030 agenda for sustainable development. Representatives and participants of APRCM from grassroots and local organizations as well as national and regional organizations from the constituencies of Women; Youth; Social and Community Enterprise; Farmers; Trade Union/Workers; Science and Technology; Indigenous Peoples; Urban Poor; Migrants; Persons With Disability; People living and affected by Human Immunodeficiency Virus (HIV)



and Acquired immunodeficiency syndrome (AIDS); Lesbian, Gay, Bisexual, Transgender, and Intersex (LGBTI); Older People; People affected with conflicts and disasters; Fisherfolks; Non-Government Organizations (NGOs); and Dalits.

#### APFSD Virtual Discussions on the Global Sustainable Development Report

Prior to the forum, UNESCAP held a series of virtual discussions focusing on the theme of APFSD/HLPF and the six entry points for transformation presented in the GSDR leading up to the forum. APRCEM have participated in these sessions and raised the calls of sectors on their perspective on the report.

On Session 1: Virtual Discussion on the overall theme of the APFSD and HLPF, Jazminda Lumang, co-chair of APRCEM and General Secretary of the Asia Pacific Research Network, gave an overview of the progress of the achievement of the SDGs and how the public health crisis of COVID-19 exposes a multi-dimensional crisis that's long been experienced in the region. Lumang emphasized on how the current system of neoliberal capitalism has resulted in exacerbating the existing crisis of the region on public health, basic social services, and democratic rights. In relation to the achievement of the SDGs, she pondered, "With only 10 years left in the implementation of the Agenda 2030 and the SDGs, actions towards

sustainable development must do away with the system that breeds more inequality, more environmental destruction, more rights violations, and more suffering of those who are left behind. Acceleration will only happen if governments are pressured into acting quickly and decisively towards transformation. Transformation on the other hand, will only happen if systemic barriers are addressed with the democratic participation of peoples in governance in the framework of Development Justice."

Sai Racherla, Deputy Executive Director of the Asian-Pacific Resource & Research Centre for Women (ARROW) emphasized that because of the global pandemic of COVID-19, significant implications for human well-being, capabilities, public health, economic security, and social stability have arisen on Session 2: Virtual Discussion on Global Sustainable Development Report Entry Point on Human well-being and capabilities, Racherla adds, "The crux of the recommendation is to call for universal access to human well-being and capabilities through sound governance measures and multi-stakeholder collaboration. The achievement of the SDGs is squarely dependent on addressing the key structural and systemic barriers like patriarchy, caste system, communalism, institutionalized racism, class, that perpetuate inequalities, discrimination, exploitation, and oppression. The intersectionality of these barriers further creates

more discrimination and inequalities."

On Session 3: Virtual Discussion on Global Sustainable Development Report Entry Point on Food Systems and Nutrition Patterns, Wali Haider, Joint Director of Roots for Equity, emphasized that the single most important underlying factor beneath an unsustainable food system has been looking at the food system in isolation without taking into consideration the well-being of small and landless farmers and food producers. Haider reiterated, "Today's food system is highly unsustainable as shown by its adverse environmental impacts including huge greenhouse gas emissions, high economic costs, and susceptibility to price spikes and artificial shortages. It is also extremely unhealthy as evidenced by persistent malnutrition."

Paul Divakar, Chairperson of Asia Dalit Rights Forum (ADRF), gave his insights on



Paul Divakar

the looming conditions of our global economy on Session 4: Virtual Discussion on Global Sustainable Development Report Entry Point on Sustainable and Just Economies. Divakar adds "COVID-19 has brought economies to a grinding halt. Thousands of people have lost their lives already and the numbers are exponentially growing. More than any other time in our history, this is time for us to build sustainable and just economies - focusing on the people and planet and to redefine 'prosperity'."

On Session 5: Virtual Discussion on Global Sustainable Development Report Entry Point on Global Environmental Commons (GEC), Neth Daño, Asia Director of ETC Group, echoes that the lack of access to GEC results to environmental injustice, and the degradation of one environmental common increases the risk of deteriorating other commons as they are closely interconnected. Daño stressed that "The world must move away from reliance on free-market mechanisms that are already proven insufficient and inadequate in combating global environmental challenges."

Eni Lestari, Spokesperson of International Migrants Alliance - IMA (IMA) shares on the worsening root causes of forced migration to urban cities - poverty, unemployment, landlessness due to land and resource grabbing, monopoly of capital on SESSION 5: Virtual Discussion on Global



Eni Lestari

Sustainable Development Report Entry Point on Urban and Peri-urban Development. Lestari adds that "The COVID-19 outbreak presents the reality of urban centers unable to address the needs of their people: When quarantines and lockdowns abound, when the threat of mass unemployment looms, when stimulus packages are exclusive and when the poor get nothing but a couple of canned goods and canned responses from their local and national governments."

On Session 7: Virtual Discussion on Global Sustainable Development Report on Enhancing power grid connectivity to achieve affordable and clean energy for all. Jahangir Masum, Executive Director of Coastal Development Partnership (CDP), stressed that the fossil fuel industry-funded propaganda and strong lobbying are undermining energy decarbonization using the absence of a politically adopted definition of modern

energy. Masum added, "The lack of political will or government efforts to replace fossil fuel (oil, coal, and gas) by renewable energy sources are the key barrier for achieving most of the Sustainable Development Goals (SDGs)."

