

EXECUTIVE SUMMARY

CLEARCUTTING

FREE SPEECH:

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



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GREENPEACE

Canada's Great Northern Boreal Forest, stewarded by Indigenous Peoples since time immemorial, includes some of the world's last large expanses of undisturbed natural forest¹, is home to threatened species,² and is one of the largest terrestrial stores of carbon globally.³ It has also become the site of a battle over free speech and advocacy.

Greenpeace and other public interest advocacy groups have been speaking out about Resolute Forest Products' controversial forestry practices for years. However, instead of working collaboratively to find lasting solutions, Resolute filed two lawsuits: a \$300 million Canadian dollar (CAD)⁴ anti-racketeering lawsuit against Greenpeace USA, Greenpeace International, Stand.earth and individual activists,⁵ and a CAD\$7 million defamation and economic interference lawsuit against Greenpeace Canada and individual activists.⁶

Resolute's meritless lawsuits have far reaching ramifications – if successful, they could make it too expensive and risky for individuals, communities and civil society groups to engage in free speech and speak out on matters of public interest. Over 100 independent nonprofit and media organizations have already rallied against Resolute's anti-racketeering lawsuit and the threat it poses to free speech.⁷

This situation creates a paradox for authors and many of the largest global book publishers, who have long been active agents fighting to protect free speech rights, but who buy and use book grade paper from Resolute, including from Canada's boreal forest.



Woodland Caribou © Markus Mauthe / Greenpeace

BEHIND THE LAWSUITS

Resolute is attempting to silence legitimate public concern, all the while ignoring scientific recommendations⁸ for the health of the globally significant boreal forest.

Many areas within Canada's managed forest have a long history of forestry, however Resolute is also actively logging in and sourcing from some of the last large intact areas free of industrial disturbance. These large swaths of ancient forest are critical habitat for threatened species and other wildlife,⁹ contain a large share of the world's forest carbon,¹⁰ and are known to be more resilient and better able to adapt to climate change than fragmented and degraded forests.¹¹ The threatened woodland caribou requires large tracts of undisturbed forest to survive,¹² and is often viewed as a leading indicator of the overall health of the forest and other species.¹³ Eight of ten caribou herds that overlap with Resolute's operations in Ontario and Québec¹⁴ have less habitat remaining than the minimum recommended by government science. The science is very clear: Resolute is harming a threatened species' chances of survival.

REMAINING UNDISTURBED HEALTHY CARIBOU HABITAT FOR 10 WOODLAND CARIBOU RANGES OVERLAPPING RESOLUTE'S OPERATIONS



Resolute has also abandoned its commitment to get the vast majority of its forestlands certified by the Forest Stewardship Council (FSC).²⁵ Since 2013, Resolute has had three of its FSC certificates terminated, covering more than 6 million hectares, after independent auditors found environmental and Indigenous rights non-conformances.²⁶ The most recent audit for the Caribou Forest in Ontario was sealed from public scrutiny after Resolute took the unprecedented step of suing its own independent auditor before it could be released.²⁷

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



SOLUTIONS

Despite challenges in the forest and the difficult legal situation with Resolute, there are fortunately a number of proposals from First Nations, workers and environmental groups that offer a path forward.

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 these areas and across Canadian boreal forest must rest with Indigenous Peoples.

Improved forest and wildlife protections, including caribou range plans, from **CANADIAN PROVINCIAL GOVERNMENTS** could better enable the forest products industry, and Resolute, to meet global demand for responsible forest products, sustain a healthy forest for future generations, and resolve challenges amongst stakeholders across the entire boreal forest.

CORPORATE CUSTOMERS OF PRODUCTS FROM CANADA'S BOREAL FOREST, INCLUDING GLOBAL BOOK PUBLISHERS have a responsibility to keep sustainability promises and invest in collaboration to achieve lasting solutions; meaning identifying where Resolute is a supplier and

communicating both sustainability requirements and concerns about attacks on free speech directly to the company.

