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LAND & RIGHTS WATCH: YEAREND REPORT 2017



Twenty-seventeen is yet another year of continuing and intensifying attacks against rural communities that are asserting their right to land and resources. PAN Asia Pacific (PANAP), through the reports of our partners and networks and based on our regular monitoring of news and developments, has recorded a total of 142 cases of human rights violations related to land conflicts and struggles in 21 countries from various regions covering the period January 1 to November 30, 2017. These cases include politically motivated killings of farmers, farmworkers, indigenous peoples as well as activists and supporters who closely work with the affected rural communities. The recorded cases also include various forms of repression such as arrest, detention, legal persecution, threats, harassment, and physical assault, as well as displacement.

Alarmingly, global and regional developments that create conditions for greater land and resource grabbing continue to emerge and fuel social conflicts and unrest in the rural areas. In recent years, for instance, one of the major developments that has been driving land and resource grabs in the region is the so-called Belt and Road Initiative (BRI). A centerpiece program of China, the BRI is being dubbed as the "biggest overseas investment drive ever"i and the "only large-scale multilateral development project in the twenty-first century"ii. At present, the BRI reportedly involves about 900 ongoing and planned projects worth US\$ 890 billionⁱⁱⁱ. The whole initiative so far includes 65 countries with investments said to reach possibly several trillions of dollars (estimates range from US\$ 1 trillion to as much as 5 trillion) in the coming years. China has been on the offensive raising the BRI and

global profile of the BRI and consequently of its sponsor. Last May, China hosted 29 heads of states, and representatives from more than 130 countries and 70 international organizations to sell the BRI^{iv}.

As part of the BRI, China plans on establishing "international agricultural parks" in 10 countries. Three of those identified by Chinese authorities include an agriculture technology park in Laos, an agricultural products processing zone in Zambia, and a fisheries park in Fiji^v. While unclear if it is part of the 10 agricultural parks, a Chinese firm is also reportedly investing US\$ 2 billion to develop Cambodia's first special economic zone (SEZ) intended exclusively for agricultural processing and storage^{vi}. While the parks themselves may require a relatively small portion of land (although still sizable especially in small countries with big rural population

and landless people), the Chinese agroindustrial firms that plan to use them would population and landless people), the Chinese agroindustrial firms that plan to use them would demand massive areas. The agricultural SEZ in Cambodia, for instance, will be constructed on a 100-hectare land. Meanwhile, a Chinese company, one of the 17 that will use the SEZ, will develop 2,000 hectares of land near the agricultural park for pepper and chili production.

Based on data from the Land Matrix, a global and independent initiative monitoring transnational land deals, China has been involved in about 2.23 million hectares of land deals worldwide from 2000 to 2014. Note that almost all of these deals were made pre-BRI that was officially launched only in 2013. These are mostly land lease/concession deals for the production of food crops. livestock, biofuels, and other non-food agricultural commodities as well as tourism and energy. Many are in the Mekong region (i.e., Cambodia, Laos, and Vietnam) but also in several African and Latin American countries. In Cambodia, for instance, China accounts for around a fifth of economic land concessions (ELCs) - land leases for private firms and individuals involved in agriculture and agriculture-based industries. Chinese firms hold ELCs for sugar, rubber and palm oil plantations covering about 400,000 hectares out of Cambodia's recorded 2.1 million hectares of total ELCsvii. Everywhere in the Mekong region, China has been constructing hydropower dams, physically and economically dispossessing tens of thousands of people.

The continued rule of repressive regimes create the environment of impunity in violating the human rights of the rural peoples and small food producers in order to pave the way for corporate, including foreign, interests to take over lands and resources. In the incidents that PANAP has monitored, state security forces - including the military, police, and paramilitary - have been implicated in seven (7) out of every 10 cases of human rights violations. In countries where human rights violations have been already been rampant for years like the Philippines, for instance, the incidents of killings and other forms of repression targeting farmers, indigenous peoples and land activists and supporters have spiked dramatically this year. Massive displacement of rural communities including those carried out through military operations under the guise of counterinsurgency and national security or counter-terrorism - to clear lands for corporate plantations, big mining firms, economic zones, transport, energy, and other large infrastructure projects to serve foreign markets and interests continue. Some analysts have raised the point that the Rohingya crisis in Myanmar is not simply due to religious conflict but is actually part of a systematic military campaign to clear lands for foreign investments. Note, for example, how the Myanmar government has significantly expanded the area of agricultural lands in the Rakhine State intended for corporate investments immediately before the recent spate of conflict.

