

ENCA



Environmental Network *for* Central America

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THE TRUE COST OF SUGAR CANE





ENCA aims to work directly with people in communities who are seeking to arrest environmental degradation and who are often struggling against the repression and violence of armies and police forces acting under the command of wealthy individuals, transnational corporations and corrupt politicians. We campaign with them to place environmental rights within national constitutions and to ensure that all natural resources are made to benefit the many and not the few.

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The CKDnT epidemic

In May this year, ENCA members *Esma Helvacioğlu* and *Martin Mowforth*, spent a day as guests of the organisation *PASE (Profesionales para la Auditoria Social y Empresarial / Professionals for Social and Business Auditing)*, a non-profit organisation formed in 2003 that is dedicated to the promotion of labour and human rights in the agricultural and textile industries of Nicaragua. Their work has alerted many people to the epidemic of chronic kidney disease suffered particularly by workers in the sugar cane fields. The following report uses much of PASE's education and awareness-raising material along with various impressions gained by Esma and Martin during their visit.

As we sip our tea, coffee, lemonade, juices and numerous other sugary drinks, it is quite possible that most of us have no idea that there is a global epidemic of chronic kidney disease of non-traditional causes (CKDnT) amongst sugar cane workers around the world. In particular this is affecting cane workers in the Indian sub-continent and in Central America, especially El Salvador and Nicaragua. Sugar, one of Nicaragua's most lucrative crops, feeds our insatiable sweet tooth. It is harvested by workers who labour under intense heat for poverty-level wages. They are also dying in epidemic numbers.

Researchers have linked poor labour conditions to the epidemic of Chronic Kidney Disease of non-traditional causes (CKDnT) sweeping across Central America. One of the populations most acutely affected by the epidemic is sugar cane cutters in western Nicaragua, although the same disease is noted in plantation workers in the Indian sub-continent and in El Salvador.

The lack of treatment options and resulting medical complications mean that a CKDnT diagnosis in Nicaragua is likely to lead to a slow and painful death. In the past ten years, 46% of male deaths in Chichigalpa, the most affected town, were caused by CKDnT. The epidemic devastates not only the lives of the sugar cane workers, but also the well-being of their families and entire communities.

Social security can mean life or death for a family

When cane cutters become sick, they are fired from their jobs and illegally denied social security benefits and compensation for their occupational illness, leaving their families with no income and forcing their children out of school and into labour. Nicaragua has few dialysis machines available for treatment and, despite its laws regarding conditions of work, there is precious little enforcement of these laws. Obtaining social security benefits in the poverty stricken rural sugar cane communities of Nicaragua can literally mean the difference between survival and death.

Researchers have linked poor labour conditions in the cane fields to the epidemic of CKDnT sweeping across Central America. A specific cause is dehydration because of the insufficient intake of water and the searing heat under which the labourers work. But there is an unproven suspicion that chemical pesticides may also be a contributory factor behind the epidemic.

In the last twelve months, PASE has published a manual on social security rights for agricultural workers in understandable language and conducted training workshops of community and union leaders across >>

western Nicaragua. It also holds training workshops on alternative skills for employment for current and former cane cutters.

For the future PASE aims to:

- become a permanent resource for agricultural workers;
- expand its services beyond social security assistance;
- provide more workshops to workers and their leaders;
- publish and distribute more copies of their manual with a view to reaching the most rural and vulnerable communities;
- directly aid widows and orphans of deceased cane workers affected by CKDnT;
- publish a policy paper providing concrete recommendations to government and industry on how to address the effects of CKDnT;
- engage with the international community to identify practical solutions to this epidemic;
- produce a short video clip explaining

CKDnT and workers' rights in an easily accessible way that workers will understand.

During their visit to PASE, Esma and Martin visited the Monte Rosa sugar cane processing plant where they spoke with union leaders and workers about the conditions of work, CKDnT and the effects of aerial spraying of pesticides. They briefly visited a newly built school located right next to the sugar cane fields which are sprayed by air. They also visited two clinics where they spoke with a doctor about the kidney disease epidemic and with other medical workers. At La Isla Community Centre they recorded an interview with all the workers at the Centre who run workshops in alternative means of income generation and give assistance in informing cane workers about their social security rights.

