

eco~

# INSTIGATOR

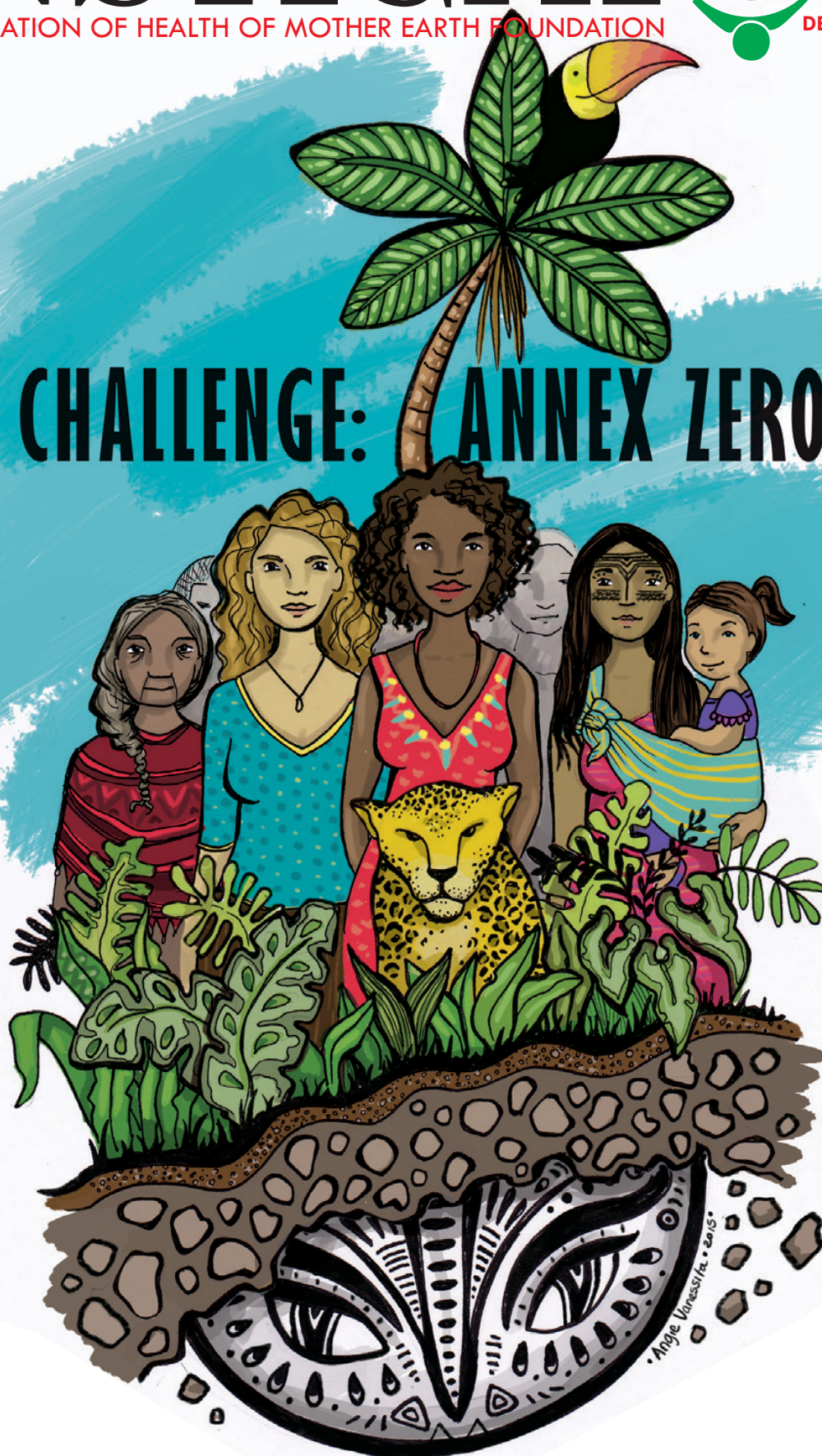
ISSUE #10

A PUBLICATION OF HEALTH OF MOTHER EARTH FOUNDATION

DECEMBER 2015



## CHALLENGE: ANNEX ZERO



The Eco~Instigator is a quarterly publication of Health of Mother Earth Foundation (HOMEF)

#### Editorial Team

Nnimmo Bassey  
George B. K. Awudi  
Oluwafunmilayo Oyatogun  
Zaid Shopeju  
Cadmus Atake  
Daramfon Bassey  
Victory Okogie

#### Administration

Olatundun Dotun-Davids

#### Layout

Babawale Obayanju (Owales)

#### Cover Design/Illustration:

Angie Vanessita

#### Circulation:

Shehu Akowe

#### Advisory Board:

The Advisory Board is composed of women and men who have distinguished themselves in the struggle for environmental justice and the rights of Mother Earth:

Chris Allan (USA) – Environmental health campaigner and philanthropy activist  
Akinbode Oluwafemi (Nigeria) – Environmental justice campaigner  
Siziwe Khanyile (South Africa) – Environmental justice campaigner  
George Awudi (Ghana) – Climate justice campaigner  
Evelyn Bassey (Nigeria) – Youth environmental campaigner  
Esperanza Martinez (Ecuador) – Environmental justice/Political ecologist  
Nnimmo Bassey (Nigeria) – Environmental justice advocate  
Pablo Solon (Bolivia) – Climate justice campaigner, diplomat and movement builder  
Liz Hosken (UK) – Mother Earth rights advocate  
Lim Li Ching (Malaysia) – Agro-ecologist and rights advocate

Published by

Health of Mother Earth Foundation (HOMEF)  
Top Floor, 214, Uselu Lagos Road, PO.Box 10577  
Ugbowo, Benin City, Edo state. Nigeria  
[www.homef.org](http://www.homef.org)

## IN THIS ISSUE

Home Run	2
COP21: A new disguise for an old agreement	3
Questioning the Energy Transition	6
Paris climate terror could endure for generations	12
Never Trust a COP	16
COP21 Agreed to A Climate Changed World	17
Oilwatch Calls for Annex Zero	20
BOOKS YOU MUST READ	23
Will Paris Agreement Save Us from Climate Chaos?	25
Time to Clean Up the Mess – Workshop Report	27
IT IS TIME for Binding Commitments at UNFCCC COPs	32
International Rights of Nature Tribunal constituted in Paris	36
Shell's Bad Day in the Dock	42
UPCOMING EVENTS	43

All mails, inquires and articles should be sent to [editor@homef.org](mailto:editor@homef.org)



@ Health\_Earth



Health of  
Mother Earth  
Foundation





## HOME RUN

2015 has been quite a run. Crowning it with the Conference of Parties (COP21) of the United Nations Framework Convention on Climate Change (UNFCCC) wrapped up the year with a rather sour taste. The gathering in Paris this December was decidedly shrouded in a thick fog of the dread of terror attacks. Some people thought the unfortunate terror attacks in Paris just two weeks before the global gathering provided the cover for official denial of space for mass mobilisations against climate inaction.

In this edition we bring you articles and opinions on COP21. Mainstream media have been awash with reports that COP21 was historic and that the world is on track to tackle global warming. We think it was another missed opportunity as it actually entrenched the regime of voluntarism that permits polluters to keep polluting, open up pathways for untested technologies, avoid providing new climate finance and lock the planet on a burning grate.

COP21 provided a robust space for civil society mobilisations and actions. On the streets, the human chain was the strategy for actions on 29 November. The mass mobilisations of 12 December were endorsed by the French government at the last minute. Plans for mass civil disobedience had gone ahead and activists were ready to face the consequences if the protests were disallowed. Statements from the streets clearly showed that the COP had missed the mark.

The International Rights of Nature Tribunal was constituted and sat for two days in the Maison des Metallos, Paris. Experts, victims, prosecutors and judges presented or listened to cases of crimes against Mother Earth and at the end judgements were passed. There were solemn spiritual moments, moments of awe at the rapacious destructive capacities of humanity and many moments of tears as these destructions, including murders, were painted in words and pictures. We bring you a special report of the sitting of the Tribunal.

Oilwatch International sent a powerful call to the COP to create an Annex Zero group of nations, sub-nations and territories of peoples taking real climate caution by keeping fossils under the ground. No REDD in Africa Network issued a powerful briefing titled STOPPING THE CONTINENT GRAB and the REDD-ification of Africa. Grab a copy!

The Eco-Instigator team and all of us at HOMEf thank you for your support and solidarity throughout the year. We look forward to your continued support in the year(s) ahead. To stay updated with activities at HOMEf, sign up for our monthly eco-bulletin by sending an email to [home@homef.org](mailto:home@homef.org).

Whatever you do in the coming year, take care to ensure you stand for the rights of Mother Earth and in solidarity with all peoples.

**Until victory!**  
**Nnimmo**

# COP21: A New Disguise For An Old Agreement

By Pablo Solon

**T**he Climate Paris Agreement carries with it the shadow of the Cancun Agreement and like it, will fail. Both Agreements are based on voluntary pledges that prioritized the interests of polluting corporations and governments rather than the needs of humanity and life on Earth.

To limit the temperature increase to 2°C, the Cancun Agreement should have guaranteed the reduction of annual emissions of greenhouse gases to 44 Gt of CO<sub>2</sub>e by 2020. But with the pledges from Cancun we will instead be at 56 GtCO<sub>2</sub>e by 2020.

The Paris Agreement should ensure that global emissions drop to 35 Gt of CO<sub>2</sub>e by 2030 but according to the voluntary INDCs submitted by governments, (Intended National Determined Contributions) we will be at an almost double overshoot of the limit at 60 Gt of CO<sub>2</sub>e by 2030.

Both agreements deliberately obviated the most important task at hand: to set a limit to fossil fuels (oil, coal and gas) extraction, which is responsible for 60% of global greenhouse gas emissions. If 80% of known reserves of fossil fuels are not left under the ground it is impossible to limit the temperature increase to below 2°C. Also, the Paris Agreement does not guarantee the goal of zero deforestation by 2020 set in the recently agreed Sustainable Development Goals knowing that this

activity generates 17% of global emissions. By contrast, continues on the path of carbon markets and offsets allowing countries to “replace” deforestation of native forests with monoculture tree plantations.

Finally, these Cancun and Paris agreements do not have mechanisms to ensure that there legally enforced. The insufficient finance for adaptation and mitigation is uncertain and in reality “the emperor has no cloths.”