From just 17,000 acres (6,880 hectares) in 2012, the government increased the area of Rakhine's rural land included in the nimmediately before the recent spate of conflict. From just 17,000 acres (6,880 hectares) in 2012, the government increased the area of Rakhine's rural land included in the national list of land allocations intended for "economic development" to 3 million acres (1.21 million hectares) in 2016^{viii}. That's a 176-fold increase in land allocation for private capital that unfortunately comes at the expense of the Rohingyas and other poor rural people in Rakhine who are also being driven away from their lands.

The Land & Rights Watch report is an initiative of PANAP and our partners and networks under the No Land, No Life! campaign to closely monitor and expose human rights violations against rural communities opposing land and resource grabbing. We cull the data and information from online news and articles and reports from our partners and networks. Because of this limitation, the Land & Rights Watch does not claim to represent the true global extent of human rights violations that are related to land and resource grabbing and similar conflicts in the rural areas.

However, we hope that the compiled data through the Land & Rights Watch could help provide a glimpse of the alarming state of human rights confronted by indigenous peoples, farmers, farmworkers, rural women and youth and others in the rural communities in the region and around the world that are defending their right to land and resources.

More importantly, we hope that the data could be useful in the campaign to expose and stop land and resource grabs and repression, and make the perpetrators to account for their crimes.

For corrections and/or clarifications about our data, or to share a case in your country that has not been reflected in this report, please contact us at nolandnolife@panap.net.

IN NUMBERS:

MONITORED HUMAN RIGHTS VIOLATIONS RELATED TO LAND STRUGGLES & CONFLICTS IN 2017



From January 1 to November 30, 2017, PAN Asia Pacific (PANAP) has monitored a total of 142 cases of human rights violations related to land conflicts and struggles in 21 countries from various regions. Of this number, 73 were cases of killings; 43 of arrest, detention, and legal persecution (or the use of courts for intimidation or repression); 17 of threats, harassment, and physical assault; and 9 of displacement, as shown in **Table 1**. These violations target leaders and members of farming and indigenous communities as well as their supporters, including land activists.

Table 1

NUMBER OF CASES AND VICTIMS OF HUMAN RIGHTS VIOLATIONS RELATED TO LAND CONFLICTS AND STRUGGLES, JANUARY 1 TO NOVEMBER 30, 2017						
			NUM	BER OF V	ICTIMS	
TYPE OF VIOLATION	CASES	INDIGENOUS PEOPLE	FARMERS/ FARMWORKERS	LAND ACTIVISTS	UNSPECIFIED	TOTAL
KILLINGS	73	21	71	23	1	116
ARRESTS/DETENTION/ LEGAL PERSECUTION	43	58	133	64	11	266
THREATS/HARASSMENT/ PHYSICAL ASSAULT	17	14	26	4	. 3	47
DISPLACEMENT	9	1,320	4,958	0	0	6,278
TOTAL	142	*	*	*	*	*
*There are cases where one person can be a victim of two or more human rights violations. Thus, the number of victims for all cases of violations should not be added up to avoid double counting.						

Based on reports from PANAP partners and on monitoring of online news

Table 2 shows that the 73 cases of killings monitored by PANAP claimed the lives of 116 individuals, 71 of whom were farmers and farmworkers; 23 were land activists; and 21 were indigenous peoples. Of the total number of victims, 100 or 86% were men, while 12 or 10% were women.

Table 2

NUMBER OF VICTIMS OF KILLINGS RELATED TO LAND CONFLICTS AND STRUGGLES, BY GENDER AND SECTOR, JANUARY 1 TO NOVEMBER 30, 2017						
SECTOR	MALE	FEMALE	UNSPECIFIED	TOTAL		
INDIGENOUS PEOPLE	15	2	4	21		
FARMERS/ FARMWORKERS	66	5	0	71		
LAND ACTIVISTS	18	5	0	23		
? UNSPECIFIED	1	0	0	1		
TOTAL	100	12	4	116		

Based on reports from PANAP partners and on monitoring of online news

The first monitored case of killings for 2017 was that of Venie Diamante, who was shot dead by an unidentified gunman on January 5 in the province of South Cotabato in southern Philippines. He was an indigenous T'boli tribal chieftain active in resisting the government survey of his community's ancestral domain. His death was followed by 3 other cases involving 3 victims in the Philippines in January. By the end of November, the country recorded the most number of cases and victims of killings related to land conflicts and struggles: 51 cases and 61 victims, which translate to 6 killed every month or 1 per week. For more details on killings in the Philippines, see **Box 1**.