Both Esma and Martin considered PASE's service to be of crucial importance and so we produce here the link provided by PASE for people to make individual donations to their work.

<https://www.generosity.com/community-fundraising/facing-an-epidemic-help-dying-sugarcane-workers--2>

ENCA will include more information about this epidemic in future newsletters.

Sources:

PASE (March 2016) 'Project Proposal: PASE Legal Services Office'

<https://laislafoundation.org/epidemic/>

<http://www.pasenic.org>

PASE (October 2015) 'Seguridad Social: Manual para Trabajadores Agrícolas y sus Familiares' Comité Nacional de Productores de Azúcar (undated) 'Azúcar de Nicaragua: Endulzando el Mundo'



Members of PASE and La Isla Community Centre showing the Social Security manual for agricultural workers in the west of Nicaragua. (Photo: PASE)

Indigenous peoples' rights and hydro-electric projects in Guatemala: The case of the Ch'orti'

In May 2015, an independent delegation consisting of three UK-based experts in international law, reviewed the human rights impacts of two proposed hydro-electric dams on Maya Ch'orti' communities in Chiquimula department, Guatemala. The delegation met with and reviewed information from a wide range of community members, representatives of the hydroelectric companies, local and national government officials, civil society representatives and members of the diplomatic corp. The result of their efforts was a report entitled: Indigenous peoples' rights and hydro-electric projects in Guatemala: the case of the Ch'orti' in Chiquimula

The delegation visited Guatemala in May 2015, facilitated by Peace Brigades International (PBI UK) with funding from the Open Society Foundation. It was composed of Human Rights expert Dr Julian Burger and barristers Mónica Fera-Tinta and Claire McGregor, all experts in the fields of indigenous peoples' rights and corporate social responsibility. Their report was prepared at the request of Guatemalan NGO Nuevo Día¹, which informs and supports rural communities on issues relating to the rural economy and environment.

A large part of Nuevo Día's work involves providing support and legal representation to Ch'orti' communities which are opposing the construction of hydroelectric projects on their ancestral land. During 2014, Nuevo Día, which has been accompanied by PBI since 2009, reported an alarming escalation of threats and attacks against members of the organisation and the Ch'orti'

communities, highlighting the need for an independent body to investigate the human rights impact of the proposed dams.

The indigenous Maya Ch'orti' community in Chiquimula is in conflict with the companies Las Tres Niñas and Jonbo which plan to build hydroelectric dams on the Jupilingue River (also known as Río Grande). The Ch'orti' claim that these projects will affect their livelihoods and threaten their way of life. The stalemate has lasted 7 years and

**We were born here,
We did not come here**

**Machiwar kayopá temeyum
Iranon kuxpon tará**

escalated into conflict with the local authorities and members of the community being criminalized.

In brief, the key findings of the report were:

- the collective rights of the Ch'orti' were ignored by key actors in the conflict such as the hydroelectric companies, as well as local and national government;
- the Ch'orti', as an indigenous group, collectively hold the right to property to their ancestral lands;
- the right of the Maya Ch'orti' to their land has not been implemented but rather denied in practice in Guatemala;
- Guatemala is under an obligation, by virtue of its constitution and international conventions, "to consult with indigenous peoples and guarantee their participation

regarding any measure that affects their territory";

- the failure to recognize and respect Ch'orti' collective rights to their land and to be consulted with regard to the use of natural resources on their land is at the root of the conflict unfolding in Chiquimula;
- the resistance of the Ch'orti' to the construction of dams on their land, and to a form of development which they do not espouse, has led to chronic social conflict.

The report recommends that the government ensure that an independent social and environmental study is undertaken with the full participation of all actors and in particular the indigenous communities likely to be impacted through their own decision-making bodies and calls upon the company to re-engage with the communities, address their concerns through open dialogue, and respect the outcomes of the consultations.

You can read the full report from PBI by going to:

http://peacebrigades.org.uk/fileadmin/user_files/groups/uk/files/Publications/Indigenous_peoples_rights_report_.pdf

ENCA delegation

In May this year, ENCA member Martin Mowforth visited the Nuevo Día organisation in the town of Camotán in the department of Chiquimula to see how the struggle was developing. Omar Jeronimo, coordinator of the Nuevo Día organisation, hosted the day and the visits to various communities around the area that would be affected by the >>

¹ Nuevo Día is the abbreviation for the Coordinadora Central Campesina Ch'orti' Nuevo Día, often referred to as the CCCND.

dams. (An interview with Omar was featured in ENCA 65, November 2015.)