RESOLUTE FOREST PRODUCTS can embrace solutions that respect Indigenous Peoples' rights, save jobs, and conserve forests. This means that the company should: adopt Free Prior and Informed Consent as the basis for engaging with Indigenous Peoples; suspend logging in and sourcing from High Conservation Value Forests (including intact forests and woodland caribou habitat) until science-based conservation planning takes place; publicly support large-scale protected areas; recommit to the FSC system and regain lost certificates; and work with environmental organizations, unions and communities to address legitimate economic concerns and ensure jobs are maintained.

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 communities and workers. Greenpeace will continue to have an open door to work together with Resolute for lasting solutions for local communities, workers, First Nations, and the forest.

ENDNOTES

- [1] Heino M, Kummu M, Makkonen M, Mulligan M, Verborg PH, Jalava M, et al. (2015) Forest Loss in Protected Areas and Intact Forest Landscapes: A Global Analysis. *PLoS ONE* 10(10): e0138918. doi:10.1371/journal.pone.0138918
- [2] Government of Canada. (2016). Species at Risk Public Registry. Caribou Boreal Population. Government of Canada website. [Accessed: April 1, 2017]. http://www.registrelep-sararegistry.gc.ca/species/speciesDetails_e.cfm?sid=636
- [3] Bradshaw, C. & Warkentin, I. (2015). Global estimates of boreal forest carbon stocks and flux. *Global and Planetary Change*, 128, 24-30.
- [4] Resolute claims at least \$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.
- [5] Resolute Forest Products, Inc et al v. Greenpeace International et al, 1:16-cv-00071-JRH-BKE, Doc. 63-1 (S.D. Ga. filed May 31, 2016)
- [6] Resolute Forest Products. (2013). Resolute Statement of Claim, Ontario Superior Court of Justice. From Greenpeace Canada website. [Accessed: March 30, 2017]. www.greenpeace.org/canada/Global/canada/report/2016/10/Resolute_Statement_of_Claim_May_23-13.pdf
- [7] The 101 are made up of nine nonprofit organizations in the Amicus Curiae Brief , twelve media organization in the Brief of the Amici and 80 other organizations who signed onto a New York Times Ad. Resolute Forest Products, Inc et al v. Greenpeace International et al. September 15, 2016.Amicus Curiae Brief in Support of Defendants' Motion to Dismiss. Case 1:16-cv-00071-JRH-BKE Document 64. United States District Court Southern District of Georgia. <http://www.greenpeace.org/canada/Global/canada/report/2016/10/AmicusBriefAdvocacyGroups.pdf> ;
- Resolute Forest Products, Inc et al v. Greenpeace International et al. September 15, 2016. Brief of the Amici The Reporters Committee for Freedom of the Press and 11 media companies in support of Greenpeace's Motion to Dismiss and Motion to Strike. Case 1:16-cv-00071-JRH-BKE Document 63-1. United States District Court Southern District of Georgia. <http://www.greenpeace.org/canada/Global/canada/report/2016/10/AmicusBriefRCFP.pdf> ; Stand.earth (2016). Attention Resolute Forest Products: Free speech is not a crime. The New York Times. November 16, 2016. Printed edition. Copy at <http://www.stand.earth/latest/coalition-75-organizations-us-canada-stand-against-intimidation-lawsuit-filed-trump-law-firm>
- [8] 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). Recovery Strategy for the Woodland Caribou, Boreal population (Rangifer tarandus caribou), in Canada. Species at Risk Act Recovery Strategy Series. Environment Canada. Ottawa. Environment Canada website. https://www.registrelep-sararegistry.gc.ca/virtual_sara/files/plans/rs_caribou_boreal_e1.pdf ; Imbeau, L., St-Laurent, M.H., Marzell, L & Brodeur, V. (2015). Current capacity to conduct ecologically sustainable forest management in northeastern Canada reveals challenges for conservation of biodiversity. *Canadian Journal of Forest Research* 45: 567-578.