APRCEM stands firm on its position that only through the pursuance of development justice framework will we achieve the SDGs, as we are down to its last 10 years of implementation. The mechanism believes that it's only through dismantling the current neoliberal framework of development, which breeds inequality, environmental destruction, human rights violations, shall we accelerate action and delivery of the 2030 Agenda in Asia and the Pacific.

#### 7th Asia Pacific Forum on Sustainable Development

With the theme "Accelerating action for and delivery of the 2030 Agenda in Asia and the Pacific", the 7th APFSD proceeded through virtual means. This is a first for the platform as the threat of COVID-19 is still prevalent across countries in the region. The 7-hour program centered on the regional perspectives on the progress and implementation of the 2030 Agenda and the Sustainable Development Goals towards sustainable development in the region on the national, regional, and global dimension. The forum also gave emphasis on the role of the Global Sustainable Development Report in the era of COVID-19



Sai Racherla

and its relevance for accelerated transformation.

Deki Yangzom of YPEER Bhutan gave her opening remarks in which she said that we need to recognize and address the systemic barriers that impede the enforcement and acceleration of transformation in the SDGs. Yangzom pointed out that while some governments have become more welcoming, there are also more militarism, greater environmental degradation, ever widening inequality, and graver vulnerabilities of people and that there is no development if there is no justice. Yangzom urged governments and the UN that in the context of COVID-19 and the global economic depression and it is more imperative that civil societies should be a part of the policy discussion on changing the course of Agenda 2030, to build upon our development justice approach.

Sai Racherla, Deputy Executive Director of The Asian-Pacific Resource & Research Centre for Women (ARROW) and Women

Constituency representative of APRCEM, intervened during Session 1: Review of regional progress on SDGs five years into the implementation of the 2030 Agenda. Racherla said that the achievement of the SDGs is squarely dependent on addressing the structural and systemic barriers like patriarchy, caste system, communalism, that perpetuate inequalities, discrimination, exploitation, and oppression. The intersectionalities of these barriers further create more discrimination and inequalities for women and girls. She gave emphasis that the COVID-19 crisis only exacerbated and jolted the already slow progress on gender equality in the region.

Trade Union and Workers representative, Francis Upgi Kim, Director of Economic and Social Policy for the International Trade Union Confederation - Asia Pacific (ITUC-AP), intervened during Session 2: Opportunities and entry points for accelerated action in the COVID-19 era. Kim said that we must cure the world with serious problems highlighted by the pandemic not by going back to normal but by reconstructing a new and better normal to ensure our post-COVID-19 world to be truly inclusive, resilient and sustainable. Kim stressed on how it can only be done by building trust in governance systems and institutions, and increasing confidence in the future with a new social contract on the basis of fundamental workers' rights, social dialogue

and social protection for all. Kim also shared that initiated social dialogues from workers and labor unions have not been respected with various attempts to exclude them in the process of discussion, implementation, and review of the SDGs at the national level.

On Session 3: Strengthening follow up and review of the 2030 Agenda at the national level: the role of VNRs", Jyotsna Mohan, Regional Coordinator of Asia Development Alliance (ADA), spoke on behalf of APRCEM on the role of civil society organizations in the voluntary national review. Mohan criticized how the digital divide hinders meaningful connections to the most vulnerable. She raised the concern that the APFSD should give more voices to constituencies, farmers, workers, indigenous peoples, urban poor, etc., who are not heard through these engagements. Mohan solidified this and said that the follow-up and review processes of 2030 Agenda gives too much focus on lesson learnt and after success stories, best practices for the implementation without giving enough focus on analyzing the root causes and tackling the systemic barriers to achieve sustainable development - this includes the issue of wealth inequality, corporate power, resource grabbing, militarism, unjust trade and investment agreements, patriarchy, casteism, fundamentalism. She ended her statement by putting forward to the forum that the VNR process should clearly expose both

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APRCEM encourages the need for accelerated action and transformative pathways and for states to recognize the critical role social movements play as powerful means to engage people to work together to deliver the 2030 Agenda and cultivate a just, environmentally sustainable, peaceful world, free of poverty, hunger and inequality where no one is left behind.”

progress and implementation gaps in the countries in order to be able to allow corrective actions and change of policies and programs.

Older People constituency representative, Arumugam Sankar, Executive Director of Empower INDIA, intervened during the session and shared: Some of the issues confronting older persons across the Asia-Pacific region in this pandemic are; health care denied for conditions unrelated to COVID-19, neglect, and abuse in institutions and care facilities, an increase in poverty and unemployment, the dramatic impact on well being and health, and the trauma of stigma and discrimination. Sankar said that in order to enable and accelerate transformation, we need to acknowledge the problems

confronting the older population that are obstacles in achieving SDGs; ageism, invisibility in mainstream statistics, and lack of strong institutional monitoring for older persons' welfare.

DWD Dalits constituency representative, Paul Divakar, Chairperson of Asia Dalit Rights Forum (ADRF), also echoed: We call for appropriate COVID-19 mitigation measures towards Dalit, Indigenous, and other vulnerable communities, ensuring proper implementation of the aid and services to be ensured. We also call for protection from caste-related violence which has increased as part of the lockdown and COVID-19 mitigation measures. Asia Pacific has not translated into faster poverty reduction despite being home to fastest growing economies. We still have millions of poor people living on less than USD 1.9/day and nearly half a billion are under nourished. The numbers and data on paper related to SDGs are nothing compared with the multidimensional crisis that we are living right now - a large proportion of them being women especially from Indigenous, Dalit, and other “minority” communities in these countries.

