CLEARCUTTING

FREE SPEECH:

How Resolute Forest Products is going to extremes to silence critics of its controversial logging practices

#OURVOICESAREVITAL | GREENPEACE

The parties to Resolute Forest Products, Inc. et al. v. Greenpeace International et al. and Resolute Forest Products, Inc. et al. v. Greenpeace Canada et al. have announced the conclusion of these long-running litigations.
<Please see the joint statement>

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INTRODUCTION

Canada's Great Northern Forest is an ancient forest, shaped by forces of nature and stewarded by Indigenous Peoples since time immemorial. Also known as Canada's boreal forest, it has some of the last large expanses of undisturbed natural forest, is home to threatened species, and is one of the world's largest terrestrial stores of carbon. Resolute Forest Products, one of the largest logging companies in North America, is destroying key areas of this magnificent forest. And has abandoned sustainability efforts.

Because of the high conservation value of this great forest, its beauty and unique ecological features, Greenpeace has been speaking up and raising awareness of Resolute's controversial forestry practices with the public and buyers of Resolute's products for years. But this campaign has now become a battleground over free speech and advocacy itself. Instead of working collaboratively with Greenpeace and other stakeholders to find lasting solutions for the forest, workers and local communities, Resolute has filed a $300 million Canadian dollar (CAD)[1] lawsuit against Greenpeace USA,[2] Greenpeace International, Stand.earth and individual activists,[3] as well as a separate CAD$7 million lawsuit against Greenpeace Canada and individual activists.[4] With these lawsuits, and with its public attacks against other prominent environmental organizations, Resolute is attempting to silence legitimate public concerns, all the while ignoring scientific recommendations for the health of the forest and thus the longevity of the forest products industry.

The $300 million CAD Racketeer Influenced and Corrupt Organizations Act (RICO) lawsuit that Resolute has filed in the US, uses a set of laws designed to prosecute the mafia, to sue environmental advocates. Resolute essentially argues that environmental advocacy constitutes criminal behavior. By delegitimizing essential advocacy work for forest protection, which provides important oversight on corporations like Resolute, and by imposing harsh financial penalties on protected free speech, this lawsuit could have a chilling effect on freedom of speech in general. **ULTIMATELY RESOLUTE'S MERITLESS LAWSUITS AGAINST GREENPEACE COULD IMPACT INDIVIDUALS AND GROUPS ACROSS CIVIL SOCIETY THAT SEEK TO MAKE POSITIVE CHANGES BY MAKING IT TOO EXPENSIVE AND RISKY TO ENGAGE IN FREE SPEECH, ADVOCACY, INFORMED EXPERT OPINIONS, AND EVEN RESEARCH.**

Free speech is not just foundational for environmental advocates, it is also vital for some of Resolute's current customers. A new Greenpeace investigation reveals that many companies that rely on free speech and transparency as a core part of their business, who should be natural allies of advocacy and expression, are among Resolute's customers. This investigation showed some of the largest global book publishers, including Penguin Random House, HarperCollins, Simon & Schuster and Hachette, are buying paper from Resolute and thus supporting the very company that is actively threatening a right which is fundamental to their own existence and essential to us all.

The campaign to conserve Canada's Great Northern Forest is now a battleground for free speech, and the way that this story plays out could have far reaching ramifications. Fortunately, solutions are available today. Not only can publishers stand up for free speech and forest solutions, but Resolute too can embrace a path toward truly sustainable management of forests for future generations.

1. Resolute claims at least CAD$100 million in damages (the full amount "to be proven at trial" but said to be "far in excess" of this minimum), tripled to $300 million under RICO, together with interest, costs, and attorneys' fees. Resolute Forest Products, Inc. et al v. Greenpeace International et al.
2. Greenpeace USA consists of two separate legal entities: Greenpeace, Inc. and Greenpeace Fund, Inc. Both parties are named defendants in the US lawsuit.
3. Resolute Forest Products, Inc. et al v. Greenpeace International et al. (2016): Document 63-1
4. Resolute Forest Products (2013): Resolute Statement of Claim

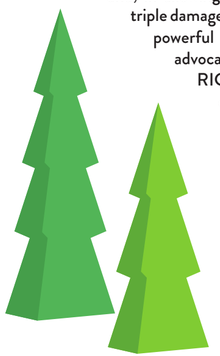
SLAPP'ING CRITICS

Resolute has been at the center of a growing controversy for years. Facing a mounting storm of public attention to its unsustainable and at times destructive practices, and with numerous major environmental groups publicly distancing themselves from Resolute over poor practices and unwillingness to collaborate, Resolute began launching legal attacks against its critics in a deliberate effort to silence them. The forest products company first sued Greenpeace Canada and two of its staff in 2013 for CAD$ 7 million for defamation and economic interference.[5] Resolute was trying to silence the organization's longstanding campaign to protect the boreal forest, which had called on companies like Resolute to reform their irresponsible practices.[6] In 2014, Resolute also filed a lawsuit against Rainforest Alliance,[7] an independent auditor that was about to publish an audit that found some of the company's operations noncompliant with the leading forest certification scheme, the Forest Stewardship Council's (FSC), standards.[8] One legal expert noted that, rather than participate in a formal dispute resolution process set up within FSC, Resolute's "strategy appears to be ... to suppress these facts."[9]

As the litigation against Greenpeace Canada proceeded, Resolute tried to broaden the scope of inquiries into the 45 year history of the organization and its international campaigns. A panel of appellate judges with the Ontario Superior Court granted the Greenpeace motion to strike out those parts of the company's pleadings, ruling that Resolute had attempted to "greatly expand the scope of the litigation and transform the trial into an inquiry into Greenpeace," and pointing to allegations that were **"SO DEVOID OF PARTICULARITY AS TO BE SCANDALOUS AND VEXATIOUS."**[10]

In 2016 Resolute decided to pursue similar tactics outside Canada, filing a defamation and racketeering lawsuit against Greenpeace International, Greenpeace USA, Stand.earth (formerly ForestEthics) and five staff in the United States for CAD$300 million.[11] In its latest attempt to bring a meritless defamation claim to a new jurisdiction, Resolute included allegations under the Racketeer Influenced and Corrupt Organizations Act (better known as RICO).

The use of RICO is particularly egregious because the act was originally conceived to prosecute the mafia, and, in allowing plaintiffs to recover triple damages, provides a uniquely powerful means to intimidate advocacy groups.[12] Civil RICO has a long history of abuse: as far back as 1985, United States Supreme Court Justice Thurgood Marshall warned that "many a prudent defendant, facing ruinous exposure, will settle even a case with no merit.



It is thus not surprising that civil RICO has been used for extortive purposes, giving rise to the very evils that it was designed to combat."[13] Despite these dangers, Resolute argues in its complaint that RICO "is to be read broadly... [and] liberally construed to effectuate its remedial purposes."[14] Resolute uses this broad reading to treat everyday advocacy activities as criminal: corporate communications, investigations, exposés, and petitions are all construed as criminal acts under RICO. Clearly **THE USE OF RICO TO TACKLE PUBLIC INTEREST ADVOCACY IN PARTICULAR, IS A DANGEROUS PHENOMENON.**

Resolute's claims have no legal merit and are archetypal examples of strategic lawsuits against public participation (SLAPPs) intended to silence Greenpeace and other critics of the company's irresponsible operations in Canada's Great Northern Forest.[15] SLAPPs leverage the obvious economic advantage multi-billion dollar corporations have in the legal system. They can afford millions in legal fees in order to pursue their objectives, while small companies, nonprofits or community groups have a powerful disincentive to speak out publicly, because they simply cannot afford millions in legal fees to fight back. The intended result is that issues of high public importance never see the light of day. The historical effectiveness of this power dynamic in court highlights the seriousness of the current situation.

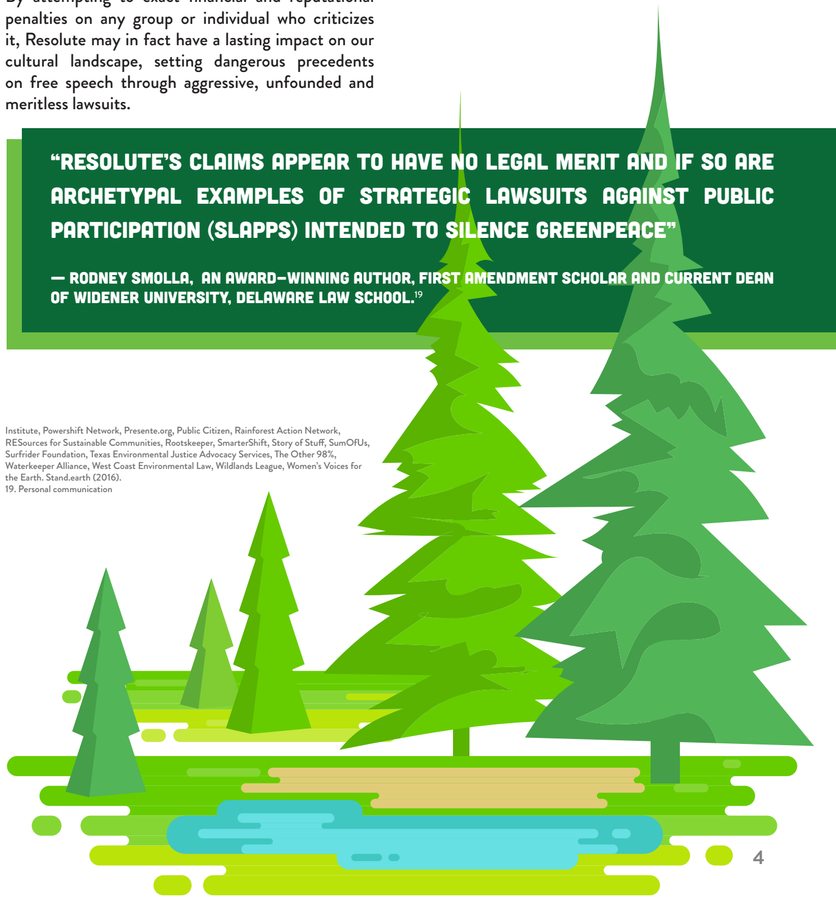
The litigious nature of Resolute's actions is not only of great concern to Greenpeace and the other defendants of the lawsuits, but the increasing use of corporate **SLAPP TACTICS UNDERMINE THE FUNDAMENTAL VALUES OF DEMOCRATIC SOCIETIES AND ERODE CIVIL LIBERTIES FOR EVERY OTHER INDIVIDUAL AND GROUP** with legitimate concerns about corporate or governmental behavior. In consequence, over 100 independent nonprofit and media organizations[16] have spoken out against Resolute's RICO lawsuit and the threat it poses to free speech, with some asserting that the "use of the RICO statute to target speech is clearly an attempt at an end-run around the protections of the First Amendment."[17] Some 80 of these organizations even ran an ad in The New York Times to tell Resolute and the world that "free speech is not a crime."[18] Greenpeace, Stand.earth and other advocacy groups not only have the right to free speech, they play a vital role in our society by speaking out on matters of public interest and concern.

By attempting to exact financial and reputational penalties on any group or individual who criticizes it, Resolute may in fact have a lasting impact on our cultural landscape, setting dangerous precedents on free speech through aggressive, unfounded and meritless lawsuits.

"RESOLUTE'S CLAIMS APPEAR TO HAVE NO LEGAL MERIT AND IF SO ARE ARCHETYPAL EXAMPLES OF STRATEGIC LAWSUITS AGAINST PUBLIC PARTICIPATION (SLAPPS) INTENDED TO SILENCE GREENPEACE"

— RODNEY SMOLLA, AN AWARD-WINNING AUTHOR, FIRST AMENDMENT SCHOLAR AND CURRENT DEAN OF WIDENER UNIVERSITY, DELAWARE LAW SCHOOL.[19]

5. Resolute Forest Products (2013): Resolute Statement of Claim
6. Greenpeace Canada (2013); Jacobsen, P, et al. (2013).
7. Resolute Forest Products v. Rainforest Alliance, Inc., et al. (2014).
8. Resolute Forest Products v. Rainforest Alliance, Inc., et al. (2014).
9. Delean, P. (2014).
10. Resolute Forest Products, Inc. v. Greenpeace. (2016).
11. Resolute Forest Products, Inc. et al v. Greenpeace International et al. (2016): Document 63-1
12. Redford, K. (2016).
13. Sedima S.P.R.I v Imrex Co., Inc. (1985).
14. Resolute Forest Products, Inc et al v. Greenpeace International et al, (2016): Document 75, p.47
15. Reporters Committee for Freedom of the Press (2016); Swift, A. (2016).
16. The 101 are made up of nine nonprofit organizations in the Amicus Curiae Brief, twelve media organizations in the Brief of the Amici and 80 other organizations who signed onto a New York Times advertisement. Resolute Forest Products, Inc. et al v. Greenpeace International et al. (2016): Document 64; Resolute Forest Products, Inc et al v. Greenpeace International et al. (2016): Document 63-1; Stand.earth (2016).
17. Resolute Forest Products, Inc et al v. Greenpeace International et al. (2016): Document 63-1.
18. The 80 organizations supporting the New York Times advertisement: 350.org, Amazon Watch, Americans for Nonsmokers' Rights, Action on Smoking & Health, Asian Pacific Environmental Network, Avaaz, Bold Alliance, Breast Cancer Action, Breast Cancer Fund, Broadbent Institute, California Environmental Justice Alliance, Canadian Journalists for Free Expression, Canadian Parks & Wilderness Society, Catskill Mountainkeeper, Center for Constitutional Rights, Center for Environmental Health, Center for Media & Democracy, Center for Race, Poverty & the Environment, Chesapeake Climate Action Network, CIVICUS, Clean Air Council, Code Pink, Communities for a Better Environment, Connecticut Citizen Action Group, Corporate Accountability International, Corporate Ethics, CorpWatch, Council of Canadians, Courage Campaign, David Suzuki Foundation, Dogwood Alliance, Earth Economics, Earthworks, Ecology Action Centre, Ecojustice, Electronic Frontier Foundation, Environmental Action, Environmental Defense Canada, Equiterre, Food & Water Watch, Foundation Earth, Friends of the Earth US, GAIA, Global Exchange, Green America, Green for All, Healthcare Without Harm, Institute for Agriculture & Trade Policy, International Forum on Globalization, International Rivers, Labor Network for Sustainability, The Leap Manifesto team, Make the Road New York, Mining Watch Canada, Movement Rights, Movement Strategy Center, National Nurses United, Natural Resources Defense Council, Oil Change International, OneAmerica, Pacific Environment, Pesticide Action Network North America, People's Action, Pembina Institute, Powershift Network, Presente.org, Public Citizen, Rainforest Action Network, RESources for Sustainable Communities, Rootskeeper, SmarterShift, Story of Stuff, SumOfUs, Surfrider Foundation, Texas Environmental Justice Advocacy Services, The Other 98%, Waterkeeper Alliance, West Coast Environmental Law, Wildlands League, Women's Voices for the Earth. Stand.earth (2016).
19. Personal communication



THE PARADOX FOR PUBLISHERS AND AUTHORS

The First Amendment of the Constitution of the United States, the Canadian Charter of Rights and Freedoms, Article 19 of the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights all are very clear about the freedoms that form the fundamental values of our society. These rights, including the freedom of speech and of the press, are the cornerstones of democracy because they guarantee an active exchange of ideas, open debate, the quest for solutions, and an informed public.

