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.

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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.
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)

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 Rivérais 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 Amazonáticas del Perú - National Organization of Andean and Amazonian Indigenous Women of Peru (Peru)

Resguardo Naexal Lajt (Colombia)

Resguardo Wounaan Nonam Puerto Pizario (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

International Work Group for Indigenous Affairs - IWGIA

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)

Centre pour l’Environnement et le Développement - Center for Environment and Development (Cameroon)

CERPAC (Republic of the Congo)

Civic Response (Ghana)

Coalition Pour La Securisation 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 Exercant 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)

Americas:

• Agrupación Biosfera - Biosphere Grouping (Chile)
• Asociación Americana de Juristas - American Association of Jurists
• Asociación de desplazados de Peñas Coloradas - Peñas Coloradas Displaced Association (Colombia)
• Asociación de esposas de desparecidos del corregimiento la Sonora - 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” - Second 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 desparecidos 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)
• NGO earth.Org - Working Group on Geographic Issues (Venezuela)
• Instituto de Estudios Socioeconómicos - Institute of Socioeconomic Studies (Brazil)
• Movimiento de Afectados por Barrages - 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)
Asia and Oceania:

- Aidenvironment (Indonesia)
- Association for Promotion Sustainable Development (India)
- Center for Development Programs in the Cordillera (Philippines)
- Centre for 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)
- 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)
- Tropical Forest Foundation (Indonesia)
- Uno itam (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 Autónomo - 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)
- Centro de Estudios Rurales y de Agricultura Internacional - Center of Rural Studies and International Agriculture (Spain)
- Centre for Indigenous Peoples (Netherlands)
- CIDSE (Belgium)
- CIR e.V. (Germany)
- Colectivo pelos Direitos no Brasil - Collective for Rights in Brazil (Spain)
- Congregation of the Sisters of Mercy Northern Province (Ireland)
- Corporate Justice Coalition (United Kingdom)
- Ecologistas en Acción - Ecologists in Action (Spain)
- Environmental Action Germany (Germany)
- Europe Beyond Burning
- European Coordination Via Campesina
- Fair Trade Advocacy Office (Belgium)
- Focus Association for Sustainable Development (Slovenia)
- 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 Foundation Norway (Norway)
- Rainforest Foundation UK (United Kingdom)
- Rainforest Rescue e.V. (Germany)
- ROBIN WOOD e.V. (Germany)
- Universidad de Paz - Peace University (Colombia)
Save Estonia’s Forests (Estonia)
Society for Threatened Peoples Switzerland (Switzerland)
Sokdepaz 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 - Asociación Sistema Terrestre Sustentável - Sustainable Earth System Association (Portugal)