



FIRST PEOPLES WORLDWIDE

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Shell Loses Preemptive Strike against Environmentalists

In November 2014, a federal appeals court rejected Shell's efforts to preemptively dismiss potential legal challenges to the company's oil spill plans in Alaska's Chukchi Sea. According to *Alaska Dispatch News*, the lawsuit "had sought to have the courts validate the Bureau of Safety and Environmental Enforcement's (BSEE) approval of Shell's oil spill plans - essentially neutralizing any possible legal challenge against BSEE that the environmental groups would file under the Administrative Procedures Act. But Shell, which is not a federal agency, does not have the right to block legal complaints against BSEE's actions."

Shell's series of mishaps and delays in Alaska is likely to continue if it does not adopt systemically different approaches for addressing the valid environmental apprehensions of Native Alaskans. Had the lawsuit been successful, legal avenues for communities to voice concerns about the company's oil spill plans would have been severely restricted. Given the devastating impacts an oil spill would have on subsistence hunting, it is unsurprising that more and more communities are aligning with environmentalists to oppose the company's Chukchi Sea operations.

Sources: [Alaska Dispatch News](#)

Industry "Deeply Concerned" About Fort Berthold Elections

In November 2014, tribal tax director Mark Fox defeated tribal attorney Damon Williams in the Fort Berthold Reservation's elections. Former Chairman Tex Hall, who championed a rapid pace of oil and gas drilling on the reservation, was defeated in the primaries. According to *The Bismarck Tribune*, tribal members "hope that Fox can better deal with the problems that the oil

boom has brought to the reservation: Pollution, rising crime, an inadequate road system and a rise in drug abuse...Fox said he will not shy away from slowing down development if environmental concerns cannot be guaranteed.” North Dakota's top oil regulator, Lynn Helms, says the oil industry is “deeply concerned” about the elections as Fox is perceived to be “less friendly” to oil than Tex Hall.

The results of the elections confirm that many tribal members are dissatisfied with how their oil and gas resources are being developed. The oil industry’s reliance on support from political elites, rather than the community at large, has resulted in leadership changes that may diminish the growth rate of companies operating on the reservation.

Sources: [The Bismarck Tribune](#)

The Importance of Culture

In October 2014, Kinder Morgan generated a social media campaign against itself when the company’s lawyers questioned how much of the Kwantlen First Nations’ diet comes from fish, at a National Energy Board hearing for the proposed expansion of the Trans Mountain Pipeline. In response, outraged First Nations flooded Facebook with hundreds of photos of themselves harvesting, processing, and consuming fish for both dietary and ceremonial purposes, under the tagline “Show Kinder Morgan your Food Fish.” A company spokesperson said “we understand the question posed by Trans Mountain’s legal counsel to the Kwantlen Nation may have interpreted by some as implying that salmon is not an important resource to the nation. We understand salmon is very important to Kwantlen Nation and many others for traditional, cultural, and commercial use.”

Intentional or not, the question raised widespread concerns that Kinder Morgan does not understand the importance of Indigenous Peoples’ traditional foods, and augmented existing Aboriginal opposition to the proposed expansion of the Trans Mountain Pipeline. The project appears to be heading down a track similar to Enbridge’s ill-fated Northern Gateway Pipeline.

Sources: [CBC](#), [Vancouver Observer](#)

World Bank Accused of Complicity in Kenya Evictions

The World Bank's Inspectional Panel has acknowledged the Bank's role in the Kenya Forest Service's (KFS) evictions of the Sengwer Peoples from the Embobut Forest. The panel "could not prove a direct link between Bank funding and the [evictions]" but found that the Bank "was noncompliant with its safeguard policies because the project sustained the conditions for further evictions by failing to adequately identify, address or mitigate the fact that the institution it was funding, KFS, was and still remains committed to [evicting the Sengwer]."

However, according to the Forest Peoples Programme, the Bank's "leaked management response to the report denies many of the findings, evidently sees little importance in the fact that violation of safeguard policies has occurred, and presents an inadequate action plan to be considered by the bank's board. It simply proposes more training for forest service staff, and a meeting to examine what can be learnt."

The Bank's social risk management policies influence those of 80 private sector lenders around the world, covering more than 70 percent of international project finance debt in emerging markets. Given the degree to which the Bank influences global finance, it is crucial that the Bank holds itself accountable for its role in the evictions, and ensures full remediation and access to justice for the Sengwer.

Sources: [The Guardian](#), [Forest Peoples Programme](#)

Weak Self-Governance Increases Corporate Risk

The Western Desert Lands Aboriginal Corporation (WDLAC), which holds native title rights for the Martu Peoples of Western Australia, is "under scrutiny over its handling of millions of dollars in mining company money...with its deputy chairman facing criminal charges and its chief executive suddenly absent on extended leave." WDLAC has secured millions of dollars from agreements with Cameco, Newmont, Rio Tinto, and other mining companies operating on Martu lands. But according to *The Sydney Morning Herald*, "little of this money has flowed to

the wider Martu community...In contrast, millions of dollars in recent years has been used to pay salaries and other benefits to WDLAC's small staff, as well as some of its board of directors and their relatives. In 2013-14, WDLAC spent \$2.57 million on salaries and other benefits, including \$506,313 in directors' fees. Its website lists eight staff members.”

This is sure to provoke ruptures within the Martu community, which is already divided over recent approvals for uranium mining on Martu lands. Aside from fulfilling their own obligations to Indigenous communities, companies should ensure their negotiating partners are accountable to those they claim to represent, as both are needed to sustain positive community relations.

Sources: [Sydney Morning Herald](#)

Viability of Bougainville Mine Questioned

A study by the Jubilee Australia Research Center warns that Indigenous Peoples in Bougainville, an autonomous island region of Papua New Guinea (PNG), oppose the possible reopening of the Panguna mine. Panguna was operated by Rio Tinto, the PNG government, and private shareholders from 1969 to 1989, and was forced to close due to violent uprisings by traditional landowners over compensation. The resulting civil war ravaged Bougainville for nearly a decade after the mine's closure. A referendum for Bougainville's independence from PNG is planned within the next six years, and both national and local government officials are pushing for the mine's reopening as a crucial revenue generator for the new country.

Bougainville's independence from PNG will not in itself guarantee that Panguna does not recreate the circumstances that led to its closure. Besides giving Bougainvilleans greater autonomy over the mine, steps must be taken to prevent corruption and ensure that benefits accrue to all impacted communities. Contrary to the government's claims, resource extraction in other parts of PNG has not improved the standard of living for many of the country's citizens.

Sources: [Inter Press Service](#)