



# Yale Law School

## Northeastern University

School of Law



**Biodiversity for a Livable Climate**  
*Restoring Ecosystems to Reverse Global Warming*

**Blessed Unrest: Growing a Future for Life on Earth**

**How Indigenous Peoples, local communities and Environmental Rights Activists Stopped the Worlds Largest Oil Palm Companies from causing Deforestation in West Africa . What are the Climate Crisis and Public Health Implications : <https://vimeo.com/337395947>**

**May 9<sup>th</sup> 2020, via Zoom**

**Alfred Lahai Gbabai Brownell Sr.**

**Tom and Andi Bernstein Human Rights Fellow / Visiting Research Scholar / Yale University Law School**

**Distinguished Scholar in Residence & Associate Research professor/ Northeastern University School of law**

**Lead Campaigner & Founder Green Advocates International /Liberia**

# The Dark Continent-A mission to Christianize and Civilize



## The Founding of Liberia



Founded on July 26, 1847 by freed slaves from the United States of America

# The military Take over lead by the Aborigines





# The Civil War



People fleeing  
the war



# **Peace- Election- Democracy-A new beginning! But is Liberia back in Business As Usual?**

**A Soccer Icon!**

**A Nobel Laureate!**

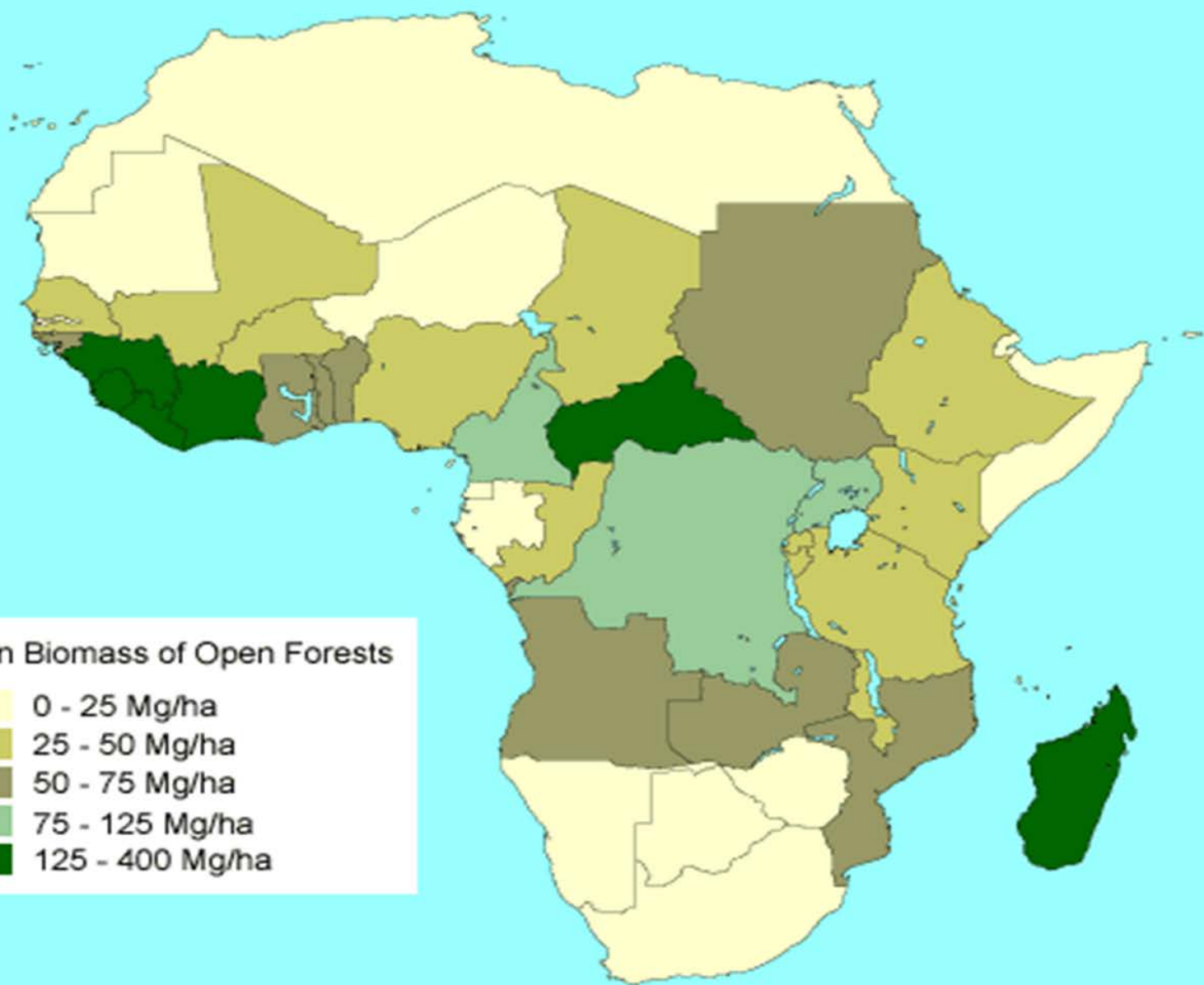
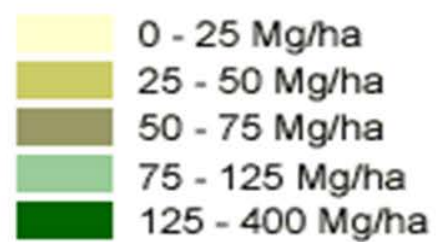