- [9] Environment Canada. (2012). Recovery Strategy for the Woodland Caribou, Boreal population (Rangifer tarandus caribou), in Canada. Species at Risk Act Recovery Strategy Series. Environment Canada. Ottawa. Environment Canada website. https://www.registrelep-sararegistry.gc.ca/virtual_sara/files/plans/rs_caribou_boreal_caribou_0912_e1.pdf
- [10] Park, A. (2015). Carbon storage and stand conversion in a pine-dominated boreal forest landscape. *Forest Ecology and Management*, 340, 70-81. ; Holtsmark, B. (2012). Harvesting in boreal forests and the biofuel carbon debt. *Climatic Change*, 112, 415-428.
- [11] Andrew, M.E., Wulder, M.A. & Cardille, J.A. (2014) Protected areas in boreal Canada: a baseline and considerations for the continued development of a representative and effective reserve network. *Environmental Reviews* 22:2 135-160. ; Millar, C., et al. (2007). Climate changes and forests of the future: Managing in the face of uncertainty. *Ecological Applications*, 17:8 2145-2151. ; Price, D., et al. (2013). Anticipating the consequences of climate change for Canada's boreal forest ecosystems. *Environmental Reviews*. 21:4 322-365 ; Noss R.F. (2001). Beyond Kyoto: Forest management in a time of rapid climate change. *Conservation Biology* 15, 578- 590.
- [12] Environment Canada. (2012). Recovery Strategy for the Woodland Caribou, Boreal population (Rangifer tarandus caribou), in Canada. Species at Risk Act Recovery Strategy Series. Environment Canada. Ottawa. Environment Canada website. https://www.registrelep-sararegistry.gc.ca/virtual_sara/files/plans/rs_caribou_boreal_caribou_0912_e1.pdf
- [13] Indian Country Media Network. (2011). Caribou is the canary in the coal mine. ICMN website. [Accessed: April 2, 2017]. <https://indiancountrymedianetwork.com/news/caribou-is-the-canary-in-the-coal-mine/>
- [14] 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) Répertoire des bénéficiaires de droits forestiers sur les terres du domaine de l'état. Version du 31 décembre 2016. Government of Québec website. [Accessed: April 13, 2017]. <https://mfpp.gouv.qc.ca/publications/forets/amenagement/Repertoire-2016-12.pdf>
- Ontario Ministry of Natural Resources, Forestry Licence Caribou Forest. Licence No. 542481. June 24, 1998. http://files.ontario.ca/environment-and-energy/forestry/mnr_e000482.pdf ; Ontario Ministry of Natural Resources (1998) Forestry Licence English River Forest. June 17, 1998. http://files.ontario.ca/environment-and-energy/forestry/mnr_e000478.pdf ; Ontario Ministry of Natural Resources (1998) Forestry Licence Dog River Matawin Forest. June 17, 1998. http://files.ontario.ca/environment-and-energy/forestry/mnr_e000480.pdf ; Licence No. 542459/Ministry of Natural Resources (1999) Forestry Licence Black Spruce Forest. April 14, 1999. http://files.ontario.ca/environment-and-energy/forestry/stdprod_104640.pdf
- [15] Environment Canada. (2012). Recovery Strategy for the Woodland Caribou, Boreal population (Rangifer tarandus caribou), in Canada. Species at Risk Act Recovery Strategy Series. Environment Canada. Ottawa. Environment Canada website. p.75 https://www.registrelep-sararegistry.gc.ca/virtual_sara/files/plans/rs_caribou_boreal_caribou_0912_e1.pdf
- [16] Environment Canada. (2012). Recovery Strategy for the Woodland Caribou, Boreal population (Rangifer tarandus caribou), in Canada. Species at Risk Act Recovery Strategy Series. Environment Canada. Ottawa. Environment Canada website. p.75 https://www.registrelep-sararegistry.gc.ca/virtual_sara/files/plans/rs_caribou_boreal_caribou_0912_e1.pdf
