

27 January 2022

T O S T O P

D E F O R E S T A T I O N

U P H O L D

L A N D R I G H T S

Dear all,

We write to you, as **22** associations of Indigenous Peoples and local communities with customary tenure rights from **33** countries, supported by **169** allied human rights and environmental civil society organisations, to urge you to **incorporate a requirement for businesses to respect land rights as part of the EU Regulation on deforestation-free products.**

We welcome the draft Regulation to restrict imports linked to deforestation. However, **the Commission's approach is likely to fail unless it also protects the customary tenure rights of Indigenous Peoples and local communities**, who are among the most effective protectors of forests. We count on you to bridge this significant gap in the Commission's proposal.

Around the world, Indigenous Peoples and local communities with customary tenure rights have been and continue to be dispossessed or denied rights to their land, and attacked, threatened and killed for defending their territories, often from business activities. Addressing these abuses is an urgent human rights issue and these communities' significant role in halting the global climate and biodiversity emergencies only adds to that urgency.

The evidence is solid. In country after country, deforestation rates are lower in lands securely held and managed by Indigenous Peoples and forest-dependent communities. In the Bolivian Amazon, the rate of deforestation on lands securely held by Indigenous Peoples is about 35 per cent of what it is in other comparable areas, in Brazil it is 40 per cent and in Colombia half. Studies in Asian and African countries mirror this trend and suggest that strengthening communities' rights over their lands also leads to regeneration of degraded forests. In 2019, the Intergovernmental Panel on Climate Change (IPCC) also found that "land titling and recognition programs, particularly those that authorize and respect Indigenous and communal tenure, can lead to improved management of forests, including for carbon storage."

Considering the links between thriving forests and rights protections, we believe the integrity and effectiveness of the EU Regulation will depend on whether it holds businesses accountable for respecting communities' property and land rights and for identifying and addressing risks of abuses against forest defenders. This has already been envisioned in a [European Parliament report](#) which recommends a legal framework to halt and reverse EU-driven global deforestation. It would also advance implementation of the [EU Action Plan on Human Rights and Democracy 2020-2024](#), whose stated objectives include supporting and protecting defenders of land rights, environmental issues and Indigenous Peoples' rights, and supporting Indigenous Peoples by "upholding the principle to free, prior and informed consent in all decisions affecting them".

Concretely, we call on you to ensure that the EU Regulation includes robust provisions that require businesses to respect the tenure rights of Indigenous Peoples and local communities in line with international human rights law requirements, and to respect the right of forest defenders to conduct their work without retaliation.

The World Resources Institute [estimated](#) that 65 per cent of all global land area is communally used and managed, and supports more than 2.5 billion people. Yet only 10 per cent of the world's land is legally recognised as belonging to communities, and only eight per cent is designated by governments as community land. The immense majority of land customarily held by Indigenous Peoples and local communities is therefore [yet to be](#) recognised by local laws, and many statutory laws still fail to reflect international law and standards on Indigenous Peoples' and local communities' land rights. This lack of clarity will make it hard for companies and EU Competent Authorities to understand and implement their obligations under the new Regulation.

In order to ensure the expectations of companies are clear and to facilitate enforcement by EU and Member States authorities, we ask the following:

- 1. The Regulation should explicitly require that companies placing products on the EU market respect customary tenure rights as required by international law and standards.**¹ This would also mitigate the impact on forest-dependent peoples of domestic regulatory rollbacks of rights protections - such as Indonesia's 2020 Job Creation Law, which [weakens legal protections](#) for Indigenous Peoples' organisations, and the [Brazilian government's ongoing attempt](#) to curtail Indigenous Peoples' ability to reclaim traditional territories from which they were forcibly removed.

1. Including the International Covenant on Civil and Political Rights, the International Covenant on Economic Social and Cultural Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the UN Declaration on the Rights of Indigenous Peoples, the UN Declaration on the Rights of Peasants and Other People Working in Rural Areas, the International Labor Organization Convention 169 and others.

