



COVID-19, Regulatory Rollback and the 'Green Recovery': Indigenous Peoples Raise Their Voices

Webinar Report



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COVID-19 has negatively affected indigenous land rights, particularly for those who already face food insecurity as a result of land confiscation or grabbing and the loss of their territories. Prior to the COVID-19 crisis, the expropriation of indigenous lands and natural resources and the increase in conflicts on their territories were already placing indigenous peoples in a particularly precarious situation. The crisis has led to reports of encroachment upon indigenous land by opportunists, such as illegal loggers and miners. In the Amazon, threats, killings and land-grabbing are all reportedly on the rise, fuelled by mainstream political trends.

Additionally, numerous governments have announced plans to lower environmental standards and rollback regulatory standards. These policies are likely to result in accelerated deterioration of the environment and have negative impacts on the environment, and in particular for Indigenous Peoples.

On the other end of the spectrum, countries and communities see the COVID-19 crisis as a unique opportunity to seize upon a green and inclusive recovery. There is an increasing recognition of the need to scale up investments in sustainable mobility, renewable energy, building renovations, research and innovation, the recovery of biodiversity and the circular economy. Proposals include scaling up green investments and financing, as well as promoting a just transition to a green economy.

This webinar explored the effects of regulatory rollbacks on indigenous communities, and centered upon how indigenous communities can benefit from and contribute to global efforts to scale up green investments, financing and transitioning to a just and sustainable green economy.

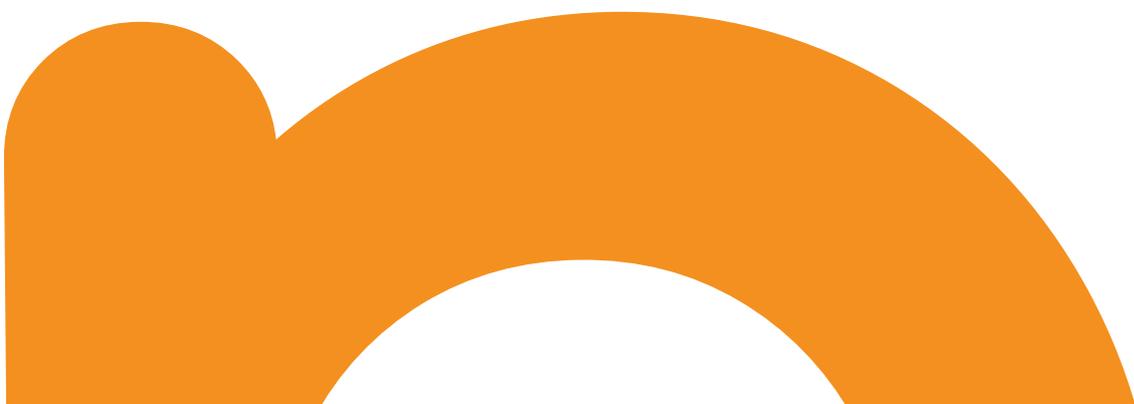
Moderator:

- Rina Chandran, Thomson Reuters Foundation

Panelists:

- Kirsten Francescone, Program Coordinator, Mining Watch Canada
- Nonette Royo, Executive Director, The Tenure Facility
- Roberto Borges, Director of the Communities and Territorial Governance Initiative, Forest Trends
- Cristina Coc, Mayan community leader, Belize

A complete recording of the webinar is available on YouTube: https://youtu.be/d4LjO_ZU00s



Key Takeaways

- **From the Amazon to Asia, already vulnerable indigenous communities have come under mounting pressure since the beginning of the pandemic: encroachment by extractive industries into their territories has fuelled the spread of the virus, and seen forest destruction continue apace. Meanwhile governments have largely turned their backs on Indigenous Peoples and their needs, further eroding already fragile rights.**
- **Financing mechanisms must provide adequate and appropriate backing for indigenous communities to strengthen governance and protection of their territories, which until now has proven to be a serious stumbling block.**

Webinar Summary

1) WHAT YOU ARE SEEING AND HEARING ABOUT INDIGENOUS RIGHTS VIOLATIONS AND REGULATORY ROLLBACKS DURING THIS TIME IN TERMS OF MINING OPERATIONS? (KIRSTEN FRANCESCONE)

- The mining industry is one of the most polluting, deadly and destructive industries in the world. Yet to date, mining company responses to the COVID-19 pandemic have received little public scrutiny compared to other industries seeking to profit from this crisis. The response of Mining Watch was to develop a collective, joint coalition of international ally organizations to analyze and respond quickly.
- Mining Companies are ignoring the real threats of the pandemic, and continuing to operate using any means available. The results have been devastating, with outbreaks registered in 61 mines, in 18 countries, amounting to over 4,000 workers, and at least 250 community infections and at least 10 worker deaths and 4 community deaths.
- Mining companies are using the pandemic as an opportunity to cover-up their dirty track records and present themselves as public-minded saviours.
- Mining companies and governments are using the crisis to secure regulatory changes that favor the industry at the expense of people and the planet.
- Over a third of the outbreaks reported from 61 mines around the world were at Canadian-operated mines. Over 300 organizations from around the world signed onto a public statement condemning these 4 overarching patterns of profiteering.

