

Congress of the United States
Washington, DC 20515

October 22, 2021

The Honorable Janet Yellen
Secretary of Treasury
U.S Department of Treasury
1500 Pennsylvania Avenue, NW
Washington, DC 20220

The Honorable Anthony Blinken
Secretary of State
U.S. Department of State
2100 C Street, NW
Washington, DC 20520

Dear Secretaries Yellen and Blinken,

We write to you to express our growing concern over the treatment of indigenous and local environmental activists—often referred to as “environmental defenders”—across the world. We urge you to consider using existing authorities, as provided by the Global Magnitsky Human Rights Accountability Act (Global Magnitsky Act) and Section 7031(c) of the FY 2021 Consolidated Appropriations Act, to impose targeted sanctions against those persons, including entities, responsible for human rights abuses of environmental defenders and corruption related to climate-impacting industries; and to integrate these tools into the Administration’s strategy to combat climate change. Because these abuses are often connected to ecologically-destructive industrial and corporate activities, using sanctions in this context would create a deterrence against destructive activities that exacerbate climate change.

The 2018 IPCC Special Report on Global Warming of 1.5 °C recognized the critical role of indigenous and local communities around the world in protecting ecological systems.¹ Research across multiple countries has demonstrated that indigenous-managed lands have lower rates of deforestation and carbon loss, and it is estimated that indigenous and locally-managed forests globally contain at least 17% of the world’s stored carbon.^{2 3}

Despite their critical role in maintaining captured carbon and protecting critical ecosystems, indigenous and local communities have increasingly had their sovereignty and safety threatened. The rise in incursions into these communities by agribusiness, mining, and other industries across the globe increases the likelihood of serious human rights abuses and directly harms the vital ecosystems protected by these communities.

¹IPCC, 2018: Global warming of 1.5°C. <https://www.ipcc.ch/sr15/>.

²Walker, Wayne S., Seth R. Gorelik, Alessandro Baccini, Jose Luis Aragon-Osejo, Carmen Josse, Chris Meyer, Marcia N. Macedo, et al. “The Role of Forest Conversion, Degradation, and Disturbance in the Carbon Dynamics of Amazon Indigenous Territories and Protected Areas.” *Proceedings of the National Academy of Sciences* 117, no. 6 (2020): 3015–25. <https://doi.org/10.1073/pnas.1913321117>.

³Rep. A Global Baseline of Carbon Storage in Collective Lands. Rights and Resources Initiative, n.d. https://rightsandresources.org/wp-content/uploads/2018/09/A-Global-Baseline_RRI_Sept-2018.pdf.

Global Witness, a respected organization investigating human rights abuses, has documented that an average of four environmental defenders have been killed every week since the signing of the Paris Agreement in 2015, and that even more have been targeted by physical assaults, death threats, sexual violence, arrest and detention without cause, and retaliatory lawsuits.⁴ To cite a few examples:

- **Brazil:** On November 1, 2019, indigenous activist Paulo Paulino Guajajara was shot and killed in an ambush by five illegal loggers in Brazil's Maranhão state. Paulino was a member of the group "Guardians of the Forest" which works to stop illegal logging on indigenous land. More than 42 Guajajara indigenous people were murdered by loggers between 2000 and 2018. As enforcement of environmental regulations and indigenous protections has relaxed under President Bolsonaro, deforestation has worsened and at least four more Guajajara members have been killed since Paulo Paulino's murder, with a total of 24 defenders murdered in 2019.
- **Colombia:** United Nations Special Rapporteur on the situation of human rights defenders Michel Forst visited Colombia in 2018 and collected testimony revealing that defenders "have been threatened and targeted by international or national companies, particularly by those in the extractive or hydroelectric sector," and that he received "allegations of collusion between companies and politicians, sometimes at very high levels."⁵ Since his visit, the violence has worsened, with over 64 murders of environmental defenders in 2019 alone, the worst of any country.
- **Honduras:** March 3, 2021 marked the fifth anniversary of the murder of Honduran activist Berta Cáceres in 2016. To date, only one of the men who ordered her killing has been arrested. Amnesty International documented that Ms. Cáceres was harassed and received numerous death threats from industry members prior to her killing.^{6 7} As noted in a 2017 Congressional letter to the Department of State, over 100 environmental activists, more than 30 journalists, and more than 30 trade unionists have been murdered in Honduras since 2009.⁸ With 14 killings of environmental defenders in 2019, Honduras had the worst per-capita rate in the world.

⁴ "Defending Tomorrow" Global Witness, July 20, 2020. <https://www.globalwitness.org/en/campaigns/environmental-activists/defending-tomorrow/>.

⁵ "End of mission statement by the United Nations Special Rapporteur on the situation of human rights defenders, Michel Forst on his visit to Colombia, 20 November to 3 December 2018", https://www.ohchr.org/Documents/Issues/Defenders/StatementVisitColombia3Dec2018_EN.pdf.

⁶ Rep. Further Information on UA 274/97: Apparent Extrajudicial Executions / Fear for Safety. Amnesty International. Accessed August 19, 1997. <https://www.amnesty.org/download/Documents/160000/amr370051997en.pdf>.

⁷ Salomón, Josefina. "Sole Witness to Berta Cáceres Murder: 'It Was Clear She Was Going to Get Killed.'" Amnesty International, May 6, 2016. <https://www.amnesty.org/en/latest/news/2016/05/sole-witness-to-berta-caceres-murder-it-was-clear-she-was-going-to-get-killed/>.

⁸ <https://www.foreign.senate.gov/press/ranking/release/11-us-senators-send-letter-to-secretary-kerry-calling-for-a-transparent-international-investigation-on-berta-caceres-death>.