## **ANOTHER TOMORROW IS POSSIBLE!**

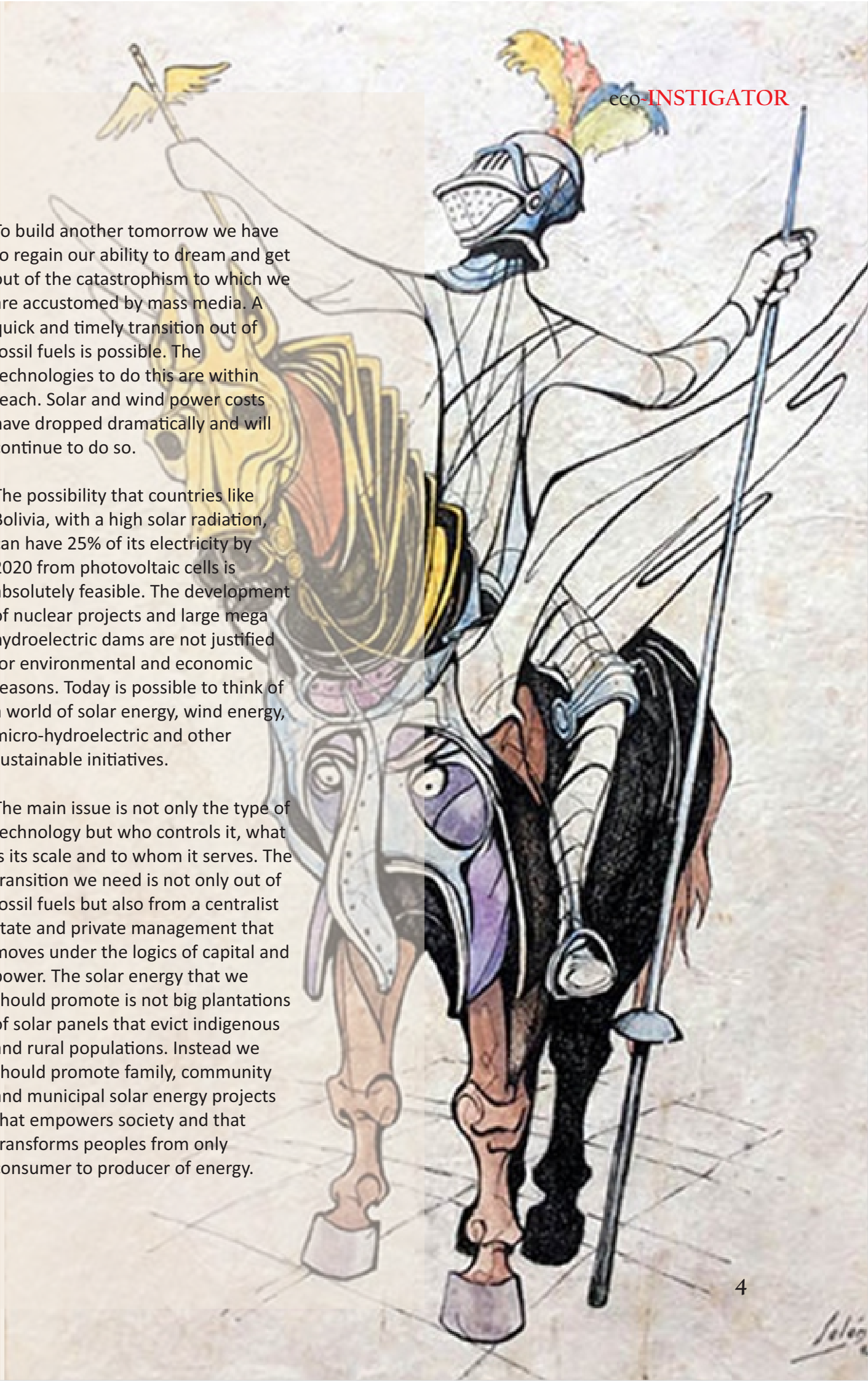
The future is not written. It depends on what we do now. What happens at COP 21 is the result of a long process through which big corporations have captured governments and climate negotiations at the United Nations. The Paris agreement is a good deal for politicians that seek popularity and re-election because it does not force them to do anything. For the extractive industries it is also a good deal because they can continue with business as usual and benefit from new carbon markets like REDD+, Climate Smart Agriculture, CDM+, land use change offsets, and also from false technologies like Carbon Capture and Storage, Bioenergy and geoengineering.



To build another tomorrow we have to regain our ability to dream and get out of the catastrophism to which we are accustomed by mass media. A quick and timely transition out of fossil fuels is possible. The technologies to do this are within reach. Solar and wind power costs have dropped dramatically and will continue to do so.

The possibility that countries like Bolivia, with a high solar radiation, can have 25% of its electricity by 2020 from photovoltaic cells is absolutely feasible. The development of nuclear projects and large mega hydroelectric dams are not justified for environmental and economic reasons. Today is possible to think of a world of solar energy, wind energy, micro-hydroelectric and other sustainable initiatives.

The main issue is not only the type of technology but who controls it, what is its scale and to whom it serves. The transition we need is not only out of fossil fuels but also from a centralist state and private management that moves under the logics of capital and power. The solar energy that we should promote is not big plantations of solar panels that evict indigenous and rural populations. Instead we should promote family, community and municipal solar energy projects that empowers society and that transforms peoples from only consumer to producer of energy.



Today the fight against climate change is the struggle for the defense of our forests that are being destroyed by agribusiness.

Native forests are a major source of food if we know how to live with them through different initiatives of ecologic agroforestry. Each deforested hectare, besides emitting around 300 to 500 tons of CO<sub>2</sub>, is a serious attack on biodiversity, the generation of oxygen, the cycle of water and the indigenous peoples who inhabit the forests. To “compensate” a deforested hectare, only in terms of CO<sub>2</sub> capture are needed to reforest 8 to 16 hectares and to wait 10 to 15 years for the trees to grow. From all points of view it is better to stop deforestation of native forests. Family, peasant and community agriculture is cooling and can cool even more the planet. Peasant agro-ecology is a real option against the poisoning created by agro-toxics and genetically modifies organism used by agribusiness.

The future we want will not be build mainly by the state or the private sector. Both must stop being the center of the economy and politics in order that society takes control over our own destiny. What we need are initiatives that decentralize and democratize economic and political power that is now concentrated in banks,

transnational corporations, state bureaucracy and militarism.

The alternative to climate change is real democracy. The answer lies in a self-organized, self-conscious and empowered humanity that believes in its self and nature more than in technology and market forces.

Solutions will not come from above they have to be build from below. COP21 is a coward witness of the climate crimes that are spreading all over the world. Today the answer lies in the local and concrete efforts that we can build from the grassroots to change our patterns of consumption, production and life as a whole. System change is something that has to be built on a daily basis, in struggles such as “Ende Gelände” that targets the largest coalmine in Germany, the protests in India against nuclear power plants, initiatives to develop community based solar energy in Bolivia, mobilizations to expand peasant agro-ecology that cools the planet and saves our forests, and many other actions.

The process of mobilization for COP21 should serve to relaunch, coordinate and strengthen these diverse initiatives in which is the seed of another tomorrow.

# Questioning the Energy Transition

Larry Lohmann

**F**inances for transition. How expensive is the social and technological change that we need in order to get out of fossil fuels and address climate change effectively? Is the necessary finance available? From where? How can social movements help secure it? Questions like this are ubiquitous. Every climate campaigner is asked them at one time or another.

Yet as natural as these questions are, I was vaguely troubled by them, as I often am by questions that I don't understand. It wasn't that I thought the questions were unreasonable. I wanted to be able to answer them. But I also knew that unless I understood them better, I might end up giving confused responses that were of no use to anybody.

One idea I felt I didn't quite grasp was precisely the fundamental one of transition. What is this transition that needs to be financed? Is it fundamentally a question of finance at all? Until such questions are taken more seriously than they are today, there's a good chance that hunting around for trillions of dollars to confront global warming will end up setting back the climate cause rather than

addressing it.

## Is Energy Really What We Want?

The key concept in most discussions about transition is one that's so obvious it's not even mentioned above: energy. Usually when people talk about transition, they mean energy transition.

For many people, what an energy transition is may seem perfectly obvious. It's the replacement of fossil-based energy with renewable energy, preferably from the sun, the wind and the tides rather than from uranium and plutonium.

But let's ask a surprising question – one that complicates the whole idea of an energy transition. What if energy is not really what we want? Or rather, what if the energy transition that we need to strategize is not from one energy source to another, but instead from a rather autocratic organization of nature typified by the currently-dominant concept of energy toward a more complex, democratically-open nature that gives a place to a more diverse set of practices more conducive to a human future?



That may seem an incomprehensible idea. Doesn't everybody need energy? Isn't energy poverty one of the problems of our times? Surely the problem is not energy itself, but only how to make it clean and distribute it equitably.

But before we assume that all this is obvious, maybe we should take a step back to make sure that we know what this energy is that everybody is supposed to need and want.

Many people find it difficult to explain the concept energy. However, there is at least one group of people who aren't fazed by the challenge: physicists. Physicists have good reason to be confident that they, at least, know what energy is. They invented the concept. Before 1800 no one talked about energy in the modern sense. By 1870 a lot of people did. This was due at least partly to the development of the science of thermodynamics.

So I suggest that if we want to be clear about what energy is – and whether we can really be said to “want” it in any uncomplicated sense – we listen carefully to what the 19th -century thermodynamicists said.

### **Energy and Labour**

One of the most interesting things they said was that energy was all about labour. They organized their energy concept around the incipient idea of industrial capitalist work.[1] What impelled and inspired the thermodynamicists was the study of steam engines and electric motors and batteries: how to make them do work; how to make them do it better. A key objective was to disentangle both human and nonhuman activity from the “unproductive” matrices in which they were embedded so that they could be brought under centralized ownership,

circulated and amassed conveniently for maximum profit.

Take for example the First Law of Thermodynamics. The way that the First Law commensurated heat and mechanical energy was not the result of disinterested inquiry into the nature of the universe. It was a way of theorizing the steam engines that capital was learning to use to appropriate the maximum surplus from workers.

On the one hand this involved learning to mobilize specific “energies” previously entangled with a multitude of subsistence practices into a general capacity to maximise the ability of human bodies to make stuff. It involved helping capital untie itself from inconvenient locations like remote waterfalls and reduce its subservience to the cyclic rhythms of the day and the seasons.[2]

On the other hand it meant disciplining humans in new ways. The new energy was not only about developing machines that could help capital concentrate workers in one place. It also facilitated capital's ability to make good on its perennial threat to discard labourers who did not come up to the proper standards of obedience and hire others. And it helped business micromanage labour at minimal cost through what Karl Marx evocatively called the «closer filling-up of the pores of the working day».[3]

The First Law of Thermodynamics was also in the background when, a century later, another kind of heat engine, the internal combustion engine, helped speed up circulation, make possible surplus-gobbling suburbs, and enable what geographer Matthew Huber calls the privatization of reproductive work.[4]

On another front, 19th-century thermodynamicists joined forces with inventors, engineers, and owners to disconnect what we now call electromagnetic energy from specific contexts of, say, lightning or batteries and re-entangle it with mechanical energy. James Joule, for example, concerned himself with maximizing the capacity of electric motors to perform what he revealingly called “duty”. In the 1860s, in turn, the dynamo embodied the convertibility of mechanical energy back into electricity, completing an equivalence that was only really cemented over many decades, beginning with developments such as Thomas Edison's 1882 Pearl Street generating station on Wall Street, which heralded the electric grids later to dominate all industrialized countries.

It was in part all this thermodynamic linking of heat engines with turbines, wires, electric motors, crankshafts and so on that brought into being the gigantic, open-ended abstraction called «energy» – something of which fire, motion, magnetism and so on now seemed to be merely specific instances. Energy, to borrow words that Marx used in the Grundrisse to describe the commodification of labour, was «an abstraction which became true in practice». [5]

### Worlds outside Wage Labour

The reason I'm spelling this out is that, both at

the time and after, wage labour was not the only kind of work there was. Admittedly, paid work had been a reality for centuries. Probably before 1600, the meaning «waged employment» had already been added to the cloud of other senses surrounding the word «work».

By around 1750 that the term «work» had already come to mean an aggregate of concrete activities rather than the individual activities themselves. But it was only around the time of the thermodynamicists that the concept of commodifiable labour-power really came into its own: an abstract, saleable, homogeneous fluid that was measurable in units of time and that could even be treated as a measure of value – a fluid embodied in a proletariat that was still emerging.

Indeed, although «wage labour» has since come to dominate the meaning of «work» in modern European languages, other, more venerable meanings continue to haunt the term today. This multiplicity might be clearer in some other language families. In Thai, for example, as in European languages, the word for «work» – in this case, ngaan – has come to denote «productive»waged labour. But it also simultaneously continues to signify a wide range of things that we in Europe might call by other names – sui generis festivals, rituals, religio-agricultural practices, commons activities and other pursuits that have nothing to do with capital accumulation. Ngaan taengngaan is a wedding, ngaan sope a funeral, ngaan wat a temple fair, ngaan chalong pii mai a New Year's celebration, and so on. (And incidentally, phlang ngaan is a thermodynamics-influenced neologism meaning «energy».)