- [17] Environment Canada. (2012). Recovery Strategy for the Woodland Caribou, Boreal population (Rangifer tarandus caribou), in Canada. Species at Risk Act Recovery Strategy Series. Environment Canada. Ottawa. Environment Canada website. p.75 https://www.registrelep-sararegistry.gc.ca/virtual_sara/files/plans/rs_caribou_boreal_caribou_0912_e1.pdf
- [18] Environment Canada. (2012). Recovery Strategy for the Woodland Caribou, Boreal population (Rangifer tarandus caribou), in Canada. Species at Risk Act Recovery Strategy Series. Environment Canada. Ottawa. Environment Canada website. p.74 https://www.registrelep-sararegistry.gc.ca/virtual_sara/files/plans/rs_caribou_boreal_caribou_0912_e1.pdf
- [19] Environment Canada. (2012). Recovery Strategy for the Woodland Caribou, Boreal population (Rangifer tarandus caribou), in Canada. Species at Risk Act Recovery Strategy Series. Environment Canada. Ottawa. Environment Canada website. p.74 https://www.registrelep-sararegistry.gc.ca/virtual_sara/files/plans/rs_caribou_boreal_caribou_0912_e1.pdf
- [20] Rudolph, T. D., Drapeau, P., St-Laurent, M.H., Imbeau, L. (2012). Situation du caribou forestier (Rangifer tarandus caribou) sur le territoire de la Baie James dans la région Nord-du-Québec. Rapport scientifique présenté au Ministère des ressources naturelles et de la faune et au Grand Conseil des Cris (Eeyou Istchee). p.44 [Accessed: March 31, 2017]. http://chairesfd.uqat.ca/publication/articlePDF/2012RapportFinalCaribouForestierBaieJames_EeyouIstchee.pdf
- [21] "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.
- [22] Ontario Ministry of Natural Resources & Forestry (MNR). (2014). State of the Woodland Caribou Resource Report. Species at Risk Branch, Thunder Bay, Ontario. Figure 2-1 p. 42 [Accessed March 30, 2017]. <https://dr6j45jk9xcmk.cloudfront.net/documents/3970/sowcr-p2-final-aoda-01072015.pdf> ; Ontario Ministry of Natural Resources. (2014). Integrated Range Assessment for Woodland Caribou and their Habitat: Brightsand Range 2011. Species at Risk Branch, Thunder Bay, Ontario, P. x [Accessed: March 23, 2017]. <http://files.ontario.ca/environment-and-energy/species-at-risk/Brightsand-Range-EN.pdf>
- [23] Ontario Ministry of Natural Resources & Forestry (MNR). 2014. State of the Woodland Caribou Resource Report. Species at Risk Branch, Thunder Bay, Ontario. Figure 2-1 p. 42 [Accessed March 30, 2017]. <https://dr6j45jk9xcmk.cloudfront.net/documents/3970/sowcr-p2-final-aoda-01072015.pdf> ; Ontario Ministry of Natural Resources. (2014). Integrated Range Assessment for Woodland Caribou and their Habitat: Churchill Range 2012. Species at Risk Branch, Thunder Bay, Ontario, P. x [Accessed: March 23, 2017]. <http://files.ontario.ca/environment-and-energy/species-at-risk/Churchill-Range-EN.pdf>
- [24] Ontario Ministry of Natural Resources & Forestry (MNR). 2014. State of the Woodland Caribou Resource Report. Species at Risk Branch, Thunder Bay, Ontario. Figure 2-1 p. 42 [Accessed March 30, 2017]. <https://dr6j45jk9xcmk.cloudfront.net/documents/3970/sowcr-p2-final-aoda-01072015.pdf> ; Ontario Ministry of Natural Resources. (2014). Integrated Range Assessment for Woodland Caribou and their Habitat: Nipigon Range 2010. Species at Risk Branch, Thunder Bay, Ontario, P. 58 [Accessed: April 13, 2017]. <http://files.ontario.ca/environment-and-energy/species-at-risk/Nipigon-Range-EN.pdf>
- [25] Resolute Forest Products. (2014). Resolute Forest Products Annual Report. Resolute Forest Products website. p. 33. [Accessed: March 30, 2016] http://www.resoluteforestproducts.com/uploadedFiles/Investors/Financial_Reports/Resolute_Forest_Products-2014_Annual_Report.pdf.
- [26] 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).
- [27] Resolute Forest Products v. Rainforest Alliance, Inc., et al. (2014): Notice of Action. May 6, 2014. Ontario, CV-2014-171, Ontario Superior Court of Justice.