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S. RES. 138

Highlighting the risks that environmental defenders face around the world and commending their role in defending human rights, combating climate chaos, and supporting a clean, healthy, and sustainable environment.

IN THE SENATE OF THE UNITED STATES

MARCH 29, 2023

Mr. MERKLEY (for himself, Mr. Kaine, Mr. Booker, Mr. Whitehouse, Mr. Padilla, and Mr. Cardin) submitted the following resolution; which was referred to the Committee on Foreign Relations

RESOLUTION

Highlighting the risks that environmental defenders face around the world and commending their role in defending human rights, combating climate chaos, and supporting a clean, healthy, and sustainable environment.

Whereas, around the world, environmental defenders—individuals exercising their human rights to try to peacefully protect an area or the natural resources of such area from negative environmental impact by an ongoing or proposed activity—face persecution from government, private sector, and criminal actors, including restrictions on free speech and assembly, criminalization, civil lawsuits, surveillance, harassment, verbal, cyber, and physical intimidation, sexual assault, and targeted murder;

Whereas at least 1,733 environmental defenders have been reported killed since 2012, with at least 200 killed in 2021;

Whereas at least 1,179 environmental defenders have been reported killed in Latin America and the Caribbean since 2012, making it the region with the highest number of environmental defender deaths and persecution overall, exemplified by the cases of—

(1) Homero Gómez González, who was forcibly disappeared and found dead in Mexico with reported signs of torture after fighting to protect the wintering grounds of the monarch butterfly from illegal logging;

(2) Bruno Pereira, an advocate for the Indigenous Peoples of Brazil's Amazon, who received threats and was murdered for standing up to illegal logging, mining, and drug trafficking;

(3) Berta Cáceres, a Lenca Indigenous woman, whose murder was ordered by the Honduran company, Desarrollos Energéticos SA, for organizing protests that led to the cancellation of the proposed Agua Zarca Dam; and

(4) the Q'eqchi Mayan Indigenous community, which faces defamation, violent evictions, harassment, and assault by the Guatemalan National Civil Police Force for peacefully protesting the operations of the Fénix mine and growth of palm plantations on their territory;

Whereas at least 427 environmental defenders have been reported killed in Asia since 2012, and governments in the region have also targeted environmental defenders in other manners, including—

(1) the Government of Vietnam, which has sought to silence environmental activist Dang Dinh Bach through imprisonment;

(2) the Government of the Philippines, which has enacted red-tagging campaigns to turn public sentiment against organizations like the Kalikasan People's Network for the Environment; and

(3) the Government of the People's Republic of China, which has falsely charged environmental activists Li Genshan, Zhang Baoqi, and Niu Haibo for illegally hunting or killing wildlife;

Whereas the Government of Egypt hosted the 27th Conference of Parties (COP) of the United Nations Framework Convention on Climate Change, while government security forces held environmental activists Ahmed Amasha and Seif Fateen in extended, arbitrary pretrial detention for joining a terrorist group after forcibly disappearing and torturing them for exercising their rights to free expression;

Whereas Ali Ulvi Büyüknöhtüçü and Aysin Büyüknöhtüçü of Türkiye won lawsuits against mining companies who illegally operated pollution-creating quarries, but were shot and killed by gunmen with alleged ties to those companies;

Whereas fossil fuel companies, mining operations, agribusiness plantations, and mega dams are major causes of environmental destruction and are also being used to drive communities from their homes and their lands;

Whereas rampant corruption and weak rule of law enables those targeting environmental defenders to operate with impunity; and

Whereas civil society is, and should be, a powerful voice for individuals experiencing and at risk from the effects of worsening climate chaos, including Indigenous Peoples whose ancestral rights, lives, traditional lands, and cultural practices are disproportionately threatened by climate chaos: Now, therefore, be it

1 *Resolved*, That the Senate—

2 (1) commends and expresses solidarity with en-
3 vironmental defenders as crucial members of civil so-
4 ciety who defend both human rights and the environ-
5 ment and play a crucial role in tackling climate
6 chaos;

7 (2) strongly condemns the targeting, harass-
8 ment, and unlawful detention of any individual or
9 group for exercising their rights of free association
10 and expression, including advocacy on environmental
11 matters, reporting and seeking information on envi-
12 ronmental violations and abuses, or cooperation with
13 local, regional, national, or international mecha-
14 nisms;