The point is that the thermodynamicists weren't interested in – and didn't help to elaborate – any of these other meanings of work or human activity.



### Fossil Fuels

One thing I've left out of the story of how today's energy came into being is fossil fuels. This is a pretty important omission. It was the addition of coal, oil and gas to the combination of heat engines and commodified labour that really entrenched the abstraction that we refer to as energy so deeply into world politics. Although Hero's craftsmanship had already in a sense commensurated heat and mechanical energy 1,750 years before, it was only with the huge, mobile concentrations of power in fossil fuels – derived from hundreds of thousands of years of plant and marine life growth – that either the wage labour relation or the commensuration and commodification of different kinds of energy could become so generalized worldwide and the illusion of “infinite economic growth” so easy to accept.

Today we like to tell ourselves that fossil fuels are just “one form of energy” and therefore could be “replaced” by another form. We think of energy as something we've always had a craving for – a craving that just happened to be filled one day by coal, oil and gas. But history suggests it's

more the other way around. The modern concept of energy achieved global dominance only because of fossil fuels – or, more precisely, because of the way fossil fuels have been fused worldwide into industrial and transport machinery in the long battle capital has waged to extract as much value as possible from ordinary people.

### Worlds outside Energy

Among us urban-based Europeans, it is often hard to grasp the political and scientific biases hidden inside the concept of energy without attempting to contrast the energy practices that we think we understand best with other practices that have usually had no generic name, and to which the rule of energy is implacably opposed. Such acts of contrasting carry the risk of erecting silly binaries in our minds. They invite silly questions like “Is stepping back from the concept of energy really an 'alternative'?” – as if political action consisted in the implementation of intellectuals' plans, or as if there did not already exist a worldwide struggle to step back from the concept. Nevertheless, rough contrasts are often a starting point toward a wider perspective.



For example, one aspect of energy, as the concept is usually understood, is that there can never be enough of it.

Partly by virtue of its very abstraction, it is scarce in principle. [10] By contrast, plural, vernacular little-e “energies” (which of course do not ever go by that name) particular to specific commons practices tend to be self-limiting. There may sometimes be a dearth of these “energies”, but it is not the case that human beings are always impinging on them in a hostile, Cartesian or Malthusian way. They’re not scarce, and the Second Law of Thermodynamics – which encapsulates capitalist anxieties about “efficiency” – holds no terrors for those who depend on them. Take, for example, a Southeast Asian villager using dead wood from a local common woodland in order to boil some rice. She’s likely to think that it’s antisocial and disrespectful, maybe even a bit crazy, to use more wood than is «just enough» to cook the meal. But that doesn’t mean she regards the wood as scarce, provided that the local woodland is treated and conserved by the community as a dead-wood commons. Not coincidentally, she probably wouldn’t see the wood as “energy”, either.

Contrast this villager with a government energy planner. For the planner, energy is something abstract. It might be coal, hydroelectric, nuclear, biochemical, solar, whatever. It might be used by a steel factory, a hospital, a bus fleet, whatever. From the planner’s point of view, there can never be enough of it, because its purpose – economic growth – is also abstract, as well as being in principle unlimited. This energy will always be scarce. It will always be looking for new aspects of nature to treat as “resources” on the model of fossil fuels. In practice, the planner’s energy will usually be in conflict with the villager’s “energies”,

and vice versa. Neither the planner nor the villager can offer an “alternative” to the other in terms of energy. For example, the common woodland from which the villager feeds her stove is probably just going to get in the way of the hydroelectric dam, coal mine or wind farm that the planner proposes to meet his abstract, hypothetical “energy need”, and will have to be swept away. In indigenous Latin America, by the same token, a planner’s project to extract oil to meet energy needs will often be seen as interfering with, diminishing or blocking other “energies” associated with the earth. Here, too, “energy justice” starts to look like a contradiction in terms. And, assuming that energy itself signifies an ever-expanding commodity frontier, is the phrase “green energy” likely to be any less self-contradictory? Serious climate thinking requires that such questions be asked.

### **Beyond the Idea of Energy Transition**

As their reports and advertisements frankly reveal, most oil companies, banks and industrial corporations see energy transition not as a process that will replace fossil fuels, but as a process that will supplement them. They’re not against transition, but they don’t see it in climate terms. Instead, they see it as a way of delivering better returns on investments that, at bottom, will go on being organized around oil, coal and gas. For them, an energy transition is a way of diversifying and intensifying the same type of labour exploitation that fossil capitalism made universal. Climate activists need to be careful lest their own advocacy of “transition” merely plays into this dynamic.

One way out of this trap might be to try to work not so much toward an “energy transition” as toward a political transition that better recognizes plural forms of energy.

. Like all fundamental political transitions, this one would be less about finance than about movement-building. What kind of work do we want? What kind of nature and science do we want? Who has already taken this approach and how can we learn from and join with them?

For me, this suggests that the most interesting future climate alliances will not be among governments, corporations and NGOs seeking finance for a “green” or “fair” thermodynamic energy.

Instead they will be among movements who unite in a refusal of or resistance to capitalist labour, from peasants or indigenous peoples fighting the enclosure of commons to urban dwellers who have had enough of falling wages, austerity and financial robbery.


Such movements may at first seem to be following different strategies. Some will be seeking to defend existing commons and sources of subsistence; others to construct new commons and means of subsistence on top of, and against, the structures that energy represents.

My hope is that these quests can perhaps become the same. [11]

**Larry Lohmann is of The Corner House. This paper was first published in the Spanish e-journal ECOS, December 2015.**

## References

- 1 G. Caffentzis, *In Letters of Blood and Fire: Work, Machines and the Crisis of Capitalism*, PM Press, Oakland, 2013.
- 2 A. Malm, *Fossil Capital: The Rise of Steam Power and the Roots of Global Warming*, Verso, London, 2015.
- 3 K. Marx, *Capital*, vol. I, trans. Ben Fowkes, Penguin, London, 1990, p. 545.
- 4 M. T. Huber, *Lifeblood: Oil, Freedom and the Forces of Capital*, University of Minnesota Press, Minneapolis, 2013.
- 5 K. Marx, *Grundrisse*, trans. M. Nicolaus, Penguin, Harmondsworth, 1973, pp. 10405.
- 6 Quoted in E. A. Wrigley, *Energy and the English Industrial Revolution*, Cambridge University Press, Cambridge, 2010, p. 42.
- 7 T. M. Porter, «Rigour and Practicality: Rival Ideals of Quantification in Nineteenth-Century Economics», in P. Mirowski, *Natural Images in Economic Thought*, Cambridge University Press, Cambridge, 1994, p. 141.
- 8 A. Hornborg, *The Power of the Machine: Global Inequalities of Economy, Technology, and Environment*, Altamira Press, Lanham, MD, 2001.
- 9 I. Illich, «The Social Construction of Energy», *New Geographies* 2, 2009, pp. 11-19.
- 10 Jean Robert, «Alternatives and the Technogenic Production of Scarcity», *New Geographies* 2, 2009, pp. 13438.
- 11 The Corner House, *Energy, Work and Finance*, Sturminster Newton, Dorset, 2014; *Energy Alternatives: Surveying the Territory*, Sturminster Newton, Dorset, 2013; and *Energy Security: For Whom and for What?*, Sturminster Newton, Dorset, 2012.



# Paris Climate Terror Could Endure For Generations

By Patrick Bond

Paris witnessed both explicit terrorism by religious extremists on November 13 and a month later, implicit terrorism by carbon addicts negotiating a world treaty that guarantees catastrophic climate change. The first incident left more than 130 people dead in just one evening's mayhem; the second lasted a fortnight but over the next century can be expected to kill hundreds of millions, especially in Africa.

But because the latest version of the annual United Nations climate talks has three kinds of spin-doctors, the extent of damage may not be well understood. The 21st Conference of the Parties (COP21) to the UN Framework Convention on Climate Change (UNFCCC) generated reactions ranging from smug denialism to righteous

fury. The first reaction is 'from above' (the Establishment) and is self-satisfied; the second is from the middle ('Climate Action') and is semi-satisfied; the third, from below ('Climate Justice'), is justifiably outraged.

Guzzling French champagne last Saturday, the Establishment quickly proclaimed, in essence, ***"The Paris climate glass is nearly full – so why not get drunk on planet-saving rhetoric?"***

The New York Times reported with a straight face, ***"President Obama said the historic agreement is a tribute to American climate change leadership" (and in a criminally-negligent way, this is not untrue).***





Since 2009, US State Department chief negotiator Todd Stern successfully drove the negotiations away from four essential principles: ensuring emissions-cut commitments would be sufficient to halt runaway climate change; making the cuts legally binding with accountability mechanisms; distributing the burden of cuts fairly based on responsibility for causing the crisis; and making financial transfers to repair weather-related loss and damage following directly from that historic liability. Washington elites always prefer 'market mechanisms' like carbon trading instead of paying their climate debt even though the US national carbon market fatally crashed in 2010.

In part because the Durban COP17 in 2011 provided lubrication and – with South Africa's blessing – empowered Stern to wreck the idea of Common But Differentiated Responsibility while giving “a Viagra shot to flailing carbon markets” (as a male Bank of America official cheerfully celebrated), Paris witnessed the demise of these essential principles. And again, “South Africa played a key role negotiating on behalf of the developing countries of the world,” according to Pretoria's environment minister Edna Molewa, who proclaimed from Paris “an ambitious, fair and effective legally-binding outcome.”

Arrogant fibbery.

The collective Intended Nationally Determined Contributions (INDCs) – i.e. voluntary cuts – will put the temperature rise at above 3 degrees. From coal-based South Africa, the word ambitious loses meaning given Molewa's weak INDCs – ranked by ClimateActionTracker as amongst the world's most “inadequate” – and given that South Africa hosts the world's two largest coal-fired power stations now under construction, with no objection by Molewa. She regularly approves increased (highly-subsidized) coal burning and exports, vast fracking, offshore-oil drilling, exemptions from pollution regulation, emissions-intensive corporate farming and fast-worsening suburban sprawl.

A second narrative comes from large NGOs that mobilized over the past six months to provide mild-mannered pressure points on negotiators. Their line is, essentially, “The Paris glass is partly full – so sip up and enjoy!”

This line derives not merely from the predictable back-slapping associated with petit-bourgeois vanity, gazing upwards to power for validation, such as one finds at the Worldwide Fund for Nature and Climate Action Network, what with their corporate sponsorships. All of us reading this are often tempted in this direction, aren't we, because such unnatural twisting of the neck is a permanent occupational hazard in this line of work.

And such opportunism was to be expected from Paris, especially after Avaaz and Greenpeace endorsed G7 leadership posturing in June, when at their meeting in Germany the Establishment made a meaningless commitment to a decarbonized economy – in the year 2100, at least fifty years too late.

Perhaps worse than their upward gaze, though, the lead NGOs suffered a hyper-reaction to the 2009 Copenhagen Syndrome. Having hyped the COP15 Establishment negotiators as “Seal the Deal!” planet-saviours, NGOs mourned the devastating Copenhagen Accord signed in secret by leaders from Washington, Brasilia, Beijing, New Delhi and Pretoria. This was soon followed by a collapse of climate consciousness and mobilization. Such alienation is often attributed to activist heart-break: a roller-coaster of raised NGO expectations and plummeting Establishment performance.

Possessing only an incremental theory of social change, NGOs toasting the Paris deal now feel the need to confirm that they did as best they could, and that they have grounds to continue along the same lines in future. To be sure, insider-oriented persuasion tactics pursued by the 42-million member clicktivist group Avaaz are certainly impressive in their breadth and scope. Yet for Avaaz, “most importantly, [the Paris deal] sends a clear message to investors everywhere: sinking money into fossil fuels is a dead bet. Renewables are the profit centre. Technology to bring us to 100% clean energy is the money-maker of the future.”