Martin met with members of Nuevo Día in their office in Camotán, with the whole village of Las Flores, a remote rural community that would be affected by the dams, and with various members of other affected communities. During the village meeting, Omar discussed with all the village the rights they have with respect to ownership of their land and to free, prior and informed consent about any 'developments' that are planned on their territory. Omar explained that in April this year,

"the Guatemalan Constitutional Court granted us provisional protection which makes ineffective any concessions, any sale of real estate which makes up the [affected] Jocotán municipality. ... it recognises the historic property rights of the Ch'orti' who bought the land in 1735 from the Spanish Crown at that time. So it's the first time in the east of Guatemala that the Supreme Court of Justice has protected indigenous peoples and recognised their existence."

This means that the companies can do nothing until the case of the victims (the Ch'orti') is resolved in the Supreme Court.

[Thanks for this article to PBI, Open Society Foundations and of course to the CCCND and Omar Jeronimo.]

The report is available at:

www.peacebrigades.org.uk/fileadmin/user_files/groups/uk/files/Publications/Indigenous_peoples_rights_report_.pdf



Omar addressing the village meeting in Las Flores, Chiquimula.

Pedro Sicá, Guatemalan indigenous community leader, visits the UK

Report from ENCA member Jill Powis

The Guatemalan human rights defender Pedro Sicá visited London in March as part of a Europe-wide tour organised by Peace Brigades International (PBI). Pedro is an indigenous Maya K'iche' leader of the Cunén Community Council (CCC), formed to defend land, natural resources and human rights. ENCA was invited by PBI to interview Pedro during his visit.

The department of El Quiché, bordered to the north by Mexico, is 90% Mayan and the K'iche' ethnic group forms 65% of the population. Cunén, one of its 21 municipalities, is located in the centre of the department, in the Sierra de los Cuchumatanes, the most extensive highland region of Central America. In 2008, the people of Cunén discovered that mining licences approved by the Guatemalan Government accounted for 80% of the municipality's territory, with 7 different extractive industries involved. In response, the CCC was formed the following year, organising community consultations on mining, hydroelectric dams, and other mega-projects in the region, with over 19,000 people from 71 communities in Cunén voting against such projects.

Although the Ministry of Energy and Mines (MEM) and other authorities have stated that they are not legally bound by the Cunén consultation, the CCC has so far successfully seen off attempts to establish mining in the municipality, and two more communities in El Quiché have now said "No" to any concessions. One of CCC's most recent triumphs, in 2014, was to support the community of Sumal, in the neighbouring municipality of Nebaj, in its successful opposition to a proposed barite mine in its territory. Barite has been used in the oil industry

for years, but demand for it has risen dramatically worldwide with the increase in fracking. The Mayans of El Quiché have the misfortune to be living on top of some of the best-quality deposits of barite in the world - as well as other minerals including gold and silver.

Pedro is concerned about the MEM's public statement in early February that it would lift the 2-year moratorium on mining licences, announced in July 2013 in response to the widespread opposition by communities across the country to mining projects. The MEM has now committed itself to approving mining concessions, stating that they would reduce poverty in Guatemala.

As well as mining, Cunén's territory includes the basins of three major rivers – the Chixoy, Xacbal and Cotzal/Cutzala, a tributary of the Chixoy. This means that it is heavily coveted for hydroelectric schemes, and there are already no fewer than 18 such schemes currently either completed or under way on the Sierra de los Cuchumatanes' northern watershed, stimulated by SIEPAC (the Central American Electric Interconnection System), as well as the demand for energy for mining. According to Pedro, the companies behind these projects are mainly Italian. However, two - Hydroxacbal Delta and Hidroeléctrica Xacbal S.A – are owned by the notorious Facussé family of Honduras (see, for example, ENCA newsletter 56), and both have a direct impact on Visis Cabá Biosphere Reserve, the only protected natural reserve in El Quiché. Pedro said that half a million people were potentially affected by the hydroelectric schemes in the Sierra. >>



Pedro insists that the indigenous communities are not against development, but that the form it takes needs to be determined by the people themselves. However, the government's response to the opposition has increasingly been to establish military bases in the area, bringing fear, threats and insecurity.