2. In order to respect these rights, the Regulation should **require that businesses placing products on the EU market ensure that their suppliers meaningfully consult affected communities, and obtain the free, prior, and informed consent of Indigenous Peoples and local communities with customary tenure rights** where business activity impacts their ownership, tenure, or access-rights. They should also **identify and address adverse impacts and risks that their operations pose to forest defenders.**

3. To support implementation, **the EU Observatory foreseen by the European Commission should also monitor respect for land rights**, for example by superimposing satellite deforestation data over national land registries and data generated by civil society and local communities about the delimitation of traditional territories. The EU Observatory should also be able to receive and investigate specific instances of non-compliance raised by third parties.

4. Finally, **the Commission should take into account information about land rights abuses in the context of industrial agriculture, as well as violence against forest defenders, when determining the level of risk assigned to a producer country.**

Ultimately, the primary obligation to uphold the rights of Indigenous Peoples and local communities rests with the states in which they live. However, all states have an obligation to regulate private actors, including by holding them accountable for harm they generate at home and abroad. By adopting a Regulation that requires businesses to respect rights, and holding them accountable if they fail to comply, the EU could play a critical role in transforming the system of economic incentives and curb the human rights abuses that fuel deforestation linked to agricultural commodities. We urge you to improve the European Commission proposed Regulation by putting the rights of Indigenous Peoples and local communities at its heart.

Sincerely,

On behalf of

Indigenous Peoples and local communities organisations:

- *Asia Indigenous Peoples Pact (Bangladesh, Cambodia, India, Indonesia, Laos, Japan, Malaysia, Myanmar, Nepal, Philippines, China/Taiwan, Thailand, Timor Leste, Vietnam)*
- *Articulação dos Povos Indígenas do Brasil - Articulation of the Indigenous Peoples of Brazil (Brazil)*
- *Dynamique des Groupes des Peuples Autochtones - Dynamic of Indigenous Peoples Groups (DR Congo)*
- *Aliansi Masyarakat Adat Nusantara - Indigenous Peoples' Alliance of Nusantara (Indonesia)*
- *Federação dos Povos Indígenas do Estado do Pará - Federation of Indigenous Peoples of the State of Pará (Brazil)*

- Réseau Des Populations Autochtones Et Locales Pour La Gestion Durable Des Ecosystemes Forestiers d'Afrique Centrale - Network of Indigenous and Local Populations for the Sustainable Management of Forest Ecosystems in Central Africa (Burundi, Cameroon, Republic of Congo, Gabon, Equatorial Guinea, Central African Republic, DR Congo, Chad, Rwanda)
- Alianza Mesoamericana de Pueblos y Bosques - Mesoamerican Alliance of Peoples and Forests (Costa Rica, Guatemala, Honduras, Mexico, Nicaragua, Panama)
- Asociación Consejo Regional Pueblo Nasa del Putumayo Kwe'sx Ksxa'w - Association Regional Council Nasa People of Putumayo Kwe'sx Ksxa'w (Colombia)
- Ogiek Peoples' Development Program (Kenya)
- Coordenação das Organizações Indígenas da Amazônia Brasileira - Coordination of the Indigenous Organizations of the Brazilian Amazon (Brazil)
- Synergie Nationale des Paysans et Rivérains du Cameroun - National Synergy of Farmers and Residents of Cameroon (Cameroon)
- Consejo Comunitario de Cabeceras - Community Council of Cabeceras (Colombia)
- Consejo Comunitario del Río Naya - Naya River Community Council (Colombia)
- Asociación Ancestral Indígenas del Bajo Atrato - Ancestral Indigenous Association of Bajo Atrato (Colombia)
- Association des Femmes Peules Autochtones du Tchad - Association of Indigenous Fulani Women of Chad (Chad)
- Consejo Comunitario la Caucana Buenaventura - La Caucana Buenaventura Community Council (Colombia)
- Consejo Comunitario Mujeres afro "Elida Brito" Monguí - Afro Women Community Council "Elida Brito" Monguí (Colombia)
- Federation of Community Forestry Users Nepal (Nepal)
- Articulação Pacari Raizeiras do Cerrado - Pacari Raizeiras do Cerrado Articulation (Brazil)
- Organización Nacional de Mujeres Indígenas Andinas y Amazónicas del Perú - National Organization of Andean and Amazonian Indigenous Women of Peru (Peru)
- Resguardo Naexal Lajt (Colombia)
- Resguardo Wounaan Nonam Puerto Pizarro (Colombia)