Authors, philosophers, journalists and other public figures have long been active agents fighting to protect these rights. Indeed, publishers themselves have been some of the most tenacious defenders against censorship. Penguin Books' groundbreaking defense of *Lady Chatterley's Lover* in 1960[20] is just one example of a publisher at the forefront of an iconic free speech battle.

Industries and organizations that challenge political, economic or other forms of power are only able to do so because the freedom of speech has enshrined their right to exist. The book publishing industry and media companies, in particular, have long recognized the importance of freedom of speech to their existence and place in society. This is why the Association of American Publishers and almost a dozen other media organizations filed an amicus brief in 2016 in support of Greenpeace in the SLAPP brought by Resolute. They argued that free speech "is essential to ensuring a flourishing marketplace of ideas."[21] And also, "publishers of all types rely on these broad protections to provide illuminating information to the public."[22]

Publishers should also be acutely aware of the dangers of SLAPPs. In 2008, for example, Les Éditions Écosociété Inc. published *Noir Canada*, a critique of human rights and environmental violations by Canadian mining companies in Africa. One of the companies criticized in the book, Barrick Gold, responded by filing a CAD$6 million libel lawsuit against the publishers in Québec. In 2011, the Québec Superior Court concluded that Barrick Gold had intended to intimidate the defendants through its aggressive legal tactics. Nonetheless, the lawsuit was allowed to proceed and, to avoid the costs of a full trial, the publisher ended up settling out of court. Under the weight of the lawsuit, Les Éditions Écosociété was forced to stop further publication of the book.[23]

This then raises the question: why is almost every major global book publisher buying paper from the very company that is using this same tactic to threaten free speech? A Greenpeace investigation revealed that **MANY OF THE WORLD'S LARGEST CONSUMER BOOKS PUBLISHERS, INCLUDING PENGUIN RANDOM HOUSE, HARPERCOLLINS, SIMON & SCHUSTER, AND HACHETTE, AMONG OTHERS, ALL BUY AND USE BOOK GRADE PAPER FROM RESOLUTE, INCLUDING FROM A PAPER MILL IN CANADA'S BOREAL FOREST.** Great strides have been made in recycled and sustainable production of paper, as well as heightened awareness of the forestry issues linked with paper production, and yet these publishers continue to buy paper from a controversial company linked to the destruction of intact ancient forests.

These large global book publishers are behind some of the world's most beloved novels, children's books and nonfiction works, producing millions of new titles and editions printed around the globe every year.[24] Doing so without supporting egregious attacks on free speech and without supporting the destruction of intact ancient forests and threatened species habitat is surely in their interest. The paradox of this situation, in which a supplier threatens the very freedoms that enable their customers to operate, is clear.

Each of these publishers has some form of global paper procurement standards or environmental policies already in place which, for one reason or another, should raise concern as to whether Resolute qualifies to be a supplier without first making sustainability reforms.[25] (See Table 1.) Companies should be diligent in examining the forestry practices of their paper suppliers on the ground, and in communicating expectations on matters of sustainable forestry to those suppliers. For these book publishers, it is not just about defending shared morals and protecting the rights fundamental to their own existence, but also about keeping the promises to their readers reflected in their policies.

If publishers fail to act to address these environmental and moral issues and instead wait for Resolute's meritless lawsuits to be adjudicated, they help validate SLAPPs and embolden other corporations to pursue similar legal attacks against legitimate advocates speaking in the public interest. More fundamentally, such a position stands counter to the ethical standards of the entire publishing industry, including so many authors and readers around the world. Examining one's supply chain, being committed to environmental policies and standing up for free speech is not simply a business decision that can wait, this is about corporate integrity and doing the right thing for the future we all strive for.

20. Robertson, G. (2010).
21. Resolute Forest Products, Inc. et al v. Greenpeace International et al. (2016): Document 63-1
22. Resolute Forest Products, Inc. et al v. Greenpeace International et al. (2016): Document 63-1
23. Radio Canada (2011).
24. International Publisher Association (2014).
25. All five companies' paper policies include protections against sourcing from one or more of the following: High Conservation Value, old growth, ancient or endangered forests, or from contentious suppliers. Intact Forest Landscapes and Woodland Caribou habitat qualify as High Conservation Values. See Table 1 for specific references.

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TABLE 1

PUBLISHER	POLICY	RELEVANT PROTECTIONS
Penguin Random House	Worldwide Environmental Sourcing Policy[26]	"We require our printers and paper suppliers to avoid any **CONTROVERSIAL FIBER** … that is sourced from **HIGH CONSERVATION VALUE FORESTS.**" "We expect our suppliers to respect and protect the rights of their workers, the forest, natural resources, and the local Indigenous populations"
HarperCollins*Publishers*	Global Book Paper Procurement Policy[27]	"Fiber from the following will be excluded from all book paper used by HarperCollins: … endangered and **OLD GROWTH FORESTS** … [and] any **CONTENTIOUS SUPPLIER** or their affiliates …"
SIMON & SCHUSTER A VIACOM COMPANY	Environmental Initiative and Paper Policy[28]	"Simon & Schuster will endeavor to eliminate the use of paper that may contain fiber from endangered and **OLD-GROWTH FOREST** areas."
HACHETTE	Hachette Book Group Environmental Policy[29]	"HBG will not knowingly use paper sourced from any **ANCIENT** or endangered forests or do business with companies that source paper or fiber from illegal sources or **ENDANGERED FORESTS, FROM WITHIN REGIONS SUCH AS THE CANADIAN BOREAL FOREST…**" "Furthermore, we are committed to phasing out the use of any **CONTROVERSIAL SOURCES** of paper fiber."

26. Penguin Random House (2015).
27. HarperCollins (n.d.).
28. Publishing Executive (2007); Simon & Schuster (n.d.).
29. Hachette Book Group (2012).
30. Forest Stewardship Council (2013): Public Summary Report for Forest Management 2013 Annual Audit Report for Produits forestiers Résolu (Lac St-Jean). p. 15, 21-22, 41, 48; Forest Stewardship Council (2013): Public Summary Report for Forest Management 2013 Annual Audit Report for PF Résolu Canada Inc. (Mistassini-Péribonka). p. 9-10, 15-19, 26-28.
31. High Conservation Values are defined as biological, ecological, social or cultural values which are considered outstandingly significant or critically important, at the national, regional or global level. The HCV Resource Network outlines six values, which includes biological diversity, intact forests, threatened habitats, basic ecosystem services, basic necessities for local communities, and sites with historic and cultural significance. High Conservation Value Resource Network (n.d.)
32. High Conservation Values are defined as biological, ecological, social or cultural values which are considered outstandingly significant or critically important, at the national, regional or global level. The HCV Resource Network outlines six values, which includes biological diversity, intact forests, threatened habitats, basic ecosystem services, basic necessities for local communities, and sites with historic and cultural significance. High Conservation Value Resource Network (n.d.)

RESOLUTE FOREST PRODUCTS:

LOGGING IN ANCIENT AND OLD-GROWTH FORESTS[30]

DESTROYING INTACT FORESTS
— HIGH CONSERVATION VALUE #2[31]

DISTURBING THREATENED SPECIES HABITAT
— HIGH CONSERVATION VALUE #1[32]

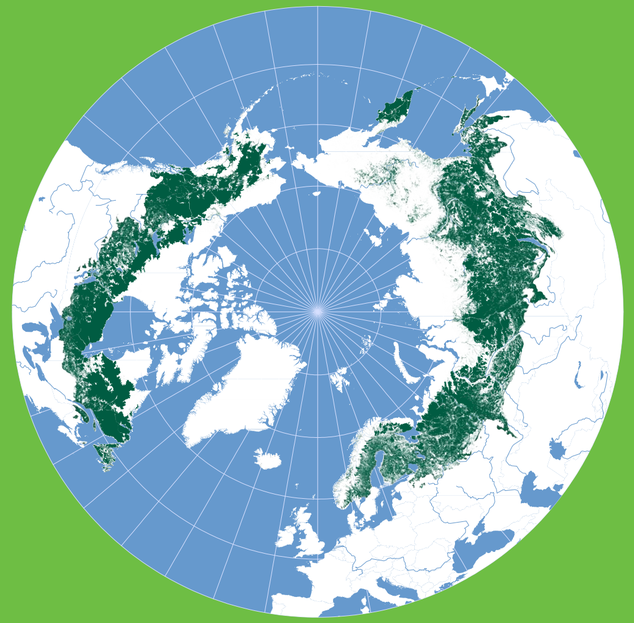
CONSIDERED A CONTROVERSIAL AND CONTENTIOUS COMPANY

Caribou Forest, managed by Resolute Forest Products. Northern Ontario.
© Daniel Beltra / Greenpeace

CANADA'S GREAT NORTHERN FOREST

The Great Northern Forest has many names.

Scientists understand the Great Northern Forest as the boreal forest ecosystem – the global forest blanketing the northern latitudes of the planet. If you look at the planet from above, it appears as a green wreath circling the Arctic, covering much of Canada, Russia, and the Nordic countries. In Canada in particular, this forest is known simply as the boreal forest, and for over 10,000 years it has grown and adapted. This ancient and living forest is a global treasure shaped by natural forces and stewarded by Indigenous Peoples. It serves as an important and stunning refuge for some of the world's iconic wildlife, while also protecting our global climate by storing tremendous amounts of carbon. For these reasons, Greenpeace has been proud to raise public concern for the protection of this forest for years.



INDIGENOUS PEOPLES

The vast landscapes of Canada's boreal forest include the traditional territories of some of the more than 600 individual First Nations in Canada,[33] who have been stewards of the land since time immemorial. Indeed, many of the boreal forest's features today reflect this human interaction, which has "... inextricably tied Indigenous Peoples to the landscapes that sustain and define the diverse Indigenous cultures in Canada."[34] **IN OTHER WORDS, THESE FORESTS ARE INDIGENOUS CULTURAL LANDSCAPES[35] (ICLS) OF DEEP SOCIAL, CULTURAL AND ECONOMIC VALUE. RESPECTING THE KNOWLEDGE AND RIGHTS OF THESE COMMUNITIES IS ESSENTIAL FOR LASTING FOREST PROTECTION.**

CARIBOU

The forest dwelling Woodland Caribou is one of Canada's most iconic animals. Listed on Canada's Species at Risk Act as threatened,[36] it is also seen as a key indicator for the health of the forest, a sort of "canary in the coal mine," because as the health and intactness of the forest declines, the caribou population does too.[37] Woodland Caribou require large areas of mature undisturbed forest for their survival, but each year the cumulative impact from industrial disturbances to their forest homes further threaten this species.[38]

33. The term "First Nations" refers to the culturally diverse and geographically widespread Indigenous Peoples in Canada who are neither Métis nor Inuit. There are over 900,000 First Nations persons in Canada. Government of Canada (2014): First Nations People in Canada.
34. Forest Stewardship Council (FSC) (2016) p.2.
35. The term "Indigenous Cultural Landscapes" (ICLs) refers to "living landscapes to which Indigenous peoples attribute social, cultural, and economic value because of their enduring relationship with the land, water, fauna, flora and spirits, and their present and future importance to their cultural identity. An ICL is characterized by features that have been maintained through long-term interactions with the landscape based on land-care knowledge, and adaptive livelihood practices. They are landscapes over which Indigenous peoples exercise responsibility for stewardship." Definition adopted by Forest Stewardship Council. Forest Stewardship Council (2016)
36. Government of Canada (2017): Species at Risk Public Registry; Gunn, A. (2016).
37. Indian Country Media Network (2011)
38. Environment Canada (2012).
39. Defenders of Wildlife (n.d.) ; United States Forest Service (n.d.).
40. Leclerc, M., et al. (2014).