This militarisation has a dreadful resonance for the people of El Quiché, one of the regions which suffered most during Guatemala's civil war. During 1982-1983, the security forces pursued a scorched earth campaign targeting Mayan communities in the region, with an estimated 70,000 Mayans killed or disappeared in this period alone. The Rio Negro massacres, perpetrated to pave way for the Chixoy hydroelectric dam, claimed up to 5,000 Mayan lives between 1980 and 1982.

Pedro is a founding member of the Historical Memory Recuperation Initiative that works to recover the collective history of the communities in the north of Quiché. He feels it is important, not only to strengthen their sense of identity in a situation where the 'official' history has been written by the conquerors, but also to record these massacres, tracing the link between decisions made by the government and their deadly repercussions at local level.

The communities involved in the project have produced a book - *'El Camino de las Palabras de los Pueblos'* ('The Path of the Peoples' Words').¹

As for the present and the future, Pedro sees alliances as vital to the CCC's work. It has close ties to the Catholic church, teachers and universities, as well as to international organisations, in the knowledge that, if there is international awareness of an issue, "the government has a bit of shame". PBI began accompanying CCC in 2010 due to the security risks faced by human rights defenders actively promoting the right to land, territory and natural resources in the region.

Despite these threats and intimidation by the authorities, Pedro remains undaunted, and the CCC stands as a model of indigenous resistance in El Quiché to attempts to impose megaprojects without consultation.

For a map (in Spanish) of natural resources in El Quiché, please go to <http://resistenciadlp.webcindario.com/html/quiche.html>

For more information about PBI's work, please go to <http://peacebrigades.org.uk/>

1. Available at <http://www.semillosdespensamientos.org/incluye/uploads/nodo/el-camino-de-las-palabras.pdf>

STOP PRESS

Latest News from COPINH

In the last edition of ENCA news, we reported on the killing of Berta Cáceres, the events that led to her murder and the consequences for COPINH and Honduras at large. In this edition we are sad to report that while the Hydroelectric project itself has been halted by the withdrawal of funds from the FMO (The Entrepreneurial Development Bank, a significant funder of the project), the flow of violence continues.

On July 6, 2016, the body of Lesbia Janeth Urquía Urquía was found stabbed to death, dumped at a place called 'Mata Mulas' (Kills Mules) by the Marcala municipal dump, in the western department of La Paz.



Since the 2009 U.S. and Canadian backed military coup, Lesbia was a member of COPINH (Consejo de Organizaciones Populares e Indígenas), the group which Berta Cáceres once led.

Lesbia was at the forefront of a community struggle to oppose the illegal imposition of a privatized hydro-electric dam project along the Chinacla river in Marcalas, La Paz.

More on this story can be found on the pages of Rights Action and COPINH

www.rightsaction.org
www.copinh.org

Paul Oquist Speaks on Climate Change in London

Dr Paul Oquist, Head of Nicaraguan COP-21 Delegation, was in London earlier this year to explain why Nicaragua refused to sign the COP-21 agreement in November of 2015.

The Nicaraguan government had taken a strong line at the conference, stating that they would not sign an agreement that they saw as being akin to agreeing to a warming planet.

While Nicaragua faced much criticism of this stance at COP-21, there has been growing support for their position. This has been helped along in a great part by the work of Paul Oquist who has been making the case for opting out of COP-21 across the globe.

While there still remains a conflict between Nicaragua's desire to see a climate change deal that also reduces the capitalist imperative, and their own ambition to build the Gran Canal – which would surely promote the very same imperative – it is hard to argue with Oquist's rational.

