

Backgrounder

GREENPEACE

Resolute Forest Products' lawsuit against Greenpeace Canada

Logging company Resolute Forest Products is pursuing a \$7 million lawsuit against Greenpeace Canada and two of its staff (Richard Brooks and Shane Moffatt). Resolute initiated the lawsuit on May 23, 2013 in the Ontario Superior Court's Thunder Bay division and alleges defamation and intentional interference with economic relations in the amount of \$5 million plus \$2 million in punitive damages.

What prompted the lawsuit

On May 15th 2013, Greenpeace published [a report](#), calling on Resolute to meet its bold sustainability claims and become a leader in Canada's Boreal Forest. Greenpeace documented:

- Resolute failing to conserve the long term health of Canadian "Endangered Forests";
- Resolute logging in critical caribou habitat in Ontario and Quebec;
- Resolute operating without the consent of First Nations in their traditional territories; and
- Resolute producing "eco-conscious" paper with no recycled content.

Greenpeace called on Resolute to address these issues, undertake science-based conservation, respect First Nations' rights and support local communities. The same day Greenpeace launched its report, the [Grand Council of the Crees formally complained](#) to the Forest Stewardship Council that Resolute was logging in Quebec's Montagnes Blanches Endangered Forest without their consent and in violation of their rights. Less than one week later, seven environmental groups suspended work with Resolute [citing the company's unwillingness to do even "the minimum" required by science](#) to ensure the survival of caribou.

Major shortcomings of company's operations are well documented

These and other major shortcomings in the company's social and environmental performance led, in January 2014, to the [Forest Stewardship Council](#) (FSC) [suspending](#) three of Resolute certificates in Quebec and Ontario covering an unprecedented 8 million hectares of mismanaged forest. The Grand Council of the Crees' complaint against the company was upheld. Independent auditors concluded that there is ["a high risk to the extirpation of caribou herds"](#) in the Montagnes Blanches and that the company has already carried out work in "key habitats", crucial areas for maintaining the species. Resolute also failed to demonstrate that ["the value of forest will be](#)

[maintained through time](#)”: in Northern Ontario, the company’s audit suspension referred to the company’s unwillingness to collaborate with stakeholders.

In May 2014, the company then [launched another lawsuit](#), this time against the [Rainforest Alliance](#), its own independent FSC auditor, when the company was about to lose yet another FSC certificate in Northern Ontario. One [legal expert noted](#) that Resolute’s “strategy appears to be, not to engage Rainforest Alliance on the facts, but rather to suppress these facts.”

Greenpeace official Statement of Defence and position on the lawsuit

[In its Statement of Defence](#) filed with the court in Thunder Bay on Thursday August 21, 2014, Greenpeace stands by its comments as accurate, truthful and transparently referenced. Greenpeace defends its report as fair comment based on true facts concerning important matters of public interest: the environmental, social and economic impact of Canada’s largest forestry company operating in the Boreal forest. Greenpeace also claims that its comments are expressions of free speech and protected under the Canadian Charter of Rights and Freedoms.

The Statement of Defence also states that Resolute’s claims “have no merit and are in fact being made to harass, intimidate and silence Greenpeace so that neither it nor its staff will lawfully exercise their free speech rights to criticize the company’s environmental record and conduct.”

The Statement further elaborates that “Resolute Forest Products has also rejected overtures by Greenpeace to engage in collaborative efforts to improve the Company’s performance, and has instead resorted to litigation in an effort to silence its critics”.

The Statement concludes that the “lawsuits against Greenpeace and Rainforest Alliance meet the classic profile of a SLAPP suit (strategic lawsuit against public participation) because they have been brought to silence criticism of the company’s conduct concerning matters of high public interest: the future of Canadian Boreal forests, the threat to biodiversity in those forests, respect for First Nation rights within their traditional territories, and concern for the future of other communities that are dependent upon a healthy Boreal forest.”

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