People living with HIV representative, Jeffry Acaba, Programme Officer of Apcaso, called attention to the shrinking CSO spaces in engagements such as the APFSD on the same session. Acaba reiterated CSO's

disappointment regardless of which platform they engage in, may it be virtual or physical, because their voice and perspectives are being pushed towards the end of the line, at a time when those in the last mile should be put first. He said that this only shows the disregard for a multistakeholder approach that is required at this point in our forum.

APRCEM has expressed its dismay to the platform as it further excluded the voices of the marginalized constituencies in such engagements especially now in the era of COVID-19 and with only 10 years left to achieve the Agenda 2030. The mechanism believes that the people of Asia Pacific have the answers on how to accelerate transformation towards sustainable development and that all over the region, grassroots communities are coming up with solutions to address these systemic barriers hindering the achievement of the SDGs. Achieving SDGs will depend on the existence of powerful, resourced, connected peoples movements. APRCEM encourages the need for accelerated action and transformative pathways and for states to recognize the critical role social movements play as powerful means to engage people to work together to deliver the 2030 Agenda and cultivate a just, environmentally sustainable, peaceful world, free of poverty, hunger and inequality where no one is left behind. ■



# The UN Human Rights Council must act to stop the attacks on indigenous peoples, human rights defenders, and Our Communities

Joint Statement by:

- KATRIBU Kalipunan ng Katutubong Mamamayan ng Pilipinas
- Kusog sa Katawhang Lumad sa Mindanao (KALUMARAN)
- Save Our Schools Network
- Cordillera Peoples Alliance (CPA)
- Cordillera Human Rights Alliance (CHRA)
- Philippine Task Force for Indigenous Peoples (TFIP)
- SANDUGO Kilusan ng mga Moro at Katutubong Mamamayan para sa Sariling Pagpapasya (Movement of Moro and Indigenous Peoples for Self-determination)
- Indigenous Peoples Movement for Self-Determination and Liberation (IPMSDL)

Joint Statement by Philippine Indigenous Peoples' Human Rights Defenders Network on the Report of the High Commissioner for Human Rights on the Situation of Human Rights in the Philippines

Human Rights Council  
Forty-fourth session  
Agenda Item 2



(Cordillera Human Rights Alliance)

We fully welcome the Report of the United Nations High Commissioner on Human Rights on the Situation of Human Rights in the Philippines, and support recommendations especially the following on indigenous peoples:

- Fully and comprehensively implement the Indigenous People's Rights Act and address, together with affected communities, the major challenges impeding its proper functioning;
- Ensure full respect for the principle of free, prior and informed consent and meaningful participation at all stages of development projects that affect indigenous communities;
- Ensure universal access of indigenous children to quality education in line with their cultural identity, language and values.

The report also states the following

recommendations regarding National Internal Security policies and the recommendation on the disbandment of paramilitary groups that have long been a recommendation of different United Nations mechanisms:

- Rescind Memorandum Order 32; Ensure emergency measures are necessary, proportionate and time-bound, limited to those strictly required by the exigencies of the situation;
- Urgently disband and disarm all private and State-backed paramilitary groups;
- Review Executive Order 70 and its implementation to ensure compliance with the rule of law and international human rights norms and standards, and that political and socio-economic grievances are tackled through meaningful, participatory consultation;

However, we are deeply concerned that the



Philippine government will not fully comply with the recommendations saying that these are premised on “faulty conclusions”<sup>1</sup>. The chairperson of the National Commission on Indigenous Peoples (NCIP) former General Allen Capuyan further released a response letter<sup>2</sup> stating that its submissions and recommendations were not considered, in particular affidavits of Lumad leaders claiming to have been connected with the CPP-NPA-NDF and citing their association with leaders of the Cordillera People’s Alliance and Lumad organizations and associating lobbying at the UN and Lumad-initiated schools and several other legal and legitimate activities to the effect of having been worked out by the CPP-NPA-NDF.

There has been no let-up in the violation of human rights in the Philippines. Updated reports we received since March 2020 show that the government’s militarist approach to the COVID-19 pandemic has led to even more human rights violations against indigenous peoples<sup>3</sup>. Notable are the continuing arrests and unjust detention, indiscriminate bombings of communities, internal displacement, continuing political vilification and red-tagging of leaders and members of IP organizations especially those resisting dam and mining projects and those who are critical of the Philippine government’s pandemic response. Alarming, the Anti-Terror Act has already been passed by Congress and merely needs the signature of the President before becoming a law. This, despite its unconstitutional provisions and strong opposition from different Philippine institutions and the civil society organizations.

**From the Human Rights Council Report, we would like to reiterate and add to the following recommendations:**

- a. that not only must universal access to quality education be granted to indigenous children but must be in accordance with UNDRIP<sup>4</sup> on right to establish and control their own educational system. We call to immediately rescind the closure order against these institutions established as manifestations of the right to self-determination;
- b. that as concrete steps to the implementation

of the Indigenous Peoples Rights Act, we call for review in conjunction with indigenous peoples all applications on mining, geothermal, water resource and hydropower development and agri-business ventures; that endorsements be withdrawn from those with severe environmental, social and economic impact or which are not consistent with the priorities and strategies for development of indigenous peoples especially the Kaliwa Dam affecting Dumagats in Quezon, the OceanaGold Mining Operations in Nueva Vizcaya and the New Clark City in Central Luzon.