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Woodland Caribou are members of the deer family but are unique in that both males and females grow antlers each year. They have adapted to harsh winter climates with semi-hollow hair that traps warm air next to their skin. Caribou also have large hooves that spread out when they walk, acting like snowshoes. When caribou run, tendons in their feet click, giving a running herd a signature sound. In winter, a caribou's diet consists almost entirely of lichen. No other large mammal can survive on this food source. Woodland caribou are particularly susceptible to habitat disturbance because it can take decades for a forest to grow enough lichen to support caribou,[39] and logging roads and clearcuts make adults and young calves more vulnerable to predation.[40]

OTHER WILDLIFE

Tens of thousands of plant and animal species are found within the Great Northern Forest.[41] A rich diversity of mammals ranging from caribou, moose, wolves, beavers and wolverines, to porcupines, flying squirrels, lynx and martens all call this forest home. As many as five billion birds, comprised of hundreds of bird species,[42] also spend part of every year in the Canadian boreal forest,[43] including the bald eagle,[44] olive-sided flycatcher,[45] Boreal owl,[46] and Canada warbler.[47] Several of these species thrive in ancient forests and are negatively impacted by industrial logging.[48] For many of these species, the Woodland Caribou acts as key indicator for their health and that of the forest. Woodland Caribou require large areas of mature and intact habitat to survive, so their struggles with the impacts of industrialization also serve as a warning sign that we must look more carefully at the overall health of the ecosystem.

Canada Lynx © Big Stock

American Pine Marten © Dave Taylor / Greenpeace

Canada Warbler © Bob MacDonnell

Moose
© Dave Taylor / Greenpeace

Wolverine
© Joe Blossom / Alamy Stock Photo

Woodland Caribou
© Markus Mauthe / Greenpeace

Black Bear / © Bob Taylor

Olive-sided Flycatcher © Glen Bartley

Boreal Owl © Frank Hildebran

Beaver © Bernd Roemmelt / Greenpeace

41. Ruckstuhl, K.E., et al. (2008).
42. Boreal Songbird Initiative (n.d.): Comprehensive Guide to Boreal Birds.
43. Robertson, B.A. et al. (2011); Wells, J. D. et al. (2014).
44. Boreal Songbird Initiative (n.d.): Bald Eagle.
45. Boreal Songbird Initiative (n.d.): Olive-Sided Flycatcher.
46. Boreal Songbird Initiative (n.d.): Boreal owl.
47. Boreal Songbird Initiative (n.d.): Canada Warbler.
48. Imbeau, L., et al (2001); Environment Canada (2012).

INTACT FORESTS

Canada's boreal forest contains some of the world's last large areas of intact forest, undisturbed by industrial development – these areas are classified by academics and mapping experts as Intact Forest Landscapes (IFLs).[49] These large swaths of ancient forest are critical habitat for threatened species and other wildlife,[50] contain a large share of the world's forest carbon,[51] and are known to be more resilient and better able to adapt to climate change than younger and degraded forests[52]. Large ancient forests are not only important because of these high conservation values,[53] but they also are most likely to remain healthy for generations and thus to continue to serve the key functions of a forest that are vital for wildlife[54] and communities.[55] To highlight the importance of intact forests for Woodland Caribou, their habitat overlaps with Intact Forest Landscapes by more than 93% in Ontario and more than 74% in Québec.[56] The protection of these intact forests is inseparable from Indigenous governance within their cultural landscapes.

CLIMATE

The Canadian boreal forest, holds an incredible amount of carbon locked up in its soil, peatland, permafrost and vegetation.[59] When such terrestrial carbon stores are stable, they can play a significant role in mitigating global climate change by preventing this carbon from reaching our atmosphere, while also sequestering carbon out of the atmosphere into new plant growth. Together, carbon storage and sequestration make a healthy Canadian boreal forest critical for a stable climate. **GLOBALLY, THE BOREAL FOREST IS THE WORLD'S LARGEST AND MOST IMPORTANT FOREST CARBON STOREHOUSE, HOLDING MORE CARBON THAN ALL TROPICAL RAINFORESTS COMBINED.**[60]

As overall levels of atmospheric carbon dioxide continue to rise and our climate warms, we are also beginning to experience the environmental changes this brings.[61] The global boreal zone is expected to be the fastest warming of all forests on the planet,[62] bringing warmer, drier conditions which will intensify and bring abnormally frequent droughts, fires, and pest infestations.[63] Fires have been a natural ecological force in the Canadian boreal forest for millennia; however, climate change has the potential to alter the frequency of these events and the size of the areas burned.[64] These impacts cause even more greenhouse gases to be released into the atmosphere from the forest, further exacerbating climate change and its effects. As a net carbon sink, a healthy Canadian boreal forest will not only provide durable climate change mitigation to avoid these impact, but will also preserve other ecosystem functions including habitat for wildlife.[65]

49. The term "Intact Forest Landscapes" (IFLs) refers to a geographic term, largely used for mapping, to indicate unbroken expanses of natural habitat (both forested and non-forested) within the current forest zone, showing no signs of significant human activity and large enough that all native biodiversity, including viable populations of wide-ranging species, can be maintained. In practice the threshold size is defined as 50,000 ha. IFLs consist mainly of dense and open forest (covering 81% of their area on average) with the remainder being swamp, rocky terrain, grassland, rivers, and lakes. Greenpeace International (2014); Mollicone, D., et al. (2006); Heino M., et al. (2015).
50. Environment Canada (2012).
51. Park, A. (2015); Holtsmark, B. (2012).
52. Andrew, M.E., et al. (2014); Millar, C., et al. (2007) ; Price, D., et al. (2013); Noss R.F. (2001).
53. High Conservation Values (HCV) are defined as biological, ecological, social or cultural values which are considered outstandingly significant or critically important, at the national, regional or global level. The HCV Resource Network outlines six values, which includes biological diversity, intact forests, threatened habitats, basic ecosystem services, basic necessities for local communities, and sites with historic and cultural significance. High Conservation Value Resource Network (n.d.).
54. Environment Canada (2012).
55. Dougherty, K. (2015).
56. Lee, P., et al. (2010) p. 27.
57. Assembly of First Nations (2016).
58. Perreaux, L. (2017); Weber, B. (2017).
59. Bradshaw, C. & Warkentin, I. (2015).
60. Gauthier, S., et al. (2015); Kasischke, E.S. (2000).
61. Gillett, N.P., et.al. (2004).
62. Weber, B. (2015).
63. Moore, B.A. & Allard, G.B. (2008).
64. Macias Fauria, M. & Johnson, E. (2008).
65. Bradshaw, C.A., et al. (2009).

Indigenous knowledge and governance will provide concrete and lasting solutions to protect these forested landscapes for future generations, and can also chart a path to a new era of reconciliation in Canada. Canada has endorsed the United Nations Declaration on the Rights of Indigenous Peoples, but the task of its full implementation lies ahead.[57] Some Indigenous-led conservation proposals are ready to go, but await government recognition.[58]

© Greenpeace

RESOLUTE FOREST PRODUCTS
A CONTENTIOUS SUPPLIER

Resolute Forest Products (TSX/NYSE: RFP) is a multi-billion dollar corporation[66] and one of the largest forest products companies in North America.[67] Resolute is the largest producer of newsprint globally by capacity[68] and a significant producer of market pulp, specialty papers and lumber in North America.[69] Greenpeace has been speaking up and raising public attention to Resolute's controversial environmental record including how terminated forestry certifications, and logging in and sourcing from intact forests and Woodland Caribou habitat, have defined Resolute's operations and reputation in recent years.

Many areas within Canada's managed forest have a long history of forestry. Working forests that undergo a series of cutting and regrowth cycles can provide a reliable and constant supply of fiber for the industry and steady jobs for local communities. Greenpeace believes that this, if done in a sustainable way, can be the basis for a healthy and well-respected forest products industry in Canada, one that can support local communities and workers well into the future.

Unfortunately, logging is also happening in the last few areas of undisturbed forest left in Canada's managed forest.

Resolute is actively logging in and/or sourcing from some of the last large intact areas of this managed forest[70] and disturbing threatened species habitat[71] to secure fiber for its products such as newsprint and book paper. The company is ignoring guidance from the best science[72] and is destroying these magnificent places. Resolute has also abandoned much of its prior commitment to sustainable operations, as evidenced by it dropping its commitment to get the vast majority of its forestlands certified by the Forest Stewardship Council,[73] as well as the termination of three FSC certifications in the last few years.[74]

Several forestry terms exist to describe the relationship between a forest products company, like Resolute, and the forest. To avoid confusion, we use these terms throughout this report with the following meanings:

LOGGING: The overall practice of going into the forest, converting trees to logs (harvesting) and transporting them to a mill for utilization. This term also includes associated activities such as road building.

HARVESTING: The physical removal of trees, or parts of trees, from the forest.

SOURCING: The receipt of logs, wood chips or other fiber from a forest area or mill regardless of who harvested the area.

MANAGING: The planning, oversight, and record-keeping of forestry activities, including the location, scale and schedule of logging activities conducted by parties harvesting and/or sourcing from the area.

"...WE BELIEVE THE BEHAVIOR OF RESOLUTE THREATENS THE OVERALL PROTECTION OF THE CANADIAN BOREAL FOREST; ACCEPTED PRACTICES OF THE FSC SYSTEM; AND THE CAPACITY OF CIVIL SOCIETY ORGANIZATIONS TO ENGAGE IN AND BROADEN SUSTAINABLE FORESTRY PRACTICES IN CANADA AND AROUND THE WORLD."

— NATURAL RESOURCES DEFENSE COUNCIL, FEBRUARY 2017.[163]

Caribou Forest, managed by Resolute Forest Products. Northern Ontario. © Daniel Beltra / Greenpeace

The images of the Caribou Forest contained throughout this report refer to the traditional territories of Indigenous Peoples. Greenpeace does not advance our own prescriptions for conservation, but rather seeks to join in the collaborative building of conservation plans with Indigenous Peoples at the center. Decision-making authority for what happens on the ground in the Caribou Forest and across the Canadian boreal forest rests with Indigenous Peoples.

PUTTING THREATENED SPECIES AT GREATER RISK

The Woodland Caribou (*Rangifer tarandus caribou*)[75] requires large tracts of undisturbed habitat, with shorelines and islands to support calving grounds, and mature to old-growth coniferous forest which reduces predation risk and provides lichens, peat lands, and hilly areas.[76] For this reason, Woodland Caribou habitat and Intact Forest Landscapes overlap to a very large extent; more than 93% in Ontario and more than 74% in Québec.[77]

The Woodland Caribou is listed as "threatened" under Canada's Species at Risk Act[78] and Ontario's Endangered Species Act,[79] and it is listed as "vulnerable" under Québec's Act Respecting Threatened and Vulnerable Species.[80] Globally the species is listed as "vulnerable" by the IUCN Red List, meaning it is "considered to be facing a high risk of extinction in the wild."[81] The habitat for Woodland Caribou in Canada is best defined at the herd range level, and Canada's government scientists have established a relationship between the level of disturbance in a range and the birth and survival of calves.[82] In 2012 federal scientists identified 51 ranges for Woodland Caribou herds throughout Canada.[83]

Woodland Caribou face many threats including disease and climate change, but disturbances caused by humans, "primarily logging activities, have been identified as the most important cause of caribou decline."[84]

The health and presence of Woodland Caribou is so tied to the health and resilience of their forest home that they are often viewed as a leading indicator of the overall health of the forest and other species with similar habitat requirements.[86]

In 2012, Canada's federal government environmental agency published a Federal Recovery Strategy for this threatened species, which identified the risk to caribou survival associated with different levels of habitat disturbance within their range. This federal scientific guidance, which is still in effect, specifically stated that a "...minimum of 65% undisturbed habitat in a range ... provides a measurable probability (60%) for a local population to be self-sustaining [ability of a local population to survive over the long term]. This threshold is considered a minimum because at 65% undisturbed habitat, there remains a significant risk (40%) that local populations will not be self-sustaining."[85]

As Resolute has logged more and more intact forest, so too has it added to the cumulative disturbance[87] of caribou habitat. While nationwide the areas of harvest each year may appear small in an ecosystem as large as the Canadian boreal forest, it is the constant chipping away at habitat inside the managed forest, year after year, that jeopardizes the survival of Woodland Caribou in these areas. It takes many decades before clearcut areas can begin to support caribou and once again grow the lichen they eat. **THE CUMULATIVE AND LONG LASTING NATURE OF THIS HABITAT DESTRUCTION CANNOT BE MASKED WITH ASSERTIONS THAT ONLY A SMALL PERCENTAGE OF FOREST IS LOGGED EACH YEAR.** On the contrary, assessing the health of specific caribou populations, provides a scientifically rigorous indicator of the overall health of the forest in these areas.

