

118TH CONGRESS  
1ST SESSION

# S. RES. 142

Expressing concern about environmental crimes and attacks on the human rights of environmental and land defenders in Latin America and the Caribbean.

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## IN THE SENATE OF THE UNITED STATES

MARCH 30, 2023

Mr. MENENDEZ (for himself, Mr. KAINE, Mr. MERKLEY, Mr. CARDIN, Mr. PADILLA, Mr. SANDERS, Mr. MARKEY, and Mr. MURPHY) submitted the following resolution; which was referred to the Committee on Foreign Relations

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## RESOLUTION

Expressing concern about environmental crimes and attacks on the human rights of environmental and land defenders in Latin America and the Caribbean.

Whereas rising instances of environmental crimes, land grabbing, unregulated and illegal natural resource destruction and extraction, and irresponsible infrastructure development threaten biodiversity and rural and Indigenous community livelihoods in Latin America and the Caribbean, which is home to 40 percent of the world's species and more than 24 percent of the Earth's forests;

Whereas harassment, threats, assaults, and killings against environmental and land defenders protesting such crimes

and development have increased throughout the region since 2018;

Whereas, according to Global Witness, Latin America is the deadliest region in the world for environmental and land defenders, with nearly 75 percent of the 200 known attacks against such defenders during 2021 taking place in the region, including—

(1) in Mexico, where 54 environmental and land defenders were murdered in 2021, representing the highest number of such murders in any country that year;

(2) in Colombia, where 33 environmental and land defenders were murdered during 2021, representing the second highest number of such murders in any country that year;

(3) in Brazil, where 342 environmental and land defenders have been murdered since 2012, representing the highest number of such murders of any country since the reporting of such murders began; and

(4) in Peru, Venezuela, and Brazil, where 78 percent of the attacks against environmental and land defenders in the Amazon region occurred;

Whereas more than 25 percent of the attacks on environmental and land defenders during 2021 were reportedly linked to resource exploitation, including logging, mining, large scale agribusiness, hydroelectric dams, and other infrastructure;

Whereas, approximately 40 to 60 percent of logging activities in the Peruvian Amazon are illegal, according to INTERPOL, and approximately 95 percent of deforestation in Brazil in 2021 was irregular, according to the Brazilian Annual Land Use and Land Cover Mapping Project;

Whereas, in 2021, Indigenous peoples made up more than 40 percent of victims in fatal attacks against environmental and land defenders worldwide, despite Indigenous peoples only comprising approximately 5 percent of the world's population;

Whereas Indigenous peoples, who steward more than 80 percent of the world's biodiversity, are disproportionately vulnerable to the effects of environmental loss and more frequently targeted in attacks on environmental and land defenders;

Whereas women acting in defense of their lands and natural environments in Latin America face additional threats to their human rights, as Latin America has the highest rates of gender-based violence in the world;

Whereas many countries in Latin America and the Caribbean lack sufficient oversight capacity, transparency, and accountability for regulations of environmental permits and investigations of environmental crimes, especially in Indigenous lands, nationally protected forests, and other remote geographical areas with limited government presence, forcing affected populations to advocate for their land and natural resources at great personal risk;

Whereas corruption in Latin America and the Caribbean enables the subversion of laws designed to prevent environmental crime and protect natural resources, undermining efforts to prevent ecological destruction;

Whereas the COVID–19 pandemic has strained the resources and institutional capacity of Latin American and Caribbean Governments to address environmental crimes and prevent the expansion of nonstate actors into remote areas and border regions where these groups target envi-

ronmental and land defenders and engage in illicit mining and drug trafficking activities;

Whereas the United States Agency for International Development has developed programs to reduce environmental crimes and other threats to the Amazon's forests, waters, and peoples throughout Brazil, Colombia, Ecuador, Guyana, Peru, and Suriname;

Whereas all Latin American and Caribbean countries have ratified the decision by the 21st Conference of Parties of the United Nations Framework Convention on Climate Change, adopted at Paris December 12, 2015 (commonly known as the "Paris Climate Agreement"), which states, "Parties should, when taking action to address climate change, respect, promote, and consider their respective obligations on human rights, the right to health, the rights of indigenous peoples, local communities, migrants, children, persons with disabilities and people in vulnerable situations";

Whereas 15 countries in Latin America ratified the Indigenous and Tribal Peoples Convention, 1989 (No. 169) of the International Labor Organization, establishing the rights of Indigenous people to land, natural resources, and prior consultation on projects affecting their communities, although many such countries have consistently failed to respect these legally binding standards;