Once again, Avaaz validates the COP process, the Establishment's negotiators and the overall incentive structure of capitalism that are the proximate causes of

the crisis.

The third narrative is actually the most realistic: “The Paris glass is full of toxic fairy dust – don't dare even sniff!” The traditional Climate Justice (CJ) stance is to delegitimize the Establishment and return the focus of activism to grassroots sites of struggle, in future radically changing the balance of forces locally, nationally and then globally. But until that change in power is achieved, the UNFCCC COPs are just Conferences of Polluters.

**The landless movement Via Campesina was clearest: “There is nothing binding for states, national contributions lead us towards a global warming of over 3°C and multinationals are the main beneficiaries. It was essentially a media circus.”**

**Asad Rehman coordinates climate advocacy at the world's leading North-South CJ organization, Friends of the Earth International: “The reviews [of whether INDCs are adhered to and then need strengthening] are too weak and too late. The political number mentioned for finance has no bearing on the scale of need. It's empty. The iceberg has struck, the ship is going down and the band is still playing to warm applause.” And not forgetting the voice of climate science, putting it most bluntly, James Hansen called Paris, simply, “bullshit.”**

Where does that leave us? If the glass-half-full NGOs get serious – and I hope to be pleasantly surprised in 2016 – then the only way forward is for them to apply their substantial influence on behalf of solidarity with those CJ activists making a real difference, at the base.

Close to my own home, the weeks before COP21 witnessed potential victories in two major struggles: opposition to corporate coal mining – led mainly by women peasants, campaigners and lawyers – in rural Zululand, bordering the historic iMfolozi wilderness reserve (where the world's largest white rhino population is threatened by poachers); and South Durban residents fighting the massive expansion of Africa's largest port-petrochemical complex. In both attacks, the climate-defence weapon was part of the activists' arsenal.

But it is only when these campaigns have conclusively done the work COP negotiators and NGO cheerleaders just shirked – leaving fossil fuels in the ground and pointing the way to a just, post-carbon society – that we can raise our glasses and toast humanity, with integrity. Until then, pimps for the Paris Conference of Polluters should be told to sober up



and halt what will soon be understood as their fatal attack on Mother Earth.



“We are unstoppable. Another world is possible!”- This chant roared at several actions by the peoples of the world who believe the system change desired can come from below.

After 21 years of “COPing” over the world's climate, we have had talks and 21 empty texts with little or no action. The United Nations and the body set up UNFCCC (United Nations Framework Convention on Climate Change) to ensure the treaty (“to protect the climate system for the benefit of present and future generations of mankind, on the basis of equity and in accordance with their common but differentiated responsibilities and respective capabilities”) of 1992 is kept, has - through the strong and divisive question of how to share fairly the responsibilities for climate change between developed and developing nations - stunted the process for a clean world.

The lack of serious agreements shows that if a change must come it must come from the peoples of the world and not the climate negotiators and politicians.

COP21 noted that to have a livable future, we should keep the global average temperature rise at 1.5°C below the pre industrial levels.

Like we have seen from science records, this year 2015 has already marked a rise in



# Never Trust A COP

by Obayanju Babawale

temperature of 1°C above the pre industrial levels and over 50ppm increase in the amount of greenhouses gases in the atmosphere above the estimated 350ppm required by science. 2015 holds the record as the warmest year in the history of Mother Earth.

Outside the COP the peoples mobilizations had consensus against the false solutions such as REDD and REDD+, processes where corporations grab productive land and forests from poor rural farmers in the name of reducing deforestation while appropriating the carbon in the trees. The peoples also rejected other techno-fixes, including carbon capture/storage and geoengineering favoured by corporations and their lobbyists.

Equity, in the terms of the peoples climate demand, means sharing the global carbon budget fairly. We demanded that the industrialized polluting and or developed nations pay their climate debts and cut their greenhouse gas emissions at source, as they have already used up more than their fair share of atmospheric space and that they also support adaptation efforts by developing nations through substantial provision of new finance and by transferring unpatented technologies at available and affordable prices accompanied by capacity building in a transparent manner.

We demand system change.

A system where the people are put first before profit. A system where we can access clean community-owned energy/ies. A system where we have a food system based on agroecology, and where communities manage their natural resources in an equitable and accountable manner that favours people and not the corporations.

Sadly, the outcome of the Paris COP21 was loudly hailed in some quarters as a huge success whereas for the peoples of the world it was a big hit below the belt. The outcome further confirmed our beliefs that the change we seek is to be found with us and not the COP.

The agreed text was hinged on a collection of voluntary pledges for emissions reduction with no legal obligation to keep global warming under 1.5 degrees Celsius. The parties merely agreed to “pursue efforts” to do so. There is no urgency whatsoever to increase action before 2020, even though we know urgent actions are crucial in the short-term. And while there will be a stock-taking in 2018 and every five years after that, there is no commitment to increase efforts based on these reviews. What hypocrisy!

The outcome might have been weak, but the resolve of the people to fight for system change has been hugely strengthened. Until victory, Aluta must continue. We truly are unstoppable.





### Marine Ecosystems

Oceans will acidify as a result of absorbing carbon dioxide. Ocean acidification in the Arctic could destroy ecosystems by killing plants and animals, and dissolve the shells of mussels and other shellfish

a total disregard of the disregard of climate science and equity as epitomised by this pathway.

Head in the Oven, Feet in the refrigerator (or that Sinking Feeling)

We note that the Agreement speaks repeatedly of “sinks and reservoirs of greenhouse gases.” These are wedges to keep the door open for all sorts of carbon offset schemes including REDD and all its variants, yet-to-be-proven carbon capture and storage, geoengineering and such like.

We can thus expect intense externalising of climate action on climate victims as well as carbon colonialism – which may include what is referred to in the Agreement as “internationally transferred mitigation” (Article 6) rather than direct in-country carbon emissions reduction.

At the launching of a publication of the No REDD in Africa Network (NRAN) at the Climate Forum during the COP, Firoze Manji, the pan Africanist, described carbon offsetting as putting your feet in a refrigerator when your head is in the oven and hoping to achieve a median temperature for your body. Very apt indeed.

The agreement ties non-market climate solutions to the enhancement of “public and private sector participation in the implementation of nationally determined

contributions.” This hints at the privatisation of carbon or pollution, which arguably is already happening through carbon trading.

Climate finance remains grossly insufficient with targets of \$10bn yearly up to 2025 (COP15 said 2020) when this would shift to \$100bn yearly.

That these amounts are insufficient can be seen from the fact that the US spent about \$68bn to handle the aftermath of just one hurricane, Hurricane Sandy. Considering that rich countries spend up to \$2 trillion annually in needless wars releases equally underscore that what we see are specious power play and climate apartheid.

And, by the way, who accounts for the millions of tonnes of greenhouse gases released in warfare besides destruction of lives and wreaking of havoc on nations and territories, especially those that are fossil resources rich.

It is clear that the paucity of the Green Climate Fund is not a lack of funds but a determination by rich countries to avoid historical and current climate debt.

### TRANSITION?

The Agreement makes a passing mention of “just transition” with reference to “workforce” and the creation of decent work. Again we see that the COP is so enamoured with dirty energy or fossil driven energy





Photo by Obayanju Babawale, Paris 2015

forms that it could not dare name fossils or a call for just transition towards renewable energy. In fact, “renewable energy” is mentioned only once in the preamble to the Agreement and in the context of developing countries.

From where did analysts get the idea that the Agreement has declared the obituary for fossil fuels? In case the COP is serious about ending dependence on fossil fuels and thus taking real climate action, the conference can take a cue from Oilwatch's proposal for the creation of Annex 0 group of nations, sub-nations and territories that are taking steps, or have taken them already, to keep fossil fuels under the ground.

With 2020 as the pivot year for the voluntary emissions reduction, it is clear that between now and then the remaining atmospheric carbon budget may already have been taken up. Whether that happens or not, delayed actions until 2020 presents the planet and all beings on it a very dire future that many will not survive. That also breeches the right of Mother Earth to exist, her right to maintain her cycles and speaks poorly of our understanding of intergenerational equity.

In sum, COP21 betrayed the poor, the vulnerable and all those already suffering the impacts of climate change. It set the stage for a climate changed world, and did little about averting it.



## Proposal for Paris COP21, December 2015

### IT ISTIMETO CREATETHE GROUP

### “ANNEX ZERO”

The purpose of this document is to present the commitments and efforts that peoples, nationalities, and communities have undertaken against the extraction of oil, gas, or coal as a contribution toward avoiding climate disaster.

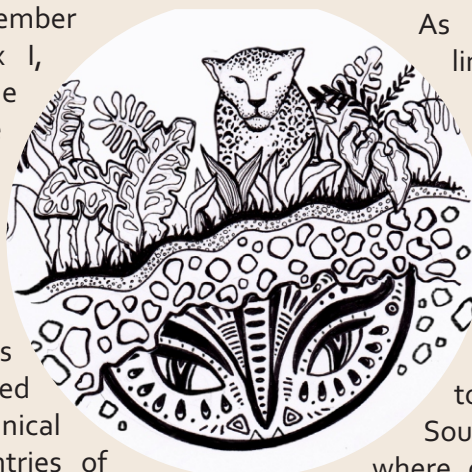
Together with these commitments we present our petition to the United Nations Framework Convention on Climate Change (UNFCCC) and member governments to recognize, respect, promote, and protect these actions as a goal to protect climate and life on the planet.

#### **Group Annex o: A way to recognize and respect real commitments and efforts**

The United Nations Framework Convention on Climate Change, executed at the Rio Summit in 1992, divided member states in two groups: Annex I, which was composed of the industrialized countries of the North, including countries with economies in transition; and Non-Annex I, which essentially comprised the countries of the global South. Later came Annex II, which included the members of Annex I that were obliged to provide financial and technical resources to enable the countries of the South to undertake activities to reduce emissions and adapt to climate change. Oilwatch affirms that, for the countries of Annex I and II, the motor of capitalist development since the nineteenth century has been coal, oil, and gas, for which reason the countries included in these Annexes have done everything in their power to prevent specific and binding actions to reduce the consumption of these fossil fuels. After more

than 20 years of international negotiations, global warming continues to worsen with no effective and real solutions to stop it.

In this scenario, one of the obstacles has been the direct influence that corporations linked to fossil fuels have had on the Convention's decisions. At present this corporate sector is among the promoters of false solutions that exacerbate the greenhouse effect, such as the carbon market, agrofuels, REDD, geo-engineering, and technologies such as Carbon Capture and Storage (CCS) –also used by oil industry–, among others. Simultaneously, they expand their territorial reach to so-called new frontiers: deep seas and “non-conventional” deposits exploited using pernicious technologies such as fracking.



As if this were not enough, the limited vision of the United Nations, focused on promoting negotiations between state parties, has allowed Northern industrialized countries not to comply with their climate obligations, and in an unfair and neocolonial scenario, has transferred their responsibilities to the peoples and nations of the South. Yet it is precisely in the South where one encounters the majority of the nations and subnational regions and localities, but above all the Indigenous Peoples, peasants, fisherfolk or traditional communities that are making real efforts to protect the climate, although they are the most affected by climate change. It is these popular initiatives that are being neglected and, in many cases, criminalized, when they should instead be rewarded for their efforts to stop extraction of fossil hydrocarbons.



We can see that, in practical terms, there are other actors in addition to states that are able and willing to accelerate the transformations required to protect the global climate. These actors must be recognized by the Framework Convention on Climate Change: precisely, the Indigenous Peoples and nations, provinces, states, or subnational regions and localities that have taken firm steps against the extraction of hydrocarbons. An Annex 0 Group must therefore be created for these peoples and territories who are addressing the causes of the problem: the addiction to fossil fuels.