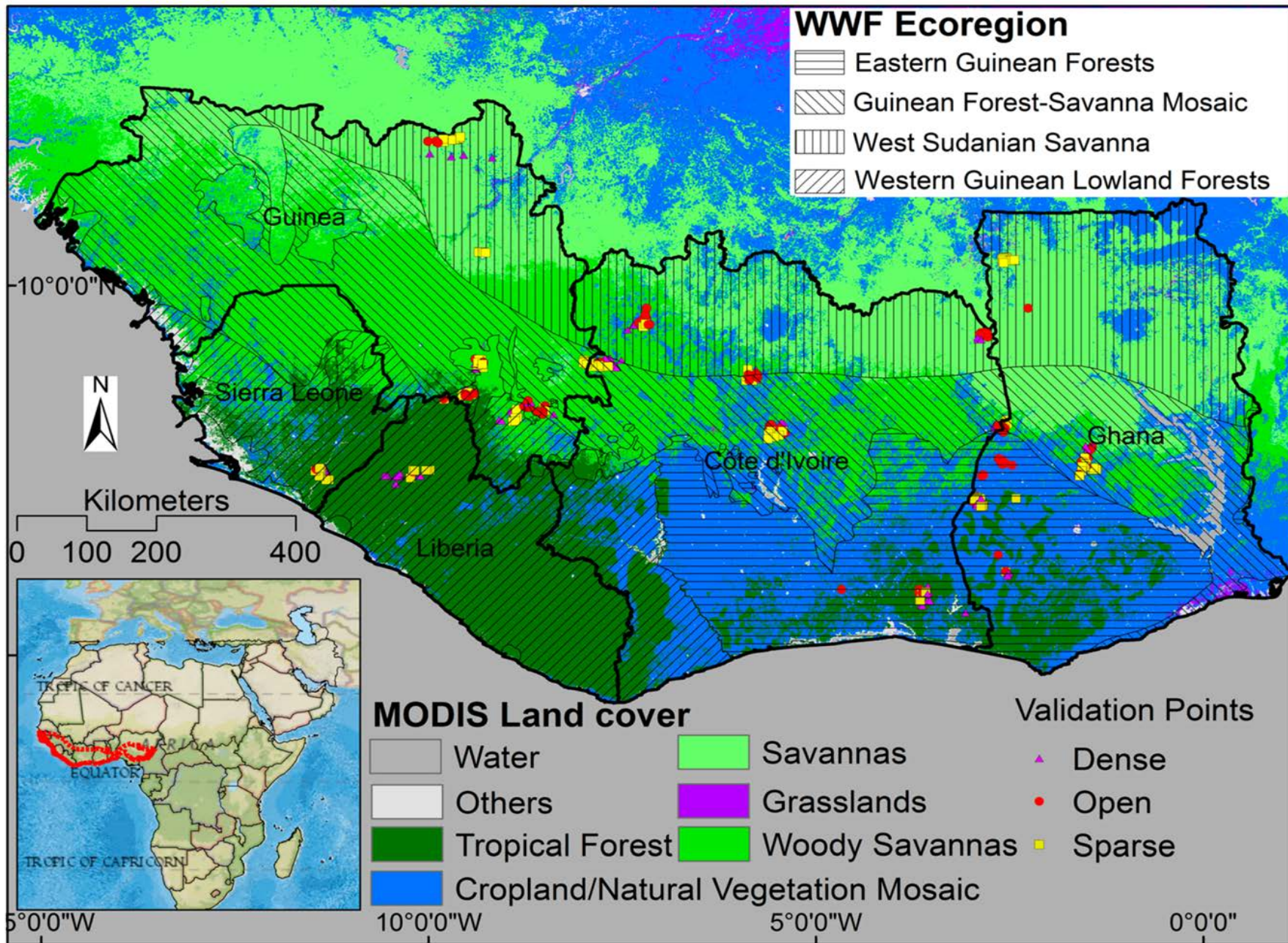
# The Lungs of West & North Africa



Mean Biomass of Open Forests









# Corporate Capture- Africa: the new scramble for Land and Natural Resources

## Africa: the new scramble!

From now to 2030, a projected 25 trillion dollars will be invested in infrastructure in developing countries (Cohen and Steers 2009)

*“There will be hundreds of billions of dollars of infrastructure investment over the next decade or so in Africa, in ports, rail, roads, mining, hydroelectric, to exploit the resources and bring them to market.” (IFC, May 2011)*



# Scramble for Liberia's Land and Natural Resources





# Foreign Direct Investment to Liberia

## The Usual Suspects



## In 12 Years!

- Liberia has granted rights to land and natural resources on 75% of its total land mass
- Liberia has attracted
- 20 billion dollars in foreign direct Investment in the
- Oil and Gas
- Mining
- Agriculture
- Forestry
- Some of the leading actors are:
- Wuhan 60% stake in China Union
- Arcellor mittal
- BHP Billiton
- Sime Darby
- Golden Veroleum

# The investment model





1926:Where the Rubber meets the road-A  
million acres and 9 Decades of investment