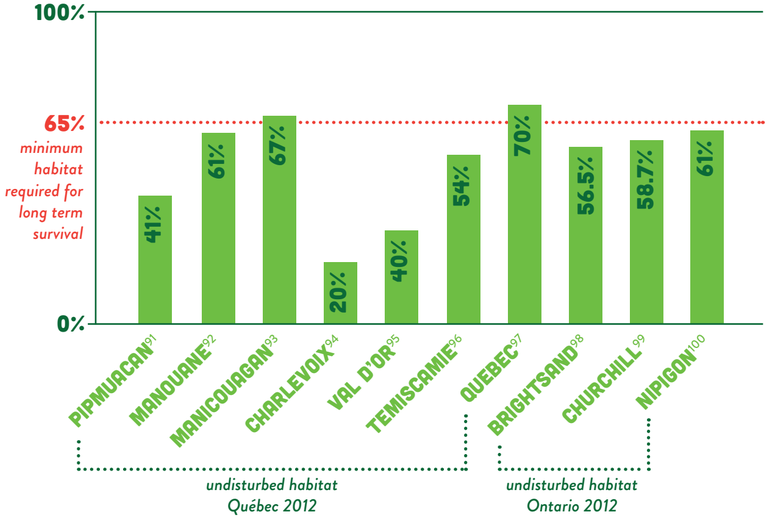
Woodland Caribou © Markus Mauthe / Greenpeace

66. Resolute Forest Products (2016) p. 3.
67. Resolute Forest Products (n.d.): About Resolute Forest Products.
68. "Resolute Forest Products is the largest global producer of newsprint by capacity. With 10 mills strategically located to serve major markets throughout North America and abroad, we supply customers in over 50 countries.Our total capacity is approximately 2.1 million metric tons, representing about 9% of worldwide capacity and 42% of North American capacity." Resolute Forest Products. (n.d.): Newsprint.
69. Resolute Forest Products (n.d): About Us.
70. See section entitled "Continued Destruction of Intact Forests" including Maps 2-3.
71. See section entitled "Putting Threatened Species at Risk."
72. Both government and independent scientists have established the best science on Woodland Caribou which clearly links current forest management practices in Canada and the disturbance of intact forests with cumulative detrimental impacts on this threatened species. Environment Canada (2012); Imbeau, L., et al. (2015).
73. Resolute Forest Products (2014) p. 33.
74. Listing Status of Resolute's FSC certifications: Terminated - RA - FM/COC - 004525 - Mistassini - Péribonka (Québec). Terminated - RA - FM/COC - 004570 - Caribou Forest (Ontario). Terminated - RA - FM/COC - 005956 - Lac St-Jean (Québec). In November 2015, Resolute regained a suspended certificate for its Black Spruce / Dog River-Matawin Forest certification. Forest Stewardship Council International (2017): FSC Public Search.
75. Woodland Caribou (Rangifer tarandus caribou) is a subspecies for which caribou scientists and Environment Canada have identified several ecotypes. For this report we are focusing on the non-migratory boreal ecotype and not the two other ecotypes of Woodland Caribou found in Ontario and Québec: the migratory ecotype, which inhabits the tundra and which carries out large annual migrations, and the mountainous ecotype, which lives at the top of some mountains in the Gaspé and the Torngat Mountains.
76. Environment Canada (2012).
77. Lee, P., et al. (2010) p. 27.
78. Government of Canada (2016): Species at Risk Public Registry.
79. Government of Ontario (2016): Endangered Species Act 2007.
80. Government of Québec, Ministry of Forest, Wildlife and Parks (n.d.).
81. This is in reference to the global Rangifer tarandus species without specification on location or ecotypes as described in note 75. Rangifer tarandus caribou, the specific subspecies and ecotype discussed in this report, is not analyzed separately by IUCN. Gunn, A. (2016).
82. Environment Canada (2012) p. 10; Pinard, V., et al. (2012).
83. Environment Canada (2012) p. 4.
84. Faille, G., et al. (2010) p. 2840 ; Beauchesne, D., Jaeger, J.A.G., & St-Laurent, M.H. (2014) p. 197.
85. Environment Canada (2012) p. 34.
86. Indian Country Media Network (2011).
87. Caribou habitat disturbance includes both natural or anthropogenic disturbances. Natural disturbances include fire (among others), while anthropogenic disturbance is mostly linked to industrial impacts including logging and associated road building by Resolute and other forestry companies, as well as other extractive industries' impacts. See note 84 for more information.

The best available data[88] shows that eight of the caribou herd ranges that overlap with Resolute's operations[89] in Ontario and Québec have less than the government identified minimum of undisturbed habitat, with one additional very near the limit. (See Table 2.) Outside of the two isolated ranges which have perilously low levels of suitable habitat (Charlevoix and Val d'Or), the Pipmuacan range in Québec is faring the worst, with only 41% of its habitat undisturbed in 2012, far from the 65% minimum level, giving it a questionable chance of survival.[90] **GIVEN THE STATE OF THESE HERDS' HABITAT AND THE LEVEL OF CUMULATIVE NATURAL AND HUMAN DISTURBANCES, EACH TIME RESOLUTE LOGS IN INTACT FORESTS AND WOODLAND CARIBOU HABITAT, IT IS FURTHER JEOPARDIZING THE SPECIES' CHANCES OF SURVIVAL.**

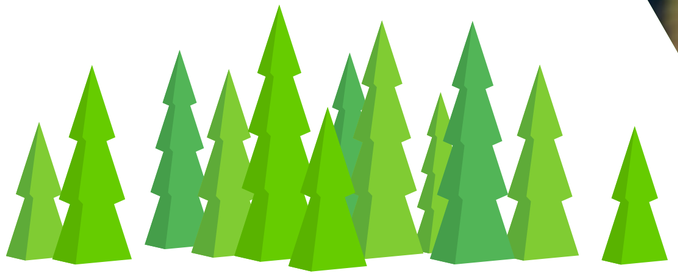
TABLE 2

Remaining undisturbed healthy caribou habitat for 10 Woodland Caribou ranges overlapping Resolute's operations



88. For this report, the Québec 2015 report was not used because it does not contain disturbance information for caribou ranges as defined by Environment Canada but rather uses 'caribou units' which generally align with forest management units as opposed to biologically determined herd ranges. Government of Québec, Ministry of Forest, Wildlife and Parks (2015).
89. In the context of this report, Resolute's operations are defined here as: "Sustainable Forest Licences" held by Resolute in Ontario and supply areas where the Québec provincial government has granted supply guarantees (garanties d'approvisionnement) to Resolute in Québec. Government of Québec, Ministry of Forest, Wildlife and Parks (2016); Government of Ontario Ministry of Natural Resources (1998a); Government of Ontario Ministry of Natural Resources (1998b); Government of Ontario Ministry of Natural Resources (1998c); Government of Ontario Ministry of Natural Resources (1999).
90. Environment Canada (2012) p.75.
91. Environment Canada (2012) p.75.
92. Environment Canada (2012) p.75.
93. Environment Canada (2012) p.75.
94. Environment Canada (2012) p.74.
95. Environment Canada (2012) p.74.
96. Rudolph, T. D., et al. (2012) p.44.
97. "The range is likely made up of several populations for which the self-sustainability status may vary. New data is currently being collected by the provincial jurisdiction for this range. This may result in an update to the range delineation and/or the identification of new ranges, as well as a revision of their self-sustainability status following integrated risk assessment of new ranges or new range boundaries." Environment Canada (2012) p. 69, 75.
98. Government of Ontario Ministry of Natural Resources and Forestry (2014): State of the Woodland Caribou Resource Report. Figure 2-1 p. 42; Ontario Ministry of Natural Resources and Forestry (2014): Integrated Range Assessment for Woodland Caribou and their Habitat: Brightsand Range 2011, p. x.
99. Government of Ontario Ministry of Natural Resources and Forestry (2014): State of the Woodland Caribou Resource Report. Figure 2-1 p. 42; Government of Ontario Ministry of Natural Resources & Forestry (2014): Integrated Range Assessment for Woodland Caribou and their Habitat: Churchill Range 2012, p. x.
100. Government of Ontario Ministry of Natural Resources and Forestry (2014): State of the Woodland Caribou Resource Report. Figure 2-1 p. 42; Government of Ontario Ministry of Natural Resources and Forestry (2014): Integrated Range Assessment for Woodland Caribou and their Habitat: Nipigon Range 2010, p. 58.

The Brightsand range in Ontario is a telling indicator of the impact Resolute is having on caribou habitat, because most of the areas where industrial logging is allowed on public land inside this range are managed by Resolute (and have been for over 17 years), including parts of the Caribou Forest, English River, and Black Spruce Forest management units.[101] The latest assessment from 2015, reports that 45.4 % of this range had been disturbed, up from 43.5% in 2013. To date only 54.6% of this herd's range is intact.[102] The Brightsand range has also been found to be experiencing a "declining population trend," making every additional disturbance to habitat worrisome for the long-term survival of the herd.[103]



Woodland Caribou © Wayne Sawchuk / Greenpeace

101. Resolute Forest Products was formerly known as AbitibiBowater Inc., which was created by the merger of Bowater and Abitibi-Consolidated in 2007. In 2009, the company filed for bankruptcy protection. AbitibiBowater emerged from creditor protection in 2010 and changed its name to Resolute in late 2011. Government of Ontario Ministry of Natural Resources and Forestry (1998a); Government of Ontario Ministry of Natural Resources and Forestry (1998b); Government of Ontario Ministry of Natural Resources and Forestry (1998c); Government of Ontario Ministry of Natural Resources and Forestry (1999).
102. Elkie and Green (2016).
103. Government of Ontario Ministry of Natural Resources and Forestry (2014): Integrated Range Assessment for Woodland Caribou and their Habitat: Brightsand Range 2011, p. x.

Similarly, inside the Caribou Forest, managed by Resolute, lies the St. Raphael Signature Site and Provincial Park, a stunning natural site inside the Churchill caribou range that serves as a particularly important winter habitat[105] and calving ground[106] for Woodland Caribou. (See Map 1.) This area also includes rare old growth red pine forest and raised bogs, and it is also habitat for bald eagle, lynx and other species.[107] Although a portion of this site is protected, it also includes enhanced management areas that allow logging to take place. Local naturalists have been opposing any additional habitat disturbance in and around this area for years,[108] arguing that "recent science suggests caribou are unlikely to persist if logging continues at its current pace."[109]

104. These seven conservation organizations made this comment to explain their decision to suspend work with Resolute as part of the Canadian Boreal Forest Agreement. Canadian Parks & Wilderness Society (2013).
105. Ontario Nature (n.d.): Protect Woodland Caribou.
106. Government of Ontario (2001): St. Raphael Provincial Park Management Statement.
107. Government of Ontario (2001): St. Raphael Provincial Park Management Statement.
108. Ontario Nature (n.d.): Protect Woodland Caribou.
109. Ontario Nature (n.d.): Save St. Raphael.

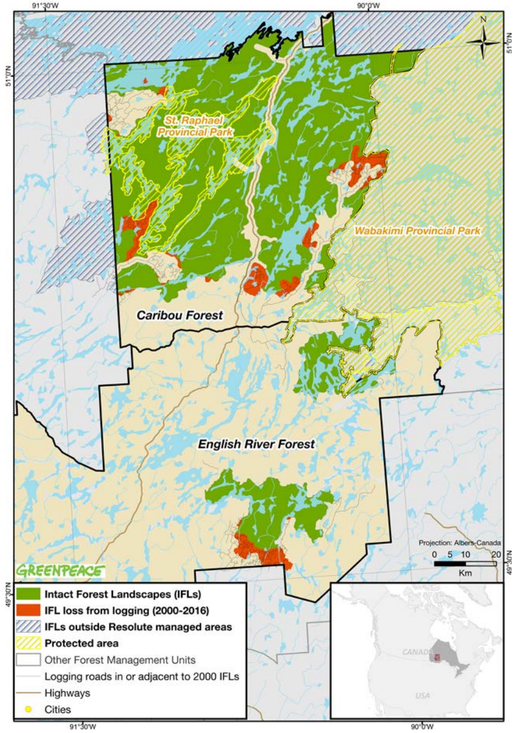
"[OUR] ASSESSMENT, BASED ON FEDERAL GOVERNMENT SCIENCE, IS THAT RESOLUTE'S FORESTRY PLANS WOULD SEVERELY DIMINISH THE CHANCES THAT ANY CARIBOU HERDS WITHIN THEIR TENURES WILL SURVIVE AFTER THEIR LOGGING OPERATIONS."

— CANADIAN BOREAL INITIATIVE, CANADIAN PARKS AND WILDERNESS SOCIETY, DAVID SUZUKI FOUNDATION, FORESTETHICS, IVEY FOUNDATION, THE NATURE CONSERVANCY AND THE INTERNATIONAL BOREAL CONSERVATION CAMPAIGN.[104]

St. Raphael Provincial Park in Caribou Forest. Northern Ontario. © Daniel Beltra / Greenpeace

MAP 1[110]

Location of St. Raphael Signature Site and Provincial Park in relation to Intact Forest Landscape loss. Ontario. 2000-2016



Mapping analysis depicts forest impact 1 kilometer around disturbances.

The science is very clear: Resolute is harming a threatened species' chances of survival by undermining the forest's ability to support healthy and self-sustaining caribou populations. If current forest management practices do not change, especially in the ranges that are already at or exceeding the maximum threshold of disturbances as established by science, then the long-term survival of these animals is unlikely. Suggestions to the contrary are simply uninformed.

IN 2015, A FEDERAL GOVERNMENT ANALYSIS OF 37 OF 51 WOODLAND CARIBOU RANGES ACROSS CANADA REPORTED THAT 81% WERE IN DECLINE, WITH A 30% DECLINE IN POPULATION PREDICTED IN THE NEAR FUTURE.[111] SCIENCE PUBLISHED IN 2017 ARGUES THAT THERE IS AN EVER GREATER NEED FOR UNDISTURBED HABITAT FOR RANGES CURRENTLY AT SUBOPTIMAL HEALTH. THIS ADVISES THAT THE NEED FOR 65% UNDISTURBED HABITAT IS AN ABSOLUTE BARE MINIMUM, AND SHOULD BE SEEN AS INADEQUATE FOR THE MAJORITY OF WOODLAND CARIBOU THROUGHOUT THE COUNTRY.[112] TO HIGHLIGHT THE SEVERITY OF THE SITUATION, THE VAL D'OR HERD FOUND IN QUÉBEC WAS RECENTLY DETERMINED TO CONSIST OF NO MORE THAN 15 WOODLAND CARIBOU – A 50% DECLINE FROM FIVE YEARS AGO.[113] MUCH OF THEIR HABITAT HAS BEEN DISTURBED BY LOGGING AND OTHER INDUSTRIAL ACTIVITY.[114]

110. Greenpeace analysis based on: IFL 2000: Potapov P., et al. (2008); IFL 2013: Potapov, P., et al. (2016); IFL 2016 for Resolute concessions: Greenpeace update of IFL 2013 map using analysis conducted on the basis of original Landsats (listLandsat.txt) and Mosaics (2015-2016) on an appropriate scale (1: 50 000) manually; Logging roads: Greenpeace analysis, April 2017; FMU boundaries: Government of Ontario, Ministry of Natural Resources and Forestry (2017); Provincial Park boundaries: Protected Planet (n.d). Greenpeace maps and analysis externally reviewed by University of Maryland specialist in 2017.
111. Government of Canada (2015).
112. Rudolph, T.D., et al. (2017) p. 3.
113. Champagne, É.P. (2017).
114. Sparks, R. (2017).

