



**Remarks to the Tom Lantos Human Rights Commission  
Hearing on the Rights of Indigenous Peoples in the Americas**

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November 20, 2020

**Introduction**

My name is Keith Slack and I am Director of Strategy and Campaigns at EarthRights International. I would like to thank the Commission for convening this important hearing today. EarthRights International is a human rights and environmental organization based in Washington, DC with offices in Myanmar, Thailand and Peru. We support Indigenous communities and organizations across Latin America by providing legal representation in defense of Indigenous rights in national courts and within the Inter-American Human Rights System. I am pleased to be joined today on the panel by Melania Canales Poma, president of the National Organization of Andean and Amazonian Women of Peru, with whom we have partnered on initiatives to defend Indigenous rights.

In my remarks I will offer a brief overview of the crisis of threats and violence faced by Indigenous peoples in the region, its connections to illegal and unsustainable natural resource extraction, and recommendations for US policy and Congressional action.

**A. Illegal resource extraction and land disputes**

Indigenous leaders in Latin America have described the COVID-19 pandemic as a potential “ethnocide.” Even before the pandemic, however, Indigenous communities faced unprecedented levels of violence and threats due to armed groups, drug trafficking, and the illegal extraction of gold, timber, palm oil, and other commodities.

In Colombia now an average of one mass killing occurs every other day. Rural Indigenous communities have been most directly affected by this violence. Individuals associated with remnants of the country’s guerilla and paramilitary groups frequently assassinate Indigenous leaders. These armed actors vie for control of land for themselves—for drug trafficking and illegal resources extraction—and for their partners in the economic and political elite. In April an indigenous leader and three of his family members were massacred in Cauca department. One year



ago, paramilitaries massacred five Indigenous leaders, including the local governor, also in Cauca department. This tragedy drew international condemnation and highlighted the crisis of violence faced by Colombia's Indigenous communities.

In Peru, armed actors have threatened and killed Indigenous leaders for denouncing illegal timber extraction in the Peruvian Amazon. Across the region COVID-19 lockdowns, although important for controlling the virus, have increased risks by preventing Indigenous activists and community leaders from frequently changing their physical location – a key protection tactic. This has made these defenders, in the words of local journalists, quote, “sitting ducks” for those who seek to do them harm.

Even as the pandemic has raged, environmental damage to Indigenous communities has not stopped. In April, one of the worst oil spills in decades occurred in the Ecuadorian Amazon, in which 15,000 barrels of oil gushed into the Coca River from a pipeline owned by PetroEcuador, eventually affecting 150,000 people. In the Peruvian Amazon, more than 470 oil spills have occurred in the last 20 years, impacting more than 40 Indigenous communities. Despite this environmental record, oil companies continue to seek access to indigenous territories in the Amazon and elsewhere in the region, and have sought to use the pandemic as a pretext for weakening environmental and social protection measures, including the requirement of prior consultation.

## **B. Climate Change**

The COVID-19 pandemic is not the only global crisis threatening the existence of Indigenous peoples. The other is climate change. As defenders of the world's last tropical rainforests, Indigenous peoples are also defenders of the global climate. Governments must respect and strengthen Indigenous autonomy over critical rainforest areas and respect their knowledge of sustainable resource management. The Amazon rainforest in particular represents one of the last frontiers for extractable fossil fuels. Indigenous peoples have a right to say no to this extraction and to protect the rainforests on which their livelihoods depend. This point was echoed by Pope Francis earlier this year in an official Catholic Church statement.

On a positive note, next year the Inter-American Court of Human Rights will hear the case of Colombia's U'wa people against the Colombian government, more than 20 years after the case was originally filed.<sup>1</sup> The U'wa are seeking recognition of their land rights vis-à-vis the presence of oil companies. A successful outcome in this case would set an important precedent for Colombia and other governments in the region to respect Indigenous land rights, which is an increasingly important mechanism for protecting the global climate.

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<sup>1</sup> See “Justice Advances for U'w Nation,” November 3, 2020. <https://earthrights.org/media/justice-advances-for-the-uwa-nation/>



### C. US Policy

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

First, as members of the Commission are aware, Latin America is the deadliest region in the world for human rights defenders, especially for Indigenous peoples and others who are defending land and the environment. The US Congress and Biden Administration should continue to work to ensure that human rights protection bodies in countries including Colombia and Honduras<sup>2</sup> are responding adequately to threats against Indigenous peoples and other environmental and land defenders.

Second, on a more systematic level, the US State Department—either on its own accord or through a Congressional mandate—should develop comprehensive global guidelines to ensure that its diplomatic missions prioritize the protection of human rights defenders, including Indigenous and land and environmental defenders. While the US government has taken important steps in this area, including the creation of an inter-agency working group on environmental and land defenders, responses from US embassies have been inconsistent.<sup>3</sup> These guidelines would provide clear procedures for US diplomatic missions to support defenders at risk, while also providing greater clarity for defenders themselves in how to approach the US government for support.

Third, also on a systemic level, Congress should adopt legislation that further strengthens corporate accountability for human rights violations, particularly in the extractive and agribusiness sectors, potentially in a manner similar to what exists now for corporate corruption under the Foreign Corrupt Practices Act.<sup>4</sup> The US Congress should make clear that corporations implicated either directly or via their supply chains in grave human rights abuses, including those committed against Indigenous peoples, will be held legally accountable for their actions.

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

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<sup>2</sup> See “Organizations Urge Governments to Protect Activists and Communities Threatened by Armed Groups During Covid-19 Pandemic,” May 4, 2020. <https://earthrights.org/media/organizations-urge-governments-to-protect-activists-and-communities-threatened-by-armed-groups-during-covid-19-pandemic/>

<sup>3</sup> See *Speak Without Fear: The Case for a Stronger US Policy on Human Rights Defenders*, June 2020. [https://earthrights.org/wp-content/uploads/EarthRights-Embassy-Report\\_June2020.pdf](https://earthrights.org/wp-content/uploads/EarthRights-Embassy-Report_June2020.pdf)

<sup>4</sup> See [www.cancelcorporateabuse.org](http://www.cancelcorporateabuse.org)