Whereas 25 countries in Latin America and the Caribbean have signed, and 14 of these 25 countries have ratified, the Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean, adopted at Escazú, Costa Rica March 4, 2018 (commonly known as the

“Escazú Agreement”), to ensure the protection of environmental defenders across the region; and

Whereas, on June 9, 2022, at the Ninth Summit of the Americas in Los Angeles, heads of State and Government of the Western Hemisphere adopted “Our Sustainable Green Future”, a commitment to draft and approve national plans, before the commencement of the Tenth Summit of the Americas in the Dominican Republic in 2025—

(1) to respond to threats and attacks on environmental defenders and collect data on such threats and attacks, in accordance with domestic law;

(2) to enact, as appropriate, and enforce domestic laws to protect environmental defenders and the resources they defend: and

(3) to carry out and implement environmental assessments in accordance with existing domestic law: Now, therefore be it

1       *Resolved*, That the Senate—

2               (1) underscores the urgency of protecting bio-  
3       diversity in Latin America and the Caribbean, end-  
4       ing impunity for environmental crimes, protecting  
5       environmental and land defenders, and confronting  
6       risks and addressing threats to such actors;

7               (2) urges governments in Latin America and  
8       the Caribbean to protect the rights of Indigenous  
9       peoples and other environmental and land defenders,  
10       including—

1 (A) strengthening efforts and initiatives  
2 aimed at combating environmental crimes and  
3 protecting the territory of environmental and  
4 land defenders;

5 (B) complying with commitments made  
6 under the Paris Climate Agreement, Convention  
7 169 of the International Labor Organization,  
8 and the Escazú Agreement to pursue environ-  
9 mental justice and protect the rights of Indige-  
10 nous peoples and other environmental and land  
11 defenders, particularly in relation to rights to  
12 land titling and prior consultation; and

13 (C) implementing “Our Sustainable Green  
14 Future” commitments made at the Ninth Sum-  
15 mit of the Americas to advance the protection  
16 of environmental and land defenders;

17 (3) calls on the Secretary of State, in coordina-  
18 tion with the Administrator of the United States  
19 Agency for International Development, to support  
20 and assist governments in Latin America and the  
21 Caribbean in meeting regional and international  
22 standards and commitments for the protection of In-  
23 digenous peoples and other environmental and land  
24 defenders, including through—

1 (A) capacity building initiatives aimed at  
2 strengthening networks of environmental and  
3 land defenders, Indigenous peoples, and civil so-  
4 ciety organizations;

5 (B) providing technical assistance and  
6 other support to combat corruption within  
7 agencies dealing with forestry management and  
8 environmental crimes;

9 (C) collaborating with law enforcement au-  
10 thorities, including through the sharing of intel-  
11 ligence, to help dismantle criminal groups re-  
12 sponsible for committing environmental crime  
13 and violence against environmental and land de-  
14 fenders;

15 (D) reinforcing the importance of free,  
16 prior, and informed consent of Indigenous peo-  
17 ples within such regional and international com-  
18 mitments;

19 (E) promoting the participation of women,  
20 Indigenous peoples, Afro-descendant commu-  
21 nities, environmental and land defenders, and  
22 other affected and vulnerable communities in  
23 regional and international forums related to  
24 human rights, environmental protection, and  
25 climate change; and

1 (F) hosting summits and other multilateral  
2 forums, with the participation of governments  
3 in the region and relevant civil society organiza-  
4 tions, to share the experiences of environmental  
5 and land defenders and advance solutions to  
6 protect biodiversity and confront impunity  
7 around environmental crime; and

8 (4) calls on the Administrator of the United  
9 States Agency for International Development, in co-  
10 ordination with the Secretary of State, to develop  
11 comprehensive regional and subregional action plans  
12 with input from environmental and land defenders to  
13 counter environmental crime and attacks against en-  
14 vironmental and land defenders in Latin America  
15 and the Caribbean, including by—

16 (A) strengthening current programs in  
17 Brazil and Colombia;

18 (B) expanding key pillars of ongoing pro-  
19 grams to Mexico, Peru, Honduras, Guatemala,  
20 and El Salvador, where such initiatives are  
21 largely absent; and

22 (C) ensuring that projects supported or  
23 funded by the United States Government in  
24 Latin America and the Caribbean take into ac-



- 1 count the protection of Indigenous peoples and
- 2 environmental and land defenders.