### **It is time to focus on the problem's determining causes**

It was mainly after World War II that the industrial bases of capitalism, addicted to fossil fuels and a culture based on an endless, extensive, expansive and destructive energetic and material consumption pattern, was consolidated. Highly oil-intensive large-scale mining and industrial agriculture expanded as part of this model. This addiction to fossils is not only affecting the climate, but is causing degenerative and lethal diseases to millions of peoples, flooding the planet with non-degradable waste, and exterminating hundreds of traditional cultures – by displacing healthy and ecological uses and customs – and it continues generating economic, social, political, environmental crisis aimed to capital expansion and accumulation. An institutionalized and global capitalism with the most decadent and lethal features demands a global action to confront it.

Meanwhile, the business and financial sectors decide how much oil is extracted, from where, what type, how much is sold, and at what price, as the industry continues to advance using more costly and environmentally degrading techniques, like fracking, to maintain dependence on fossil fuels, and strengthen the process of capital accumulation, appropriation of indigenous territories, dispossession, and violation of the rights of the people.

Leaving oil and other fossil fuels in the subsoil is the most direct and concrete way of achieving results related to climate, as well as to confront capitalism, the exploitation of human beings, and privatization of nature at the global level.

### **What metrics, scenarios, and models should we work with?**

The member states of UNFCCC set the goal of adopting a new global agreement on climate change in Paris 2015. The rhetoric says that is aimed to keep the planet from exceeding the warming limit of 2°C in relation to preindustrial temperature. This limit allegedly sets the line between a changing climate to which we can adapt and a climate unbalance of unforeseeable and irreversible consequences.

To reach this figure, both UNFCCC and the experts of the Inter-Government Panel on Climate Change (IPCC) have always used carbon dioxide concentrations as a standard measure stating emission reduction but not the amount of fossil fuels that should not be extracted. However, talking about amounts of oil, gas, or carbon would enable visualizing the responsibilities and necessary actions to prevent a climate crisis.

According to official figures, to reach a maximum figure of 2°C in temperature (IPCC scenario RCP2.6) by 2100, at least 2/3 of the known oil, gas and carbon reserves should remain in the soil. Therefore, of the 1,7 trillion barrels that are still in the ground, 1,190,000 million should remain there; of the 187 trillion cubic meters of natural gas, 131 trillion should not be extracted; and of the 892,000 million tons of coal, 624.000 should remain in place. The goal now is to decide where and how to start leaving them in the soil. By using these figures we are not attempting a merchandisable quantification or evil equivalences in the environmental services market or other ways of commercial compensation, but a way of determining the magnitude of the efforts needed for a post-oil civilization.





This means going from a centralized large-scale energy production model to models with cleaner, renewable, decentralized, diverse, sovereign, and ecological energies. To this end, there is a need of changing the concept of energy, which includes knowing what type, how much and who needs it, as well as a reflection on energies in the territories and for the peoples.

Protection, recognition, and incentives for the countries, nations, subnational spaces, localities, and territories of Annex o

The initiatives qualified as part of Annex o must be protected and supported with a series of international incentives and recognitions based on solidarity, unattached technological exchange, and the existence of an ecological debt associated to climate. The creation of Annex o will also incentivize new commitments and specific efforts focused on confronting the decisive causes of climate change.

#### **The indicators for these initiatives will be:**

1. Fossil hydrocarbons maintained in the ground
2. Forms of life based on a respectful dialogue with nature
3. Struggles against coal and other mining due to their effect on the climate and for consuming elevated amounts of fossil fuels
4. Steady steps towards a debate on the type of energies required – for what, for whom, how much – and on the exercise of sovereignty of the peoples and territories
5. Rejection of mechanisms such as the carbon market, REDD+, and other false solutions to climate change
6. Clear commitments to non-extraction and emancipation from fossil fuels

## **ADVANCE TOOLS**

#### **Protection of the peoples and territories:**

- Stop the criminalization of whoever promotes leaving oil, gas, or coal in the ground, and active

advocates of land and territories against fossil fuel extraction.

- Stop the intervention of corporations, State repression systems, and invasion of territories for hydrocarbon extraction in places where the local population rejects it, areas designated as natural or highly fragile reserves.

#### **Recognition through an international award:**

- for whoever makes sound steps against hydrocarbons extraction in their lands and territories;
- for whoever keeps sovereign energy and food models that do not depend on fossil fuels and respect nature.

#### **Incentives such as:**

- technological exchange
- forms of contribution and direct support that respect sovereignty, with good-faith dialogues and no transfer of responsibilities.

#### **Counter-incentives such as:**

- withdrawal of State subsidies to the fossil fuel industry
- divest in shares, bonds, or investment funds linked to oil.



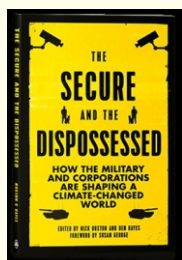
**INTERNATIONAL CALL****IT IS TIME TO COMMIT TO THE PEOPLE!**

OILWATCH believes that no country is really ready to withstand catastrophic climate change. Additionally, the nations that suffer the worst consequences contribute less to global warming, and frequently take strong measures to stop it. We believe that the time has come for the United Nations to confront the climate crisis by creating Annex o in the Convention on Climate Change, as a group of peoples or nations acknowledged for their contributions, and as an incentive for others to join the mission of leaving fossil fuels in the ground. We've had enough talk about abstract things like CO<sub>2</sub> emissions – let's talk about oil, gas, or coal, join the commitments of Annex o, and make efforts in our organizations to support these resistance initiatives and struggles.

**We call on the United Nations, national governments, and social organizations and movements to acknowledge, protect, and disseminate commitments and efforts that truly contribute towards preventing climate disaster!**

OILWATCH 2015  
December

# BOOKS YOU SHOULD READ



**The Secure and the Dispossessed – How the Military and Corporations are Shaping a Climate-Changed World – Nick Buxton and Ben Hayes, editors**

What if government and corporate elites have given up on the idea of stopping climate change and prefer to try to manage its consequences?

The Secure and the Dispossessed shows how the military and corporations plan to maintain control in a world reshaped by climate change. With one eye on the scientific evidence and the other on their global assets, dystopian preparations by the powerful are already fuelling militarised security responses to the unfolding climate crisis.

The implications for social and environmental justice are disturbing. Adaptation to a climate-changed world is desperately needed, but it must protect the rights of all, not just provide security to the few. The authors unveil the dangerous new security agenda, and put forward inspiring alternatives that promise a just transition to a climate-changed world.



**·STOPPING THE CONTINENT GRAB and the REDD-ification of Africa by No REDD in Africa Network.**

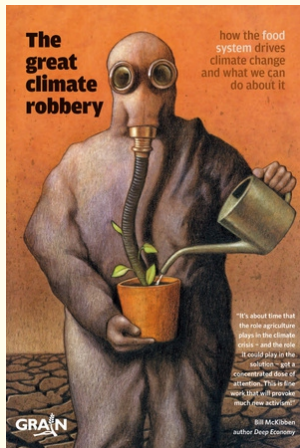
The worst form of slavery is to willingly offer yourself on the auction block, get bought and pretend you are free. This is what participation in the mechanism called Reducing Emissions from Deforestation and Forest Degradation (REDD) is. Coming at a time when climate action has shifted away from legally binding requirements to voluntary, “intended nationally determined contributions”, REDD provides a perfect space for

polluters to keep polluting while claiming they are champions of climate action.

The REDD mechanism is already resulting in the violation of individual rights, as well as collective rights of communities and indigenous peoples. REDD offers polluting industries, carbon speculators, and governments that serve them the freedom to continue officially endorsed misbehavior.

This publication by the No REDD in Africa Network aims to demystify REDD and REDD-type projects, and all their variants, and show them for what they are: unjust mechanisms designed to usher in a new phase of colonization of the African continent. From examples presented, it is clear that the REDD mechanism is a scam and the polluters know that they are buying the “right” to pollute.

# BOOKS YOU SHOULD READ



Over the past twenty-five years, GRAIN has worked with social movements and organisations around the world to defend local food systems and cultures from the advance of industrial agriculture. Part of our work has involved documenting the ill effects of this industrial food system – the growing hunger, the destruction of rural people's livelihoods, the loss of biodiversity and cultures, the exploitation of labour and a range of health calamities – and analysing the ways through which this system expands, from seed laws to free trade agreements to secretive land deals.

But another important part of GRAIN's work has involved connecting this analysis of the food system to larger issues affecting the planet and linking peoples' struggles situated within the food system to those happening in other areas. Climate change is one important example of this.

The various articles on climate change selected for this book should provide readers with solid information about how the industrial food system causes climate change, how food and agribusiness corporations are getting away with it and what can be done to turn things around.



Switzerland, January 2012: a group of experts has gathered in a luxurious villa on the shores of Lake Lugano. Powerful corporate elites have commissioned them to design a strategy to save capitalism at a time of financial, social and ecological crisis. "How to win the Class War" is the product of the expert group's work.

If you have ever wondered what it's like to be in the shoes – and the minds – of the guardians of the capitalist system, Susan George can give you the key. "How to win the Class War" is a 'Factual Fiction': the facts are based on solid research, but the fictional setting and the story told from the expert's point of view make you feel as though you're reading a political thriller. George's first "Lugano Report" was published in 1999 and translated into 15 languages. "How to win the Class War", is its sequel and brings the story up to date.

This is the sixteenth book by renowned author and scholar Susan George and provides further compelling evidence of the devastation wreaked by corporate globalisation. More valuable than countless earnest reports, George's 'factual fiction' is not a "conspiracy theory" but a cold-blooded assessment of the dangerous and cruel logic of the world's political and economic elites who will do whatever it takes to protect their short-term interests.

"In the usual great style of Susan George, How to Win the Class War – The Lugano Report II exposes the mindsets that have ensured the nauseating triumph of finance, neocolonialism, sheer wickedness, carbon and pollution today. It will take total anaesthesia to read this book and remain on the sidelines." Nnimmo Bassey, Executive Committee of Friends of the Earth International, author of "To Cook a Continent", and Rafto prize winner 2012





# Will Paris Agreement Save Us From Climate Chaos?

By Terry Odendahl

The Paris climate agreement is heartening and historic—195 countries finally concurred that we must stop warming the planet by no more than 2C by 2020 and that we should be aiming for 1.5C. Unfortunately, the actual plans submitted by each government prior to the conference would raise the world's temperature by as much as 3C.

Stated clearly: The words of the agreement say one thing, but we must monitor the actions of leaders and nations so that they actually implement the aims of the agreement. And, we cannot count on governments for all the solutions needed than 3 degrees C temperature increase.

In parts of Africa the temperature is already over this limit by as much as 7 degrees. Further, for every centigrade rise in sea level, scientists predict that more than one million people will die. In my travels for Global Greengrants Fund, I have found that the best solutions are coming from the ground up, not from the top down. Communities most affected, grassroots groups and movements are

adapting and showing the way for transformative system change.

That's why I participated in many events outside the COP—at the Climate Action Zone—and in the movement-based protests, both the Red Lines gathering near the Arc de Triumph on Saturday organized by the Climat21 Coalition and the Basque/French Alternatiba manifestation at the Eiffel tower later in the day. It has taken mass mobilizations over the last few years to push our elected leaders into this agreement and now it's going to take even more mass mobilizations to push them to actually meet the terms of the agreement and then farther to address issues the agreement ignored.

For example:

- The preamble to the agreement suggests that governments “should consider their respective obligations on human rights, the right to health, the rights of indigenous peoples, local communities, migrants ... as well as gender equality, empowerment of women and intergenerational equity.”



But, there is nothing in the actual binding part of the agreement to ensure that any of these obligations are addressed.