NGOs

International:

- Client Earth
- Earthsight
- Environmental Investigation Agency
- Fern
- FIAN International
- Forest Peoples Programme
- Global Forest Coalition
- Global Justice Ecology Project
- Global Witness
- Human Rights Watch
- International Federation for Human Rights - FIDH
- Land Rights Now
- Mighty Earth
- Peace Brigades International
- Rainforest Alliance
- Rights and Resources Initiative - RRI
- TINTA (The Invisible Thread)
- Water Justice and Gender

Africa:

- Action pour le Développement et la protection de la famille - Action for the Development and Protection of the Family (Ivory Coast)
- Africa Europe Faith & Justice Network
- Agroécologie - Agroecology (Ivory Coast)
- Appui pour la Protection de l'Environnement et le Développement - Support for Environmental Protection and Development (Cameroon)
- Association Global Action for Sustainable Development (Ivory Coast)
- Center for Environment and Development (Cameroon)
- Civic Response (Ghana)
- Coalition Pour La Sécurisation Des Terres De l'Ouest - Coalition for Securing Western Lands (Ivory Coast)
- Conseil Universel en Agriculture, Qualité et Environnement - Universal Council in Agriculture, Quality and Environment (Ivory Coast)
- Coordination des ONG et association Exerçant dans le département de Danané - Coordination of NGOs and associations Working in the department of Danané (Ivory Coast)
- Ecosystem Based Adaptation for Food Security Assembly Côte d'Ivoire (Ivory Coast)
- Forêts et Développement Rural - Forests and Rural Development (Cameroon)
- Front Commun pour la Protection de l'Environnement et des Espaces Protégés - Common Front for the Protection of the Environment and Protected Areas (DR Congo)
- Génie Ivoirien pour les Sciences Pratiques Japonaises Adaptées au Développement de l'Afrique - Ivorian Engineering for Japanese Practical Sciences Adapted to the Development of Africa (Ivory Coast)

- *Green Development Advocates (Cameroon)*
- *International Friendship Service (Ivory Coast)*
- *La Terre Ne Trahit Jamais - The Earth Never Betrays (Ivory Coast)*
- *Marie-Esther Foundation (Ivory Coast)*
- *Nos enfants, notre Avenir - Our children, our future (Ivory Coast)*
- *Observatoire congolais des droits de l'Homme - Congolese Human Rights Observatory (Republic of the Congo)*

- *Observatoire Ivoirien pour la gestion durable des Ressources Naturelles - Ivorian Observatory for the Sustainable Management of Natural Resources (Ivory Coast)*
- *Organization for Justice, Peace and Equity in Africa*
- *Rencontre pour la Paix et les Droits de l'Homme - Meeting for Peace and Human Rights (Republic of the Congo)*
- *Réseau des Acteurs du Développement Durable - Network of Sustainable Development Actors (Cameroon)*
- *Réseau des jeunes pour le développement communautaire - Youth Network for Community Development (Ivory Coast)*

- *Réseau des Organisations de la Société Civile pour le Développement du Tonkpi - Network of Civil Society Organizations for the Development of Tonkpi (Ivory Coast)*
- *Sauvons La Foret Ivoirienne - Save the Ivorian Forest (Ivory Coast)*
- *Social Entrepreneurs for Sustainable Development (Liberia)*
- *Union pour l'Emancipation de la Femme Autochtone - Union for the Emancipation of Indigenous Women (DR Congo)*
- *Walk and Talk to Change (Ivory Coast)*

Americas:

- *Agrupación Biosfera - Biosphere Grouping (Chile)*
- *Agua para Todos Agua para la Vida - Water for All Water for Life (Mexico)*
- *Antumapu (Chile)*
- *Asociación Americana de Juristas - American Association of Jurists*
- *Asociación de desplazados de Peñas Coloradas - Peñas Coloradas Displaced Association (Colombia)*
- *Asociación de esposas de desaparecidos del río Naya - Association of Wives of the Disappeared of the Naya River (Colombia)*
- *Asociación de mujeres víctimas de la zona carbonífera del departamento del Cesar - Association of women victims of the coal zone of the department of Cesar (Colombia)*
- *Boreal Action (Canada)*
- *Centro de Documentación en Derechos Humanos "Segundo Montes Mozo SJ" - Segundo Montes Mozo SJ Human Rights Documentation Center (Ecuador)*
- *Comisión Intereclesial de Justicia y Paz - Inter-Church Commission for Justice and Peace (Colombia)*
- *Comité Juvenil Cultural San Francisco - San Francisco Cultural Youth Committee (Colombia)*

- *Consejo de Investigaciones en Desarrollo - Development Research Council (Guatemala)*
- *Corporación Sin Olvido - Corporation Without Forgetting (Colombia)*
- *Earthday (United States of America)*
- *Espacio Humanitario Puente Nayero - Puente Nayero Humanitarian Space (Colombia)*
- *Espaço Feminista - Feminist Space (Brazil)*
- *Familiares de desaparecidos del corregimiento la Sonora - Relatives of the disappeared from the corregimiento La Sonora (Colombia)*
- *FASE - Solidariedade e Educação - Solidarity and Education (Brazil)*
- *Fundación La Hendija, Unidad de Vinculación Ecologista - La Hendija Foundation, Ecologist Linkage Unit (Argentina)*
- *Fundación Ríos de Paz y Reconciliación - Rivers of Peace and Reconciliation Foundation (Colombia)*
- *Instituto Brasileiro de Análises Sociais e Econômicas - Brazilian Institute of Social and Economic Analysis (Brazil)*
- *Grupo de Investigaciones sobre la Amazonia - Amazon Research Group (Venezuela)*

- *Grupo de Trabajo sobre Asuntos Geograficos - Working Group on Geographic Issues (Venezuela)*
- *Instituto de Estudos Socioeconômicos - Institute of Socioeconomic Studies (Brazil)*
- *Movimento dos Atingidos por Barragens - Movement of People Affected by Dams (Brazil)*
- *Movimiento de Afectados por Represas en Latinoamérica - Movement of People Affected by Dams in Latin America*
- *National Wildlife Federation (United States of America)*
- *Natural Resources Defense Council - NRDC (United States of America)*
- *Puerto Torres Displaced Persons Association - Puerto Torres Displaced Persons Association (Colombia)*
- *Red de Amigas y Amigos por Cerro Seco - Network of Friends for Cerro Seco (Colombia)*
- *Resguardo Humanitario Biodiverso Unión Agua Clara - Union Agua Clara Biodiverse Humanitarian Reserve (Colombia)*
- *Resguardo Siona Buenavista (Colombia)*
- *Root & Branch News (United States of America)*
- *Terra de Direitos - Land of Rights (Brazil)*
- *Universidad de Paz - Peace University (Colombia)*

Asia and Oceania:

- *Aidenvironment (Indonesia)*
- *Association For Promotion Sustainable Development (India)*
- *Center for Development Programs in the Cordillera (Philippines)*
- *Centre of Research & Development in Upland Area (Vietnam)*
- *Cohesion Foundation Trust (India)*
- *Community Resource Centre Foundation (Thailand)*
- *Environment East Gippsland inc (Australia)*
- *Forest Watch Indonesia (Indonesia)*
- *Global Geografi Indonesia - Global Geography of Indonesia (Indonesia)*
- *Jaringan Pemantau Independen Kehutanan - Forestry Independent Monitoring Network (Indonesia)*
- *JURnaL Celebes – Journal of Celebes (Indonesia)*
- *Kaharingan Institute (Indonesia)*
- *Kaoem Telapak - Kaoem Palm (Indonesia)*
- *Link-AR Borneo (Indonesia)*
- *PADI (Indonesia)*
- *Pusaka (Indonesia)*
- *Sawit Watch (Indonesia)*
- *Serikat Petani Kelapa Sawit - Palm Oil Farmers Union (Indonesia)*
- *Society for Responsible Design Inc (Australia)*
- *The Institute for Ecosoc Rights (Indonesia)*
- *The Institute for Policy Research and Advocacy - ELSAM (Indonesia)*
- *The Kaharingan Institute (Indonesia)*
- *Tropical Forest Foundation (Indonesia)*
- *Uno hitam (Indonesia)*
- *Yayasan FORTASBI Indonesia - FORTASBI Indonesia Foundation (Indonesia)*
- *Yayasan Intsia di Tanah Papua - Intsia Foundation in Papua (Indonesia)*