Brazil recorded the second most number of cases and victims of killings, at 5 and 22, respectively. The cases include the murder of 9 people in the State of Mato Grosso in April, and of 10 people in the State of Para in May. Killings were also recorded in Mexico (7 victims, 3 cases); Peru (6 victims, 1 case); Colombia (5 victims, 4 cases); India (5 victims, 2 cases);

Uganda (3 victims, 1 case); Guatemala (2 victims, 2 cases); Myanmar (2 victims, 2 cases); Turkey (2 victims, 1 case); and Venezuela (1 victim, 1 case). For more data on killings and other human rights violations by country, see **Annexes A and B**.

Box 1. Farmer killings in the Philippines

Most farmer killings occurred in agricultural regions where there are ongoing land disputes between farmers and indigenous peoples and local landlords, agri-business, and mining companies such as in the regions of Cagayan Valley, Central Luzon, Southern Tagalog, Bicol, Negros, Panay, Caraga, Southern Mindanao, Northern Mindanao, and the Autonomous Region of Muslim Mindanao (ARMM). Most of the victims were community leaders or members and officers of local peasant and indigenous people's organizations affiliated with the Kilusang Magbubukid ng Pilipinas or Peasant Movement of the Philippines (KMP), fighting for genuine land reform and resisting the loss of ownership and control over their land and resources.

Human rights and peasant organizations in the Philippines point to the military, paramilitary, and private security personnel as perpetrators of the killings, with more than half attributed to elements of the Armed Forces of the Philippines (AFP) conducting military operations under the government's counter-insurgency programs "Oplan Kapayapaan" and "Oplan Bayanihan." ("Bayanihan" is the Filipino word for communal unity and cooperation, while "Kapayapaan" literally means peace).

State-perpetrated killings further increased after the government's declaration of an all-out war against the communist-led rebel group New People's Army (NPA) on February 2. In fact, only a day after the declaration, two indigenous farmers were killed. The declaration of martial law in Mindanao on May 23 further increased the incidents of human rights violations committed by the military against farmers and indigenous peoples. Mindanao – home not only to resource-rich land but to peasant and Lumad (indigenous people) struggles against big agri-business and mining operations – was where more than half of the killings in the past year occurred.

One month before the end of 2017, the Philippines sees no end in the current administration's spate of killings. In fact, human rights and peasant organizations fear for the worst as President Rodrigo Duterte terminated the peace talks and declared a crackdown on organizations defending human and land rights. Just last November 28, farmer Elioterio Moises and land rights activist Elisa Badayos were killed while participating in a fact-finding mission investigating the reported military atrocities committed against several farming communities in the province of Negros Oriental in central Philippines when members of the AFP and alleged goons of a local politician attacked them.

Meanwhile, there were also 43 cases and 266 victims of arrest, detention, and legal persecution of farmers and farmworkers, indigenous peoples, and land activists monitored. The Philippines recorded the most number of cases at 23 – more than half of the total number of cases – with 72 victims. Myanmar also recorded 63 victims, involved in 2 cases. Mexico recorded the most number of victims in a single case, which involved the arrest of 40 individuals, and which occurred at the same time as the murder of 4 indigenous Arantepacua and the physical assault of 8 by local authorities in the State of Michoacan.

Most of the women victims of human rights violations related to land conflicts and struggles were victims of arrest, detention, and legal persecution as shown in **Chart 1**. More and more women in particular are being subjected to legal persecution by their respective governments. This is especially the case of land rights activists in the land conflict-ridden countries of Cambodia, the Philippines, Thailand, and Vietnam. For more information, see **Box 2**.

Chart 1



Based on reports from PANAP partners and monitoring of online news

Box 2. Judicial harassment of women land rights activists in Southeast Asia

Judicial harassment – or the use of the legal system by governments and private corporations – remains among the most commonly used strategies to silence and intimidate opposition and resistance to land grabbing and land rights activism in Southeast Asia.