# The poor gets the waste





# Beast of Burden: Billions Made on the back of kids as slave laborers




# Mining





# Bio fuels- farmers, charcoal producers and workers left in the balance- World Bank, OPIC, SWEDFUND



 **Buchanan**  
Renewables

**LIGHTING UP LIBERIA!**



Build 36MW Power Plant Fueled  
By Rubber Woodchips

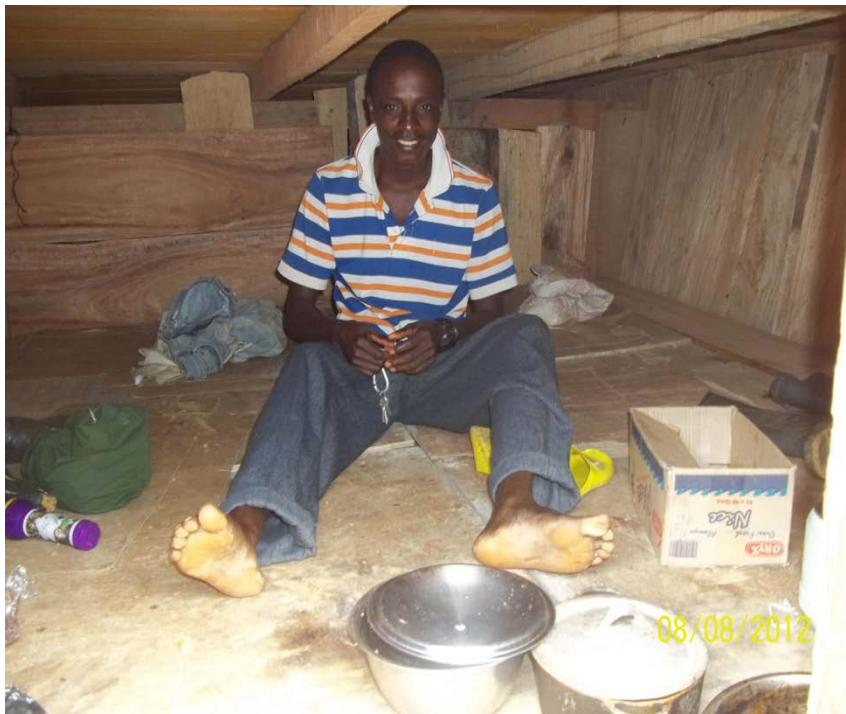
Providing Enough Power To Light  
Up 500,000 Homes

Creating New Jobs and Economic  
Growth

**Working Towards A Brighter Future**



# Logging-living in a dundgeon

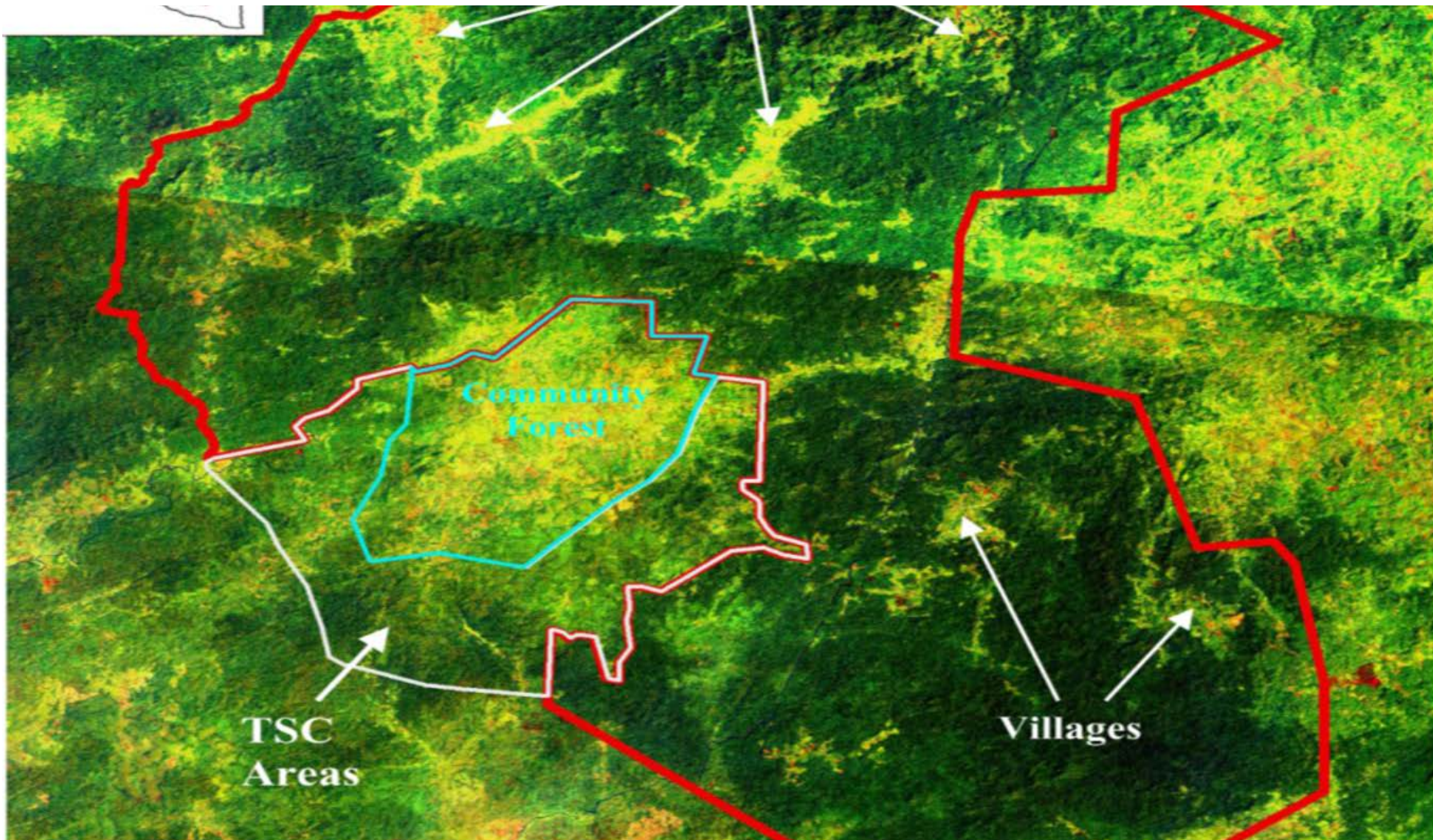


# The Oil Palm threats





# The grabbing- is it just the land?





# Community based land use and land use planning





## **The Barber**

**Massive deforestation and land degradation**



... crops as follows:

No	Tree Crop	Government Approved Price		ACTUAL FARM CHECK			
		MATURE	MMATURE	Mature		Immature	
				tree/acre	Payment	tree/acre	Payment
1	Rubber per tree	6.00	3.00		0.00	134	402.00
2	Cocoa per tree	6.00	3.00		0.00		0.00
3	Coffee per tree	6.00	3.00		0.00		0.00
4	Citrus/Orange per tree	6.00	3.00		0.00		0.00
5	Coconut per tree	6.00	3.00		0.00		0.00
6	Kola per tree	6.00	3.00		0.00		0.00
7	Avocada per tree	6.00	3.00		0.00		0.00
	Bread fruit per tree	6.00	3.00		0.00		0.00
	Oil palm per tree	6.00	3.00		0.00		0.00
10	Plaintain per tree	3.00	1.50		0.00		0.00
	Plum per tree	3.00	1.50		0.00	133	133.00
	Pineapple per tree	2.00	1.00		0.00		0.00
	Pepper per tree	1.50	0.75		0.00		0.00
	Bitter Ball per tree	1.50	0.75		0.00		0.00
	Egg Plant per tree	1.50	0.75		0.00	41	30.75
16	Banana per tree	1.50	0.75		0.00		0.00
17	Okra per tree	1.50	0.75		0.00		0.00
18	Eddoes per tree	1.50	0.75	5.239	419.12		0.00
19	Cassava per acre	80.00	40.00		0.00		565.75
20	Sugar Cane per acre	120.00	60.00		419.12		
Total Gross Payment							
		Govt. of Liberia tax		4	%	NETT	

## The Development Paradox

An Orange tree is assessed \$6.00 (USD) even though an orange tree produces between 7 to 12 bags of oranges annually at the rate of \$10.00 (USD) per bag at farm gate price





## **Destruction of villages**

This family in the village of Tool shifts is resisting forceful eviction as he gets surrounded by the oil palm



## **Pollution of Water Sources**

Massive land clearing and diversion of water sources facilitates sedimentation and turbidity of drinking water





Women struggled to climb on a tractor at an oil palm plantation

**WOMEN EMPOWERMENT**





**NO TRESPASS ZONE**

**RESTRICTION ON COMMUNITIES'  
ACCESS TO THEIR LAND**



**EVEN THE DEADS WERE NOT SPARED!**

**Grave site and burial ground  
bulldozed by a company**



# Building the Resistance- Communities Mobilization

**Participatory Evidence based  
Field Research**

**Educate, empower and  
Mobilize**



# LEAVE OUR FOREST LANDS





# The legal strategy- which venue

**Domestic court      RSPO**

**ECOWAS Court**



# RSPO-supply chain and Pressure Point

Zero net deforestation

Free ,Prior and Informed  
consent





# Complaints Before the RSPO

- Targeted Sime Darby and Golden Veroleum
- The RSPO Authorized Sime Darby and Golden Veroleum to:
- Immediately Seize all operations
- Commence bilateral discussion with the affected communities
- Seek an amicable resolution of the complaints

# Government reacts to the complaint and decision of the RSPO- undermining sovereignty

- The Government quickly set up an inter-ministerial team
- The Inter-ministerial team visit the local communities and attempt to mediate between the communities and the two
- The team demands that the communities withdraw their RSPO complaints saying that the RSPO complaint undermines the Sovereignty of Liberia
- The local communities refused to withdraw the complaints
- The Government team threatens that it will not permit the companies to talk directly to the communities
- Both Sime Darby and Golden Veroleum become extremely aggressive and threatening
- Negotiations broke down!