2) WHAT IS GOING ON IN ASIA, PARTICULARLY SOUTHEAST ASIA WHERE LAND CONFLICTS HAD ALREADY BEEN ON THE RISE? (NONETTE ROYO)

- It is important to have a reference point for land grabs and rollbacks, including pre-covid, during-covid and eventually post-covid. Reported 'opportunistic land grabbing' go hand in hand with regulatory rollbacks, even prior to the pandemic. During the pandemic, with social distancing and lockdown, the engagement of indigenous peoples and their advocates has been reduced to social media, and active sending of messages direct to parliamentarians, to no avail.
- COVID-19 has given governments a way to evade scrutiny and fast track approval of bad laws and rollbacks. Several reports from Indonesia, Philippines, India, confirm that despite and likely because of lockdowns of COVID19, land grabs and abuse of regulations continue.
- At the field level, and despite lockdowns, there have been increased community versus company conflicts and criminalization. In Indonesia alone, between January and September 2020, at least 18 incidents of conflicts and criminalization in 12 provinces were recorded by Walhi, the Indonesia Friends of the Earth member, mostly from expansion or opening of areas for mining, plantation and oil palm. Many local and indigenous leaders and community members including women and youth continue to experience harassment, imprisonment and murder.
- In Jakarta, the government passed a bill amending the Mining Act of 2009 allowing miners to have bigger concessions (from a limit of 15,000 hectares per concession) and longer contracts (allowing for automatic extension up to 20 years) with less stringent environmental obligations. Mining concessions are generally close to or within forest and protected areas overlapping local and indigenous peoples controlled and/or claimed territories.
- In the Philippines, several mining companies whose licenses had been suspended back in 2017 and 2018 due to lack of environmental and social compliance now resume their operation, five are actively back, and three are awaiting its approval to resume. Some of these concession areas overlap with indigenous territories.
- In India, the EIA 2020 regulation eases the process of doing business applications for specific projects, like infrastructure by taking away requirements of public hearings and extending contracts terms from 30 to 50 years. It also opens expansion of infrastructure projects affecting parks and protected areas or reserves, most likely impacting local and indigenous territories.

3) WHAT EFFORTS ARE YOU SEEING TOWARDS GREEN RECOVERY IN THE AMAZON BASIN? (ROBERTO BORGES)

- There are **several efforts by communities** throughout the region to develop economic self-determination through socio-biodiversity value chains: non-timber forest products for food industries, fisheries, cosmetics, art/handicrafts, etc. In addition, there are other community based enterprises around cultural tourism, among others. **Partnerships between indigenous and local communities** and gourmet Amazon gastronomy chefs also offer an innovative path for a green recovery. The essence of all these efforts linking indigenous economic livelihoods to green recovery should strike the right balance between traditional economies of reciprocity with the market economy.
- Forest restoration efforts, as in the case of the **Xingu Seeds Network**, are promising. The Forest Trends' Communities and Territorial Governance Initiative in partnership with several indigenous groups in the Tupi Mosaic in the state of Rondônia in the Brazilian Amazon started a **program to plant 1 million trees** in the indigenous lands in the Amazon with the mid to long term vision of strengthening food security and economic resilience. Rondônia is an emblematic state in terms of highest rates of deforestation.
- A “new” movement Amazonia 4.0 seeking to promote the “bioeconomy” of the Amazon may offer good opportunities to indigenous peoples and local communities, but FPIC is a must, plus proper inclusive participatory approaches in designing such efforts, as well as sound benefit sharing mechanisms.
- Indigenous peoples and other local communities have a profound knowledge of their natural resource base, particularly medicinal plants. They need proper legislation to provide a safe legal framework for these communities to derive monetary value from their associated intellectual property rights and knowledge is key. Forest Trends has been investing in the **Living Pharmacies** program to support indigenous peoples safeguard their knowledge and practice of medicinal plants use.
- It is necessary to uphold Article 8(j) of the Convention on Biological Diversity, in which parties have undertaken to respect, preserve and maintain the knowledge, innovations and practices of indigenous peoples and local communities relevant for the conservation of biological diversity and to promote their wider application with the approval of knowledge holders and to encourage equitable sharing of benefits arising out of the use of biological diversity.