Caribou Forest, managed by Resolute Forest Products. Northern Ontario. © Daniel Beltra / Greenpeace

CONTINUED DESTRUCTION OF INTACT FORESTS

The struggles of Woodland Caribou are inherently tied to the health of their prime habitat – Canada's remaining large intact areas of undisturbed forest.[115] The loss of intact forests in Canada is a paramount concern because intact forests are more than just remote beautiful places and threatened species habitat; they are also Indigenous Cultural Landscapes which have sustained human life since time immemorial.

Intact forests contain incredible amounts of carbon locked up in their plants and soil,[116] as well as in peatlands and permafrost.[117] The continuous forest cover protects the soil from temperature and moisture fluctuations.[118] And forests undisturbed by industrial development are more resilient in the face of climate change and pest infestations than degraded forests.[119] Healthy forests slow the rate of change across a landscape, moderate local climates and provide alternative habitats.[120] Mature trees are also more robust and better able to keep up with rapidly changing conditions and repopulate after disturbances.[121]

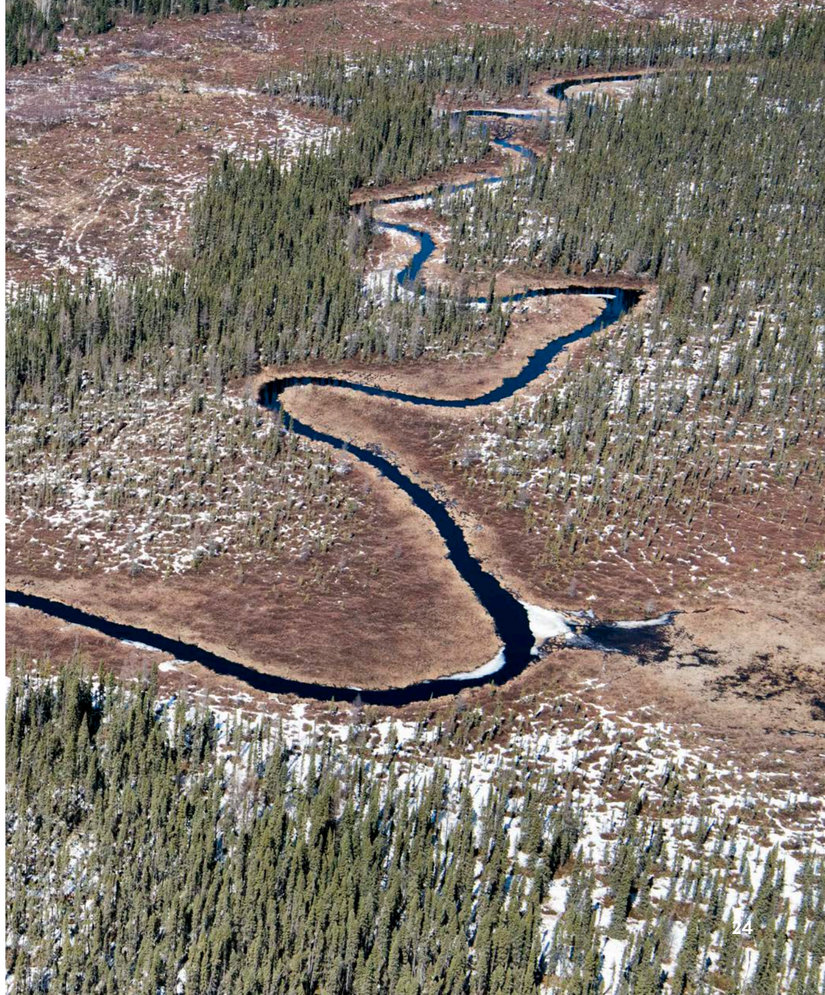
115. Environment Canada (2012).
116. Bradshaw, C. & Warkentin, I. (2015).
117. Bradshaw, C. & Warkentin, I. (2015); Price, D. et al. (2013).
118. Chang, X. et al. (2015); Schelker, J., et al. (2013).
119. Andrew, M.E., et al. (2014); Millar, C., et al. (2007); Price, D., et al. (2013); Noss R.F. (2001).
120. Noss R.F. (2001).
121. Because of their high connectivity and their abundant production of seeds, cones, and other propagules, landscapes within the boreal forest that are intact and contiguous will be best able to keep up with rapidly changing climate conditions. Millar, C., et al. (2007); Price, D., et al. (2013).

Caribou Forest, managed by Resolute Forest Products. Northern Ontario. © Daniel Beltra / Greenpeace

Industrial development inside of an Intact Forest Landscape can destroy it because, by definition, an intact forest cannot be fragmented or degraded and at the same time maintain its full value for wildlife and ecosystem functions.[122] It is this undisturbed habitat, for example, that is critical for wildlife like the Woodland Caribou.[123]

Today, the managed forest of northern Ontario and northern Québec still contain areas of large intact forest. Unfortunately, Resolute has been harvesting and/or sourcing from deeper and deeper into some of these areas, destroying their unique attributes.

Caribou Forest, managed by Resolute Forest Products. Northern Ontario. © Daniel Beltra / Greenpeace

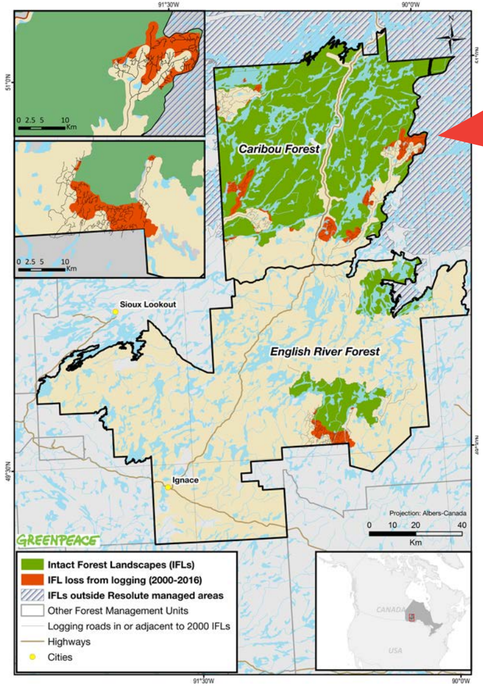


In Northern Ontario, Resolute holds "Sustainable Forest Licenses" granted by the provincial government for several forest management units, including areas called the Caribou Forest and English River Forest[124] which include areas of intact forest. Resolute is not the only company harvesting in these forests, but it is exclusively responsible for the development of forest management plans for these forests, which are then approved by the Ontario Ministry of Natural Resources and Forests.[125] As such, under Resolute's management of these forests in Ontario, including the planning of road building and harvesting, more than 41,000 hectares of Intact Forest Landscapes were destroyed between 2000 and 2016.[126] This includes over 1,500 hectares of IFLs destroyed between 2013 – when Resolute filed its lawsuit against Greenpeace Canada – and 2016.[127] Nearly all of the areas of lost IFL overlap or immediately border areas specifically earmarked by Resolute for logging as part of its ten-year Forest Management Plans.[128] See Map 2.

Map 2 illustrates the new logging roads and Intact Forest Landscape loss during this time.

MAP 2[129]

Intact Forest Landscape Loss from Logging in Forests Managed by Resolute Forest Products. Ontario. 2000-2016.

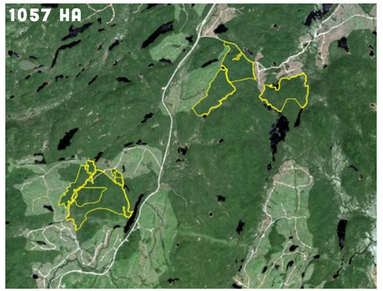


Caribou Forest, managed by Resolute Forest Products. Northern Ontario. © Daniel Beltra / Greenpeace

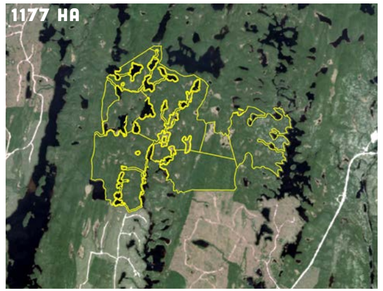
Caribou Forest, managed by Resolute Forest Products. Northern Ontario. © Daniel Beltra / Greenpeace

122. Intact Forest Landscapes (IFLs) are unbroken expanses of natural ecosystems within the forest zone extent that show no signs of significant human activity and are large enough that all native biodiversity, including viable populations of wide-ranging species, could be maintained. IFLs need to be at least 500 square kilometers with a minimum width of at least 10 kilometers. Global Forest Watch (2000).
123. Environment Canada (2012).
124. Resolute Forest Products was formerly known as AbitibiBowater Inc., which was created by the merger of Bowater and Abitibi-Consolidated in 2007. In 2009, the company filed for bankruptcy protection. AbitibiBowater emerged from creditor protection in 2010 and changed its name to Resolute in late 2011. Government of Ontario Ministry of Natural Resources (1998a); Government of Ontario Ministry of Natural Resources (1998b).
125. Government of Ontario, Ministry of Natural Resources and Bowater Canadian Forest Products, Inc. (2007); Government of Ontario, Ministry of Natural Resources and AbitibiBowater Incorporated (2008).
126. Greenpeace analysis based on: IFL 2000: Potapov P., et al. (2008); IFL 2013: Potapov, P., et al. (2016); IFL 2016 for Resolute concessions: Greenpeace update of IFL 2013 map, April 2017; Logging roads: Greenpeace analysis, April 2017; FMU boundaries: Government of Ontario, Ministry of Natural Resources and Forestry (2017). Greenpeace analysis externally reviewed by University of Maryland specialist in 2017. Projection resulted in 41,660ha +/- 10ha.
127. Greenpeace analysis based on: IFL 2000: Potapov P., et al. (2008); IFL 2013: Potapov, P., et al. (2016); IFL 2016 for Resolute concessions: Greenpeace update of IFL 2013 map, April 2017; Logging roads: Greenpeace analysis, April 2017; FMU boundaries: Government of Ontario, Ministry of Natural Resources and Forestry (2017). The IFL concept foresees a buffer zone of 1km on either side of roads and disturbances. Greenpeace analysis externally reviewed by University of Maryland specialists in 2017. Projection resulted in 1,558ha +/-10ha.
128. Government of Ontario, Ministry of Natural Resources and Bowater Canadian Forest Products, Inc. (2007), Map 8.1; Government of Ontario, Ministry of Natural Resources and AbitibiBowater Incorporated (2008).
129. Greenpeace analysis based on: IFL 2000: Potapov P., et al. (2008); IFL 2013: Potapov, P., et al. (2016); IFL 2016 for Resolute concessions: Greenpeace update of IFL 2013 map using analysis conducted on the basis of original Landsats (listLandsat.txt) and Mosaics (2015-2016) on an appropriate scale (1: 50 000) manually; Logging roads: Greenpeace analysis, April 2017; FMU boundaries: Government of Ontario, Ministry of Natural Resources and Forestry (2017). Greenpeace analysis externally reviewed by University of Maryland specialist in 2017.

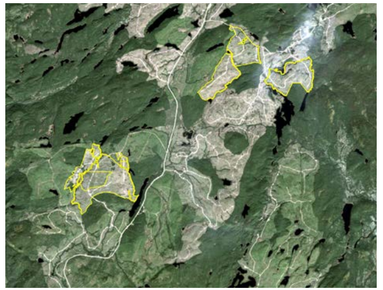
SATELLITE IMAGES SHOWING THE HARVESTING OF THREE AREAS OF INTACT FOREST AND CARIBOU HABITAT OBTAINED VIA PROVINCIAL AUCTION BY RESOLUTE FOREST PRODUCTS SINCE 2013.



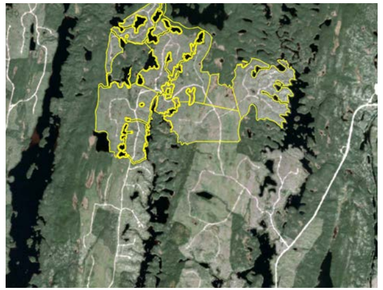
Bonnard 2013[139]



Devau 2013[141]



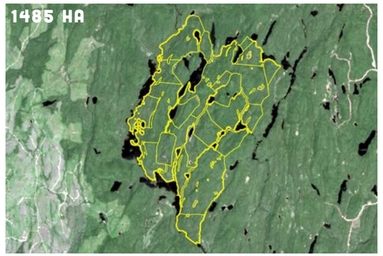
Bonnard 2016[140]



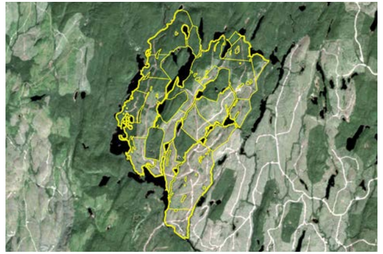
Devau 2016[142]

The Tremblay, Bonnard and Devau auction locations serve as examples of Resolute's controversial operations. These areas of intact forest and caribou habitat were actively sought out by Resolute despite compelling science highlighting the cumulative impacts that logging in these areas, year after year, can have on threatened Woodland Caribou. Greenpeace does not advance our own prescriptions for conservation, but rather seeks to join in the collaborative building of conservation plans with Indigenous Peoples at the center. Decision-making authority for what happens on the ground across the Canadian boreal forest rests with Indigenous Peoples.

