

House Foreign Affairs Committee
Tom Lantos Human Rights Commission
Hearing
On
Climate Change and Human Rights
July 28, 2002; 2:30 p.m.
Statement of Keith Slack
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My name is Keith Slack and I am Director of Strategy and Campaigns at EarthRights International. On behalf of my organization, I would like to thank the Commission and Co-Chairs McGovern and Smith for convening this important hearing today. EarthRights International is a human rights and environmental organization based in Washington, DC with offices in Thailand and Peru. We support Indigenous communities and environmental human rights defenders on the frontlines of the climate crisis by providing legal representation in defense of human rights in national courts and regional human rights bodies, campaigning for policy reforms, and training community leaders and public interest lawyers.

In my remarks I will give a brief overview of the global pattern of threats, criminalization, and violence directed at environmental human rights defenders and its connections to the climate crisis. I will conclude by offering some specific policy recommendations for the US Congress and Biden Administration. My central message today is that addressing the climate crisis requires strengthening respect for the rights of freedom of expression, association and assembly and for the rights of environmental human rights defenders to do their work without fear that they will be harassed, jailed, or killed.

A. Global Context

Worldwide, the climate crisis is happening concurrently with a shrinking of civic space. Closing civic space has direct impacts on people's health and safety when it limits the ability of individuals and communities to raise concerns about activities that are impacting their local environments and altering our climate on a global scale, such as deforestation and fossil fuel development.

EarthRights International is concerned that threats and violence against environmental human rights defenders and frontline communities, particularly Indigenous communities, are growing.

Last year the UN Special Rapporteur on the Rights to Freedom of Peaceful Assembly and Association documented the tactics governments and businesses have used to attack and

silence those who speak up about climate-related concerns. These include:

- Physical attacks, killings, and intimidation
- Vilification, smear campaigns, and disinformation
- Criminalization, judicial harassment, and surveillance

These tactics echo broader trends that are affecting human rights defenders worldwide. According to research by the organizations Front Line Defenders and Human Rights Defenders Memorial, last year 358 human rights defenders were murdered around the world. Of those killed, 60% of these were advocating for land, environmental or Indigenous rights.

By EarthRights' estimate, thousands of incidents of threats, intimidation and judicial harassment that fall short of killing also occur annually. Each attack can have a broader chilling effect, discouraging others from speaking up.

The recent killing of journalist Dom Phillips and Indigenous rights expert Bruno Pereira in Brazil is one recent example of the violence suffered by individuals seeking to expose the illegal activities that are driving destruction of land and resources in environmentally sensitive areas.

Environmental human rights defenders are also facing attacks in the United States. In particular, pipeline companies have retaliated against Indigenous-led protests of their operations by deploying private security forces in counter-surveillance-style operations, co-opting local police forces to encourage biased law enforcement, and filing strategic lawsuits against public participation (or SLAPPs) to silence their critics.

B. Putting Human Rights into Global Climate Negotiations

At the global level, there is growing recognition of the critical role played by environmental human rights defenders in promoting sustainable economic development. In March of this year, 68 countries, including the US, issued a statement to the UN Human Rights Council calling for states to protect the rights of environmental human rights defenders to freedom of expression without fear of reprisal. This was a positive step but more needs to be done.

The UN climate negotiations currently provide very little recognition of the central role that environmental human rights defenders and civil society play in the global response to the climate crisis. Fortunately, there are several opportunities to make progress on this issue during this year's negotiations at COP27 in Egypt. A first step would be to establish an Observatory or Task Force as a permanent body of the COP to assess the current global crisis affecting environmental human rights defenders and propose measures to ensure their protection and rights.

Access to the COP meetings themselves is another key concern. Civil society organizations have faced significant obstacles to their participation. We are concerned that these issues will be even more severe at the upcoming COP in Egypt, whose government human rights organizations have criticized the detention of thousands of its citizens for peacefully

practicing their rights to freedom of expression, association and assembly.

C. Recommendations for US policy

I would like to conclude my remarks today with some specific policy recommendations for the US Congress and the Biden Administration.

First, the US government can scale up its support, through its embassies and diplomatic missions, for environmental human rights defenders who are under threat. Such support can include, for example:

- voicing public support to legitimize the work of environmental defenders who face smear campaigns as a result of their work,
- observing trials and legal proceedings of environmental defenders who are criminalized, and
- pressuring host country governments to investigate and prosecute violent attacks on environmental defenders

Second, Congress should pass legislation that would ban corporations from involvement in human rights abuses, including those directed at environmental human rights defenders. Such legislation should establish due diligence requirements to ensure that corporations are conducting oversight of their supply chains and actively taking steps to ensure that their suppliers and associated entities are not involved in abusive activities. Such legislation could be modeled after the Foreign Corrupt Practices Act, which has positioned the US as a global leader in tackling corruption.

Third, Congress should press the US Development Finance Corporation (DFC), which funds extractive and infrastructure projects in countries such as Colombia and Brazil, to adopt a comprehensive policy on non-retaliation against civil society and project stakeholders by DFC partners. This would follow a commitment adopted four years ago by the International Finance Corporation, the private sector arm of the World Bank Group. DFC was instructed to take this action last year by the House Appropriations Committee but so far has not done so.

Finally, I reiterate our call on US climate negotiators engaging in the Paris Agreement process to recognize the important role of environmental defenders in the global response to climate change and to include protections for these brave individuals within the implementation frameworks of the agreement. Climate change is a global challenge, but it is also an inherently local challenge. The path out of this crisis depends on the ability of everyday people to exercise their rights to freedom of expression, assembly, and association and have a seat at the table when decisions are made that affect their communities.

I thank the Commission again for its attention to this critical issue and welcome any questions you might have.