- **Philippines:** With 43 environmental defenders killed in 2019, the Philippines had the second highest total of killings that year of any country. This total included the killing of forester Kandatu Bansil by an armed hitman in 2019 while collecting evidence investigating illegal logging practices. He was 1 of 8 government-employed environmental defenders killed that year.⁹
- **South Africa:** On October 22, 2020, environmental defender Fikile Ntshangase was shot and killed in her home after receiving death threats for more than a year. Ntshangase was a local leader of the Mfolozi Community Environmental Justice Organisation (MCEJO), a community organization leading legal challenges to the expansion of local coal mining.¹⁰ Details in her killing share similarities to other killings, like the 2016 killing of Sikhosphi Rhadebe, who had been leading opposition to the expansion of mining of titanium in the Xolobeni region.¹¹ No arrests or convictions have been made for either killing. Global Witness found that nearly 1 in 4 killings of environmental defenders in 2019 were linked to mining or extractive industries.

These examples represent only a fraction of the global violence, threats, harassments, and other human rights abuses faced by environmental defenders. Since 2015, at least 150 environmental defenders have been killed each year. The number of killings per year has increased during that same period, and according to the most recently available annual data, at least 212 environmental defenders were murdered globally in 2019 alone, although restrictions on the press and NGOs and a lack of government documentation in many countries likely means human rights abuses and extrajudicial killings are underreported.¹²

Many of these abuses are connected to industries such as agribusiness, energy, and mining, many of which are involved in corrupt business activities that are also sanctionable under U.S. law. Disputes over indigenous land tenure, illegal business practices, and lack of government protections in many areas create conditions ripe for human rights violations and environmental destruction. Amazon Watch has documented how the entanglement between American corporate supply chains and the finances of corporations and governments in the Amazon region contribute to and encourage human rights abuses.¹³

⁹ “Defending Tomorrow” Global Witness, July 20, 2020.

<https://www.globalwitness.org/en/campaigns/environmental-activists/defending-tomorrow/>.

¹⁰ Final warning: death threats and killings of human rights defenders, Report of the Special Rapporteur on the situation of human rights defenders, Mary Lawlor,” December 24, 2020. United Nations General Assembly Human Rights Council. <https://undocs.org/en/A/HRC/46/35>.

¹¹ “Australian mining company denies role in murder of South African activist.” The Guardian, March 24, 2016. <https://www.theguardian.com/environment/2016/mar/25/australian-mining-company-denies-role-in-of-south-african-activist>.

¹² “Defending Tomorrow” Global Witness, July 20, 2020. <https://www.globalwitness.org/en/campaigns/environmental-activists/defending-tomorrow/>.

¹³ Rep. Corporate Complicity in Destruction: III. Amazon Watch, October 2020. <https://amazonwatch.org/news/2020/1027-complicity-in-destruction-iii>.

And while the violence, harassment, and treatment of environmental defenders represent serious human rights abuses on their own, the impact of such events extends far beyond the countries where abuses occur: the destruction of habitat and deforestation that often accompanies these human rights violations releases carbon dioxide into the atmosphere, threatens biodiversity, and impedes local and international efforts to protect ecosystems, sequester carbon, and fight the climate crisis. Furthermore, the lack of accountability emboldens perpetrators to continue human rights abuses, pursue additional corrupt dealings, and engage in further destructive climate actions. A range of actors—including local government officials, military and paramilitary forces, corporations and their officials, financial institutions, and hired mercenaries—have been implicated in these instances of corruption and human rights abuses and taking targeted action to hold them accountable would represent an important step towards protecting environmental defenders and curtailing destructive climate actions.

Therefore, we request that the Treasury Department and the State Department utilize existing sanctions authorities under the Global Magnitsky Act as implemented by Executive Order 13818, as well as Section 7031(c) of SFOPs annual appropriations, to protect environmental defenders and deter corruption as a means of addressing climate change internationally and to consider these actions as a core part of the Administration's climate change strategy. We ask the Departments to take steps that include, but are not limited to, the following actions:

- Examining patterns of growing attacks on environmental defenders and identifying strategic opportunities to use sanctions that include consideration of potential humanitarian impact or adverse effects on the population to change the behavior of the most egregious perpetrators;
- Integrating these sanctions-related activities into the Administration's interagency processes and strategies related to climate change; including development of the plan for protecting the Amazon rainforest and other critical ecosystems as called for in the Administration's Executive Order on Tackling the Climate Crisis at Home and Abroad.
- Encouraging partner governments with similar sanctions authorities to take a coordinated, multilateral approach to designating appropriate targets; and
- Beginning to review credible evidence submitted by civil society organizations of human rights abuses of environmental defenders and issuing sanctions designations against those responsible.

Indigenous and local communities are leading the global effort to fight climate change, often at great personal risk and sacrifice. Thus, doing what we can to defend them from human rights abuses and destructive climate actions should be at the forefront of American foreign policy efforts to tackle climate change. We ask the administration to send a clear message that the United States is committed to protecting indigenous rights, dedicated to preserving climate-critical ecosystems, and determined to hold accountable those responsible for human rights

violations and corruption resulting in destructive climate outcomes. We see targeted sanctions as a powerful tool in American foreign policy, and their application in this context would represent a critical step forward in advancing America's international response to the climate crisis.

Sincerely,



Veronica Escobar
Member of Congress



Norma J. Torres
Member of Congress



Nanette Diaz Barragán
Member of Congress



Juan Vargas
Member of Congress



Alexandria Ocasio-Cortez
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