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## **New report: Economic opportunism in response to COVID-19 reaches feverish pitch, eroding Indigenous land rights while generating violence and deforestation in most-forested tropical countries**

***Murders and forced relocations accompany forest destruction, according to local accounts, suggesting rule of law under assault by extractive industries in Brazil, Colombia, Peru, Democratic Republic of the Congo and Indonesia***

**MORETON-IN-MARSH, UK--** (18 Feb., 2021)—In their quest to bolster economies battered by the pandemic, governments in Brazil, Colombia, the Democratic Republic of the Congo, Indonesia, and Peru have set aside social and environmental safeguards in favor of destructive development projects that are harming Indigenous communities and the forests they care for, according to a report released today by Forest Peoples Programme.

Open-pit mines, industrial agriculture plantations, infrastructure mega-schemes and hydropower complexes are among the projects fueling a rise in human rights abuses and deforestation in five countries that contain [the majority](#) of the world's tropical forests.

"This research proves beyond question that the behaviour of governments and commodity producers in these five countries conflicts directly with growing demand in consumer nations for supply chains that are free of human rights abuses, deforestation and biodiversity loss." said Dr. Myrna Cunningham, President of the Fund for the Development of the Indigenous Peoples of Latin America and the Caribbean ([FILAC](#)) and speaker at a press briefing today to release the new report.

"Now we must ask, how will the global community respond to these findings? During the pandemic, governments have not only failed to stop land grabs and human rights violations by corporate actors, but have rewritten and reversed hard-won policies that are vital to any strategy aimed at protecting human rights and stopping the destruction of priceless ecosystems]."

Entitled "Rolling back social and environmental safeguards in the time of COVID-19," the new report examines how the governments of the world's most tropically forested countries have used the economic devastation wrought by the pandemic to justify recalling social and environmental legal protections.

The report was jointly produced by researchers at the Lowenstein International Human Rights Clinic at [Yale Law School](#), the School of Law at [Middlesex University](#) in London, and Forest Peoples Programme ([FPP](#)), in collaboration with several Indigenous Peoples' organizations in the five countries. Based in part upon interviews with affected communities, the report also draws upon five country-specific studies co-authored by national researchers and Indigenous Peoples' organizations and support groups.

“It is wrong to prioritise economic development over the protection of Indigenous Peoples’ rights and tropical forests, especially during a pandemic,” said James Whitehead, director of Forest Peoples Programme (FPP). “In 2021, two big international conferences will address climate change and the frightening loss of biodiversity globally. This study provides yet more evidence that the international community and businesses need to urgently maintain and strengthen protections for human rights and tropical forests and proactively support Indigenous Peoples to secure and protect their territories.”

As documented by a growing body of evidence, Indigenous Peoples and local communities play a crucial role in averting [climate change](#), [biodiversity loss](#) and [pandemic risk](#). Indigenous Peoples have been shown to [outperform other forest managers](#) in preventing deforestation, which has particular significance in tropically forested countries that are home to some of the most carbon-rich and biodiverse lands on the planet.

“The pandemic can never be an excuse to trample upon human rights and destroy our planet,” said Joan Carling, director of Indigenous Peoples Rights International. “Rolling back environmental and social protections in the name of promoting economic recovery is adding insult to injury for Indigenous Peoples.”

**The report discusses four major findings:**

- States are prioritizing the expansion of the energy sector, infrastructure, mining, logging and industrial agriculture in or near Indigenous territories without protecting the rights of Indigenous Peoples.
- States are not enforcing domestic and international law prohibiting land grabbing and are instead facilitating illegal deforestation, agribusiness expansion and mining that are affecting Indigenous territories. As a result, deforestation surged in 2020 and is likely to increase in 2021.
- States have developed and are enacting land-use and planning policies and regulations that weaken current social and environmental safeguards, and violate Indigenous Peoples’ rights, especially those protecting rights to consultation before projects that affect their lands begin.
- Indigenous peoples who try to assert their rights are facing increased violence, arrests and criminal prosecution.

“Indigenous Peoples are seeing their rights stripped away as the lands that have long been their homes are being stripped away as well,” said James Silk, Binger Clinical Professor of Human Rights at Yale Law School. “Corporations in the extractive industries have aggressively pushed governments to let them exploit resources on Indigenous lands, promising economic revitalization, but ignoring the devastating effect on Indigenous communities. The result is a cascade of human rights violations and accelerating contributions to global warming.”

The report sets out the urgent actions that are needed by the governments of tropically forested countries to reverse these dangerous rollbacks and strengthen protections for Indigenous Peoples and their territories. It calls for the stronger regulation of global supply chains linked to rights abuse and deforestation and urges international investors and financiers to apply rigorous safeguards to respect human rights and protect forests in all financing for COVID-19 recovery projects and programmes.

Many nations embrace the large-scale exploitation of natural resources as an economic stimulus strategy despite a long list of research detailing how this approach causes social and environmental

harm and often fails to generate long-lasting and equitable economic benefits. More targeted research has shown that massive oil-palm plantations contribute a meager percentage to Indonesia's GDP, while generating large-scale human rights abuses and deforestation. Research also shows how the largely unregulated plunder of the mineral resources of the Democratic Republic of Congo has fueled the country's [endemic economic and political insecurity](#).