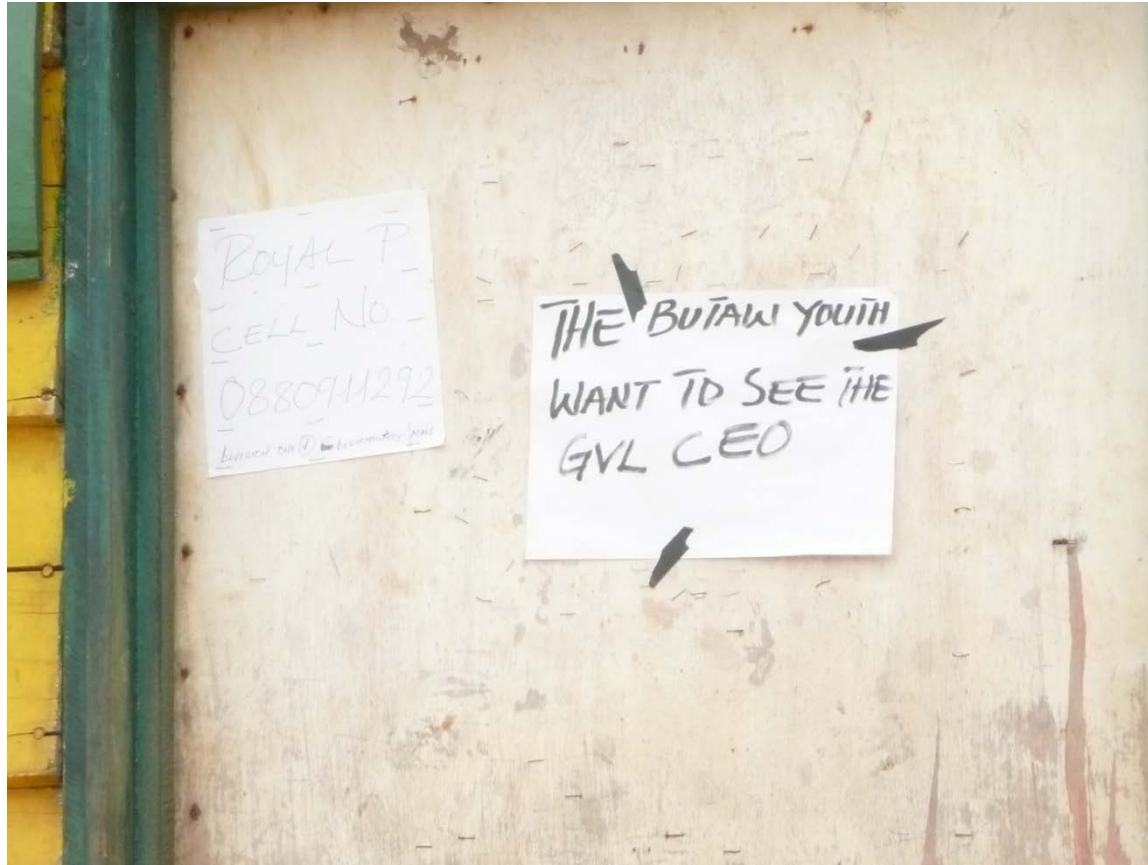


# Threats

Madam President, I am only the  
Messenger



In May 2015 violent protest erupted at Golden Veroleum operations



**The young people demanded to talk to the company executive but the company refused to talk to the young people**





**The government responded with massive elite police deployment**



The company private security forces were also deployed to provide support to the police

Golden Veroleum private security in orange jackets



**Homes of local communities were broken into and food and other properties seized.**

Here police officers break into the home of local people.





**Several community members were imprisoned,  
with one death among those detained**

Over 200 communities members fled into the forest  
seeking refuge afraid that they would be arrested and  
tortured



**GHOST TOWN- Only the police patrolled this town during the protest**

**Ghost Town: 20 Arrested, Hunt for Loots in Concession Town**

# At risk

ALFRED BROWNELL GOES IN HIDING AS PLAIN  
CLOTHES POLICE OFFICERS ATTEMPT HIS ARREST

## ON THE RUN

"I was warned to find a secured place for me and my families as there were plans to go to my home and harass my family. Friday night I slept at a secured location. That night I was informed by neighbors that plain clothes men were asking questions about my whereabouts and issuing threats that they would get me and teach me a lesson. I was also warned to cut off my phone as my conversation was being monitored."

- Cllr. Alfred Brownell of Green Advocates from his hideout





# Stigmatization



# While in Exile in the US

At Northeastern University  
School of Law

February 2017- RSPO Final  
Decision- Stop Order

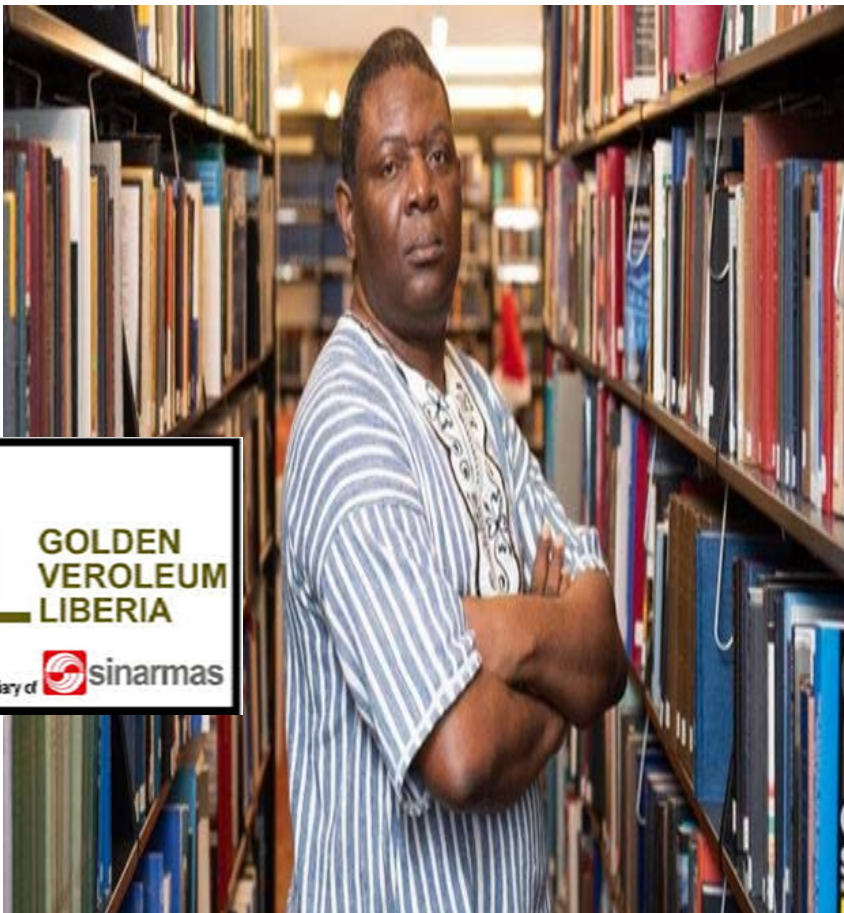
Non - compliance to Free, Prior and Informed Consent (FPIC) principles - GVL is found not to have complied with the elements of Free, Prior and Informed Consent (FPIC)

*Self-identification* o- GVL decided to work with its own community organizations not the self identified community organization- ABloteh,

*The element of “free” was not complied with as the investigation found that the community members largely signed the MoU To free their community members from legal charges following the riots in 2015;*

Seek an amicable resolution of the complaints

Engage into no Deforestation



GOLDEN VEROLEUM BECOMES LATEST CONCESSIONAIRE TO BOW OUT ON LIBERIA

# 'TOO MUCH MONEY; NO LAND'

"THE OWNER AND SHAREHOLDERS ARE PISSED WITH LIBERIAN TEAM. MORE THAN US\$290 MILLION SPENT SINCE 2010, YET LAND ACQUIRED IS SMALL. PLUS THE GOVERNMENT IS NOT DOING ENOUGH TO STOP THE SQUABBLES BETWEEN VILLAGERS AND THE CONCESSIONS. GVL HAS NO CHOICE BUT TO BOW OUT." – A SOURCE AT GOLDEN VEROLEUM, SPEAKING ON CONDITION OF ANONYMITY





# Appeal Denied- Cut and Run



- MONROVIA, July 21 (Reuters) - Liberia's largest palm oil company, Golden Veroleum, quitted a global eco-certification scheme in response to accusations from a global watchdog that it failed to get consent from communities before expanding onto their lands
- The Roundtable on Sustainable Palm Oil (RSPO) a voluntary global certification body for the industry, ruled that the Singapore-controlled company violated its commitments

# Sime Darby Divest from Liberia

## ( January 16 2020)

### **Sime Darby Plantations says completed exit from Liberia**

KUALA LUMPUR, Jan 16 (Reuters) - Malaysia's Sime Darby Plantations, the world's largest oil palm planter by land size, on Thursday said it had completed its exit from Liberia, transferring full ownership of its palm oil concessio... to a local company.

