

PBI's input to the questionnaire in relation to Human Rights Council resolution 47/24 on human rights and climate change

1. Please describe the impacts of the adverse effects of climate change on the full and effective enjoyment of the human rights of people in vulnerable situations. Where possible, please share specific examples and stories.

As PBI, our specific expertise is on the security situation and protection of human rights defenders, communities and organizations defending human rights, including the right to a healthy environment and against practices (mining, agrarian techniques, timbering etc.) that destroy the environment and cause climate crisis. We are aware that this is not the main focus of the questionnaire. However, we consider important to highlight the very close link between climate crisis and struggle against it with attacks against human rights defenders.

PBI works only at request of organizations that ask for our protection. For about 10 years, in the PBI projects (Mexico, Guatemala, Honduras, Colombia, Kenya, Nepal, Indonesia and Nicaragua in the Costa Rica), a very high percentage of petitions for protective accompaniments come from the sector of organisations that defend land, territory and the environment. Most of these organisations have a clear focus on the preservation of environment to prevent further climate crisis. The defence of forests, water sources, and access to land as a source of livelihood all contribute to the responsible governance of land distribution on a community level, the prevention of natural disasters, and the global fight against climate change.

It is because of this fight that human rights defenders are receiving threats, face hate speech, smearing campaigns, physical attacks, lawsuits and even killings¹. Some of these attacks are carried out by- or in collaboration with – state security forces and other government officials². One of the most common narratives against these defenders, communities and organizations, even against indigenous peoples as a whole, is that they are 'anti-development', whereas climate change and socio-economic data prove that what is often referred to as 'development' poses risks to the lives of local people and to humanity as a whole.

Moreover, certain economic measures that the governments of Colombia, Guatemala, Honduras and Mexico have undertaken within the context of the health emergency have privileged private sector interests, benefiting the growth of agribusiness, extractivism, logging and hydroelectric projects. We are concerned that these measures, which have supposedly been adopted in order to improve the economies and food supplies of these countries, are in fact worsening the current humanitarian and social crisis. We also echo the complaints we have received from civil society organisations which strongly criticise that such measures have been adopted within the COVID 19 exceptional context when

¹ <https://www.globalwitness.org/en/press-releases/global-witness-records-the-highest-number-of-land-and-environmental-activists-murdered-in-one-year-with-the-link-to-accelerating-climate-change-of-increasing-concern/>

²Ibid.

neither peaceful protests against industry projects nor legal actions to halt these processes are possible. Guaranteed access to public information on these concessions does not exist and affected indigenous peoples are unable to organise consultation actions within their communities.

In Guatemala, Bernardo Caal Xol, a defender who used the judicial system to lodge complaints against the imposition of a series of dams, built without the consent of the indigenous communities affected, won his case but is now serving seven years in prison on spurious charges³. Like Bernardo Caal Xol, many of the environmental defenders who suffer attacks are indigenous. As former Special Rapporteur on the rights of indigenous peoples, Victoria Tauli-Corpuz, explains, “The intensified competition over natural resources led by private communities at times with government complicity, has placed indigenous communities seeking to protect their traditional lands at the forefront as targets of persecution.”⁴

Today, communities, organizations and individuals who defend a healthy environment and try to prevent further damage to the climate, are the most endangered sector of human rights defenders worldwide. According to Global Witness, 227 environmental defenders were killed in 2020. They report that “70% were working to defend the world’s forests from deforestation and industrial development. Almost 30% of the attacks were reportedly linked to resource exploitation (logging, mining and large-scale agribusiness), and hydroelectric dams and other infrastructure. Of these, logging was the sector linked to the most murders, accounting for 23 cases”⁵. In 2019, the mining sector was the deadliest, with 50 defenders killed worldwide, followed by agribusiness with 34 defenders killed in the same year.

The imposition of climate-damaging extractive projects and monocultures, usually by transnational companies has direct negative consequences on a wide range of human rights, such as the right to access to water, access to land (and thus to food and even to the survival of the peasant population), to housing (due to often violent evictions), to health (pesticides, chemicals used in mining), to nutrition.

But in addition to this, these projects also have a destructive impact on the social organisation of rural and indigenous communities because of the extreme and often violent pressure that is exerted against those who oppose the projects, by denigrating them, threatening them, attacking them, killing them and throwing them unduly into prison. They paralyse and destroy those persons, communities and peoples, who, alerted to or already facing the impacts of the climate crisis are today at the forefront of the defence of nature and climate.