- There's no mention of “food security” anywhere in the preamble or the binding part of the agreement.
- The agreement contains only limited acknowledgement of the responsibilities of the most highly polluting countries to those in the global south and furthest north which did not create the climate disaster.
- The agreement continues to support false solutions such as carbon markets that allow polluters to pay or trade “credits” with those who are actually stewarding their farms and forests.
- The agreement contains no mention of the need to stop using fossil fuels and turn to alternative energy sources. This omission is simply ridiculous greenwashing. We must immediately keep the oil in the soil and the coal in the hole or the planet will continue cooking.

A few days before the demonstrations, I attended a civil disobedience training

offered by 350.org at the Climate Action Zone. Three principles agreed upon by all the groups in Climat21 were that the actions would be peaceful, there would be no property damage and police would not be provoked. Because of the state of emergency in Paris, it was illegal to gather in groups of more than two with political intent or messages. At the final hour, an accord was reached with police and the protests were allowed. Thus, my decision to get arrested, worries about not being able to return to France or even Europe, were happily moot. The march was amazing as a spirit of solidarity and continuing work to promote real solutions prevailed.

Paris was a good start, although perhaps 20 years too late. The next step will be even harder and will require even more of us stepping into the streets to push our leaders forward.

*Terry Odendahl is the President/CEO of Global Greengrants Fund*



# TIME TO CLEAN UP THE MESS

## Report on Workshop on Building Community Resilience towards the Implementation of the UNEP Report

7<sup>6</sup> persons drawn from across Ogoni, civil society groups and the media participated in the workshop facilitated by HOMEF with the main aims of:

1. Sharing of capacities and training of representatives from Ogoni communities, as key stakeholders, to develop the skills needed for them to promote, monitor and serve as watchdogs on the implementation of the UNEP Report.
2. Supporting peacebuilding and conflict resolution efforts in the region.
3. Sharing knowledge on environmental monitoring and reporting with a network of community monitors formed.

The workshop was organised in three blocks: presentations, group activities and more presentations. The first block provided space for learning why peace was a necessary ingredient for ensuring a clean environment. Participants received detailed information on the processes that led the preparation of the UNEP report and also the behind-the-scenes works done to ensure that the report is not swept under the carpet.



The purpose was for participants to claim ownership of the processes and to actively ensure accountability in the actions to be taken. The last presentation was a teaching on the pollutants generated by hydrocarbons extraction, the harmful elements in related pollutions and how community people can actively monitor and report on the state of their environment and clean up processes.

At the end of the workshop 10 participants representing each of the four LGAs in Ogoniland were nominated to form the core that would spread environmental monitoring knowledge to other community members.

The struggle for a clean environment in Ogoniland has a long history, including the gruesome judicial murder of Ken Saro-Wiwa and the Ogoni eight. The task now is for the people to seriously interrogate the UNEP Report, including reviewing the recommendations and ensuring that they

training seriously because of the level of pollution of the Ogoni Environment and the Niger Delta region at large. He stressed on the need for monitors to be on alert and constantly report on incidents and activities in their environment.

#### WHAT WAS SAID

Fidelis Allen of the Centre for Conflict and Gender Studies, University of Port Harcourt made a presentation titled 'UNEP report: A Vital Life line.' In the talk he gave a rundown of the social dynamics in Ogoni and urged participants to realise that there are forces acting to delay the implementation of the report on Ogoniland. He urged them to realise that benefit most by cooperating and working in unity to ensure that their environment is cleaned up and not allow the issue of payment of compensation to generate conflict and create stumbling blocks on the path to a clean-up.



are implemented. They were encouraged to questions responses by government and other stakeholders because unquestioned answers may be more dangerous than unanswered questions.

Comrade Che Ibegwura, a consummate community organiser, added his voice in solidarity by urging participants to take the

Allen provided reasons why the people should fully support the full implementation of the UNEP as a means of meeting part of the environmental justice claims of the Ogoni people. He also examined the risks around its not being implemented.

These risks include the failure of community people to adequately participate in the process and their continual bearing of the burden emanating from the pollutions in their environment. He deplored the rise of oil theft and pointed out that such illegal activities compound the environment and health problems in the area.

The UNEP report is a policy document that requires action by the policy community and full implementation is required so as to avoid further destruction of the environment. Further delay is not in the interest of Ogoni people, but in the interest of groups that made the implementation delayed in the past – groups may include those with corporate interests, political interest, ethnic interest and even religious interest groups.

Allen further explained that in August 2015 the newly elected Federal Government promised to fast track the implementation of the UNEP Report. Nothing has happened thus far. The major polluter, Shell Petroleum Development Company (Shell) released a report falsely claiming that they have implemented about 75% of the UNEP report.

Emem Okon of Kabetkache facilitated discussion on the topic "Women at the Fence line." In an interactive session, she posed questions to participants that were answered in drawings or words. They examined what it means to be on the fence line and how women have contributed to the struggles in Ogoniland.

Participants recalled the roles played by the Ogoni women in their struggle for environmental justice and noted that during the struggles in the 1990s when the men were being imprisoned, or driven underground, the women of Ogoni land

stood their grounds and raised their voices kept up the struggle for justice in their land.



Okon stressed the need for communities to be organised and explained that the UNEP Report is a technical report that requires to be simplified so that the grassroots people may understand the contents and importance of the report. Such a report will help communities map out and identify various polluted sites /areas where the water sources are contaminated among other pollution sources in their land.

The conclusion was that Ogoni women must step up to the plate in environmental monitoring and protection.

Celestine Akpobari of Ogoni Solidarity Forum dwelt on the poor state of health of the Ogoni people and their environment. He noted the high mortality rate in Ogoni and pointed out that young girls in the communities were experiencing strange reproductive health problems. He expressed displeasure over the spectre of conflict on the issue of compensation.

He informed participants of the levels of negotiations and discussions that have been going on with stakeholders towards the implantation of the UNEP Report and urged the people to work for the way forward on how the implantation of the report can truly be fast tracked as promised by the Federal Government. He was optimistic that the new government presents some hope that the implementation will be a reality.

**Nnimmo Bassey** trained participants on Community /Environmental Health Monitoring. He gave practical examples of the environmental pollution situations in Ogoniland and the health problems and causative chemicals and elements.

Using HOMEF's Community Guide to Environmental Monitoring and Reporting, participants were taken through the environmental impacts related to the different stages of petroleum exploration and extractive activities.

Participants also learned how to monitor and report on environmental issues. Monitors were advised that monitoring was not a one-off exercise but that monitors must always carry out post monitoring visits to check if actions had been taken to remedy the problems they had reported on. Bassey also emphasised that payment of compensation for environmental harm is secondary to clean up because if there is a clean up lives can be saved but focus on the payment of compensation can provide a cheap way for government agencies or oil companies to avoid responsibilities. The number one demand at all times must be for a clean-up. This may then be followed by compensation.

He explained that bush or illegal refineries create more problems than solutions and



the military are not helping matters as their bombing of these contraptions further destroys the environment.

### OGONI ECOLOGICAL DEFENDERS (OED)

The immediate output of the workshop was the inauguration of the Ogoni Ecological Defenders Network. (OED).

The Inauguration of Ogoni Ecological Defenders (OED) was carried out by Comrade Che Ibegwura.



Two persons each, a male and a female, were appointed as coordinators in each of the four local government areas.

The leaders were:

1. Damian Gbogbara, Ntogo Lucy (Gokana LGA),
2. Basil Nkpordee, Esther Isaac Ndeesor (Khana LGA),
3. Anthony N. Nbara, Ngbiidam Dornubari (Tai) LGA,
4. Jiji Mpia, Chijur Confidence Yeye (Eleme LGA)

The teams were saddled with the responsibility to lead and to coordinate the training of other environmental monitors in their locality.

### WORKSHOP RESOLUTIONS

Participants at the workshop therefore resolved as follows:

1. That all actors in the proposed clean up and remediation of Ogoni land should undertake proper sensitization and awareness of all Ogoni communities to ensure that everyone is fully aware and understand the implications of the UNEP Report and to correct misconceptions

about the environmental clean up

2. The Ogoni people must be united behind the singular ideal of having Ogoniland adequately and properly cleaned up.

3. That the reformed institutions to oversee the clean-up should be supported, while the institutions should ensure that work plans, milestones, processes and deliverables are fully discussed with the Ogoni people and accepted by them.

4. That Movement for the Survival of Ogoni People (MOSOP) should mobilize and instigate women to play an active role in the implementation of the UNEP Report.

5. That they would form the core of Environmental Monitoring Teams in the four Local Government Areas to be known as the Ogoni Ecological Defenders (OED) while a women's wing would be known as the Ogoni Women Ecological Defenders (OWED). These will continually train, monitor and report on the clean up and other ecological incidents.

6. Participants also resolved to play key roles in clarifying to everyone that the clean up budget is for cleaning up the environment and is separate from funds that may be need as compensations.





# It Is Time For Binding Commitments At UNFCCC COPS

By Caroline Wambui Gichobi

Project Survival Media, Kenya

**L**ook, it is very easy to downplay climate change effects as you peruse through IPCC reports, (ie: International Panel on Climate Change) which project “a 4oC increase in temperatures (by 2100) would cause total estimated economic losses of 1-5 percent of global GDP”. That of course seems trivial to warrant massive systemic changes. The prognoses are a far cry from the global dystopia predicted to occur in apocalyptic intensities. But dare to leave your flat if you may. Abandon the comfort of your living room and visit a few vulnerable communities – those whose fate is already baked by previous decades characterized by increase in greenhouse gases; or to communities that die in thousands but whose deaths are not reported in the sensational approach that other tragedies like terrorism draws.

Meet Damaris Ateyo who grew up in a tiny

village in Turkana, an area in the North West of Kenya. Theirs is a pastoralist community that depends on water and pasture for their livestock which is the main source of livelihoods. The alternative is always the Lake Turkana, a beautiful jade freshwater lake that provides a valuable fishing ground in the arid environment. Two rivers feed the lake; The Omo which flows from the Ethiopian highlands that provides 90% of the Turkana waters and River Turkwel that only gives 10%.



Photo Credit: Joel Lukhovi – Survival Media





Photo credit: Christian Oyando

Turkana is an arid area that has with time accumulated rich culture and traditional ways of life that have abetted them to survive the desert land for many years through calculated grazing patterns and a nomadic way of life.

For the Turkana, shallow wells have always provided the clean water they required. Drought patterns could be foretold after which community would prepare themselves to cope through calculated grazing and feeding on livestock until such seasons elapsed. But times have changed.

Droughts are so prolonged now that even the rivers that were vibrant are now so intermittent that they only flow for a one or two months each year. Livestock numbers have also greatly reduced due to death during famines and reduced pastures and therefore less food for the growing community.

The desert lake is also retreating and getting shallower. The ongoing damming of

the River Omo – which contributes 90% of water to the Lake Turkana - with the Gibe dams for irrigation projects in Ethiopia has and will largely affect the inflow to the lake and obviously the people's livelihood.

There is risk that this UNESCO World Heritage site could face the same fate as the Aral Sea. As for the people, climate change has been and will continue to exacerbate these harsh conditions.

But quid pro quo - chance played fair. A relief peaked in the horizon for the Turkana people. A huge aquifer was discovered in the Lokitipi area of Turkana in 2013. To date, no real benefits are yet to stretch to the people of Turkana. Oil explorations have also been in progress since 2010 and it begs two logical questions. The first concerns the contamination of the aquifer water in light of the proximity of the explorations. The other regards sharing of this scarce resource between the community and the oil explorers.