A Liberian minister first announced in December the planned sale to a subsidiary of the Mano Manufacturing Company (MANCO), Liberia's largest manufacturer of household health and cleaning products, after Sime Darby faced subpar financial results due largely to stricter environmental standards



**6 million acres of forest temporarily protected**

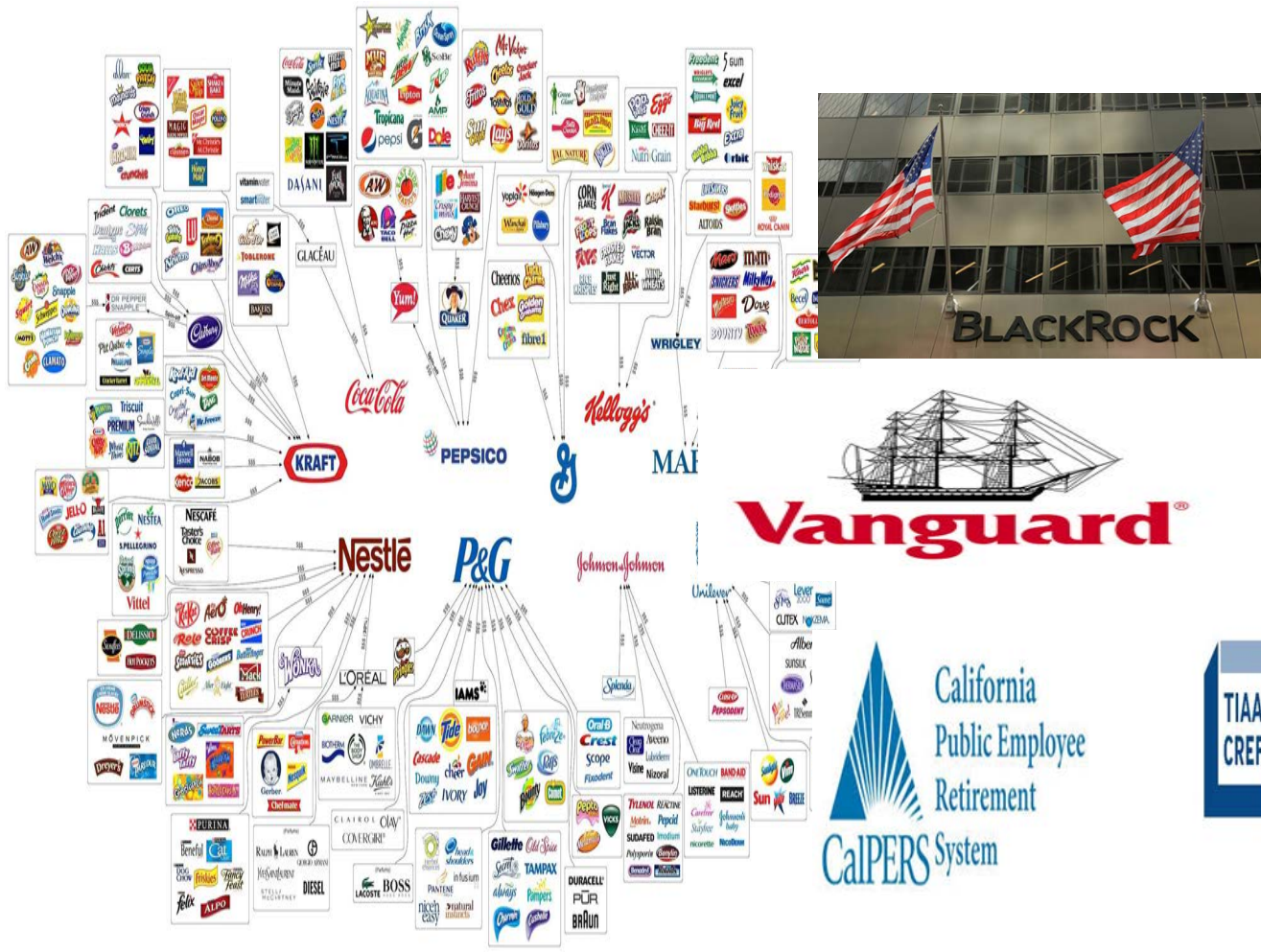




# Who is Driving the Oil palm linked Deforestation

Food, beverages, fast food companies and Brands

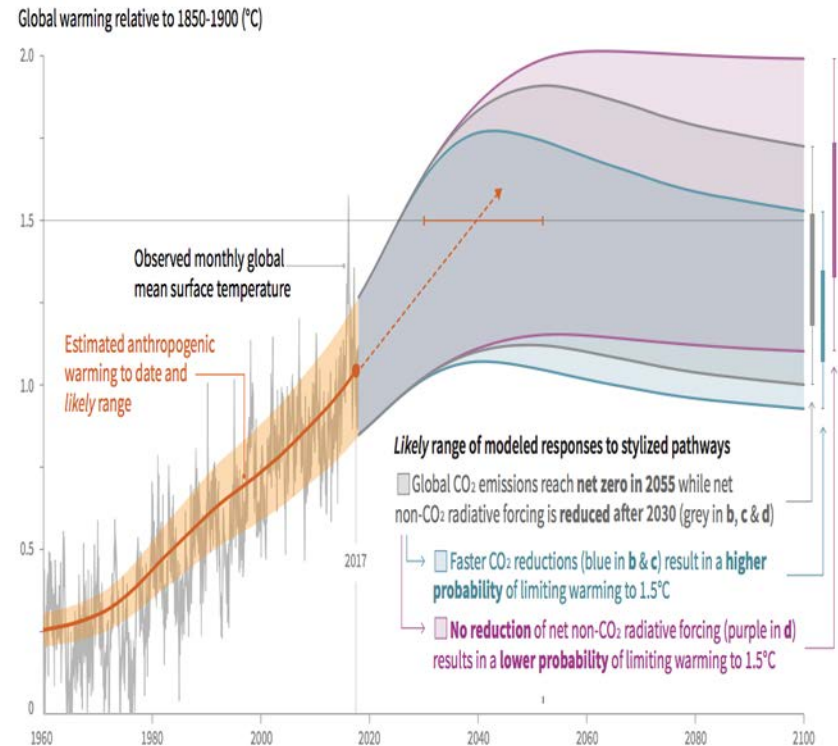
Assets managers, Banks, Private Equity, pension and Endowment Funds