**We support the OHCHR for its call to collaborate with other UN Human rights mechanisms, to continue monitoring and documenting the situation of human rights in the Philippines, and to regularly report to the Human Rights Council on the Philippine government’s compliance with the United Nations High Commissioner’s recommendations.**

**We further urge the OHCHR to utilize other mechanisms such as international commission of inquiry, fact finding missions and investigations as mechanisms to address the concerns by the Philippine Government of the conclusions and recommendations by the High Commissioner.** ■

[1] <https://www.pna.gov.ph/articles/1105111>

[2] <https://www.pna.gov.ph/articles/1105188>

[3] *From North To South Indigenous Peoples Are Battling Against Discrimination, Militarization And Worsening Human Rights Situation, Philippine Indigenous Peoples Amidst Covid-19 Pandemic: Special Report June, 2020, KATRIBU Kalipunan ng Katutubong Mamamayan ng Pilipinas*

[4] *United Nations Declaration on the Rights of Indigenous Peoples Article 14: Indigenous peoples have the right to establish and control their educational systems and in situations providing education in their own languages, in a manner appropriate to their cultural methods of teaching and learning*

# Implication of Draft EIA Notification, 2020 in Manipur

By Christina Lamremdik and Jiten Yumnam



(freepik.com/jcomp)

The Ministry of Environment, Forests and Climate Change (MoEFCC), Government of India released a Draft Notification on Environment Impact Assessment (EIA), 2020 on 12th March last. The introduction of the draft EIA Notification provoked controversy among the environmentalist and civil societies on the long-term implications of such draft, that is perceived as continued dismantling of environmental regulations in India. The introduction of the draft comes at a time when various energy projects, extractive industries, mining plans, agribusiness and large infrastructure projects are

aggressively pursued in Manipur and in North East India under India’s Act East Policy. Various mining companies are engaged in mining surveys and operate plans to extract minerals present in Manipur, primarily Chromite and Limestone in Ukhul, Kamjong, Tengenoupal and Chandel Districts. The Geological Survey of India estimates around 20 million metric tonnes of limestone deposits in Hundung, Phungyar and Mailiang villages in Ukhul district and at Toupokpi, Chakpikarong, Haikot etc in Tengenoupal and Chandel Districts. Several MoUs for mining were among the Thirty-Nine (39) MoUs signed during

the North East Business Summit held at Imphal, Manipur from 21st until 22nd November 2017, for commencement of Chromium and Limestone mining in Manipur in addition to setting up of infrastructures to facilitate oil and gas exploration.

The companies involved in oil exploration in Manipur includes the Oil India Limited (OIL), Oil and Natural Gas Corporation (ONGC), Jubilant Oil and Gas Private Limited, the Tullow Oils, Asian Oilfields, Alphageo Company, involved in oil exploration and survey works in Manipur since 2010. At least 32 dams are proposed to be built over the Rivers of Manipur. These projects require rigorous and meticulous assessment of impacts on environment, people, livelihood, and even inter-generational survival of indigenous communities of Manipur. The deregulation of policies and enactment of new policies stem from the free trade agreements that India signed with various developed countries and with countries of South East Asian Nations, for ease of business.

The EIA notification is a crucial regulation through which the impacts of land use pattern,



tree felling, pollution, waste, and consequent management for industrial and infrastructure projects can be studied, given India's ambition to become an economic superpower. However, the introduction of draft EIA notification 2020 during Covid-19 lockdown, accord negligible space for environmentalists, civil societies and concern organizations to examine the details and for meaningful consultation on the draft and hence requires critical review.

The Draft EIA Notification 2020 moves towards further dilution of environmental regulations in India by weakening the EIA processes. The new Draft makes 'environmental clearances' easier by placing large unsustainable projects, like large hydropower projects upto 25 MW under Category B2, which were earlier categorized as Category 'A' projects, thus removing them from mandatory environmental appraisal at the level of Government of India and exempts many unsustainable development projects from the

need of public consultations while seeking environmental clearances. In the 2006 EIA notification, category 'B' project was treated as category 'A' project if the project fulfilled the 'general conditions', which meant if they were located (in whole or in part) within 10 km from the boundaries of protected areas, critically polluted areas, eco-sensitive zones, or inter-State and international boundaries. "But as per the new notification, 'B' projects fulfilling the general condition will be appraised by the expert appraisal committee, but they will no more be treated as category 'A' projects. This explicit clarification does seem to imply that they will undergo less rigorous appraisal. Earlier, an approval or clearances from the expert panels – the National Board for Wildlife (NBWL), the Forest Advisory Committee (FAC) and 10 Expert Appraisal Committees (EAC) – is necessary for projects to get green clearances from MoEFCC. The draft EIA notification 2020 will simplify and dilute such requirements from different environment related ministries.



(Minden Pictures / Alamy Stock Photo)

Further, similar projects within National Parks, Wildlife Sanctuaries, or Ecologically Sensitive Areas will be subjected to public consultations only within that specific district, regardless of its ecological impacts to nearby areas. This undermined the longstanding demands of a cumulative impact assessment, vis-a-vis cascade dams, infrastructure projects and extractive industries in river basins, that dot the terrains of Manipur and across North East.