"How states respond when Indigenous Peoples assert their land rights is often highly problematic," said Cathal Doyle of the School of Law at Middlesex University, London. "Indigenous Peoples' rights are hugely underemphasized in government decisions and some Indigenous Peoples are criminalized for their natural way of life. They have rights that exist on paper, but governments do not respect these rights. In such contexts, the law can be used as a weapon to silence and oppress those defending their lands."

### **National case studies in Brazil, Colombia, Congo DRC, Indonesia and Peru**

In **Brazil**, the inflammatory rhetoric of President Jair Bolsonaro and his government creates headlines but often distracts from the extent to which protections for Indigenous rights have been limited. Between March and May 2020 alone, the government passed 195 executive acts aimed at directly or indirectly dismantling or bypassing environmental laws, thus providing impunity for illegal land grabbing in Indigenous territories. Deforestation in the Brazilian Amazon in 2020 reached the [highest level](#) in the past 12 years.

"The Bolsonaro government has talked openly about the opportunistic motivation behind their campaign to roll back protections of indigenous peoples' rights," said Sofea Dil, a researcher at Yale Law School who worked on the report. "In early 2021, leaders of the Kayapó and Paiter Surui tribes filed a communication with the International Criminal Court requesting that the Prosecutor investigate this concerted campaign, alleging that the government's aggressive treatment of Indigenous Peoples and the environment meets the definition of crimes against humanity. This is just the most recent in a long series of actions of protest that speak to the resilience of indigenous groups in Brazil in the face of years of egregious violations of their human rights."

In **Colombia**, the plague of assassinations of Indigenous leaders and human rights defenders has escalated during the COVID-19 lockdowns, and [deforestation](#) in the Amazon has surged by more than 80%.

During the pandemic, the state has also pushed through controversial measures to weaken protections for prior consultation and free, prior and informed consent (FPIC) for Indigenous Peoples, and it has moved forward with plans to use aerial spraying of toxic herbicides to tackle illegal crop cultivation, including in the Amazon region, despite judicial challenges from Indigenous Peoples, small farmers and Afro-Colombian groups demanding FPIC and protesting at potential violation of rights, health problems and damage to the environment.

In the **Democratic Republic of Congo (DRC)**, the legal recognition of Indigenous Peoples' rights has always been inadequate and yet the laws are trending backwards. The nation has a history of epidemics—including numerous Ebola outbreaks—which create a high-risk health context that the government uses to control the population. The current COVID-19 pandemic has decimated the national

economy, providing cover for new national policies that circumvent longstanding moratoriums on resource extraction on Indigenous lands and threaten the limited protections for Indigenous Peoples' rights that currently exist.

In **Indonesia**, the Omnibus Law on Job Creation, passed in October 2020 without meaningful participation of Indigenous Peoples and despite their opposition, weakens environmental protection laws and laws regulating impact assessments, land use and public consultation. Yet the Indigenous rights bill that would implement the 2013 ruling by Indonesia's Constitutional Court, which revoked government claims to Indigenous forests, has languished for nearly a decade before the House of Representatives.

"The past year showcased a brazen lack of consultation of Indigenous Peoples in Indonesia concerning a bill that radically transforms the ways in which customary forests are managed," said Chris Ewell, a researcher at Yale Law School who worked on the report. "Given the ongoing pandemic, numerous Indigenous leaders around the world have demanded that their governments refrain from passing new legislation that impacts Indigenous lands until the risk of infection has waned and it is once again possible to obtain free, prior and informed consent from Indigenous communities. The omnibus bill shows that when the Indonesian government wants to push something through, it can—but it doesn't recognize Indigenous rights as a priority."

In **Peru**, the ombudsman in 2019 documented more than 134 active social conflicts in relation to socio-environmental and mining issues. During the pandemic, the speed with which the government came to the aid of these economic sectors contrasts with its protracted delays—sometimes spanning decades—in addressing these conflicts. In May 2020, the government declared that the economy would reopen in four phases, with forestry, mining and oil being the first sectors to be restarted by deferring environmental fines and suspending environmental and social monitoring reports.

"The government presents COVID-19 rules as an exception, but these exceptions merely roll things back to business as usual," said Anna Wherry, a researcher at Yale Law School who worked on the report. "The government claims it tries to make a good faith effort to consult with Indigenous communities impacted by developments, but these consultations do not ensure respect for Indigenous Peoples' rights, including their right to free, prior and informed consent. In fact, all five countries in this study use this approach; the COVID-19 pandemic has enabled these governments to look past Indigenous rights with impunity."

The new report released today represents a collaborative effort between international researchers, rights advocates, and Indigenous communities in the world's five most tropically forested countries. It is also a call-to-action for international and national actors to better protect Indigenous Peoples' rights now and into the future.

The authors of the paper note that, despite confronting persistent efforts to weaken environmental and social safeguards, land rights and the ongoing challenges of the pandemic, Indigenous Peoples in tropically forested countries have rallied together to oppose the systematic erosion of their rights in the name of COVID-19.

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