

## **YASunidos Launch Legal Defense of the Rights of Nature With Respect to Monoculture Pine Tree Plantation and Land Grab in the Highlands of the Ecuadorian Andes**

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An ecological defense organization in Ecuador called YASunidos held a news conference in the highlands city of Riobamba on 14 November 2014 to announce that they were taking legal action to protect the rights of nature with respect to a massive pine tree plantation that was established in 2013 in the highlands of Páramo de Pallo-Tangabana.

At the press conference in Riobamba's Casa Indígena (Indigenous Peoples' House) the YASunidos' demand was endorsed by indigenous, faith-based, front line and civil society organizations that are pressing for clear, fundamental, immediate steps to stop plantation capitalism along with hydrocarbon exploitation that generates climate destroying emissions.

The monoculture pine tree plantation destroys the water cycle in this fragile high mountain area. The pine trees absorb tremendous amounts of water. Their disruption causes death to existing mountain vegetation and destroys the habitats of high Andes wildlife including bears. After the press conference, the collective YASunidos Chimborazo presented their denunciation and demand for legal action to the Judicial Court of Colta Province in the town of Chimborazo, calling for the defense of the rights of nature which are protected under the Ecuadorian Constitution. In article 71 of the Constitution the rights of nature are established as follows: "All persons, communities, peoples and nationalities can exercise the public authority to defend the rights of nature."

[Insert photo here with caption: Several members of YASunidos and their supporters are seen in front of the Colta Province Court of Justice in Ecuador on 14 November 2014 after presenting their demand that a 200 ha tree plantation be eliminated in order to protect the rights of nature.]

YASunidos are demanding that a pine tree plantation be dismantled and banned. The 200 ha monoculture plantation was established by a private Ecuadorian corporation with credit funding from the Ecuadorian government. The company, ERVIC S.A. is owned by retired military captain, Carlos Rhor Romeno. Because Romeno was involved in a large gasoline spill in the water off the 'biogem' Galapagos Islands ten years ago, he is often described in ecology circles as a person who has committed ecocide. Because of their pristine isolation the Galapagos Islands support rare species that enabled Charles Darwin to arrive as his theory of evolution in the 19<sup>th</sup> century.

For some two years popular resistance to the Paramo (highlands) land grab and monoculture profit scheme has expanded. Opposition is almost 100 percent supported by local farmers, indigenous peoples' organizations and frontline communities who are

most knowledgeable about (and dependent upon) the fragile ecology of the highlands of the Andes. Scientific investigations have demonstrated that the impacts of pine tree plantations on the water, and on the acidification of the soil, constitute serious reasons for not allowing the plantation to persist in this region, currently accessible only by foot and horse. Opponents also reject the Clean Development Mechanism (CDM) aspect of the pine plantation. The owner of the plantation stands to make money using the monoculture pine trees as a carbon sink rationale for selling carbon credits. Acción Ecológica (Ecological Action), a prominent Ecuadorian ecological organization, rejects carbon sinks for carbon credits and CDMs because they have proven to be scams that do nothing to reduce emissions causing climate change. These 'green economy' ploys merely delay significant and meaningful action to curb petroleum and coal extraction that is the main cause of climate chaos and injustice. Rather Acción Ecológica and YASunidos have been working to keep fossil fuels in the ground.

The organization YASunidos is an autonomous group of young people that emerged in 2013 in the course of a national signature campaign to force a referendum on oil exploitation, as provided for in the Ecuadorian Constitution. Despite the government of Ecuador's earlier commitment to leave some one billion barrels of oil in the ground in the Yasuni National Park (home of the Hourani and other indigenous peoples), the government, under pressure from loan-giving China, decided on 15 August 2013 to allow China to exploit the Yasuni, in a joint operation (PetroAmazonas) with the government oil corporation, PetroEcuador.

The Ecuadorian government had been prepared to leave that oil in the ground if the international community would compensate the state by contributing approximately one-half of the market value of the oil that would not be produced. However, by 2013 the international community had contributed very much less than one half the value of the oil under the Yasuni National Park. Throughout 2014, the YASunido network organized a national petition campaign that generated between 700,000 and 800,000 signatures calling for a national referendum on the exploitation of the delicate Amazon and specifically oil in the Ecuadorian Yasuni National Park. The government rejected this massive petition, citing spurious 'irregularities' such as signers placing their last names before their first names. A 15 August 2014 Ethical Tribunal in Quito, on which I sat as one of four international judges, found that the Correa government's trashing of this amazingly successful signature campaign amounted to the abrogation of a democratic process that is protected in the Constitution. YASunidos grew out of the mobilization of thousands of signature-gathering Ecuadorians amongst whom youth predominated.

Later in November, the YASunidos will join a road Climate Caravan originating in Mexico and ending at the Lima, Peru United Nations (UNFCCC) climate talks in December. This caravan of young people will participate in the Peoples' Forum that brings together civil society organizations from around the world that pressure governments to take meaningful action to stop climate chaos, while increasingly moving to act autonomously in the face of official inaction due to the corporate capture of the governments and the United Nations system itself.