Oquist's reasoning for not signing COP-21 is laid out in a document entitled **'Myths and Truths about the Paris Agreement on Climate Change (COP-21)'**. The document itself is too long to reproduce here, and to edit it would not do justice to its nuanced arguments. Instead we have placed a version of the document on our website and this can be accessed at

www.enca.org.uk/ClimateMyths



PARIS2015
UN CLIMATE CHANGE CONFERENCE
COP21-CMP11

As Seen from the Sidecar



At the moment there are 45.8 million people living in modern day slavery. Unfortunately, the vast majority of these people are kept in slavery because of the decisions we make and the things we buy. Of course, this isn't done with intent, we just all end up complicit in it because in our day to day lives, it's really not very obvious what to do for the best. But there are organisations all over the world that can tell you what to do and a quick google search will show you which products to buy and which products to leave on the shelf. So why don't we all shop ethically? Well we believe that it's because we don't relate to the people on the other end of the production line. So two ENCA members – Reece Gilkes and Matt Bishop – are going on a journey to meet the people on the other end of the deal and give them a chance to tell their story. Conversations are sure to include the struggles that people in their communities face but they will also include other things from daily life that makes them who they are, things that, perhaps, we can relate to in a more tangible way. It could be anything, food, fashion, football. But hopefully it will form more personal connections between consumers and producers.

In order to capture the audience these stories deserve, we felt the trip needed to be extraordinary in its own right. So, in 2017 we will be circumnavigating the globe on a scooter with a sidecar. En route we will be sharing stories from the places we visit but we will also be raising funds for WalkFree.org an organisation that works tirelessly against modern day slavery. Our route will see us pass through over fifty countries and it will be the first time anyone has ever circumnavigated the globe on this wholly inappropriate mode of transport. We will only have a short time in each place we visit so in order to meet people who want to share their stories with us we are partnering with small grassroots organisations along the route.

If you know of any organisations or individuals that may wish to share their stories with us you can see our route and get in touch on our website at www.AsSeenFromTheSidecar.org.

You can also follow our progress on our Facebook, Twitter and Instagram pages:

Facebook: As Seen From The Sidecar
Twitter: @SeenFromSidecar

Instagram: as_seen_from_the_sidecar



Nicaragua Canal Commission signs accord with Rama-Kriol community

The National Canal Commission announced on May 3 that it had signed an accord with the Rama and Kriol Territorial Government (GTRK) for the leasing of 263 square kilometers of land within the Rama and Kriol demarcated communal territory for the building of the proposed interoceanic shipping canal. Hector Thomas Macrae, president of the GTRK, said, "After more than two years of conversation we have been able to culminate this historic process of consultation and have identified the necessary elements to be able to give our consent." He said that both peoples (Rama and Kriol) were convinced that the canal project would contribute to improving the living standards of the communities and would safeguard their culture and respect their ancestral traditions and archeological and holy sites inherited from their ancestors. Manuel Coronel Kautz, president of the Canal Authority, said that the accord complies with national law and international norms of environmental protection. Telemaco Talavera, spokesman for the Canal Commission, said that the accord respects Nicaraguan law and international treaties, including the United Nations Declaration on the Rights of Indigenous Peoples.

However, others from the Rama and Kriol communities protested the accord saying that it was not the result of a consultation process that conformed with minimum standards of good faith and the requirements of national and international law. Rupert Allen Claire Duncan, president of the communal government of Monkey Point and a member of the GTRK, said that the accord is supported by some but not all of the GTRK. He explained that government representatives came to consult with them about the project but they did not arrive at any consensus. He said, "We do not recognize a document that has been signed without taking us

into account." According to the Centre for Legal Assistance to Indigenous Peoples (CALPI), "Leaders of the GTRK and of the communities will file a lawsuit in the coming days against the illegal actions and will continue with their case before the Inter-American Commission on Human Rights (IACHR)."

*Taken from Nicaragua News, 10 May 2016.
Original sources: Informe Pastrán, May 3; El Nuevo Diario, May 4; La Prensa, May 3.*

Guatemala paralyzed by campesino road blocks



*Campesinos block Km 178 on the SW Highway, Santa Cruz Muluá, Retalhuleu
Photo credit: Prensa Libre, Rolando Miranda*

On Wednesday 11th May much of Guatemala was paralyzed by road blocks set up by campesino groups demanding, among other things, the nationalisation of the electrical energy supply in the country. From the early hours of the day, thousands of people were mobilised to block the country's main roads. The blockages were organised principally by CODECA (the Committee of Campesino Development), although three other organisations were also involved. In total nineteen major highways were affected by the road blocks which in some cases lasted up to 9 hours.

The demands of the campesino groups included the following.