The other regards sharing of this scarce resource between the community and the oil explorers. Ateyo, a student at the Multimedia University of Kenya says, “The water tastes funny. My people think it is curses that are causing these new illnesses but I think not.” It may be a long while before science is called to proof the correlation between the oil exploration and the pollution of water in the wells of the surrounding villages. In the meantime, the community may still have to compete for the little water resources available to them and even when they get the water, it may have already been polluted. “Even after the discovery of the aquifer, we are yet to see its benefits. We still have to walk long distances to get water for basic survival. The hope the aquifer brings might be squashed if the water is contaminated by the industrial activities of the oil company. It means more of my community members will now be at risk of either famine or diseases,” says Ateyo.

Indeed it is still fresh in our minds that in Ogoniland in Nigeria's Niger Delta where

martyrs of environmental activism - Ken Saro Wiwa and the Ogoni 8 - were murdered for advocating for eco justice of the people of Ogoni numerous oil spills continue to occur. The Niger Delta oil spills in the last 57 years are equated to the Exxon Valdez spill every single year, often without any clean ups, regards for the biodiversity of the area or compensation to affected communities. It is clear that many 'forgotten' communities like Ogoni and Turkana continue to agonize quietly and in most cases the rights to their land and to clean water are continually subjugated over these dirty fuels. Why then allow this to continue when we can all agree that carbon pollution increases weather, food, biological and financial instabilities and the social disruptions that come along with them?

There are a million of such small communities each year directly affected by dirty fuels or indirectly through climate change effects. But since they come in different forms, these impacts of climate change are not addressed at source.



Photo Credit: Joel Lukhovi – Survival Media

A few thousand dead due to prolonged droughts in one area, a few houses and cars washed away by El Niño rains in another country, a few buried in landslides and mudslides in another area and a few others dead from a typhoon in another continent. In 2006, the Guinsaugon landslide, Philippines occurred after a typhoon and 10 days of rainfall. The mud buried an elementary school with 246 children and all 7 teachers in seconds. At least 1000 are estimated to have died from the landslide. In 2010, floods in Niger killed 8 and left over 110,000 people homeless who were already suffering after a prolonged drought in the Sahel region. In 2012 typhoon Bopha struck Mindanao in southern Philippines and left over a thousand dead and tens of thousands homeless.

This event occurred right as the COP negotiations were taking place. Still, leaders came up with vague and voluntary pledges to a Global Climate Fund. In 2013, as if in an ironic twist of fate during the COP 19 in Warsaw, Typhoon Haiyan hit Philippines and within hours, 6100 people were dead and an estimated 4 million people were left homeless as entire villages, communities and livelihoods were washed away. Yet again, in 2014 during the COP 21 negotiations in Lima, Typhoon Ruby made landfall devastating every efforts of communities that were rebuilding their lives after Typhoon Haiyan the previous year. Certainly, if we kept a world count, people affected by climate change each year would equal or surpass many other disasters around the world.

You'd think that all these occurrences would compel leaders to make genuine efforts towards a binding commitment for action to reduce carbon pollution by all

nations. Instead, they have insistently differed from such a commitment. Science is clear that by current trends we will reach global emissions of 57Gt of CO<sub>2</sub>e by 2020, a sure guarantee for a chaotic climate. Ergo, in order to protect the vulnerable communities and for our responsibility to future generations, we cannot continue transferring out emissions by using Carbon credits, REDD+ or any other mechanisms that will sidetrack us from the overall mission: to cut down emissions. Sure, we must continue to create carbon sinks but it is all moot if we do not reduce emissions. Climate smart agriculture, carbon markets and any other such mechanisms should be a complementary of reduced emissions and not an alternative.

There is no more time for fiddling about with voluntary commitments over reaching a climate deal. To get changes the earth direly needs, COP 21 in Paris must bring a systems change. In the calm of the Pre-COPs, the quietly ominous cycles of carbon pollution continue and the vulnerable continue taking the heat. The cycle must be altered and a chain of reaction has got to be sparked by all nations through a robust, systematic and intentional binding commitment. As leaders drag their feet, millions of people around the world continue to grapple with droughts, floods, typhoons, scarce water and degrading land resources due to pollution and desertification. The wise route for the world leaders is to nip the issue in the bud. To tackle global warming and consequent climate change impacts by cutting down emissions. There is no other way.

Caroline Wambui Gichobi is with Project Survival Media, Kenya  
<http://www.projectsurvivalmedia.org/>

# International Rights of Nature Tribunal constituted in Paris

## Introduction

In an extraordinary display of global solidarity, vision and determination, communities and organizations from all over the world took the initiative this past weekend by formally establishing the International Tribunal for the Rights of Nature. People flocked to the Maison des Metallos in Paris to listen to the more than 65 people from 31 nationalities speaking in 7 languages who participated as judges, Earth defenders, or witnesses during the two days hearings of the Tribunal.

More than 300 people attended the hearings on each of the two days and hundreds had to be turned away due to lack of space. Indigenous peoples from around the world played a leading role throughout the Tribunal as judges, experts and witnesses. One of the highlights was the signing by the legendary Chief Raoni of the Kayapo people of the Brazilian Amazon, of the People's Convention which formally established the Tribunal. The judges of the Tribunal reciprocated by signing documents confirming their support for the Alliance of Earth's Guardians established by Chief Raoni and his delegation. While governments participating in the COP 21 are locked in tortuous negotiations over

the wording of an agreement that will worsen the destruction of Mother Earth, the people of the world showed what real global collaboration and solidarity can achieve. They showed the strong, united leadership so lacking at COP 21 by signed the People's Convention formally established the Tribunal on 4 December 2015 and opened the way to the creation of Regional Tribunals throughout the world.

The Tribunal bases its judgements primarily on the Universal Declaration for the Rights of Mother Earth and international human rights law, but also recognized ecocide as a crime. The judgements provide clear direction in each case on who is accountable and on what must be done to repair the harm and restore Earth (and communities) to health.

## The panel of Judges

The following distinguished judges constituted the International Rights of Nature Tribunal in Paris: President - Cormac Cullinan (Global Alliance for the Rights of Nature, and author of Wild Law- South Africa); Tom Goldtooth (Indigenous Environmental Network, Turtle Island - USA); Alberto Acosta (Economist and former president of the Constitutional Assembly - Ecuador);



Osprey Orielle Lake (Women's Earth and Climate Action Network - USA); Terisa Turner (professor, former UN Energy Specialist - Canada); Felicio Pontes (Federal Prosecutor - Brazil) Damien Short (Director Human Rights Consortium, University of London - UK); Attosa Soltani (Amazon Watch founder - USA); Nnimmo Bassey (Health of Mother Earth Foundation / Oilwatch - Nigeria); Ruth Nyambura (African Biodiversity Network - Kenya); Christophe Bonneuil (Historian of Sciences, CNRS, Attac - France); Philippe Desbrosses (Doctor in Environmental Sciences, Farmer, Intelligence Verte - France); - Honorary Judge on December 4th Dominique Bourg (philosopher and author, University of Lausanne, Switzerland).

### **Listening to Nature**

The proposed solutions to climate change being presented at COP 21 are almost all abstract, theoretical, market-driven and motivated by self-interest. The approach at the hearings of the Tribunal couldn't have been more different. Its findings were based on the first-hand experiences of witnesses, and drew on both scientific knowledge and the cosmovision/ worldview and wisdom indigenous and local communities. The focus was on listening to Nature and based on the recognition that Nature's laws cannot be broken – an understanding that appears to be absent from COP 21.

The Tribunal opened and closed with deeply moving evocations of Mother Earth by indigenous people. They also presented testimonies which drew the Tribunal's attention to dimensions ignored in the COP 21 negotiations. Of how patriarchal, capitalist and dominance mind-set in the

world deny the sacred and cause the creative feminine principle of Mother Earth to be attacked, and disrupt vital balances. Nature is alive, she has the right to exist, maintain natural cycles, to flourish and to constantly regenerate life. However most legal, economic and political systems treat nature as an object which cannot have rights - a slave to be used and exploited. Reverence for nature is replaced with utilitarian and perverse views of Nature that seek to commodify and commercialize vital natural processes.

### **Findings of the Tribunal**

The Tribunal's findings are clear and strong – specific in who must be held accountable and why, and in the practical measures that need to be taken to solve the challenges faced by humanity. The Tribunal recognized that solutions do exist - communities and indigenous people have been applying them and have been putting their bodies on the line to protect Earth for hundreds of years. We are living in an unequal world and the solutions need to be equitable.

The evidence presented at the Tribunal established beyond any doubt that human rights and the rights of nature are inseparable, and that both are being systematically violated by systems based on arrogant delusions that humans have the right and ability to dominate and exploit Earth. It also showed how indigenous understandings and knowledge complement scientific knowledge. It also demonstrated the extraordinary creative energies that are released when diverse peoples unite, inspired by a shared love of Earth, to find the solutions that humanity to desperately needs at this time.

## Cases the Tribunal heard in Paris

### Climate change

Former Bolivian ambassador to the United Nations, Pablo Solón led the presentation of the Climate Change case. The evidence showed why geo-engineering, nuclear energy, industrial and “climate smart” agriculture, biofuels, and the accelerated exploitation of fossil fuels are false solutions that will increase the damage to Earth. The Tribunal found that the rights of Nature are being systemically violated by climate change, mainly as a consequence of the acts and inaction of governments and international organizations (including the United Nations), the legal, economic and political systems that they have established, and the activities of a relatively few companies. The Tribunal closed the case and a written judgement will follow.

### Commercialization of nature

The case of financialization of nature, presented by Ivonne Yanez was expanded from the previous Tribunals that before dealt only with REDD+. The Tribunal took note of the evidence that many more examples of the commodification and commercialization of Nature are emerging such as biodiversity offsets, carbon offsets, clean development mechanisms, and smart agriculture, and decided to keep the case open so that more evidence can be collected and presented – particularly with regard to the perpetrators.

### Genetically modified organisms

Dr. Vandana Shiva led the presentation of this case which deal with genetically modified organisms (GMOs) and the agro-food industry. The Tribunal heard expert evidence from Ronnie Cummins, Marie Monique Robin, Andre Leu and José Bové, all who exposed the damage that GMOs and

the pesticides used with them are doing to consumers, to animals, to soil. The Tribunal decided to keep the case open to hear additional evidence especially through regional Tribunals in places like Asia.

### Defenders of Mother Earth

Two cases of Defenders of Mother Earth were heard in the Tribunal. The criminalization of Defenders in Ecuador and the persecution of the defenders who protest against the pollution in Houston Texas provoked by the fossil fuels and chemical contamination. The judges ratified the principle that the Tribunal would defend the defenders of Mother Earth and hear further cases where necessary. It condemned the Government of Ecuador's criminalization of defenders of Mother Earth in that country, and demanded the restitution of human rights, liberty and opening of closed institutions in Ecuador. The Tribunal closed the Ecuador case but kept the Texas case open to gather new evidence.

### Fracking

The Tribunal had already conducted hearings about global fracking case at its previous sessions in Quito and Lima. The Tribunal heard evidence from witnesses about the damage that fracking is causing in Argentina and how in the USA fracking is “breaking the bones of Mother Earth”, causing earthquakes and widespread suffering of the people who inhabit lands that are being sacrificed to “unconventional oil extraction”.

The Tribunal confirmed that fracking results in a range of serious violations of the rights of Nature. After hearing the new evidence presented in Paris, the judges decide to close this case but recognized this is an ongoing threat that should continue to be examined by regional tribunals.



### Mega dams in Brazil

Gert Peter Bruch and Christian Poirier presented the case of mega dams in Brazil, with the powerful testimonies of Antonia Melo, María Lucia Munduruku and Chief Raoni. The Tribunal condemned the building of Belo Monte and Tapajos mega-dams and the planned construction of many more, which will cause horrific destruction of the Amazon and its inhabitants. It decided to leave the case open to hear additional evidence in a regional Tribunal in Brazil.

New cases accepted for hearing at subsequent sittings of the Tribunal

A number of new cases were presented to the Tribunal as probable violations of the Rights of Nature which justified being heard by the Tribunal in the future. The Tribunal accepted them all for further consideration and gave directions about how the cases should be developed.