4) HOW HAS THE PANDEMIC IMPACTED GREEN RECOVERY IN THE MAYAN COMMUNITY, AND WHAT MUST BE DONE NOW? (CRISTINA COC)

- The Maya have had a long history of collective action to sustain life, land and community. In the face of oppression and exclusion, we have demonstrated much resilience, resourcefulness, creativity and the capacity to act and persevere with this pandemic, despited social distancing, the state of emergency, regulations, lock downs, a failing labor economy and the crippling of tourism industries. The pandemic is a threat to life, but this experience is not new to indigenous peoples, considering our historical and continued struggles for life, land, justice and equality. In fact, many indigenous peoples received death threats as we defend our territory, or waters or land against illegal loggers, or oil companies, and Narcos, which is now associated by COVID-19.
- The most potent demonstration of our resilience and unwavering spirit of survival is a struggle to defend our lands. For decades, we have raised our voices in and outside of court. We have organized ourselves, we have dreamt of a more just world we have built strategic partnerships. And one very well known result of this struggle has been the historical achievement of a consent order by the Caribbean Court of Justice in 2015, where it affirmed Maya land rights. It has always been clear to us, however, that the struggle for land rights is only a part of a larger struggle. This larger struggle is to secure a place for the Maya people to be, and for the Maya people to be well. It is a struggle for our way of life. It's not different from the struggle of many other indigenous peoples who fight for a dignified future, a sustainable future.
- In deliberating over how we confront the opportunities and challenges ahead, a process to collectively envision new routes and pathways for the future was born among my people. We came together to dialogue and to arrive at consensus. This process articulated a collective vision brought together by Mayan women, youth, men, community leaders from a wide cross section of our community. We began by examining our own ways of understanding the world and ourselves, and drew representations of how the Maya people view themselves. The drawings highlighted collective labor, knowledge exchange, and the way these come together with the land to sustain the Maya people.
- While states struggle to roll out employment relief and their food pantries, indigenous peoples are the last to be reached in these efforts. Our green recovery therefore could not be imagined without supporting indigenous peoples struggles, defense of lands, resources, territory and dignified futures. Investing in indigenous governance, land tenure defense, promoting indigenous economies and innovations of reciprocity is a green recovery.

Notable Quotes from the Panelists



“WE ARE PLACING INDIGENOUS PEOPLE IN A PRECARIOUS POSITION AS GOVERNMENTS ACROSS THE WORLD BATTLE THE CORONAVIRUS. THEY HAVE DILUTED OR SCRAPPED ENVIRONMENTAL PROTECTIONS, LEAVING THE DOOR WIDE OPEN FOR FURTHER VIOLATIONS AND LAND GRABS.”

- RINA CHANDRAN, THOMSON REUTERS FOUNDATION



“THE ABILITY TO SUPPORT INDIGENOUS PEOPLE TO LEVERAGE STATES THAT HAVE FINANCIAL RESOURCES IS CRITICAL TO SEE THE FULL AND EFFECTIVE ENJOYMENT OF RIGHTS AND THE PROTECTION OF LANDS AND TERRITORIES.”

- CRISTINA COC, MAYAN COMMUNITY LEADER, BELIZE



“INDIGENOUS PEOPLES ALREADY HAVE THEIR OWN INTERGENERATIONAL PRACTICES IN THEIR CULTURE, THEIR INHERENT VALUE FOR RESPECT, MUTUALITY, INTERDEPENDENCE WITH NATURE AND THEIR TRADITIONAL KNOWLEDGE, WHICH IS INHERENTLY SUSTAINABLE.”

- NONETTE ROYO, EXECUTIVE DIRECTOR, THE TENURE FACILITY



“DEVELOPMENT IS ENCROACHING UPON INDIGENOUS TERRITORIES, AND AND IF THEY DO NOT DEVELOP THEIR OWN ECONOMY, THEIR OWN SELF DETERMINED ECONOMY, THEY WILL CONTINUE TO FALL VULNERABLE TO THE UNSOUND FORCES OF DEVELOPMENT.”

- ROBERTO BORGES, DIRECTOR OF THE COMMUNITIES AND TERRITORIAL GOVERNANCE INITIATIVE, FOREST TRENDS



“IF WE LET THE MINING INDUSTRY LEAD PROCESSES OF ECOLOGICAL TRANSITION, THEN WE CAN END UP PERPETUATING THE ECOLOGICAL CRISIS OR PERHAPS EXASPERATING IT IN WAYS THAT WE DIDN'T PERHAPS FORESEE.”

- KIRSTEN FRANCESCONE, PROGRAM COORDINATOR, MINING WATCH CANADA



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