# Planet- A Cinder box ready to explode

We are in this boat together-

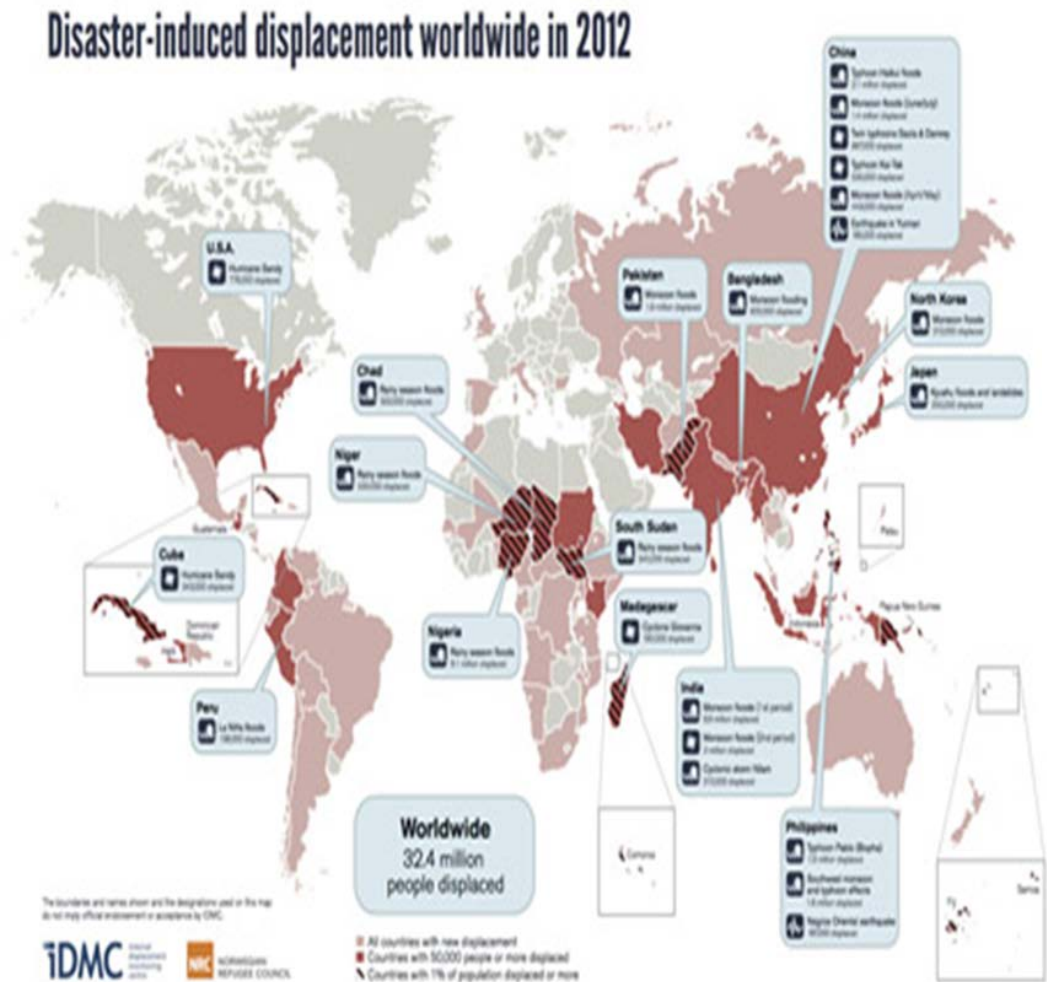
Live together or perish



**Over 30 million people lost their homes due to weather and climate induced disasters in 2012-**

**2000 million are expected to become displaced**

## Internal Displacement Monitoring Centre (IDMC)





# Crossing the Sahara and Mediterranean

At the Mercy of the Desert

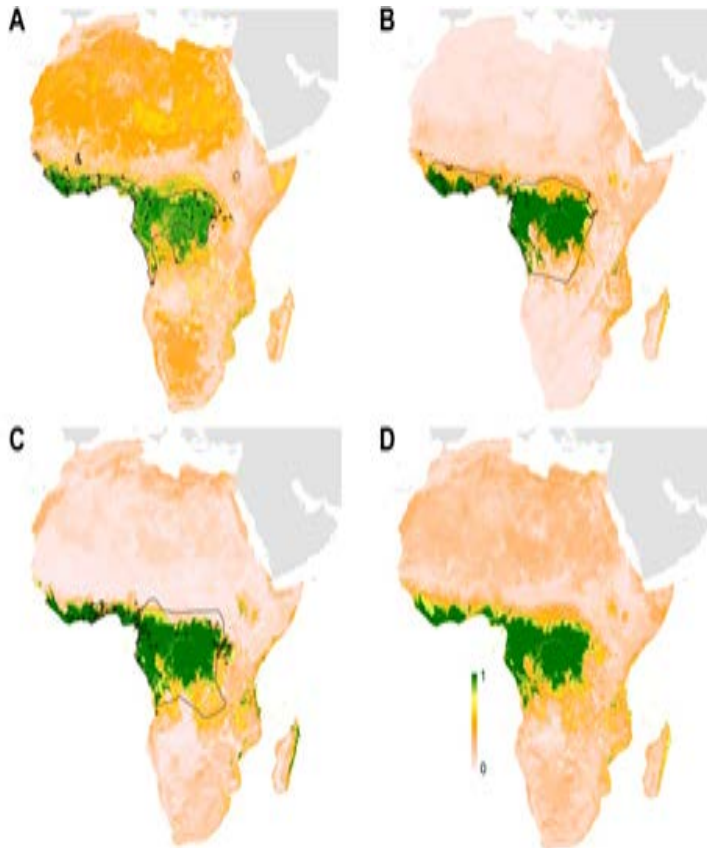


At the Mercy of Peoples  
Smugglers

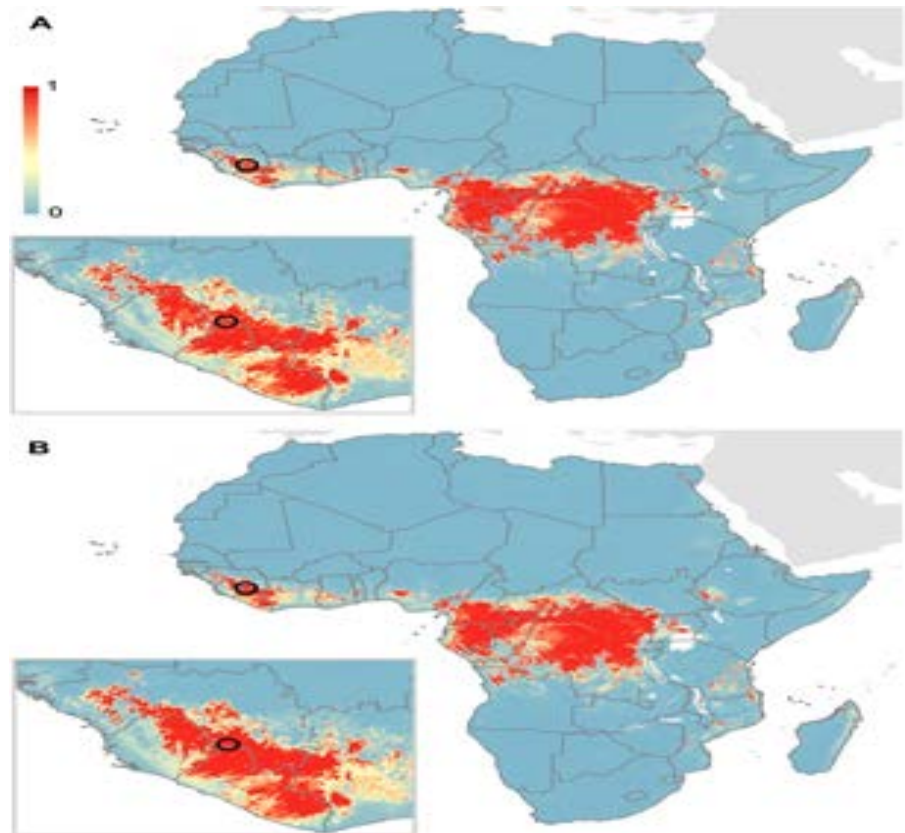