The Corralejas case concerns the cruel killing of bulls in Colombia. The Tribunal found that there was clear evidence of cruelty to animals in violation of the Declaration of the Rights of Mother Earth and asked that the case be widened to include other violation of animal rights for initial consideration by regional Tribunal.

The case of Rosia Montana about the gold mining in Romania was accepted with the direction that it be widened to consider other examples of destructive mining practices. The depletion of marine life was accepted with the request that more specific information be presented about the identity of the main perpetrators.

The Shell case in Nigeria was accepted and the violence in the area was condemned with the recommendation that

consideration be giving to establishing a regional tribunal to conduct hearings.

Finally, the case on the oil sands in Canada was accepted and the Tribunal accepted that there was evidence that this may be one of the most dangerous ecocides in the planet.

### Ecocide cases

The Tribunal also re-considered two cases that it had previously heard to determine whether in addition to be violations of the Declaration, there was also evidence that they were also examples of the international crime of ecocide. (Severe violations of the Rights of Nature violations may also qualify as ecocides, because they crimes against humans and the planet.)

The Tribunal re-examined the Yasuní case (which involves proposed oil exploitation in a national park in the Ecuadorian Amazon) and Chevron case (which involves responsibility for rectifying huge damage to the Amazon caused by Texaco/ Chevron) from the perspective of ecocide.

The Tribunal found that the Chevron was one of the worst ecocides perpetuated to the Amazon and that restorative justice should be applied. In preparing the written judgment consideration would be given to whether or not Chevron itself should be liquidated and its assets used to restore the damage. It noted that individuals, such as the directors of Chevron and corrupt government officials, could also be criminally liable in their personal capacity for ecocides. Regarding Yasuní, the Tribunal decided that it would appropriate to issue a directive prohibiting future exploitation of the Yasuni oil as a measure to prevent ecocide.



### General findings and comments

The Rights of Nature Tribunal recommend that the Rome Statute be amended to enable perpetrators of the crime of ecocide to be prosecuted before the International Criminal Court (ICC),

The Tribunal strongly supported keeping fossil fuels in the ground (keep the oil in the soil, the coal in the hole and the tar in the sand) as an essential approach to prevent further harm to Nature.

In regards to President Correa's call for the establishment of an Environmental Justice Tribunal, the Tribunal made the point that the people of the world had already done so by establishing the Tribunal.

It called on governments to provide support for People's Tribunals and on President Correa to publically support and help implement the judgements of the Tribunal concerning cases in Ecuador (Yasuni, Chevron and the criminalization of defenders of Mother Earth).

The Tribunal commended the Rights of Nature cases that have been won in Ecuador and the use of the local ordinances and other documents that recognize the rights of nature in the USA, as an effective means of stopping destruction such as fracking, and recommended that this approach be considered elsewhere in the world.

The Tribunal noted that the only mention in the official COP21 texts about the integrity of ecosystems and Mother Earth and

indigenous peoples (paragraph 10) was in danger of being eliminated. The Tribunal strongly condemned this shocking failure to address the real drivers of climate change and pointed to the fact that the magnificent testimonies presented to the Tribunal that proved beyond doubt that the rights of Mother Earth are being systematically violated.

The Tribunal condemns the violence, produced by terrorism and exacerbated by climate change. We need to make peace with Mother Earth to achieve peace among peoples.

### Next steps

Judgments will be written and published for all closed cases, such as it was done and presented in Paris for the Great Barrier Reef and the Yasuní Case.

The Global Alliance for the Rights of Nature will be a hub to accept the submission of new cases and provide guidelines, documents, assistance and intellectual support and training to expand the work to recognize Right of Nature worldwide.

The Tribunal calls on all communities and organizations that share its vision:

- to become parties to the People's Convention on establishing the International Rights of Nature Tribunal;
- to establish more regional tribunals under the umbrella of the International Tribunal; and
- to take creative action to support the implementation of its judgements.





# Shell's Bad Day in the Dock

## Poor Farmers now free to prosecute Shell at The Hague

By Nnimmo Bassey

**T**he decision of the Appeal Court at The Hague on 18 December 2015 that the four farmers whose lands and creeks were damaged by Shell's pollution can indeed sue the oil mogul in The Netherlands has come as refreshing news. While this is a sweet step towards total victory, we are saddened that while the case drags on the polluted lands are yet to be remediated and the victims are still deprived of the use of their lands and creeks.

Shell's oil spills in the Niger Delta are well known and the oil company's claims that such spills are caused by third party interferences often ring hollow, if you know the real story. The history of the spin by Shell that oil spills from their facilities are caused by third parties has been on since the 1980s. Although there was a spike in such interferences between 2005 and 2009 due to armed responses in the region, much of the spills are still attributable to

equipment failure or poor maintenance.

In the particular set of cases filed in the court at The Hague in 2008, farmers from Ikot Ada Udo (Akwa Ibom State), Oruma (Bayelsa State) and Goi (Rivers State) all in the Niger Delta complained of devastating spills they suffered between 2004 and 2008. In Oruma it was an eruption from a pipeline buried to a depth of more than a metre underground. At Ikot Ada Udo it was capped well head that spewed crude oil into the air, land and waters for months before Shell stopped it. Goi is a special case. The community has neither an oil well nor a pipeline crossing its territory. What Goi has is a creek that is fed by an upstream river that brings crude oil spill from an oil facility. It also receives tidal flows from Bodo a bit downstream. The crude oil spill and resulting fire that sacked this community came from Shell's spills from other communities.



It was therefore a surprise that the Court of first instance only found Shell culpable over the oil spill at Ikot Ada Udo and not for the ones at Oruma and Goi in its judgement of January 2013.

The farmers and Friends of the Earth Netherlands approached the court of appeal demanding an overturning of decisions that cleared Shell of responsibility. Shell also appealed against the verdict against them with regard to the case from Ikot Ada Udo. The Dutch Court decided against Shell's claim that the court is incompetent to rule on the activities of its subsidiary in Nigeria.

With the dismissal of Shell's competence argument, the substantive case can now proceed in earnest and the question of Shell's guilt over the damage of the farmers' lands will now be taken on.

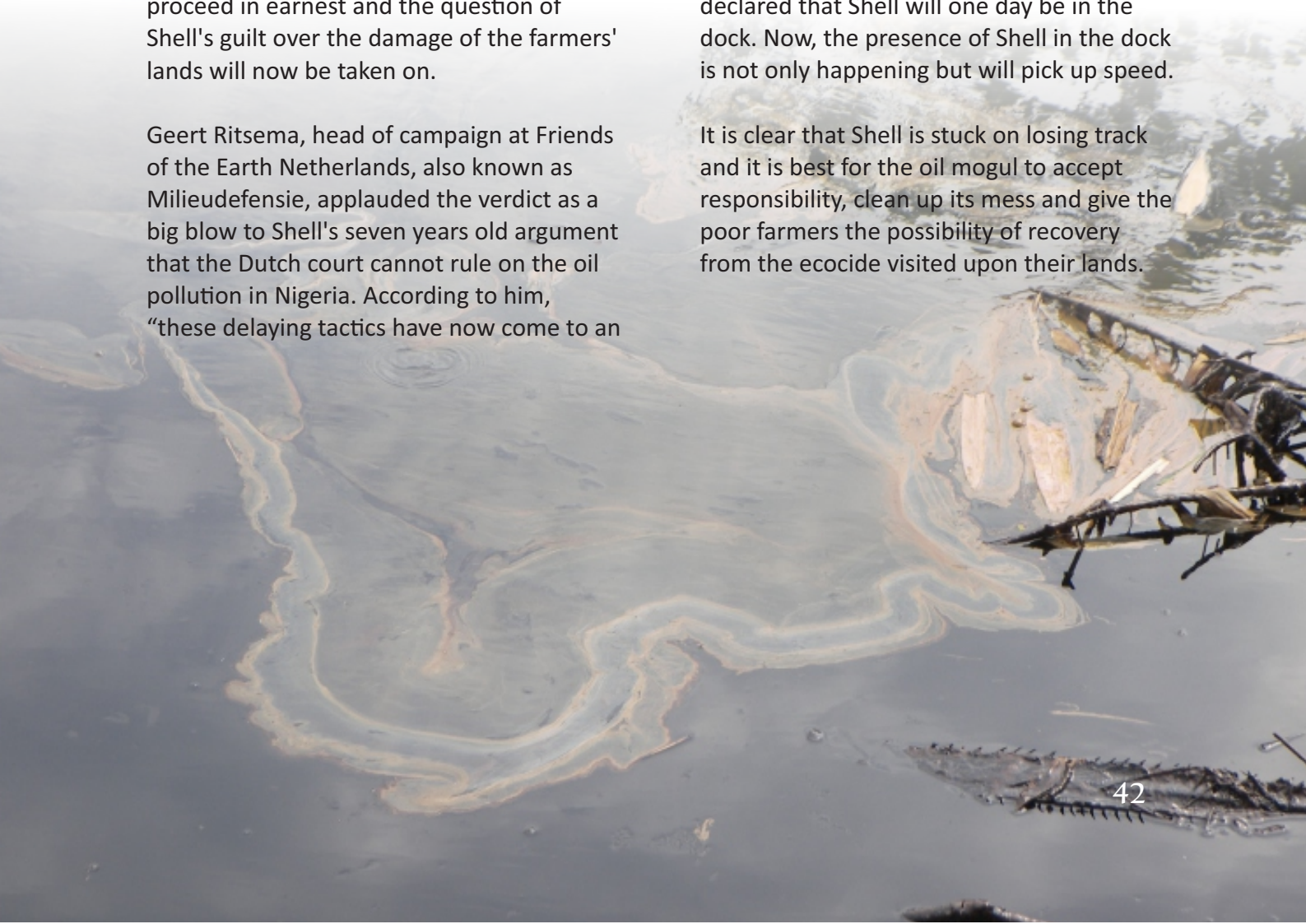
Geert Ritsema, head of campaign at Friends of the Earth Netherlands, also known as Milieudefensie, applauded the verdict as a big blow to Shell's seven years old argument that the Dutch court cannot rule on the oil pollution in Nigeria. According to him, "these delaying tactics have now come to an

end and Shell have to take responsibility for damage to the environment and the property of the Nigerian farmers."

This is a very significant judgement. It cements the fact that a transnational corporation cannot avoid being held to account at home for their environmental crimes or misbehaviour in other countries. The road to victory is still long, but this again is an example of a David and Goliath confrontation where the oil giant comes with assortment of judicial weapons and the poor farmers beat them with mere slings and stones.

Ken Saro-Wiwa must be chuckling at this turn of events. In his last testament before his execution 20 years ago, Saro-Wiwa declared that Shell will one day be in the dock. Now, the presence of Shell in the dock is not only happening but will pick up speed.

It is clear that Shell is stuck on losing track and it is best for the oil mogul to accept responsibility, clean up its mess and give the poor farmers the possibility of recovery from the ecocide visited upon their lands.





# UPCOMING EVENTS

**1.Global actions**  
– Break Free from Fossil Fuels **May 2016**

**2.Port Harcourt/Benin City**  
—Rift Valley Blues-- HS07 with  
Frank Muramuzi of National  
Association of Professional  
Environmentalists/Friends of the  
Earth Uganda/Oilwatch Africa  
as Instigator **June 2016**

**3.Accra (Ghana)/Uyo (Nigeria)**  
– Oil and Fish – A Tasteless  
Economic Menu **July 2016**

**4.Abuja**  
- How Safe are Nigerians with  
the Nigerian Biosafety Act? **August 2016**

**5.Lagos/Abuja/Benin City -**  
A Changing Climate Future –  
African Youths and the Climate  
Justice Challenge **October 2016**