In the Philippines, Florida "Ka Pong" Sibayan, chairperson of the Alyansa ng Manggagawang Bukid sa Asyenda Luisita or Alliance of Agricultural Workers in Hacienda Luisita (AMBALA), was arrested by the local police in Tarlac, and charged with two counts of alleged physical assault and disobedience to persons of authority just this November. She was leading a protest action to assert the right to land of the farmworkers to the Hacienda Luisita sugar estate placed under agrarian reform program for distribution to around 6,296 farmworkers decades ago, but continues to be in the hands of local landlords.

In Thailand, human rights groups have raised concerns over the increased harassment of rural-based women activists working on land issues. Supap Kamlae, for instance, is currently serving a six month jail term for "trespassing". She and her husband – disappeared land activist Dem Kamlae – had been leading their community in the fight for legal title for the land they have long been occupying in Chaiyaphum Province but was declared by the government as a protected area.

Similarly, seven women members of the Khon Rak Ban Kerd (KRBK) in Loei Province, face up to five years in prison and a fine if convicted. Pornthip Hongchai, Viron Rujichaiyavat, Ranong Kongsaen, Mon Khunna, Suphat Khunna, Boonraeng Srithong, and Lumplearn Ruengrith were charged with violations of the Public Assembly Act and the Criminal Code for leading a peaceful action in November 2016 against the operations of the Tungkum gold mining company in their community. The case is only one of the 21 criminal and civil complaints against the Loei villagers.

In Vietnam, Tran Thi Nga, a vocal critique against land confiscation, was sentenced in July 2017 to a nine-year jail term and five years of house arrest for "conducting propaganda against the government", a crime under Article 88 of the Penal Code. The same charges were made against Nguyen Ngoc Nhu Quynh or "Mother Mushroom", a blogger and human rights activist who was sentenced to 10 years in prison in June 2017 for commenting on social and political issues in social media platforms.

Vietnam has a long history of persecuting anyone threatening the ruling party but judicial harassment has further intensified with the real estate boom in the country, as government confiscation of land for public and private development projects is increasingly met with resistance from the people.

In Cambodia, Tep Vanny's appeal for reconsideration of her sentence of two years and six months imprisonment has been denied by court this August. She is a land rights activist who figured prominently as a member of "Boeung Kak 13", a group of 13 women who actively mobilized their communities against a real estate development project around the Boeung Kak Lake in Phnom Penh that displaced around 4,000 residents. She has been languishing in jail for more than a year.



Florida "Ka Pong" Sibayan in a protest action against land grabbing in a sugar estate (Hacienda Luisita) controlled by one of the Philippines' most powerful landlord clans (Photo: Kodao Productions)

In terms of threats, harassment, and physical assault, there were 17 cases and 45 victims monitored this year. Of the total number of victims, 14 were indigenous peoples, 26 were farmers and farmworkers, and 4 were land activists.

Lastly, there were 9 cases of displacement monitored in Brazil, Indonesia, Laos, Nigeria, Papua New Guinea, and the Philippines. The victims were either farmers and farmworkers (1,320 victims) or indigenous peoples (4,958) who were forced to leave their agricultural and ancestral lands due to "development" and business projects, and government conservation projects. Some rural communities were also displaced due to military operations.

As shown in **Table 3**, most of the human rights violations monitored were reportedly perpetrated by state security forces: the military, police, and paramilitary were involved in at least 7 out of 10 cases (i.e., 96 out of 142 total cases of violations). State security forces committed 55% of the total number of cases of killings; 98% of arrest, detention, and legal persecution; 35% of threats, harassment, and physical assault; and 89% of displacement cases. The rest of the cases were said to be committed by either unidentified perpetrators or by private security and hired goons.

Table 3

NUMBER OF CASES OF HUMAN RIGHTS VIOLATIONS RELATED TO LAND CONFLICTS AND STRUGGLES, BY ALLEGED PERPETRATOR, JANUARY 1 TO NOVEMBER 30, 2017						
TYPE OF VIOLATION	MILITARY/ PARAMILITARY/POLICE	PRIVATE SECURITY/ HIRED GOONS	UNIDENTIFIED	TOTAL		
KILLINGS	40	4	29	73		
ARRESTS/DETENTION/ LEGAL PERSECUTION	42	0	1	43		
THREATS/HARASSMENT/ PHYSICAL ASSAULT	6	4	7	17		
DISPLACEMENT	8	1	0	9		
TOTAL	96	9	37	142		