The YASunidos and Climate Caravan expect to participate in the December 5-6 third sitting in Lima of the Ethical Tribunal that will hear evidence of ecocide by monoculture plantation capitalists in the Andes Paramo (highlands) and of violation of human and nature's rights in the Amazon (the lungs of the world) by oil companies and their allies including governments. The hypocrisy of China's government commitment to drastic emissions cuts on the one hand while driving petroleum exploitation in the Amazon on the other hand will be exposed during this sitting of the Ethical Tribunal.

On Saturday 15 November, I joined a delegation of YASunidos from across Ecuador along with international supporters in solidarity with the defense of the highland region against monoculture plantations, including the pine tree plantation in Páramo de Pallo-Tangabana. We travelled to a natural meadow (our campground) a kilometer from the targeted plantation site by van, bus, foot and horseback. This arduous (oxygen-light) pilgrimage brought together several groups including indigenous organizations that are concerned about the environment and the ways in which corporate profiteering is undermining the ecology.

Some 20 of us trekked deep into the Andes (up vertical inclines), camped over night and on the morning of the 16th, walked another kilometer at heights of over 3,000 metres (three kilometers) above sea level, to check on the pine trees planted under highly questionable circumstances, at the behest of Romeno, a private sector Ecuadorian capitalist.

We learned from local frontline community members that the trees were planted in 2013 on land that is owned by nine families. The home of one woman was mysteriously burned down. This suspected arson effectively forced her and her extended family off their land. Their rich subsistence autonomy was undermined by the loss of its foundation, the land, that, after the fire, was grabbed by the plantation capitalist with support from Rafael Correa's 'socialist' buen vivir (good life) government. Absurdly, these families were informed that the land was still theirs but, in contrast, the non-native pine trees planted on their land were the private property of the corporation.

The planting of the monoculture non-indigenous pine trees was actually undertaken by soldiers of the Ecuadorian army. The labour was free to the capitalist, a former army commander. "But this labour was actually paid for by the citizens of Ecuador," observed YASunido campaigner, Natalie Bonilla, "since the military is an expense for taxpayers." A second violation arises because soldiers are allowed only to plant native species in reforestation work. But the most serious violation is the plantation's assault on nature and the constitutional right that nature enjoys in Ecuador to reconstitute itself.

"The business man simply forced himself onto other peoples' land," reported YASunido videographer, Juan Pablo Valero, "just as did PetroAmazonas in the Yasuni National Park." The task now is to pursue the legal channels in the hope that the Ecuadorian courts will shut down this dangerous land grab that threatens subsistence livelihoods of indigenous and mestizo peoples along with the immediate and wider ecology. Such a decision would

constitute an immensely important deterrent precedent with the potential to curb profit-making from ecological destruction in the future.

This fight to stop monoculture plantations from killing peasant ways of life is also a fight against the United Nations' (not so) 'Smart Agriculture' that touts the false benefits of for-profit REDD+ (reducing emissions from forest destruction and degradation).

The rural women of the Andes are prominent in the struggle to halt monoculture plantations based on land grabs, in part because their complex, mixed farming is the foundation of their relative social power and of the wellbeing of themselves and their families. The small farmer culture with its rich traditions and creative adaptations to a very specific, fragile and complex ecosystem is also at stake. Support for the struggle is forthcoming from some radical priests, nuns, volunteers and liberation theologians based in Riobamba and the neighboring town of Chimboraza.

In the YASunidos campaigns, at the forefront are the rights of Indigenous peoples to live in their territories without facing enclosures by oil corporations or monoculture tree plantations. International solidarity has been forthcoming for all these campaigns including from Friends of the Earth Canada where I, as that organization's energy advisor, joined the trek into the Paramo de Pallo-Tangabana. This national and international solidarity recognizes that the destruction of the Paramo is also the destruction and undermining of the headwaters and the massive oxygen producing capacity of the wider Amazon itself.

Four days after lodging the demand we received a welcome surprise from officials in the (usually lugubrious) judicial system. On 18 November 2014 the Judicial Court of Colta in Chimborazo town in the Ecuadorian Andes did accept to hear the charges brought by YASunidos with respect to the violation of the rights of nature by Ecuadorian capitalist, Carlos Rhor Romeno. The Court's first hearing was scheduled for Monday November 24, in the Colta court. A cause for considerable celebration amongst indigenous organizations and the YASunidos is the Court's undertaking that all work on the monoculture land grab plantation must stop until the legal action is resolved.

The fact that the Court of Justice in Colta region so immediately accepted the YASunidos denunciation, citing the Ecuadorian constitutional protection of the rights of nature, is another measure of the outrage that is widespread in the face of an ex-military commander grabbing delicate highlands, instrumentalizing soldier labour for free and threatening the head waters of crucial Latin American rivers in addition to violating several other rights of nature and the peoples who protect mother earth on behalf of us all.

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