139. Landsat 8 (2013a)
140. Landsat 8 (2016a)
141. Landsat 8 (2013b)
142. Landsat 8 (2016b)
143. Landsat 8 (2013c)
144. Landsat 8 (2016c)
145. Landsat 8: (2017)



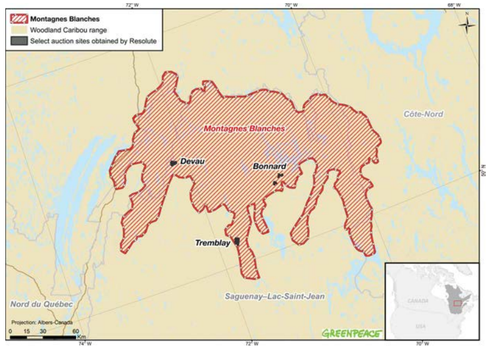
Tremblay 2013[143] *1485ha*



Tremblay 2016[144]

Tremblay 2017[145]

MAP 3[146]



In Northern Québec, Resolute logs in and sources from a large geographic area managed directly by the Québec provincial government. Resolute is given timber volume allocations[130] alongside other forestry companies operating in the region. The exact harvesting areas for each company are not made public by the provincial government. However, a parallel auction system allocating additional harvesting rights allows the identification of at least a few company-specific areas of operation. Through this process, since 2013, Resolute has acquired three harvest blocks through auction sales[131] inside the Montagnes Blanches,[132] an area of forest with high conservation values that local organizations have for years sought to protect.[133] (See satellite images and Map 3.) The Devau,[134] Bonnard[135] and Tremblay[136] sites total 3,719 hectares and included intact forest[137] and caribou habitat.[138] All three sites have been logged; the Tremblay site being most recent, with logging completed in winter 2016/2017.

130. Garanties d'approvisionnement or supply guarantees.
131. Government of Québec, Le Bureau de mise en marché des bois (n.d.).
132. See Map 3.
133. For example see: Société pour la nature et les parcs du Canada (2016).
134. The 1,177ha Devau site was awarded to Resolute Forest Products on June 5, 2013. Government of Québec, Le Bureau de mise en marché des bois (n.d.). Devau.
135. The 1,057ha Bonnard site was awarded to Resolute Forest Products on May 28, 2014. Government of Québec, Le Bureau de mise en marché des bois (n.d.). Bonnard.
136. The 1,485ha Tremblay site was awarded to Resolute Forest Products on May 11, 2016. Government of Québec, Le Bureau de mise en marché des bois (n.d.). Tremblay.
137. All three sites overlapped with Intact Forest Landscapes as mapped out by Greenpeace teams for the year 2000 using: Potapov P., et al. (2008). Bonnard partially overlapped with IFLs as mapped out for the year 2013 using Potapov, P., et al. (2016).
138. Government of Québec, Ministry of Forest, Wildlife and Parks (2013) p.7.

Montagnes Blanches, Northern Québec. © Markus Mauthe / Greenpeace

THE LOGGING LOOPHOLE

It is often assumed that threatened species will have some level of protection afforded to them through government mandate. Canada's Species at Risk Act and the Ontario Endangered Species Act both prohibit the harming of threatened animals and the damaging of their habitat; **HOWEVER, THE FOREST INDUSTRY WAS ONE OF SEVERAL SECTORS GRANTED AN EXEMPTION TO ONTARIO'S ENDANGERED SPECIES ACT IN 2013.**[147] The exemption remains in place today, allowing years of habitat destruction to take place.[148] Resolute also continues to lobby the government of Québec to push back against federal government science and the parameters it has established as necessary for the health of the species and forest.[149]

Similarly, when the Recovery Strategy for Boreal Woodland Caribou was developed under Canada's Species at Risk Act in 2012, all provinces and territories were mandated to have plans in place to recover their Woodland Caribou populations by October 2017.[150] However, to date, neither Ontario nor Québec have provided concrete details regarding measures they intend to put in place to implement this federal requirement. Additionally, the government of Québec recently announced a two-phase action plan to better protect Woodland Caribou habitat,[151] but there are concerns about its details and implementation. Overall there has been little concrete progress on the ground.[152]

Because of these loopholes and the need for provincial governments in particular to be more proactive, it is critical that both Resolute and its customers make sustainability decisions not just based on the letter of the law, but through the advice of trusted third-party evaluators like the Forest Stewardship Council and environmental groups like Stand.earth, NRDC, Ontario Nature, Nature Québec and Canadian Parks and Wilderness Society, who work ahead of these policy changes using the best available science. Ultimately, more needs to be done among governments, corporations, and environmental advocates to promote lasting solutions for the boreal forest.

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ABANDONING SUSTAINABILITY

The Forest Stewardship Council (FSC) is the only forest certification scheme that is widely endorsed by the environmental community[153] for meeting credible thresholds for responsible forest management practices that, when implemented correctly, support local communities and respect Indigenous People's rights.[154] FSC certification has been achieved on over 54 million hectares in 71 different forest management units managed by numerous companies across Canada.[155] Tembec, a forest products company operating in Canada's boreal forest, has all 100% of its nearly 9 million hectares of forestlands certified by FSC.[156] And it is the preferred standard for leading consumer companies purchasing forest products such as Kimberly-Clark,[157] Williams-Sonoma[158] and the Walt Disney Company.[159]

Resolute, once considered a leader in the FSC in Canada, with the most hectares of any company certified[160] has made it clear that it has abandoned its original commitment to obtain FSC certification for its forestry operations. In 2011, Resolute committed to having 80% of its forestlands certified by the FSC by 2015;[161] however, in April 2014, Resolute announced it was no longer keeping this commitment.[162] **SINCE 2012 THE ACREAGE OF LAND MANAGED AND/OR HARVESTED BY RESOLUTE IN CANADA WITH FSC CERTIFICATION HAS FALLEN BY NEARLY 50%.**[163] Indeed by 2015, Resolute stated that it would not seek new certifications nor recover terminated ones from FSC and signaled that it may not renew existing certifications.[164] At the same time, Resolute has chosen to focus on another certification system that is widely considered a less robust system. (See page 33).

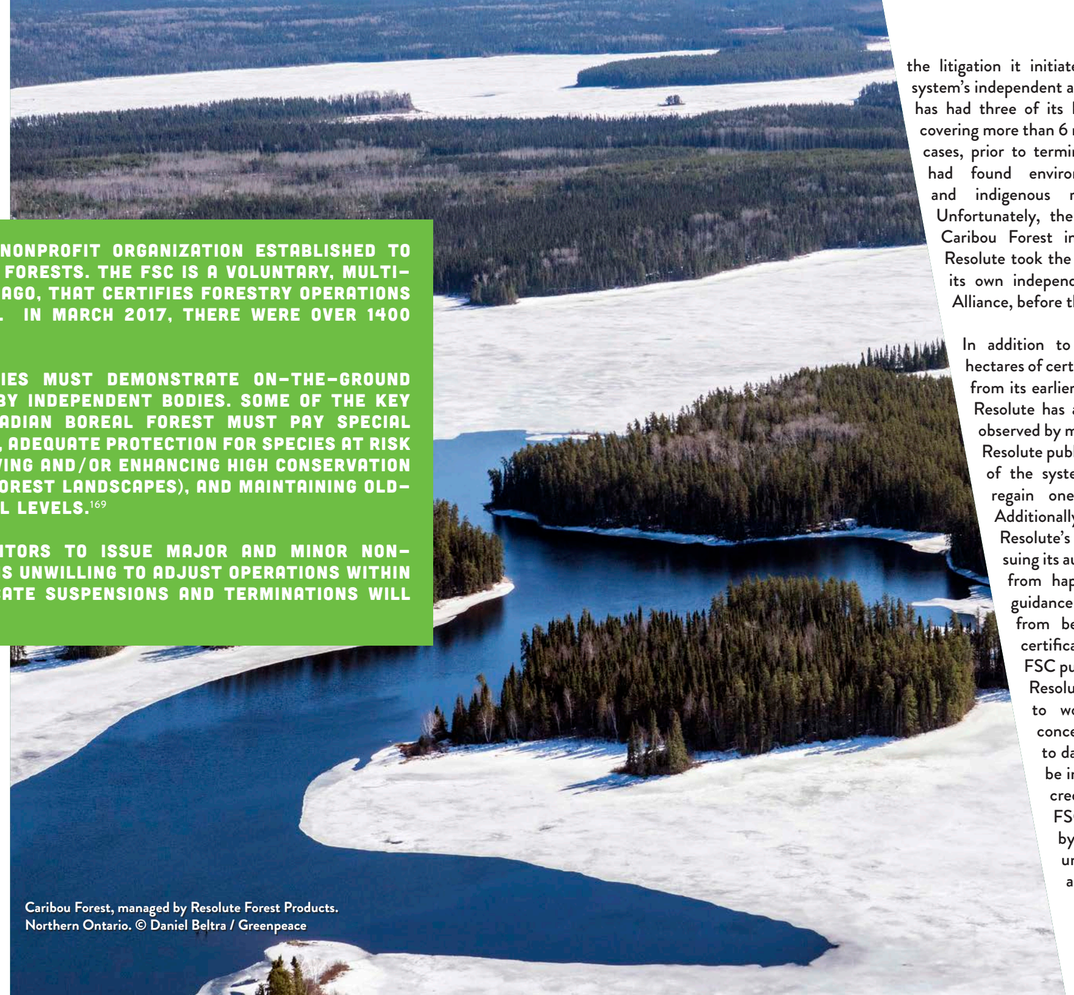
Some of the most concerning aspects of Resolute's recent record are the loss of FSC certifications and the litigation it initiated against one of the FSC system's independent auditors. Since 2013, Resolute has had three of its FSC certificates terminated, covering more than 6 million hectares.[165] In all three cases, prior to termination, independent auditors had found environmental non-conformances and indigenous rights non-conformances.[166] Unfortunately, the most recent audit for the Caribou Forest in Ontario was sealed after Resolute took the unprecedented step of suing its own independent auditor, the Rainforest Alliance, before the report could be released.[167]

In addition to publicly losing millions of hectares of certified forests and backing away from its earlier commitment to the system, Resolute has also violated common norms observed by members of the FSC system.[171] Resolute publicly undermined the integrity of the system[172] even while working to regain one suspended certification.[173] Additionally, in order to prevent Resolute's unprecedented behavior of suing its auditor to seal audit documents from happening again, FSC issued guidance to prevent an FSC certificate from being in place without valid certification audits and decisions.[174] FSC publicly offered to sit down with Resolute and other stakeholders to work out a solution to its concerns.[175] However, Resolute, to date, has also been unwilling to be involved in this, or any kind of credible solutions process despite FSC's process being supported by environmental NGOs,[176] unions,[177] Indigenous groups[178] and political organizations.[179]

THE FOREST STEWARDSHIP COUNCIL IS AN INDEPENDENT NONPROFIT ORGANIZATION ESTABLISHED TO PROMOTE THE RESPONSIBLE MANAGEMENT OF THE WORLD'S FORESTS. THE FSC IS A VOLUNTARY, MULTI-STAKEHOLDER SYSTEM, ESTABLISHED MORE THAN 20 YEARS AGO, THAT CERTIFIES FORESTRY OPERATIONS ACCORDING TO KEY SOCIAL AND ENVIRONMENTAL CRITERIA. IN MARCH 2017, THERE WERE OVER 1400 CERTIFICATIONS IN MORE THAN 80 COUNTRIES.[168]

TO ACQUIRE AND MAINTAIN FSC CERTIFICATION, COMPANIES MUST DEMONSTRATE ON-THE-GROUND COMPLIANCE WITH FSC STANDARDS, WHICH IS MONITORED BY INDEPENDENT BODIES. SOME OF THE KEY REQUIREMENTS THAT COMPANIES OPERATING IN THE CANADIAN BOREAL FOREST MUST PAY SPECIAL ATTENTION TO INCLUDE: THE RIGHTS OF INDIGENOUS PEOPLES, ADEQUATE PROTECTION FOR SPECIES AT RISK (SUCH AS WOODLAND CARIBOU AND THEIR HABITAT), CONSERVING AND/OR ENHANCING HIGH CONSERVATION VALUE FORESTS (WHICH NOW EXPLICITLY INCLUDES INTACT FOREST LANDSCAPES), AND MAINTAINING OLD-GROWTH FORESTS IN PROPORTIONS COMPARABLE TO NATURAL LEVELS.[169]

FAILURE TO MEET THESE REQUIREMENTS CAN LEAD AUDITORS TO ISSUE MAJOR AND MINOR NON-CONFORMANCES. WHERE THE CERTIFICATE HOLDER FAILS OR IS UNWILLING TO ADJUST OPERATIONS WITHIN THE TIMEFRAME SET BY THE FSC AND AUDITORS, CERTIFICATE SUSPENSIONS AND TERMINATIONS WILL RESULT.[170]



Caribou Forest, managed by Resolute Forest Products. Northern Ontario. © Daniel Beltra / Greenpeace