Another major concern is how environmentally unsustainable industries like extractive industries, mining projects and oil exploration, are accorded much flexibility in the Draft Notification. The Draft will exempt "coal and non-coal mineral prospecting," from impact assessment of ecological impact and damage apart from impacts on communities depending on such resources. The non-coal mineral prospecting will include oil and gas exploration and drilling, confirmed as one of the most environmentally devastating projects. The draft extended the duration of environmental clearance from the earlier 30 years to 50 years, considering the duration as part of the "construction phase." This is alarming for Manipur and in North East as effects of mining and oil exploration long pursued in the region are testaments of severe environmental impacts, such as the Baghjan oil spill in Assam since 27 May 2020. The Draft also exempts all

defence and "national security" projects, as well as any other projects involving "strategic considerations as determined by the government" from "environmental clearances". This gives a virtual carte blanche to the government who could declare, for instance, oil exploration as "strategic projects" and thus evading environmental scrutiny.

The most challenging aspect of the Draft EIA Notification 2020 is the wide-ranging freedom given to project proponents to engage in violation of conditions under which they were granted environmental clearance. "Dealing with violation cases" is a new section in the draft notification, that overlooks all type of violation relating to forest clearance and other environmental violation by simply imposing fines, categorize the terms of violation in four ways -- Suo moto application of the project proponent; or reporting by any government authority; found during the appraisal by Appraisal Committee; or any violation found during the processing of application by regulatory authorities. The draft condones violation of any environmental norms by simply imposing fines, graded depending upon whether the project proponent admits to such violations or exposed by government agency. The levy of fine of project proponents by declaring a 'crime' as a 'non-crime' legitimizes the violation. The draft EIA 2020 undermines the orders of the National Green Tribunal that ruled against post-



Irang River flowing freely in Manipur. Series of hydroelectric projects are planned over these Rivers. (Minden Pictures / CRA Manipur)

facto approvals by attempting to legitimize violations committed by huge industries, construction agencies and all those that are involved in development related activities. A project that starts without an Environment Clearance is a violation of the Environment Protection Act 1986. The proposal of MoEFCC in the new draft EIA notification to allow projects violating the law is against the 'polluter pays principle' and instead, propagates a "pollute and pay" principle by paying fine.

The draft attempts to uproot 'public consultations and public hearings', despite their flaws and limitations of such hearings. The draft notification provides for a reduction of the time up to 20 days for the public to submit their responses during a public hearing for any application seeking environmental clearance. It requires the public hearing process be completed within 40 days, compared to 45 days under the EIA 2006 notification.

This will further weaken the public hearing process. Without adequate time, public hearing will lack transparency and credibility. The reduction of time would particularly pose a problem in those areas where information is not easily accessible. The notification of 20 days' time for consultation is inadequate for indigenous communities in remote areas, needing translation of project documents in local dialects and for consultations appropriate to indigenous peoples' way of life and traditional institutions.

The EIA notification with processes to further dilute the public consultation process by shortening the time for consultation and exemption of certain key projects, such as fossil fuels and those determined as 'national projects', from impact assessment and environmental clearance processes, will infringe on indigenous peoples rights over their land and natural resources and for their consent. Building





A spectacular view of Loktak Lake in Manipur (Ashish Chopra)

of large dams, oil exploration and mining in Manipur have long caused controversy over environmental and social impacts, which affected communities highlighted in “environmental public hearings”. The regulatory dilution will further deny peoples’ right to assert concerns in public hearing on impacts of unsustainable projects. The draft EIA 2020 will usher in catastrophic changes to indigenous peoples’ way of life by unleashing rights violation, eviction, and ecological destruction.

The government pursued “creating enabling environment” for corporate bodies to improve the “ease of doing business” in India by diluting all regulations that project proponents viewed as obstacles to investment and insatiable pursuit of profits. The core concept of draft EIA 2020 is

to pave the way for multinational corporations to legally exploit the land and resources of indigenous communities, such as in Manipur and in North East without environmental scrutiny and by removing all perceived hindrances for corporate bodies in their business, such as ‘environment clearance’ and ‘public hearing’. This is alarming for Manipur where large dams, mining of Chromite and drilling of oil and gas has been pursued in biodiverse and ecologically sensitive areas.

An urgent introspection of the long term implications of the Draft EIA notification, 2020 if approved on the environment and rights of indigenous peoples of Manipur is highly critical, given the plans for building large dams, mining, oil exploration, large infrastructure projects, agri-business under Act East

Policy. On 11 August 2019, media reported that at least Thirty-Two (32) potential sites for Hydropower development has been identified in a “Potential Mapping” over Rivers in Manipur. The National Hydroelectric Power Corporation (NHPC) already signed Memorandum of understanding (MoU) with Government of Manipur to construct the 1500 MW Tipaimukh dam on 28 April 2010. Additionally, NEEPCO signed MoU agreement with the Government of Manipur on 28th August 2014 for construction of 190 MW Pabram Dam, the 67 MW Khongnem Chakha Dam, 60 MW Irang Dam etc over the Barak and Irang Rivers and the 51 MW Tuivai Dam over Tuivai River. The total loss of trees and bamboo groves in both Mizoram and Manipur due to the submergence by Tipaimukh dam is estimated at over eight

(8) million trees and over four (4) million bamboo groves. The Mapithel dam submerged more than 600 hectares of forest land. The pursuance of 32 dams will significantly disturb the fragile ecology and destroy the rich flora and fauna of Manipur, also falling in high seismic Zone V.