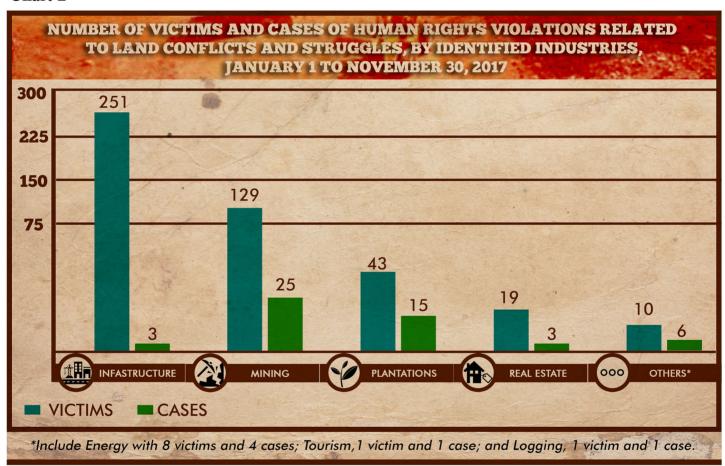
Based on reports from PANAP partners and on monitoring of online news



The women of Khon Rak Ban Kerd resisting the mining operations in their community in Loei Province, Thailand (Photo: Protection Online)

Of the 52 cases of human rights violations with identified industries and investments involved, **Chart 2** shows that 25 cases or more than half involved mining companies; 15 in plantations; 4 in energy; 3 in infrastructure development; 3 in real estate development; and 1 each in tourism and logging. In terms of number of victims, infrastructure development was the industry involved in most of the monitored human rights violations with 251 victims, followed by mining (129 victims), plantations (39 victims), real estate (19 victims), energy (8 victims), and tourism and logging (1 victims each). In some cases, foreign investors are involved, as discussed in **Box 3**.

Chart 2



Based on reports from PANAP partners and on monitoring of online news

A large number of cases (90) and victims (2,655) were not identified with any specific industry, but many were a result of military campaigns, in particular in the Philippines. Also, 3,600 victims in Indonesia were reportedly displaced after the government declared their agricultural land as a forest conservation area.



The indigenous Kuoy people of Prame village in Cambodiaís Preah Vihear province are resisting the encroachment of their ancestral land by a Chinese-owned sugar plantation (Photo: Abby Valenzuela, PANAP)

Box 3. Chinese-owned sugar plantation in Cambodia economically displaces indigenous peoples and farmers

For the Kuoy indigenous people in the province of Preah Vihear in northern Cambodia, Prame is their home. But Prame, together with 24 other communes in the districts of Chhaeb, Chey Sen, and Tbeng Meanchey, has been in conflict with the Chinese company Heng Fu Group Sugar Industry Co., Ltd. (Heng Fu) for almost a decade now. Their ancestral, agricultural, and forest lands overlap with the 42,000-hectare economic land concessions granted to the company by the Royal Government of Cambodia (RGC) in 2011. Their rice farms, forest, and lakes and rivers, were converted into a sugarcane plantation and mill and refinery, leaving them with no sources of livelihood and disrupting their way of life.

"Before the company came to clear our lands, nobody in Prame ever experienced hunger," said 45-year-old Lan Sa Morn. "We have our farms for rice, the forest for crops, and the river and streams for fish. Now our farms and forest have been cleared, our river and streams either poisoned or dried up, our pasture lands barren. Now, many are struggling to provide food for their families."

The promulgation of the Land Law in 2001 and of Subdecree No. 146 on Economic Land Concession in 2005 allowed the RGC to lease vast tracts of land to domestic and foreign individuals and firms for agricultural and industrial exploitation. ELCs can be awarded over up to 10,000 hectares of land for up to 99 years. Heng Fu, however, was able to circumvent the law and acquire more than three times the allowed maximum size of land by registering under five different companies.

Heng Fu was not the first to do this. Individuals and companies with ties to the RGC were able to acquire tens of thousands of hectares of land. According to the human rights group Cambodian League for the Promotion and Defense of Human Rights (LICADHO), an estimated two million hectares of land in the country are currently under 274 ELCs — 114 of which were granted to locals and 136 to foreigners (12 are categorized as "others"; 12 as "unknown"). Of the 136 ELCs granted to foreigners, Chinese firms hold 42 ELCs (over 356,560 hectares of land), while Vietnamese and Malaysian firms hold 55 (369,107 hectares) and 12 (90,844 hectares) ELCs, respectively.

