

The ICCA Consortium

David against Goliath: multinational mining company threatens outstanding NPA and transboundary common lands in the Pyrenees

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The global mining industry is one of the largest operations in terms of investments and land area covered. As the appetite of the current model of 'development' driven by corporate profit and unrestrained consumerism continues to grow, it requires increasing quantities of minerals resources. Several countries have their own domestic mining companies or operations (public and private) but a handful of international mining companies also operate in dozens of countries. Their economic clout is enough to bypass or undermine domestic environmental, labour, and social regulations, and to make local political and judicial processes turn a blind eye to human rights violations of all kinds. In many countries the sheer spread of mining makes the industry one of the strongest political and economic forces; in India, for instance, about 15% of the country is under mining exploration concessions, and environmental regulations are being bent over backwards to make it easier for companies to get access to what they find. The consequences for tens of millions of people, in terms of physical displacement, alienation from their traditional resource base, pollution of water and soil and hazardous air quality are very visible. Simultaneously though, there is a rising chorus of voices, from grassroots to global networks, railing against the ravages of the mining industry, and this provides some hope. In relation to ICCAs, mining constitutes one of the biggest threats. This threat is compounded by the fact that unrecognised ICCAs are more prone to being given away by governments, or snatched by corporations. For instance in many countries there are processes to stop or regulate mining in officially recognised protected areas, but no such processes for “unrecognised” ICCAs. This makes the recognition of ICCAs, in ways that are appropriate and acceptable to the people/community concerned, a crucial aspect of the struggle to secure the future of ICCAs.

Although aggressive macro-mining projects are more common in the global South – where more natural resources may still be available for exploitation and environmental laws are weaker – they are not exclusive there. Current socio-economic crisis in some Northern countries are providing a convenient context for mining companies to resurrect and promote old mining projects, formerly rejected by their environmental impact or long term unsustainability. Here we analyse one of these cases in Navarre, Spain, which is currently causing a political turmoil in the area.



White-backed woodpecker, *Dendrocopos leucotos*. In Spain, this endangered woodpecker is only present in a small Pyrenean area of well preserved forests, mainly of common management. (Drawing courtesy of Juan Varela)

Zilbeti, much more than a fine beech forest

Zilbeti forest is a mixture of well preserved forests and pastures commonly managed by local communities. It is located in Navarre, Spain, in the beautiful Pyrenees, 5 km away from the French border. The traditional common management of the natural resources –mainly timber and livestock pastures- has maintained the outstanding biodiversity of the area through centuries, and tourism has also become an important resource in the area for some years now. The area harbours several endangered habitats and species considered as a priority for conservation under the European Union Habitats Directive. Based on these outstanding natural values, the regional government proposed, and the European Union declared, the area a Special Area of Conservation (SAC) under the name of “*Monte Alduide*”, as part of the [EU Natura 2000 Network](#). Importantly, the official Management Plan of this National Protected Area regards mining activity as one of its main threats for the future preservation of its values.

Zilbeti beech forest, a common managed NPA

98% of the NPA surface is common land, leaving only 2% under private ownership. Zilbeti mountain pastures are very rich in terms of biodiversity and grazing quality, and are managed, among other regulations, according to an international treaty signed in 1856 and currently in force between France and Spain. The treaty grants to the French neighbouring local community of Baïgorri some perpetual and exclusive grazing rights in the NPA. The treaty hence binds Spain to guarantee the preservation of both pastures and forests in exchange of a rent, which is managed by the Spanish common local governance bodies (*mancomunidades*). This kind of agreements – called *faceries* – are common across grazing local communities of both sides of the Pyrenean border and are aimed – since ancient times – at guarantying the survival of mountain communities, through common management and sharing of the grazing lands on which their livestock depends.

Zilbeti forests are catalogued as “Public Usefulness” (*Utilidad Pública*) – an old category that aims to protect some special forests from private interests – and are also common land managed by the *mancomunidades* that recovered the forest property back from the

government a few decades ago, after several decades of intensive logging activity promoted by the government administration, from which the forest is still recovering.