The intense pursuance of extractive industries becomes an obvious reality after several mining companies began involved for survey work and oil exploration in Manipur in the last decade. Eight blocks of limestone over an area of 34.37 km<sup>2</sup> and ten blocks of chromite over an area of 38.96 km<sup>2</sup> have been notified for exploration and mining with nine private companies signing Memorandum of Understandings (MoUs) on 22 November 2017 with the Government of Manipur (GOM). The GOM signed Seven MoUs for chromite exploration and mining with M/s Sarvesh Refractories Pvt. Ltd, Rourkela, M/s Rourkela Minerals Pvt. Ltd (RAMCO), Rourkela, M/s Kotak Resources, Mumbai, M/s Gulf Natural Resources, Gurgaon, M/s Visa Steel Ltd, Odisha, M/s Manipur Mines and Minerals Pvt. Ltd., M/s Balassore Alloys Ltd, Odisha etc in 2017. The project for mining at Singcha was approved in 2017 and 2018 even without receiving Environment and Forest clearance for the project. The mining company, RAMCO misinformed the absence of forest area in Singcha Gamnon in its pre-feasibility study for Chromite mining plan. Villagers of Hundung

village confirm how the Cement production in Hundung Cement factory caused health impacts.

Multinational oil companies from India and beyond like Jubilant Energy, Tullow Oils and Oil India Limited has been pursuing oil exploration and drilling in Manipur with tacit support of the Government. The oil companies failed to conduct any impact assessment including for 2D and 3D seismic surveys on the land, people and environment of the proposed villages and sites of oil surveys and drilling operations in ecologically sensitive areas of Manipur. The initial EIA prepared for the public hearing by SENES consultancy group negated the existence of endemic species in Manipur.

Oil Exploration, mining, dam building etc. are confirmed as one of most environmentally damaging projects and the exemption of such projects from EIA will violate indigenous peoples’ rights and destroy environment. Manipur indeed falls in two of the World’s Biodiversity Hotspots, the Eastern Himalayas Biodiversity Hotspot, and Indo-Burma Hotspot, that explains the rich biodiversity in Manipur. The oil spill in Baghjan in Assam continues since 27 May 2020 and unleashed massive environmental damage in Dibru Saikhowa National Park and displaced several thousands of communities in and around Baghjan area in relief camps during Covid-19 pandemic. The Oil India Limited, the company responsible for the oil spill has

been unable to control the oil spill and the subsequent fire that caused massive social and environmental impact. The Assam Pollution Control Board (PCB, Assam) even directed the Oil India Limited to close its Baghjan Oil drilling site on 19 June 2020. The closure notice, sent by PCB, Assam to OIL, also cited several environmental transgressions by the oil company. Such oil spill in Baghjan that caused widespread social and environment impacts further necessitates a detailed environmental and social impact assessment and the involvement of affected communities with due recognition of their rights to draw appropriate mitigation plan and measures.

Manipur is indeed identified as the zone of confluence of three major species streams namely the Malayo-Polynesian species, the Tibeto-Chinese species, and the Indian sub-continent species. No cumulative impact assessments have ever been conducted for all the mining plans in the four districts in Manipur. Exempting the oil and gas and mining companies and weakening of environment regulations for energy projects like large dams pursued in environmental fragile and ecologically sensitive areas from environment impact assessments under the draft EIA notification, 2002 in the pretext of facilitating corporate plunder and expropriation of Manipur’s land and natural resources will be disastrous for Manipur. Such destruction will be unfortunate, which the coming generations



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Manipur is indeed identified as the zone of confluence of three major species streams namely the Malayo-Polynesian species, the Tibeto-Chinese species, and the Indian sub-continent species.

will never forgive the present generation for facilitating such destructions.

The draft EIA notification provides environment clearance validity for 50 years for mining projects, against 30 years in the present notification, 15 years from river valley projects against 10 years. Such provision of extension without adequate safeguard and regulatory and accountability mechanisms even when companies are involved in environmental destruction and social impacts will only reinforce corporate unaccountability with support of the State. Manipur cannot afford an unsustainable economic growth of a country that destroy peoples' lives, land, and nature. Another problem with the new notification is the extension of the time given for submitting a compliance report throughout the term of the project, as against earlier submission of report every six months. During

this period, certain irreversible environmental, social or health consequences of the project could go unnoticed because of the extended reporting time. With these provisions, the draft EIA 2020 goes against the environment and the people while favouring the corporate bodies and political elites that work in tandem with them.

The proposed EIA 2020 aims to reduce the legal and social standards for environmental scrutiny of projects, especially the unsustainable and destructive ones. A public input for proposed and expanding projects has further been reduced and many critical projects are outside the purview of public consultations. The draft EIA notification will only legitimise environmentally degrading projects. The draft will further facilitate the government's legalised take-over of the nature and environment, intrinsic to community's survival, identity, and culture. Indeed, the EIA 2020 is designed to deny citizens the social, legal, and political forums available, to protect the environment from government decisions affecting the people and environment.

The failure to conduct impact assessment and additional exemptions by the draft EIA, 2020 especially conceding to oil companies and mining companies will intensify widespread environmental and social impacts by multinational companies with Government and plundering of indigenous

peoples' land and natural resources in Manipur. The draft EIA notification, if it comes into force is a move towards seeking investment and business friendly environment. The implementation of the new draft EIA notification will entail widespread destruction of the rich ecology and biodiversity of North East given the 200 mega dam, extensive oil exploration, mining plan and infrastructure projects pursued aggressively in Manipur and across India's NE region. The environmental impact assessments are crucial for energy projects, extractive industries, infrastructure projects etc. pursued in an ecologically fragile place like Manipur. It will be imprudent for Manipur to leave its land and pristine resources to profit mongering corporate bodies without public scrutiny.