- The end to tax subsidies for large companies
- Denunciation and punishment for corrupt deputies in the National Congress

- Renationalisation of services and commons that have been privatised in the country
- A minimum of 15% of cultivable land in the country should be destined for the cultivation of basic grains for the sake of food security
- The prohibition of the expropriation and diverting of the rivers, lakes and other sources of water by private companies
- The beginning of the process of creating a People's Constituent Assembly made up of representatives of communities.

Neftalí López, a CODECA representative, indicated that "If we don't get positive replies, above all from President Jimmy Morales, we'll take to the streets again." A delegation of the campesinos were received by the Congress President, Mario Taracena, who offered to set up working technical groups to analyse each demand.

Nicaraguan Army seizes illegally logged timber

The Nicaraguan army's Ecological Battalion seized 7,000 board feet of illegally cut timber in the municipality of Rosita in the Mining Triangle of the North Caribbean Autonomous Region on the night of May 3. Two trucks were stopped at an army roadblock. One carried 4,080 board feet of Caribbean Pine and *Calophyllum antillanum* and the other was transporting 3,444 board feet of tamarind and *Calophyllum antillanum*. Illegal logging is one of the main culprits of Nicaragua's continuing deforestation along with illegal clearing for agriculture, especially cattle grazing, and illegal colonization of indigenous land and forest reserves. Col. Marvin Paniagua explained that the operation was part of the plan called Action in Defense of Mother Earth. The army also identified the owner of the illegally logged property who lives in Rosita.

(El Nuevo Diario, May 4)

HUMAN RIGHTS VIOLATIONS CAUSED BY THE CHALILLO DAM HAVE VALIDITY

In 2004, a petition against the construction of the Chalillo Dam in Belize was presented to the Inter-American Commission on Human Rights (IACHR) on behalf of the Maya people and those living downstream of the dam by The Belize Institute of Environmental Law and Policy (BELPO). Since that time the dam has been built; but now the IACHR has declared that the petition has validity. In such cases we might ask if it acceptable that the IACHR should take eleven years to reach a decision regarding the validity of petitions. We include below the press statement recently released by BELPO.

In an important decision, the Inter-American Commission on Human Rights (IACHR) has opened a case against the Government of Belize (GOB) regarding the controversial Chalillo Dam built on Belize's Macal River in 2005.

The decision is in response to a petition from The Belize Institute of Environmental Law and Policy (BELPO) filed in 2004 on behalf of the Maya People and those living downstream of the dams who say their rights – including their rights to life, liberty and personal security, religious freedom, benefits of culture, legal rights and the right to work – have been violated.

In their brief to the Commission, BELPO documents show how the riverine populations have been harmed: water quality has been so degraded that people can no longer bathe in or drink the water; fish have been poisoned by mercury, leaving citizens without their vital source of protein; more than 300 Mayan archaeological sites have been lost under the reservoir eliminating a large body of knowledge to the Maya; changes to river flows and sediment deposition have destroyed farms and



ecotourism businesses along the river; and unemployment has risen.

Also, BELPO says the Government of Belize has, in defiance of its own institutions and legislation, refused to abide by the Orders of the Belize Supreme Court to enforce the Environmental Compliance Plan (ECP) for Chalillo, which is a contract between the Government and the owner of the dam to take measures to mitigate the damages caused by the dam.

The GOB has also failed to inform the people on the quality of the Macal River water, to disclose mercury levels in fish to the public on a timely basis and to provide a viable warning system to alert downstream populations of dam breaks including the failure to disclose that the dam is built in a seismically active area.

IACHR's decision to admit our petition is recognition of the severity of the harms to health, safety and property rights, as well as indigenous rights by the destruction of over 300 major Mayan archaeological sites as well as recognition that the people have a right to know the extent and nature of the harm inflicted upon them by contracts made in their name with corporations.

The opening of the case is, above all, a victory for the affected communities, the Maya people of Belize and local social movements, who have endured for all these years, and remain strong and determined in their search for justice and compensation.

As an organization representing the victims of the Chalillo Dam, BELPO remains committed to exposing the human rights violations directly caused by the dam's construction.

BELPO acknowledges the integral role played by the Environmental Law Alliance (ELAW), the International Rivers Network (including a valiant fighter for the people, Berta Cáceres assassinated in Honduras earlier this year) and Probe International of Canada in the struggle to get these abuses into this international body.