Everywhere in the country, ELCs have become synonymous with the physical or socio-economic displacement of farmers, fisherfolk, and indigenous peoples who had been occupying ancestral lands for centuries. Aside from not being consulted, affected communities in most cases were inadequately compensated, and, in cases of physical displacement, not given proper resettlement.

End Notes

ⁱHancock, Tom "China encircles the world with One Belt, One Road," The Financial Times, May 4, 2017, https://www.ft.com/content/0714074a-0334-11e7-aa5b-6bb07f5c8e12

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viii Sassen, Saskia "The assault on the Rohingya is not only about religion - it's also about land," The World Post, 15 September 2017,

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Annex A

NUMBER OF CASES OF HUMAN RIGHTS VIOLATIONS RELATED TO LAND CONFLICTS AND STRUGGLES, BY COUNTRY, JANUARY 1 TO NOVEMBER 30, 2017

COLINITRY		ARRESTS/DETENTION/	THREATS/HARASSMENT/	DISPLACEMENT	TOTAL
COUNTRY	KILLINGS	ARRESTS/DETENTION/ LEGAL PERSECUTION	THREATS/HARASSMENT/ PHYSICAL ASSAULT	DISPLACEMENT	TOTAL
Brazil	5	A CANAL		1	6
Cambodia		A			1
Cameroon		1			1
China		3			3
Colombia	4				4
Guatemala	2	2		*	4
Honduras		1	2		3
India	2				2
Indonesia		2	6	1	9
Laos		1	1	1	3
Mexico	3	1	1		5
Myanmar	2	2	1		5
Nigeria				1,200	1
Papua New Guinea	10000000000000000000000000000000000000			1	1.
Philippines	51	23	6	4	84
Peru	1	1			2
Thailand		3			3
Turkey	1				1
Venezuela	1			A 18 18 18	1
Vietnam	A. A	2			2
Uganda	4-10-1				
					1 200 m

Based on reports from PANAP partners and on monitoring of online news

Annex B

NUMBER OF VICTIMS OF HUMAN RIGHTS VIOLATIONS RELATED TO LAND CONFLICTS AND STRUGGLES, BY COUNTRY, JANUARY 1 TO NOVEMBER 30, 2017

COLLVIEN		ARRESTS/DETENTION/	THREATS/HARASSMENT/		
COUNTRY	KILLINGS	ARRESTS/DETENTION/ LEGAL PERSECUTION	THREATS/HARASSMENT/ PHYSICAL ASSAULT	DISPLACEMENT	TOTAL
Brazil	22	0	0	320	342
Cambodia	0	8	0	0	8
Cameroon	0	1	0	0	1
China	0	19	0	0	19
Colombia	5	0	0	0	5
Guatemala	2	2	0	• 0	4
Honduras	0	1	4	. 0	5
India	5	0	0	0 ,	5
Indonesia	0	8	16	3,600	3,624
Laos	0	14	3	200	217
Mexico	7	40	8	0	55
Myanmar	2	63	10	, 0	75
Nigeria	0	0	0	120	120
Papua New Guinea	0	0	0	200	200
Philippines	61	72	6	1,838	1,977
Peru	6	10	0	0	16
Thailand	0	23	0	0	23
Turkey	2	0	0	0	2
Venezuela	1	0	0	0	1
Vietnam	0	5	0	0	5
Uganda	3	0	0	0	3
		and a second			7 2 4 2 8

Based on reports from PANAP partners and on monitoring of online news

ABOUT PANAP



PAN Asia Pacific (PANAP) is one of the five regional centres of PAN, a global network dedicated to eliminating the harm caused to humans and the environment by pesticides and promoting biodiversity-based ecological agriculture.

PANAP's vision is a society that is truly democratic, equal, just, and culturally diverse; based on the principles of food sovereignty, gender justice and environmental sustainability. It has developed strong partnerships with peasants, agricultural workers, and rural women movements in the Asia Pacific region and guided by the strong leadership of these grassroots groups, has grown into a reputable advocacy network with a firm Asian perspective.

PANAP's mission lies in strengthening people's movements to advance and assert food sovereignty, biodiversity-based ecological agriculture, and the empowerment of rural women; protect people and the environment from highly hazardous pesticides; defend the rice heritage of Asia; and resist the threats of corporate agriculture and neoliberal globalization.

Currently, PANAP comprises 105 network partner organizations in the Asia Pacific region and links with about 400 other civil society organizations and grassroots organizations regionally and globally.

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