146. Greenpeace analysis based on: Auction sites: Government of Québec, Le Bureau de mise en marché des bois (n.d.); Woodland Caribou distribution: Environment Canada (2012) p.3; Montagnes Blanches: Greenpeace Canada (2016).
147. Ontario Regulation 176/13 came into effect in July 2013. It exempts major industries, including forestry, from the prohibition against killing at-risk species or destroying their habitat. This exemption does still require that forest management plans be drafted and approved by the province and include some protections for Woodland Caribou including habitat considerations, however the core provisions of the ESA do not apply. Wildlands League (2016).
148. Government of Ontario (2016); Casey, L. (2016).
149. Potvin, L. (2016).
150. Environment Canada (2012) p. iii.
151. Government of Québec, Ministry of Forest, Wildlife and Parks (2016): Boreal Forest.
152. Tremblay, L. (2015); Société pour la nature et les parcs du Canada. (2015): Proteger le Canada; Festa-Bianchet, M., et al. (2011).
153. Sierra Club (n.d.).
154. Forest Stewardship Council Canada (n.d.): Benefits of FSC.
155. Forest Stewardship Council Canada (2015): FSC Facts and Figures as of December 2015.
156. Tembec (2016).
157. Kimberly-Clark (2009).
158. Williams-Sonoma Inc. (n.d.).
159. The Walt Disney Company (2012).
160. In 2012 Resolute became the largest manager of FSC certified forests worldwide. World Wildlife Fund (2012).
161. Resolute Forest Products (2011).
162. Resolute Forest Products (2014) p. 33.
163. In 2012, Resolute managed 20,750,635 hectares of public and private woodlands, with 13,903,813 hectares covered by valid FSC certificates. In March 2017, only 7,511,548 hectares of Resolute's woodlands remain FSC certified. The decline is equivalent to a 46% decrease. Search "Resolute" in FSC's public certificate search to see all valid and terminated certificates. See: Forest Stewardship Council International (2017): FSC Public Search; Swift, A. (2017).
164. The Canadian Press (2015).
165. Listing Status of Resolute's FSC certifications: Terminated - RA - FM/COC - 004525 - Mistassini - Péribonka (Québec). Terminated - RA - FM/COC - 004570 - Caribou Forest (Ontario). Terminated - RA - FM/COC - 005956 - Lac St-Jean (Québec). In November 2015, Resolute regained a suspended certificate for its Black Spruce / Dog River-Matawin Forest. Forest Stewardship Council International (2017): FSC Public Search.
166. Forest Stewardship Council (2013): Public Summary Report for Forest Management 2013 Annual Audit Report for Produits forestiers Résolu (Lac St-Jean); Forest Stewardship Council (2013): Public Summary Report for Forest Management 2013 Annual Audit Report for PF Résolu Canada Inc. (Mistassini-Péribonka); Forest Stewardship Council (2013) Forest Management 2013 Annual Audit for Resolute FP (Caribou Forest, Ontario).
167. Resolute Forest Products v. Rainforest Alliance, Inc., et al. (2014).
168. Forest Stewardship Council (2017): Facts and Figures.
169. Forest Stewardship Council Canada Working Group (2004).
170. Forest Stewardship Council (2015): General Requirement for FSC Accredited Certification Bodies.
171. FSC members' requirements under Policy for Association include the requirement that "the candidate genuinely supports FSC and its activities." Forest Stewardship Council (2014): FSC AC Statutes §12 (5) (c).
172. "We continue to receive worrying messages about attempts from Resolute Forest Products to spread negative stories about FSC." Carstensen, K. (2015).
173. Resolute regained its Black Spruce / Dog River-Matawin certificate in November 2015. Resolute Forest Products (2015): Resolute Announces Reinstatement of FSC Certification in Ontario.
174. Forest Stewardship Council Canada (2015): Resolute Forest Products' Caribou Forest FSC Certificate Terminated.
175. Carstensen, K. (2015).
176. World Wildlife Fund (2015).
177. Confédération des syndicats nationaux (2015).
178. Pekuakamiulnuatsh Takuhikan (2015): FSC Mediation Proposal.
179. Assembly of First Nations Québec and Labrador (2015).

The Forest Stewardship Council contains a framework, as well as principles and criteria, that provides socially and ecologically responsible practices if implemented correctly. No other forest certification schemes, such as Programme for the Endorsement of Forest Certification (PEFC), nor its endorsed North American scheme – the Sustainable Forestry Initiative (SFI) – have the ability to ensure responsible forest management. These systems lack robust requirements to protect social and ecological values, and for this reason SFI lacks the support of leading environmental organizations and many environmentally-aware corporations.[180] The SFI was created by the North American forest industry,[181] and continues to fall behind FSC in terms of social and ecological requirements. For example, SFI does not require the Free, Prior and Informed Consent of Indigenous Peoples, and does not have specific requirements for the conservation of Woodland Caribou.[182] By way of comparison, the SFI forest management standard document is 11 pages, while FSC's Boreal Standard alone is almost two hundred pages.[183] And unlike FSC, SFI has never suspended or terminated a non-compliant certificate in Canada; in fact, all of the areas where Resolute lost its FSC certificates still maintain their SFI certification,[184] despite documentation of failure to uphold Indigenous Peoples' rights and conserve ecological values. This directly correlates with SFI's weaker criteria and inferior audit requirements.[185] Resolute frequently cites its SFI certifications as evidence of its sustainable operations despite the serious concerns about SFI's standards raised by environmental organizations.[186] Resolute has been the platinum sponsor of SFI's Annual Conference for the past 3 years.[187]

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BROKEN RELATIONSHIPS

In 2010, Greenpeace and eight other environmental and conservation organizations joined Resolute and other forest products companies to set up the Canadian Boreal Forest Agreement. By the end of 2013, every environmental organization had either left the agreement or publicly broken off dialogue with Resolute.[188] The environmental groups suspending work with Resolute included the Canadian Parks and Wilderness Society (CPAWS), The Nature Conservancy and Stand.Earth (then known as ForestEthics), among others, who issued a joint statement lamenting Resolute's lack of commitment. Janet Sumner, Executive Director of CPAWS, stated, **"WE HAVE COME TO THE SAD CONCLUSION THAT RESOLUTE WILL NOT DO THE MINIMUM THAT THE SCIENCE SAYS IS REQUIRED TO PROTECT OUR FORESTS AND THE THREATENED CARIBOU THAT CALL THEM HOME."**[189]

"WWF URGES RESOLUTE FOREST PRODUCTS... TO STRENGTHEN ITS FOREST MANAGEMENT PRACTICES IN NORTH AMERICA THROUGH THE FSC PROCESS."

— WWF, DECEMBER 2015[192]

Resolute also often referenced its partnership with the World Wildlife Fund's (WWF) "elite" Climate Savers program,[190] which it joined in 2011, as a sign of its green credentials.[191] However, this partnership expired at the end of 2015 amid controversy after WWF publicly urged Resolute to engage with stakeholders including the FSC and environmental organizations to forge a solution to ongoing issues.[192] Resolute refused and then publicly turned on its former partner for adding its voice to the growing chorus of stakeholders calling for Resolute to come to the negotiation table.[193]

INDIGENOUS PEOPLES' RIGHTS

The right to Free, Prior and Informed Consent is the internationally recognized minimum standard for ensuring the survival, dignity and well-being of Indigenous Peoples in the context of resource development within their traditional territories.[194] This means that forestry companies operating in Canada's boreal forest should only harvest in or source from an area with the explicit consent of the Indigenous communities that have called that land home for generations.

Many of Canada's Indigenous communities participate in the forest products industry and have some level of logging on their traditional territories. However, their right to determine where and how much of this activity takes place is critical. Many First Nations are also calling for strong protection of the forests on their land. For example, the Pekuakamiulnuatsh Takuhikan (Mashteuiatsh Innu) Indigenous government have put forward a proposal for the protection of Woodland Caribou across their traditional territories, based on respect for their rights and knowledge.[195] Regardless of whether an Indigenous Peoples' choice is for development or conservation, respecting their right to make such a determination is fundamental. Indigenous Peoples' knowledge and aspirations are central to forging lasting forest solutions.

Resolute has had varying relations with First Nations. For example, the company was able to forge an agreement in 2015 with six First Nations in Northwestern Ontario.[196] However there have also been instances where Indigenous Peoples' rights were not adequately respected by Resolute, according to independent auditors who found one major and several minor instances across three different forest areas where Resolute failed to follow best practices and meet Indigenous Peoples' rights requirements for FSC forest certification.[197]

At the end of the day, Resolute has abandoned its FSC commitment and all three of these forests are no longer FSC certified; these forests therefore do not require Resolute to be audited on credible standards for Indigenous rights.

Ensuring that the rights of Indigenous Peoples are respected in both forest management and conservation decisions, is not simply the role of governments but also is a responsibility of all forest companies and environmental organisations. Despite the ongoing and high profile litigation between Resolute and Greenpeace in the court rooms and in the media, Indigenous Peoples must be central to any lasting and socially just solutions on the ground.

168. Forest Stewardship Council (2017): Facts and Figures.
169. Forest Stewardship Council Canada Working Group (2004).
170. Forest Stewardship Council (2015): General Requirement for FSC Accredited Certification Bodies.
171. FSC members' requirements under Policy for Association include the requirement that "the candidate genuinely supports FSC and its activities." Forest Stewardship Council (2014): FSC AC Statutes §12 (5) (c).
172. "We continue to receive worrying messages about attempts from Resolute Forest Products to spread negative stories about FSC." Carstensen, K. (2015).
173. Resolute regained its Black Spruce / Dog River-Matawin certificate in November 2015. Resolute Forest Products (2015): Resolute Announces Reinstatement of FSC Certification in Ontario.
174. Forest Stewardship Council Canada (2015): Resolute Forest Products' Caribou Forest FSC Certificate Terminated.
175. Carstensen, K. (2015).
176. World Wildlife Fund (2015).
177. Confédération des syndicats nationaux (2015).
178. Pekuakamiulnuatsh Takuhikan (2015): FSC Mediation Proposal.
179. Assembly of First Nations Québec and Labrador (2015).
180. Sierra Club (n.d.); Stand.Earth (n.d.).
181. Barneycastle, C. (2001).
182. Sustainable Forestry Initiative (2015): SFI 2015-2019 Standards and Rules.
183. Sustainable Forestry Initiative (2015): SFI 2015-2019 Standards and Rules; Forest Stewardship Council Canada Working Group (2004).
184. Resolute Forest Products (n.d): Certification by Operation.
185. Stand.Earth (2015).
186. For the serious concerns about SFI's standards raised by environmental organizations, see: Sierra Club (n.d.).
187. Sustainable Forestry Initiative (2016); Sustainable Forestry Initiative (2015): SFI 2015 Annual Conference; Sustainable Forestry Initiative (2014).
188. Greenpeace Canada and Canopy were the first two organizations to terminate their involvement with the Canadian Boreal Forest Agreement in late 2012 and 2013 respectively. The David Suzuki Foundation was the third. The environmental organizations that remain in the agreement refuse to collaborate with Resolute. They include the Canadian Parks and Wilderness Society, ForestEthics, Ivey Foundation, The Nature Conservancy and the International Boreal Conservation Campaign. A ninth organization, the Canadian Boreal Initiative, has recently been dissolved.
189. The Canadian Parks and Wilderness Society (2013).
190. Resolute Forest Products (2015): Resolute Forest Products Annual Report, p. 38.
191. Resolute Forest Products (2014): Resolute Forest Products Annual Report, p. 9, 34, 46; Resolute Forest Products (2015): Our GHG reduction target? Check!.
192. World Wildlife Fund (2015).
193. Resolute Forest Products (2015): Resolute responds to WWF's press release calling for engagement with FSC.
194. United Nations. (2007).
195. Pekuakamiulnuatsh Takuhikan. (2015): Pekuakamiulnuatsh Takuhikan précise ses attentes en vue du Sommet économique régional du 18 juin.; Pekuakamiulnuatsh Takuhikan. (2015): FSC Mediation Proposal.
196. Resolute Forest Products (2015): Resolute Celebrates Ground-Breaking MOA with Six First Nations.
197. Forest Stewardship Council (2013): Public Summary Report for Forest Management 2013 Annual Audit Report for PF Résolu Canada Inc. (Mistassini-Péribonka), p. 25; Forest Stewardship Council (2013): Forest Management 2013 Annual Audit for Resolute FP (Caribou Forest, Ontario) p. 22-23; Forest Stewardship Council. (2013): Public Summary Report for Forest Management 2013 Annual Audit Report for Produits Forestiers Résolu (Lac St-Jean), p. 13-14.

SOLUTIONS AVAILABLE TODAY

The forestry industry in Canada's boreal forest not only provides local and international markets with valuable forest products, but also employs thousands of people in local communities across the country. Some paper producers take seriously their responsibility to carefully and sustainably manage, harvest in, and source from these forests, while also supporting local economies. Resolute could join them today.

Greenpeace stands firmly behind its science based allegations against Resolute. Greenpeace will continue to push Resolute to find lasting solutions in Canada's boreal forest.

Greenpeace works in collaboration every day with First Nations, governments, other forest products companies, and unions to foster a responsible forest products industry and healthy local communities. Numerous global companies and household brands like Kimberly-Clark[198] and McDonald's[199] have embraced Greenpeace's critiques and ultimately adopted more sustainable practices. Greenpeace has secured strong and lasting collaborations with countless companies who have traveled the path from conflict to solutions. There is no reason that Resolute could not do the same.

Despite challenges in the forest and the difficult current situation with Resolute, there are fortunately a number of proposals on the ground that offer a path forward. A diverse set of stakeholders are already taking action, trying to win better protection for Canada's Great Northern Forest. In 2015, the Pekuakamiulnuatsh Takuhikan (Mashteuiatsh Innu) Indigenous government put forward a proposal for the protection of Woodland Caribou across their traditional territories, including part of the Montagnes Blanches, based on respect for their rights.[200] Workers unions are advocating the return of FSC certification in recognition of global demand from major purchasers for sustainable forest products.[201] Additionally, proposals from environmental groups[202] aim to balance forestry activity and economic security with the creation of key protected areas. The determined efforts of multiple stakeholders to resolve these issues suggest there is a clear path forward for Resolute.