The proposed amendment of the Draft EIA notification 2020 should be completely scrapped. The government should ensure provisions to conduct detailed and holistic impact assessment on environment, social, health, cultural and other impacts by development projects with due rightful participation of all communities to foster sustainable development that really benefits the people. Environmental regulations and accountability mechanisms for corporates, international financial institutions and States rather needs to be strengthened to meet India's sustainable development goals and climate change mitigation objectives. ■

## Cambodia urged to rethink Chinese ties, land policies to recover from pandemic

*People's Coalition on Food Sovereignty*

According to global network People's Coalition on Food Sovereignty (PCFS), international research-based organization GRAIN, and Cambodian NGO Ponlok Khmer (PKH), Cambodia's "growing" relationship with China will only worsen landlessness and abuses to Cambodian rural peoples.

The groups made this statement after the fifth meeting of the China-Cambodia Inter-government Coordination Committee, which was held last June 16, 2020.

"Cambodian farmers and Indigenous Peoples are already suffering from the consequences of the two countries' strategic partnership, which only works in favor of China. We stand with these communities. They have to contend with the continuing abuses of Chinese investors while looking for ways to cope with the impacts of the coronavirus pandemic," said PCFS.

"The scale of China's outward investment in global farmland is clearly significant and is having an impact on local farmers across the world. We identified 61 deals of large-scale overseas

land acquisitions by Chinese companies for food production covering over 3.3 million hectares that have been concluded or are in process of concluding in Cambodia," added GRAIN.

Since the inking of the strategic partnership, China has become Cambodia's top foreign investor in recent years according to government data. Chinese companies collectively have received over 280,000 hectares of economic land concessions (ELC) in Cambodia.

### Case in point: China's Hengfu in Preah Vihear

The groups cited the case of Chinese company Hengfu Group Sugar Industry, which was reported to be leasing land in its concession area to communities in Preah Vihear province while its subsidiaries have indefinitely halted their operations. Both activities are violations of its contract with the Cambodian government.

"Hengfu is employing illegal schemes to keep its control over the disputed land while it cannot carry on with its regular operations. It is taking advantage of the pandemic by collecting

rent from villagers who only want to secure their food and livelihood amid pandemic," said PKH, which has been supporting these communities throughout these years.

In 2011, the Cambodian government granted Hengfu's subsidiaries – Lan Feng, Rui Feng, Heng Nong, Heng Rui, and Heng You – ELCs covering about 40,000 hectares of land in Preah Vihear province. The investment reportedly amounted to USD 360 million and the government claimed that a sugar factory built by the company as part of this investment was the largest in Asia. Hengfu started its operations in 2012.

"Hengfu displaced communities, destroyed livelihoods, degraded the environment, trampled on the indigenous culture, and violated human rights," the groups said.

The Khmer and Indigenous Kuy communities in Preah Vihear have resisted Hengfu's operations for almost a decade now, and the groups credit this resistance for the sudden end of the company's operations in March 2019. But they pointed out that Hengfu's ELCs are still in effect, which allows it to harass these communities through the filing of trumped-up criminal charges.

PKH shared that Hengfu recently revived a pending case it filed in 2014. At the time, villagers had to confiscate the bulldozers sent out by the company to



stop the arbitrary clearing of their lands. The Preah Vihear Provincial Court acquitted eight community members and two of their staff of “illegal confinement and detention” last February, but another eight community members are still awaiting decision on the same accusation. The ruling is set to be released on July 8, 2020.

The groups are also concerned that the company can always file another charge or revive any of its previous charges in an attempt to pacify the communities’ opposition.

PKH mentioned that government officials and police have taken advantage of Hengfu’s closure by occupying parts of the disputed land. They have threatened returning communities who previously resided in these areas.

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**The groups are also concerned that the company can always file another charge or revive any of its previous charges in an attempt to pacify the communities’ opposition.”**

#### **More Chinese landgrabs in the ‘new normal’**

The World Bank recently released a report that said Cambodia’s poverty rate will increase and around two million jobs are at risk due to the COVID-19 pandemic. To address this, the

Ministry of Economy said that it “will find any possibility to see if we can inject more cash” into the economy.

It was in this context that PCFS, GRAIN, and PKH are sounding the alarm on the “stronger” China-Cambodia partnership declaration. The groups said more cases like Hengfu’s will proliferate, and that it signals immunity from accountability for abusive Chinese investors.

“Cambodia should terminate these Chinese concessions and all other ELCs and review its ties with China if the government is sincere in saving its economy,” said the groups. They urged reforms that would prioritize and empower the country’s farmers and Indigenous Peoples in developing their lands instead of awarding them to foreign companies.

“Taking these actions is recognizing the inalienable right of the rural peoples to food and to produce food, which is ever more important amid the many economic uncertainties brought to us by the coronavirus pandemic,” PCFS said.

“We reiterate the demand of affected communities in Preah Vihear to revoke the ELCs granted to Hengfu and its subsidiaries in Cambodia. The countless human rights violations it committed in the past ten years and its blatant breach of contract are more than enough reasons to warrant its banishment from the country,” the coalition said.