# Zoonotic Niches

**Ebola virus trace to  
Deforestation in West Africa**



**Zoonotic hot zones and Ebola  
out break**

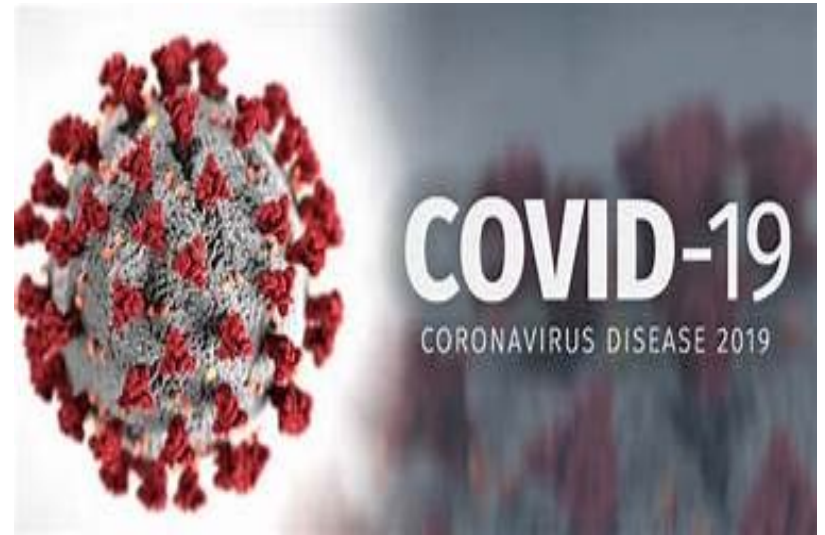


# COVID 19- Is this the Tip of the Iceberg? At what cost?

## Mass Amplification linked to habitat destruction

- is our destruction of nature responsible for Covid-19?
- As Habitat and biodiversity loss increase globally , is this the beginning of mass pandemics
- Global cost for COVID 19 estimated at Trillions of United States Dollars

## COVID 19





What will you do – build a wall?





THANKS