198. Gell, A. (2014). The inside story of how Greenpeace built a corporate spanking machine to turn the Fortune 500 into climate heroes.
199. Langert, B. (2016).
200. The rights of impacted Indigenous Peoples, in particular the right to free, prior and informed consent, will be paramount in guiding the direction of these and other initiatives within Canada's Indigenous Cultural Landscapes. Pekuakamiulnuatsh Takuhikan (2015): Pekuakamiulnuatsh Takuhikan précise ses attentes en vue du Sommet économique régional du 18 juin; Pekuakamiulnuatsh Takuhikan. (2015). FSC mediation proposal.
201. Confédération des syndicats nationaux (2015).
202. These environmental groups are Boréalisation, Nature Québec and Canadian Parks and Wilderness Society Québec. The national network of regional councils in Québec environment is also associated with the approach. Societe Pour la Nature et les Parcs du Canada (2015): La SNAP Québec, Nature Québec et Boréalisation en tournée au Saguenay-Lac-Saint-Jean.

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The **CANADIAN PROVINCIAL GOVERNMENTS** are in large part responsible for managing natural resources and the forestry industry. Better forest and wildlife protections from provincial governments could resolve many conflicts. One of the most anticipated developments should come in October 2017 when all provinces and territories are required under the Federal Recovery Strategy for Woodland Caribou to provide range plans to recover their Woodland Caribou populations.[203] The best science indicates that these caribou range plans must include better protection for intact forests and less disturbance of habitat.[204] This kind of governmental leadership could fundamentally make the forest products industry, including Resolute, more sustainable and thus stronger for local communities, workers and buyers of forest products.

In addition to calls on government to do more, it is also imperative that **CORPORATE CUSTOMERS OF PRODUCTS FROM CANADA'S BOREAL FOREST** see their centrality in the marketplace and acknowledge the incredible influence they can have over what happens on the ground. Both large and small companies buying paper, pulp, and timber have a clear responsibility to not just make and keep their sustainability pledges, but to proactively identify problems in forestry operations and invest in collaboration in order to achieve lasting solutions.

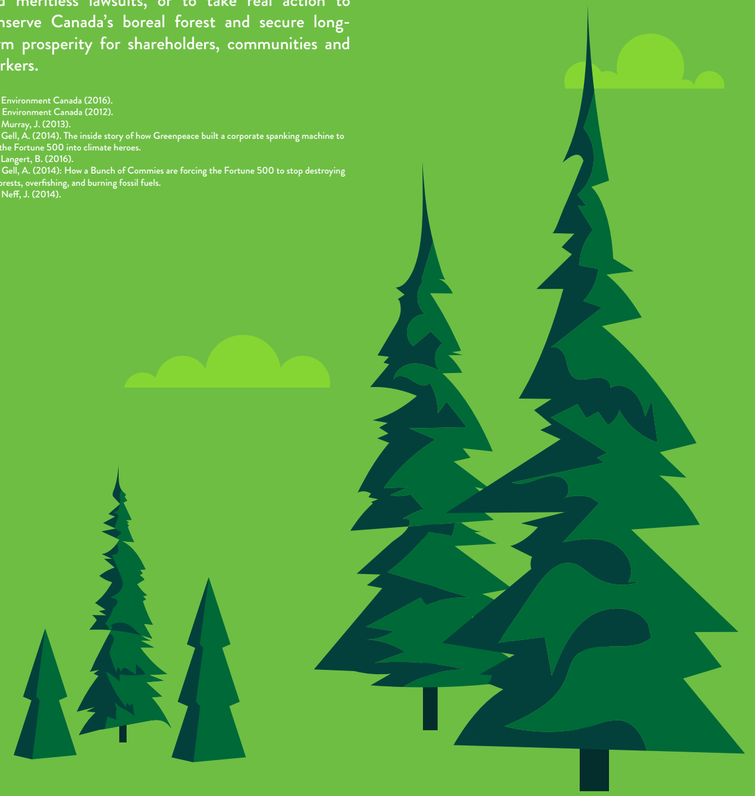
FOR GLOBAL BOOK PUBLISHERS AND MEDIA COMPANIES, this means evaluating supply chains and identifying where Resolute is a supplier, and then communicating their sustainability requirements, as well as concerns about attacks on free speech, back to Resolute. Where Resolute's current practices are not aligned with sustainability promises, actions should be taken by publishers and media companies to ensure a return to compliance. Proactive outreach to First Nations and Canada's provincial government, calling for strong Woodland Caribou range plans and other forest protections, are additional avenues where publishers should play a role in establishing lasting forest solutions.

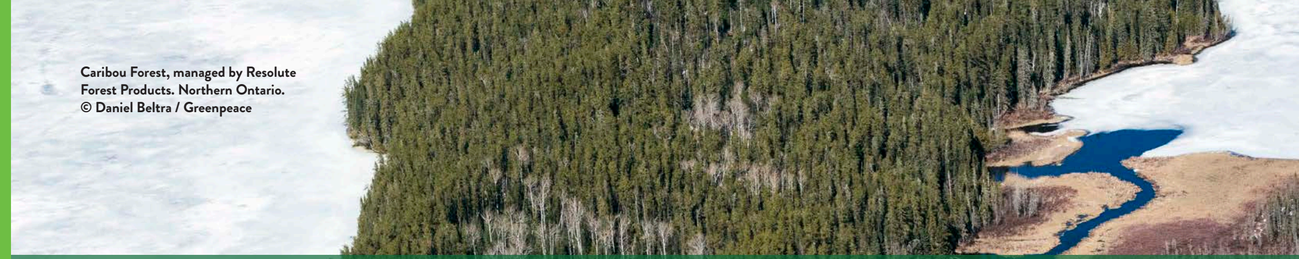
Though challenging, the pathway for **RESOLUTE FOREST PRODUCTS** to resolve these disputes is also straightforward. Resolute must take tangible action to respect Indigenous People's rights, save jobs, and conserve forests. Specifically the company should:

- Adopt Free Prior and Informed Consent as the basis for engaging with Indigenous Peoples to ensure forest planning is driven by Indigenous knowledge and governance.
- Suspend logging in and sourcing from High Conservation Value Forests including Intact Forest Landscapes and Woodland Caribou habitat until science-based conservation planning takes place.
- Publicly support large-scale, protected areas based on this science and Indigenous knowledge.
- Recommit to the FSC system and regain lost certificates.
- Work with environmental organizations, unions and communities to address legitimate economic concerns and ensure jobs are sustained.

Resolute has a choice: to continue to put its shareholders' money towards public relations attacks and meritless lawsuits, or to take real action to conserve Canada's boreal forest and secure long-term prosperity for shareholders, communities and workers.

203. Environment Canada (2016).
204. Environment Canada (2012).
205. Murray, J. (2013).
206. Gell, A. (2014). The inside story of how Greenpeace built a corporate spanking machine to turn the Fortune 500 into climate heroes.
207. Langert, B. (2016).
208. Gell, A. (2014): How a Bunch of Commies are forcing the Fortune 500 to stop destroying rainforests, overfishing, and burning fossil fuels.
209. Neff, J. (2014).





Caribou Forest, managed by Resolute Forest Products. Northern Ontario.
© Daniel Beltra / Greenpeace

Many corporations have built constructive working relationships with Greenpeace over the years, including some that began after years of conflict. But companies who have engaged earnestly can attest to the fact that Greenpeace can be a supportive and competent ally in helping them tackle their big environmental challenges.

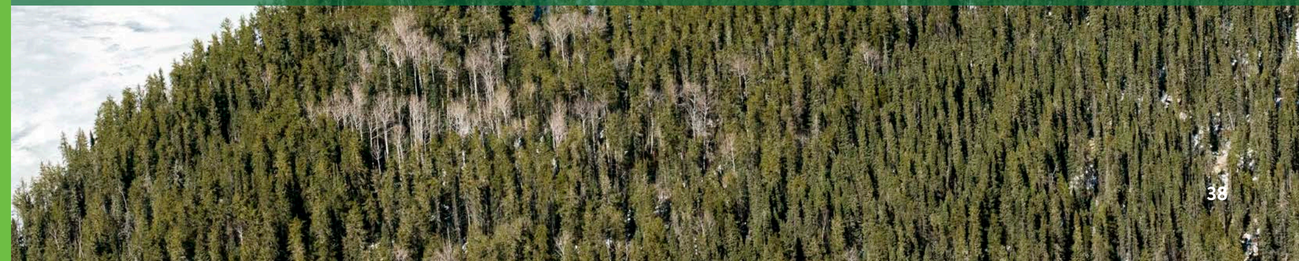
One of Greenpeace's most notable forest campaigns in recent years focused on saving Indonesia's rainforests. This campaign calling on Asia Pulp and Paper (APP) to embrace sustainability was confrontational at times; however after the end of the campaign, APP's managing director of sustainability, Aida Greenbury, reflected: "It was tough for us at the time when Greenpeace launched reports and attacked us and launched boycotts – it was very tough for us. It was hard for us to understand and realize what they said might be true; we were slightly in denial. We were trying to justify what we were doing, but looking back, without them doing that, we wouldn't be here. It was important. We publicly say that we thank Greenpeace for their role in helping us change our strategy."[205]

When asked what advice she would give to a CEO whose company is called on by a Greenpeace campaign, Greenbury said: "Embrace your harshest critics... Tackle your most difficult problems head-on... It's not the time when companies can play greenwashing and hope that the issues will be buried. We have the internet now – full transparency. So stop dancing around with the elephant in the room. Try to find solutions and implement them."[206]

Similarly, Bob Langert, former vice president of sustainability for McDonald's, has described in depth the constructive way in which Greenpeace engages its corporate counterparts. "Greenpeace is smart and strategic. Don't take it as an insult. Accept it as a compliment... I give Greenpeace great credit for its openness to change its tactics with us... Greenpeace's flexibility and simple approach created progress, and a roadmap of accountability that was easy."[207]

Even companies once at the heart of Greenpeace's campaign to protect Canada's boreal forest have spoken out about how working with Greenpeace is possible. "[Greenpeace] are real subject-matter experts," says Suhas Apte, former vice president of sustainability for Kimberly-Clark. "They obviously have a vested interest," Apte adds, "but at the same time, they are very pragmatic and practical people."[208] Similarly, Peggy Murphy, Kimberly-Clark's sustainability strategy leader, commented that "it should not be scary when that first call comes from Greenpeace." She added that in hindsight "the protest phase of the relationship was probably avoidable. Greenpeace is willing to negotiate, accept achievable goals and listen to concerns about implementation." [209]

If the world's largest tissue products manufacturer, the world's leading fast food chain, and one of the largest pulp and paper companies in the world can all work with Greenpeace, Resolute Forest Products can join them, collaborate with Greenpeace and grow its sustainability credentials. Greenpeace will continue to have an open door for Resolute, to work together for lasting solutions in the boreal forest for local communities, workers, First Nations, and the forest.



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ABBREVIATIONS / ACRONYMS:

CAD: Canadian dollar

FPIC: Free Prior and Informed Consent

FSC: Forest Stewardship Council

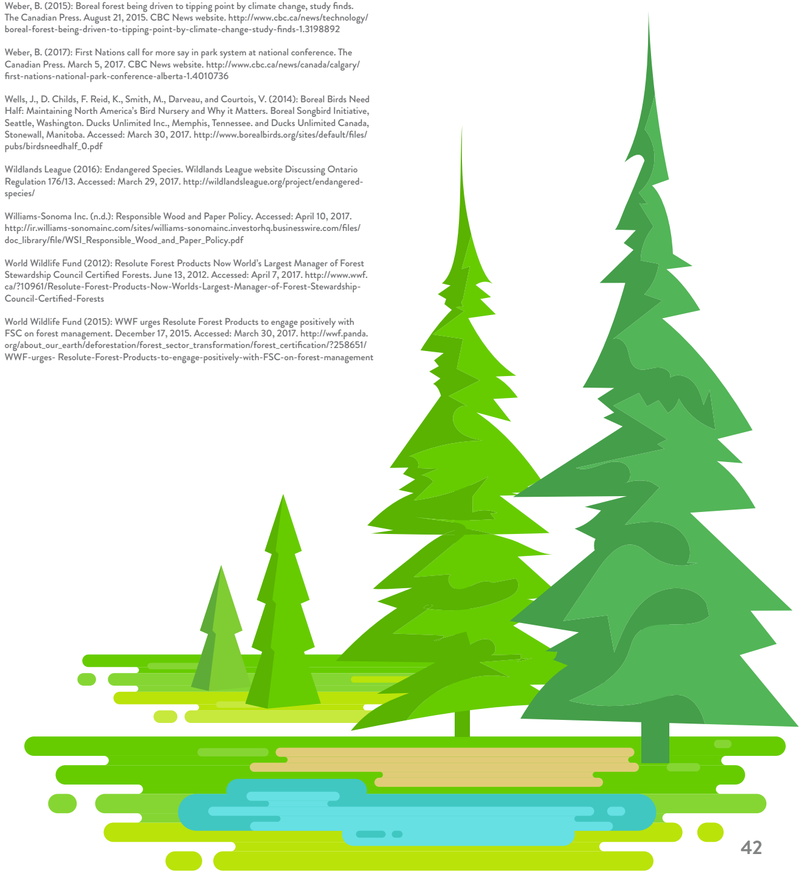
ICL: Indigenous Cultural Landscape

IFL: Intact Forest Landscape

RICO: Racketeer Influenced and Corrupt Organizations Act

SFI: Sustainable Forestry Initiative

SLAPP: Strategic Lawsuit Against Public Participation



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Greenpeace is an independent global campaigning organization that acts to change attitudes and behavior to protect and conserve the environment and to promote peace.

Greenpeace is committed to stopping climate change.

We campaign to protect the world's remaining ancient forests and the plants, animals and peoples that depend on them.

We investigate, expose and confront the trade in products causing forest destruction and climate change.

We challenge governments and industry to end their role in forest destruction and climate change.

We support the rights of forest peoples.

Our effectiveness lies in our unique independence from government and corporate funding.