“Instead of food security or investment, these land grabbers have produced misery and conflict among the villagers. Together with the Kuy communities and everyone who supports them to protect their farms and forest, it is important to affirm the only solution: stop these deals and give the land back to the people,” said GRAIN.

PKH said the government must uphold the rights of its people and protect rural communities against the transgressions of these Chinese companies operating in Cambodia. “State efforts should focus on uplifting rural communities from their poor living conditions instead of being complicit to the profiteering of foreign and corporate interests,” PKH added.

Furthermore, the groups urged the government of Cambodia to return the disputed land in Preah Vihear to the Khmer and Indigenous Kuy communities. “This would prevent other parties who might take the place of Hengfu in grabbing these lands, which is already taking place,” PKH said.

PCFS, GRAIN, and PKH expressed their solidarity with the Khmer communities and Indigenous Kuy people who continue to assert their legitimate land rights even amid the global health crisis. They will be relaunching the petition they launched in 2018 in support of the campaign against Hengfu’s landgrabbing. ■

## APRN launches webinar series on biodiversity and mining

*By Mara Medrano*

Asia Pacific - The “Webinar Series on Corporate Plunder of Natural Resources” kicked off with two successful webinars that looked into the

issues of biodiversity and mining. Organized by the Asia Pacific Research Network’s Workstream on Natural Resources and Transnational Corporations (TNC) together with the Asia Pacific Network of Environment Defenders (APNED). The webinars took place in Zoom and were live-streamed on the APNED’s Facebook page.

The severity of the impacts of the global pandemic COVID 19 has highlighted the issues on natural resources and the environment.

While in a global health and economic crisis, there are reports that the rampant destruction of the environment and attacks on environmental defenders by TNCs continue.

With these issues, the webinar series aims to discuss and develop a common analysis of the burning issues on natural resources and the crimes of the TNCs in the region; craft effective campaign strategies and serve as an overture for more collaborative activities. ■

## The impacts of corporate plantations and commercial fishing on biodiversity

*By Mara Medrano*

The Webinar series commenced in time for the commemoration of the International Day of Biological Diversity with the focus on the impacts of corporate plantation and commercial fishing in biodiversity.

Mr. Frankie Samperante from Yayasan Pusaka of Indonesia tackled the general effects of Palm Plantation in Indonesia on the environment, livelihood, and well-being of the people. Heading on to the particular case of the farmworkers of Multinational Corporation SUMIFRU Philippines Corporation, as

shared by Mr. Paul John Dizon of Nagkahiusang Mamumuo sa Suyapa Farm (United Workers in Suyapa Farm - NAMASUFA). Mr. Dizon described their working conditions, the killings, harassment and their continuing struggle for labor rights.

In Thailand, the effects of investments on aquaculture have severely affected so much the quality and quantity of aquatic resources from which small-scale fishers rely upon. Ms. Ravadee Prasertcharoensuk of Sustainable Development Foundation (SDF) articulated the trends and changes of resource

management in the case of Ban Don Coastal Resources, how it reflects the conflict between the commercial and small-scale fishers and how it generates social vulnerabilities.

Food production in Pakistan has been affected by corporate hegemony as presented by Mr. Wali Haider of Roots for Equity. He said that the corporations benefit from massive landlessness in the country by focusing heavily on productivity rather than the quality of food. In the context of COVID-19, he detailed the effects of corporate-driven agenda on the farmers, farmers that have no land, and livestock farmers.

Ms. Lia Alonzo of the Center for Environmental Concerns (CEC-Philippines) capped-off the webinar with a strong message calling for the protection of biodiversity and ending corporate plunder. ■



# The global mining industry and the people's resistance during the Covid-19 pandemic

By Mara Medrano



Illustration: freepik.com

With a wider perspective, this webinar tackled the global trends in the mining industry, how mining TNCs are taking advantage of the pandemic, and presented cases from the frontline communities in the Asia Pacific region. This time, the webinar was organized by the APRN, APNED, Yes to Life, No to Mining Campaign, and Commission XIX of the International People's Struggle (ILPS).

Mr. Hannibal Rhoades, Regional Director for Northern Europe of Yes to Life, No to Mining, presented the global trends of the mining industry in the

time of COVID-19. Zooming in on the regional and particular impacts of mining industry, Ms. Lia Alonzo of APNED gave a preview of the situation of environmental defenders in the Asia-Pacific while Ms. Mandakhaitsetsen Urantulkhuur or Center for Human Rights Development (CHRD) and APRN shared the particular case of environmental defenders working on communities affected by mining in Mongolia based on the results of their Fact-Finding Mission.

To draw a bead from previews, grassroots organizations Ms. Miranda Dummang of Samahang Pangkarapatan ng Katutubong Magsasaka at Manggagawa Inc. (Group for the Rights of Indigenous Farmers and

Workers Inc.), Mr. Oo Kyaw Thein of Myanmar Environmental Legal Services and Mr. Emmanuel Peni of Project Sepik gave inputs from mining-affected communities. They presented the status of mining activities and the continuing harassment during the lockdown in their communities.

After the open forum, Mr. Clemente Bautista of ILPS Commission XIX wrapped up the webinar with an analysis of how the mining industry prevails through the collusion of mining TNCs and national governments. He also highlighted the unyielding struggle of the farmers, the indigenous communities and the people to protect the environment and defend their rights. Mr. Bautista ended his speech with the call to end corporate plunder and mining, stop the attacks on environment defenders and continue the fight for the protection and rehabilitation of the environment and systemic change. ■