15 (3) welcomes the relevant principles of the Rio
16 Declaration on Environment and Development, done
17 at Rio de Janeiro 1992, and United Nations Human
18 Rights Council Resolution A/HRC/RES/40/11
19 (2019) as global advancements in recognizing the
20 crucial role that environmental defenders play as
21 human rights defenders;

1 (4) welcomes the relevant principles of United
2 Nations General Assembly Resolution A/RES/76/300
3 (2022) as advancing the global conversation towards
4 the importance of a clean, healthy, and sustainable
5 environment as an international human right;

6 (5) welcomes the United States Government's
7 assertion during its time as Summit Chair of the
8 Ninth Summit of the Americas that environmental
9 defenders should not be denied access to basic envi-
10 ronmental information, public participation in pro-
11 posed projects that would affect their communities,
12 or justice as they seek legal redress from govern-
13 ment authorities;

14 (6) urges the United States Government to con-
15 sult and cooperate in good faith with Indigenous
16 Peoples who are concerned with the environment in
17 order to obtain the free, prior, and informed consent
18 of such Indigenous Peoples, without coercion, prior
19 to the approval of any project affecting the lands,
20 territories, religious practices, or other natural and
21 cultural resources of such Indigenous Peoples;

22 (7) welcomes the work of the Department of
23 State-led Interagency Working Group, which invites
24 more than 1000 officials across more than 20 Fed-
25 eral agencies, to reduce violence against environ-

1 mental defenders and to properly monitor and ad-
2 dress the expanding nature and cases of persecution
3 against environmental defenders;

4 (8) calls for the President to prioritize the glob-
5 al leadership of the United States in tackling repris-
6 als against environmental defenders through a
7 whole-of-government approach in collaboration with
8 foreign governments, multilateral organizations, and
9 civil society organizations;

10 (9) urges the Department of State to integrate
11 concerns about environmental defenders in all appro-
12 priate engagements to exert diplomatic pressure and
13 speak out publicly in countries where environmental
14 defenders are at risk;

15 (10) requests that the Department of State es-
16 tablish a position focused on environmental defend-
17 ers within the Bureau of Democracy, Human
18 Rights, and Labor;

19 (11) requests that the United States Agency for
20 International Development prioritize the finalization
21 of an independent accountability mechanism and the
22 establishment of a position to integrate protection of
23 environmental defenders across broader environ-
24 mental, economic growth, and human rights and de-
25 mocracy programming in order to better achieve its

1 2022–2030 Climate Strategy, which seeks to pro-
2 mote a safe and secure political environment at all
3 levels of governance for Indigenous Peoples, human
4 rights and environmental defenders, and local com-
5 munities to participate in climate actions and the
6 protection of civil society and environmental defend-
7 ers, including land and resource rights for effective
8 climate outcomes;

9 (12) encourages the United States International
10 Development Finance Corporation to improve trans-
11 parency through its independent accountability
12 mechanism, conduct due diligence with partners, and
13 engage in local consultation processes based on free,
14 prior, and informed consent;

15 (13) encourages the United States Government
16 to use its voice and vote within international finan-
17 cial institutions to ensure that United States tax-
18 payer dollars do not support individuals, foreign gov-
19 ernments, or private sector entities that adversely
20 affect the environment or target or expose to harm
21 persons who speak out against such individuals and
22 entities;

23 (14) encourages the United States to use its
24 leadership in the United Nations Human Rights
25 Council to ensure that the intergovernmental work-

1 ing group on transnational corporations and other
2 business enterprises with respect to human rights
3 that was adopted by United Nations Human Rights
4 Council Resolution A/HRC/RES/26/9 (2014), cre-
5 ates an internationally legally binding instrument
6 that supports and protects human rights defenders,
7 including environmental defenders;

8 (15) calls for responsible conduct of United
9 States companies, financial institutions, and inves-
10 tors in relation to the freedoms and rights of Indige-
11 nous communities and other environmental defend-
12 ers, particularly in the agribusiness, fossil fuel, min-
13 ing, and hydroelectricity sectors; and

14 (16) calls for the United States to use its influ-
15 ence as a member of the Parties to the United Na-
16 tions Framework Convention on Climate Change to
17 push for the Conference of Parties to only take place
18 in countries that have and actively encourage a
19 thriving civil society and have taken concrete actions
20 to tackle climate chaos, which stands in contrast to
21 the selection of Egypt and the United Arab Emir-
22 ates who were selected as hosts in 2022 and 2023,
23 respectively.

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