3. Please share a summary of any relevant data that captures how the adverse effects of climate change have affected people in vulnerable situations, taking into account multiple and intersecting forms of discrimination (i.e. discrimination based on a combination of multiple grounds, including disability, gender, race, colour, sex, language, religion, nationality and migration status).

In Guatemala and Honduras, hurricanes are common, but hurricanes Iota and Eta in November 2020 with their considerable impact on communities were seen by the local population as particularly

³ AL GTM (5.2021) (ohchr.org)

⁴ <https://www.ohchr.org/Documents/Issues/IPeoples/SR/A.HRC.39.17.pdf>

⁵ <https://www.globalwitness.org/en/campaigns/environmental-activists/last-line-defence/>

destructive. It was mainly indigenous peoples' communities that were affected and lost their homes. In this case, as internationally, a large proportion of the displaced people were women⁶.

In Central America, around 254 people died, and another 205 are still missing. More than 9 million people were affected and about 1.8 million, including 720,000 children, were still (six months later) in need of humanitarian assistance.

The emergency generated by the hurricanes is having a severe impact on the local economy, food security, healthcare, housing, water and sanitation. Many schools have been destroyed, jeopardising the education of children in Guatemala, Honduras, Nicaragua and El Salvador⁷. Local people and academic experts have identified massive deforestation for business, hydroelectric dams and mining in Honduras and Guatemala as a root cause of particularly destructive impacts of the hurricanes.⁸ Experts are increasingly pointing to deforestation as one of the main causal factors of these massive floods. According to Héctor Orlando Portillo, a biologist with the Science Foundation for the Study and Conservation of Biodiversity, "This is happening as a result of deforestation across the lowlands, midlands, and highlands where these rivers originate. One of the reasons for this deforestation is our population's dire economic and social situation, which is a result of the negligence of consecutive governments and the constant marginalisation of our people." According to data from the Tropical Agricultural Research and Higher Education Centre, roughly 1.2 million hectares of forests have vanished from Honduras over the past sixty years. Over the past two decades alone, Honduras has lost between 23,000 and 58,000 hectares of woodland per year⁹.

Specialist Engineer in the Management of Natural Hydrologic Disasters, Juan Mejía, explained to Radio Progreso that 77% of Honduras is mountainous. However, logging on the mountains has reduced their capacity to retain water. As they lose forest cover, mountainsides become more susceptible to landslides and erosion, while rivers cut through anything in their path. This is exactly what has happened in the Sula Valley, where vast swathes of monoculture in rice, sugarcane, and to a lesser degree, banana, have also contributed to these effects. "If the central and western mountains were appropriately reforested, soil would be more resilient and would retain more water, releasing it little by little". Similarly, Mejía, who is also Director of Research at the Wide Movement for Dignity and Justice (MADJ), notes that "forestry policy does not just cover the prices of wood, it also covers what these forests mean for these mountain ranges"¹⁰.

Guatemala

"We cannot fight against nature," says Lesbia Artola. "These are the consequences of the dispossession of land that our peoples have suffered, due to the expansion of monocultures, the diversion of rivers by hydroelectric companies and the destruction of all our natural resources. In the department of Alta Verapaz," she points out, "the impacts of the last storms were more disastrous than those left by Hurricane Mitch in 1998."... "The defender of the territory and Q'eqchi leader, María Josefina Caal Xol, has reported how, in the municipality of Santa María Cahabón, the hydroelectric dams built on the

⁶UN figures highlight that 80% of displaced people because of climate change are women:

<https://www.bbc.com/news/science-environment-43294221>

⁷https://ec.europa.eu/echo/blog/hurricanes-eta-and-iota-6-months-later_fr

⁸ <https://pbi-honduras.org/news/2020-12/deforestation-behind-hurricane-devastation>; <https://pbi-guatemala.org/en/news/2020-12/tropical-storms-guatemala-only-people-can-save-people%E2%80%9D>

⁹ <https://pbi-honduras.org/news/2020-12/deforestation-behind-hurricane-devastation>

¹⁰ <https://pbi-honduras.org/news/2020-12/deforestation-behind-hurricane-devastation>

Oxec and Cahabón rivers released water during the storms, further impacting the communities. Just over 100 kilometers from Santa María Cahabón, Justino Ilom, leader of the community La Primavera, in the municipality of San Cristóbal Verapaz, lost his home and his crops to the impact of the storms. With the Union of Peasant Organisations of Verapaz – UVOC’s legal support, the Poqomchí families of La Primavera obtained their land titles in 2015 through an agreement with the lumber company Filitz Díaz. Part of this land is now buried under the landslide that completely buried the neighbouring village of Quejá, killing more than 50 people and turning the community of 300 families into a cemetery. For years, the families of La Primavera have denounced the illegal logging in the area. Because of these denunciations, Justino Ilom is suffering a process of criminalization and judicialization since 2018.”¹¹