During centuries, sustainable grazing, and forest uses have created an outstanding scenic landscape with high biodiversity values. (Courtesy: SEO/BirdLife)

The mining project

Since many years, the NPA is threatened by a magnesite open-pit mining project promoted by the multinational “Magnesitas de Navarra SA (MAGNA)” – company in which Groupe Roullier and Grecian Magnesite have shares. Since other active magnesite mines of the company in the region are getting exhausted, the company is trying to exploit the NPA, after an unsuccessful attempt to promote the project in Baztan – another neighbouring valley – where strong local opposition blocked the initiative. Although the mining project in the NPA is officially supported by the regional government (Gobierno de Navarra), it lacks some of the needed permits to start the planned activities. Nonetheless, on the 27th of December 2011, following a communication on the 24th (Christmas eve), the company tried to cut down 1,500 beech trees to extract 800 tons of magnesite, in order to develop some analysis to inform a stockholders meeting planned for the following 5th of January. The fast intervention of the neighbours prevented the cutting of all of the trees but seventy-two. Eventually, after a tense situation and the arrival of the press, the company retreated without extracting the mineral. Although the communities affected and supporting organizations officially demanded to see the permit for that activity, they never received it.

Meanwhile, some local organizations and other environmental Spanish and French institutions have brought lawsuit against the company for what they consider an illegal project, which violates the Birds and Habitats Directives – by virtue of which Spain has the obligation to guarantee the conservation of the NPA’s values – as well as for failing to complete with several aspects of the Environmental Impact Study. The claimants are confident in the success of their lawsuit, as there is full legal basis and jurisprudence on the subject; however, they fear that the company – with the help of the regional government – can act before the ending of the long period required for a sentence to be issued, taking advantage of the usual strategy of the “fait accompli”.

As of now, the regional government has already disentitled part of one of the *mancomunidad of Quinto Real's* common forest to construct a tunnel for the transport of the extracted on trucks, something that has caused great political costs to the government. Moreover, the Spanish regional government has not discussed the project with the French government nor with the French neighbouring community of Baïgorri, whose grazing rights will also be severely affected.



Neighbours of Zilbeti forest painted a real size 3D Pablo Picasso's "Gernica" - one of the most famous Spanish paintings - to draw public attention to their opposition to the mining company's plans to destroy this protected forest. The painting was made with biodegradable paint and was sabotaged some days after by unknown individuals. (Courtesy: SEO/BirdLife)

The local community's opinion and the future

The local community is divided among those who think that the mining project will generate jobs in times of need – currently Spain's unemployment rate is as high as 25%¹ - and those who think that mining is a short-term solution that will jeopardize the long-term future of the community, since the projected mine is expected to be exhausted in 10-20 years. In Spain, legal basis and administrative procedures on nature protection of NPAs are clear enough, and the local community's management and property rights are legal and administratively acknowledged. Nonetheless, it seems that – as in many other similar current cases in Spain – the government administration is not able to shoulder or it decides to neglects its responsibilities on the subject when facing big companies' interests, and this situation has very much worsened with the current economic crisis. Another core issue is that legal procedures against this kind of projects take several years, which too often means that the sentence is passed after the project is fully developed. In this context, strong local governance institutions and public national and international support to both NPAs values and local communities collective interests are a solid and perdurable strategy to face aggressive private interests.

Some organizations supporting the precautionary suspension of the project activities are:

¹ Source: Eurostat, see:

http://epp.eurostat.ec.europa.eu/statistics_explained/index.php/Unemployment_statistics

In Spain: Amigos de la Tierra, Ecologistas en Acción, Greenpeace, SEO/BirdLife, WWF and Coordinadora Monte Alduide.

In France: France Nature Environnement, Amis de la Terre, WWF-France, Greenpeace, LPO, SEPANSO, MNE de Pau, GEOB, PMAF, Forêts sauvages, CADE.

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- ▶ [TV report](#) (27 min. in Spanish)
- ▶ [Blog on the history of the conflict](#)
- ▶ [On the environmentalists' request to the regional government for law enforcement on nature protection](#) (in Spanish)