Europe:

- *Aitec (France)*
- *Aktion Sodis e.V. (Germany)*
- *Amazon Rebellion (United Kingdom)*
- *ARA (Germany)*
- *Asociación Cultural Brasileña Maloka - Maloka Brazilian Cultural Association (Spain)*
- *Asociación para la Recuperación del Bosque Autóctono - Association for the Recovery of the Native Forest (Spain)*
- *Association of Ethical Shareholders Germany (Germany)*
- *ATTAC (France)*
- *Biofuelwatch (United Kingdom /United States of America)*
- *Canopée (France)*
- *Centar za životnu sredinu - Friends of the Earth Bosnia and Herzegovina (Bosnia and Herzegovina)*
- *CIDSE (Belgium)*
- *Center of Rural Studies and International Agriculture (Spain)*
- *Centre for Indigenous Peoples (Netherlands)*
- *CIR e.V. (Germany)*
- *Coletivo pelos Direitos no Brazil - Collective for Rights in Brazil (Spain)*
- *Corporate Justice Coalition (United Kingdom)*
- *Ecologistas en Acción - Ecologists in Action (Spain)*
- *Environmental Action Germany (Germany)*
- *Environmental Investigation Agency (United Kingdom)*
- *Europe Beyond Burning*
- *European Coordination Via Campesina*
- *Fair Trade Advocacy Office (Belgium)*
- *Forests of the World (Denmark)*
- *Forum Ökologie & Papier - Ecology & Paper Forum (Germany)*
- *Fresh Eyes (United Kingdom)*
- *Fridays For Future Sweden (Sweden)*
- *Friends of the Earth Europe (Belgium)*
- *Human Rights International Corner (Italy)*
- *Igapo Project (France)*
- *Institute for Ecology and Action Anthropology - INFOE (Germany)*
- *Luonto-Liitto - Nature Association (Finland)*
- *Milieudefensie - Friends of the Earth Netherlands (Netherlands)*
- *Neuer Weg Association (Romania)*
- *Observatori DESC (Spain)*
- *Polish Ecological Club (Poland)*
- *Protect The Forest (Sweden)*
- *Quercus (Portugal)*
- *Rainforest Alliance (Belgium)*
- *Rainforest Foundation Norway (Norway)*
- *Rainforest Foundation UK (United Kingdom)*
- *Rainforest Rescue e.V. (Germany)*
- *ROBIN WOOD e.V. (Germany)*
- *Save Estonia's Forests (Estonia)*
- *Society for Threatened Peoples Switzerland (Switzerland)*
- *Soldepaz.Pachakuti (Spain)*
- *SOMO (Netherlands)*
- *Sport and Sustainability International (Switzerland)*
- *SÜDWIND e.V. (Germany)*
- *Swedish Society for Nature Conservation (Sweden)*
- *The Greens Movement of Georgia / Friend of The Earth Georgia (Georgia)*
- *Universidad de Barcelona (Spain)*
- *Vredesactie - Peace Action (Belgium)*
- *Werkstatt Ökonomie - workshop economy (Germany)*
- *Wervel (Belgium)*
- *WithdrawTheCAP*
- *Women Engage for a Common Future - WECF (Netherlands)*
- *Zentrum für Mission und Ökumene - Nordkirche weltweit - Center for Mission and Ecumenism - North Church worldwide (Germany)*
- *ZERO - Associação Sistema Terrestre Sustentável - Sustainable Earth System Association (Portugal)*