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RETAILERS PUT FAITH IN RAINFOREST ALLIANCE

Over the years, a regular concern of ENCA has been the use of certification to indicate the ethical credentials of their products particularly by transnational corporations such as the producers of tropical fruits like Dole, Del Monte and Chiquita. We reproduce here an article from Banana Link, a UK-based organisation that provides in-depth analysis of the international trade in tropical fruits. The article raises serious questions and doubts about the validity and purpose of SAN/RA standards¹, and should especially prompt the question: who certifies the certifiers? We are grateful to Banana Link for permission to reproduce this article from their News Bulletin of March 2016 (no.54). [Banana Link: www.bananalink.org.uk]

In the 1990s and 2000s it was the fruit companies who put their faith in certification and sought to use it as a way of demonstrating to consumers and buyers that they respected a set of social or environmental standards. It was Social Accountability International's SA 8000 labour standard and Rainforest Alliance's mainly environmental standard that found favour with Dole, Del Monte and Chiquita.

In the last few months it is the retailers in the UK who have been announcing that they will move to 100% "sustainable sourcing" through the use of certification. Late last year Asda/Walmart announced that 93% of its bananas would be Rainforest Alliance certified by March 2016, the remainder being Fairtrade certified. In February it was the turn of Lidl UK to announce a

similar strategy: by the end of this year 88% of their offer that was not Fairtrade certified would meet Rainforest Alliance standards. Press reports also suggest that Tesco will follow with a similar strategy.

Apart from the crucial difference with Fairtrade – that there is no minimum price enshrined in the standard – how does a certification scheme that started life as a set of purely environmental standards fare when it comes to securing compliance with labour standards for plantation workers? A report last year from the Honduran federation of agro-industrial workers' unions Festagro gives serious cause for concern, and is summarised here:

Rainforest Alliance certification and workers' rights

"Despite the good principles and objectives set out in the certification standards and their theories of change, improvements for workers are hard to detect in practice." - Dr Ruy Diaz and Germán Zepeda in "Working Conditions in Certified Banana Plantations in Central America", August 2015, produced with support from the US-based AFL-CIO Solidarity Centre.

The Rainforest Alliance currently certifies 1,600 banana farms covering over 100,000 hectares.

The authors of the report carried out

interviews with workers and union representatives in 37 Rainforest Alliance certified farms belonging to both multinational and national producers in Guatemala (North and South), Honduras, Nicaragua, Costa Rica and Panama.

Key issues emerging from the interviews

Responsiveness to workers and the issues covered by the SAN standard:

- No systematic contact between workers and trade unions on the one hand and the certifier and the auditors on the other
- When issues are raised verbally with auditors they are not resolved
- The formal complaint procedure is difficult to access (the form is only available in English!)
- Audit reports are not shared with workers or unions
- The only cases of de-certification over labour violations were in Honduras where the unions engaged in a public campaign to bring the violations to RA's attention

Labour issues found on certified plantations

- The most systematic and serious is the case of Costa Rica where there is little or no trade union freedom and collective bargaining; there is often systematic persecution of trade

¹ SAN/RA: Sustainable Agriculture Network/Rainforest Alliance

union members and they suffer workplace discrimination; there are many cases of sackings of unionised workers using a range of pretexts. The situation also remains serious for workers in national producer companies in Honduras despite de-certification and re-certification of a group of 14 plantations.

- There are no unions in Southern Guatemala and workers fear to form or join a union because of the anti-union messages from employers and because of the assassination of the leader of the only union that was set up in the region in 2008. This region has the biggest concentration of RA certified farms in the world.
- Non-payment of minimum wages was found in some plantations in Southern Guatemala and Honduras.
- Overtime hours are rarely paid in Costa Rica; overtime is de facto obligatory in Nicaragua and Costa

Rica and in some national producers in Honduras.

- In Nicaragua there are several plantations where the employer does not pay full social security contributions.
- In Honduras and Nicaragua there are violations of holiday rights in many farms; and in Nicaragua workers on long-term sick leave are being made redundant.
- Sexual harassment is reported in certified plantations in Panama, Honduras and Costa Rica.
- In Southern Guatemala and Honduras there are many plantations with statutory Occupational Health & Safety Committees; in many others the committees function badly or only exist on paper.
- In Guatemala one community reported being regularly subjected to aerial spraying from the neighbouring certified plantation.