Honduras

“It’s going to keep raining over waterlogged soil. The land can’t handle so much water”. This is how the leader of the Fraternal Black Organization of Honduras (OFRANEH) Miriam Miranda described the situation in Honduras in a tweet in November 2020. And she was right. The next morning, La Lima, a city in northern Honduras, flooded for the fourth time in a fortnight. The massive amounts of rainfall brought to the country by Hurricanes Eta and Iota caused the Chamelecón and Ulúa Rivers to burst their banks. Until a few decades ago, rivers like the Chamelecón and the Ulúa, part of a great hydrographic network in Honduras, were navigable all year round. However, in certain areas the rivers have narrowed to a trickle, which can even be crossed on foot during the summer months. That is, until it rains like it has in recent weeks.

Felicita López, Women’s Coordinator for the Lenca Indigenous Movement of La Paz (MILPAH) faces threats and harassment for her defence of indigenous territories. From the municipality of Santa Elena, where she lives, López has spent years defending natural heritage from hydroelectric interests with ties to a Deputy in the National Congress of Honduras. She has also spent many years working to prevent the 26 logging concessions and environmental permits that currently threaten the department. “The Forestries Conservation Institute (ICF) grants the concessions without consulting the affected communities, and without investigating the environmental impact these projects will have on the communities’ water sources”, explains López.

5. Please identify and share examples of good practices and challenges in the promotion, protection, and fulfilment of the human rights of people in vulnerable situations in the context of the adverse effects of climate change.

As Global Witness notes, many of those who defend land and resources are indigenous. Indigenous-managed lands have lower deforestation rates and better conservation outcomes than protected areas that exclude indigenous peoples. While they occupy around a quarter of the Earth’s land, indigenous people are responsible for 35 percent of the world’s very low human impact terrestrial areas,¹² helping

¹¹<https://pbi-guatemala.org/en/news/2020-12/tropical-storms-guatemala-only-people-can-save-people%E2%80%9D>

¹² <https://www.scientificamerican.com/article/what-conservation-efforts-can-learn-from-indigenous-communities/>

to maintain 80 percent of the world's biodiversity¹³. Indigenous lands also store hundreds of gigatons of carbon¹⁴. They also defend the ecosystems and common lands on which life on the planet depends.

Communities, organizations and persons that defend environment support States in fulfilling their obligations under the climate emergency by relaying truths about the effects of large-scale development projects on biodiversity, food production, water quality, and health. As monitors who denounce the immediate effects of such projects, these defenders provide information that is vital to States in making analyses appropriate to the climate emergency context of various initiatives that affect the environment. PBI accompanies many organisations that, thanks to their engagement, have successfully promoted the legal obligations of environmental impact assessments, that have fought for years to force the courts to stop environmentally destructive investments, and that continue to fight for the protection of biodiversity, natural goods, the environment and the planet, even at the risk of their own lives.

The Guapinol water defenders have been protesting mining by the Honduran company Inversiones Pinares Nucor Corporation. The largest US steel producer, had a stake in the project until October 2019 when it pulled out citing social unrest in the area. Under US mandatory human rights due diligence law, Nucor would have been obliged to ensure respect for internationally recognised human and labour rights in its investments. Nucor would have had to carry out risk-based due diligence to identify, prevent, cease, mitigate negative impacts, including through seeking that its mining operations uphold international human and labour rights standards, notably, in Honduras, with regard to attacks and criminalisation against human rights defenders.

Rather than hindering development, the resistance defenders raise to particular kinds of investments ultimately benefits States. By resisting investment projects that are imposed without the consent or participation of affected communities, and by opposing projects that damage the environment, defenders provide incentive to governments not only to comply with the law but also to develop and implement technologies and protocols so that projects that are less damaging, more participatory, and more equitable.

Defenders, in that sense, contribute to building a context for the development of socially just and ecologically sustainable ways of life for all of us.

PBI strongly believes that the support and protection of these local civil society actors is essential to confront and combat climate crisis. Their meaningful participation in relevant fora, as well as in decisions of governments on the protection of environment at local, regional and national level would provide powerful elements for a successful fight against the climate crisis.

¹³ <https://unu.edu/publications/articles/why-traditional-knowledge-holds-the-key-to-climate-change.html>

¹⁴ <https://www.globalwitness.org/en/blog/how-defensores-de-la-tierra-y-el-medio-ambiente-protecten-el-planeta-y-como-podemos-protogerlos/>