- Workers on all plantations reported that there is inadequate information provided on agrochemicals they use and little or no training in health and safety in many cases. In Southern Guatemala workers reported up to 12 hour days working with chemicals.
- Much of the training required in SAN standards is rarely delivered.

Conclusion

The workers all assume that the certification is to benefit the company in marketing its fruit. Although there is a reasonable level of awareness that their employer is certified by RA there is almost no awareness of the details of the standards and therefore how they could use the leverage of certification to demand the end to violations of rights or improvements in working conditions.





ENCA attends the Peace Brigades International Conference on 'Building Enabling Environments for Human Rights Defenders at Risk'

By ENCA member Cristian Peña

For ENCA, supporting and enabling human rights defenders (HRDs) to do their job in Central America is of paramount importance. Unfortunately, during our contact with organisations and communities across Central America we have become accustomed to reports of human rights defenders, environmentalists and social activists being harassed, threatened and killed for protecting their land, air and water. Speakers at the Peace Brigades International (PBI) conference came from a wide range of backgrounds, the UN, community leaders, scholars, human rights lawyers and NGOs, all trying to understand how the rule of law can support HRDs.

The conference took place in Canada House in London (part of the Canadian Embassy). Although grateful for hosting this event, we were wondering how long it would take for one of the speakers to point out the destructive role of Canadian mining companies in Latin America. The first speaker, UN Special Rapporteur

Michel Forst, took the opportunity and finished his speech by inviting the new government of Canada to discuss the attacks, directly and indirectly by Canadian companies, on human rights defenders in Latin America.

A number of speakers spoke of the rule of law and how the law must be accessible, fair and equal to all. Eleanor Openshaw (of the International Service for Human Rights) pointed out how the law at times works against HRDs. Colombian lawyer Luis Guillermo Pérez spoke of unhelpful mining laws in Colombia for HRDs. He also described the Jekyll and Hyde approach of the Colombian state in relation to human rights, the state at times publicly offering to support HRDs, while the harassment and killings of HRDs continue. He quoted a study funded by the EU that concluded that during the last 5 years there were 365 HRDs murdered, 17 disappeared and 136 detained. He spoke of how his legal practice is trying to find those responsible but how they and HRDs face powerful corporations. He finished his speech on a positive note, describing how the legal system has

evolved in certain aspects and quoted a case relating to the Nasa community in the Constitutional Court. The court had stated that the state should not only offer Nasa leaders protection, but also ensure the protection and respect for the Nasa people, their cosmology and culture. Mr Pérez took the opportunity to mention how Canadian companies support paramilitary groups in Colombia and how these break the law. He spoke of some ambassadors in the past protecting HRDs by offering refuge in their embassies: "That's the type of relationship we would like to have with Canada".

Edgar Pérez from Guatemala spoke of transitional justice in Guatemala following the internal conflict that resulted in 210,000 victims. He spoke of how his legal practice has been working with victims for more than 19 years since the peace agreement. He spoke of the difficulties these victims face in finding justice and the truth. He spoke of the endemic racism in Guatemala towards indigenous people where they are seen as savages, and described how he has personally suffered racism for his appearance. Mr Pérez concluded that transitional justice should also be there to transform societies. He spoke of the struggle indigenous people face being the same struggle fought for more than 500 years, since the conquest of Spain. He stated: "Now it is the companies who steal from us, paying a royalty of 1%".

Frontline Defender Award winner, Ana Mirián Romero from Honduras gave a personal account of how she was tortured while pregnant for being a human rights defender in her community. She spoke of how her community was divided when hydroelectric companies lied to them in order to get their approval for projects to go ahead. Some people resisted but some gave their approval. These people now realize that they were lied to and they continue to live in deep poverty. She reiterated that she and her community would not cease their struggle to create a better world for them and their children.

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Meeting Dates 2016

Sunday 23rd October 2016

ENCA meetings are held at the NSC's office at the Durham Road Centre, London, N7 7DT. Meetings are held on Sundays from 12:30 pm to 5 pm and we start with lunch which is made up of whatever people attending choose to bring to share.