

United States Senate

August 2, 2022

The Honorable Antony Blinken
Secretary of State
U.S. Department of State
2201 C Street, NW
Washington, DC 20520

The Honorable Samantha Power
Administrator
U.S. Agency for International Development
1300 Pennsylvania Avenue, NW
Washington, DC 20004

The Honorable Scott Nathan
Chief Executive Officer
International Development Finance Corporation
1100 New York Avenue, NW
Washington, DC 20005

Dear Secretary Blinken, Administrator Power, and Chief Executive Officer Nathan,

At a time when people around the world are suffering from record heat waves and other impacts of climate change, we write to urge you to seize the opportunity to play a leadership role in supporting environmental defenders who are on the frontlines of this crisis. Environmental defenders working at the grassroots level in countries from Colombia to the Philippines are bravely leading the fight against climate change and environmental degradation, but sadly, they are under attack.¹ In 2020, 227 land and environmental defenders were murdered across the globe.² Countless others face death threats, surveillance, sexual violence, or criminalization, which often go underreported due to insufficient monitoring or restrictions on a free press.³

We welcome the steps the Biden administration has taken to date to support environmental defenders. As President Biden has said, “We’ve put environmental justice at the center of what we do [...]”⁴ In April 2021, Special Presidential Envoy John Kerry tweeted, “The climate crisis is not only an environmental threat, but it also affects human rights and can drive conflict. We

¹ The U.S. Department of State has informed us that it understands “environmental defenders” to constitute citizens, activists, journalists, and members of groups who exercise their human rights to try to peacefully protect an area or its natural resources from negative environmental impact by ongoing or proposed activity.

² Global Witness, Last Line of Defence: The Industries Causing the Climate Crisis and Attacks against Land and Environmental Defenders at 10 (Sept. 2021), <https://www.globalwitness.org/en/campaigns/environmental-activists/last-line-defence/>. Global Witness defines land and environmental defenders as “people who take a stand and peaceful action against the unjust, discriminatory, corrupt or damaging exploitation of natural resources or the environment.”

³ Id.

⁴ President Joe Biden, Earth Day 2022, <https://www.whitehouse.gov/environmentaljustice/>.

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must protect environmental defenders and indigenous people and their right to advocate for the Earth and its inhabitants.”⁵ In November 2021, the Department of State issued Guidelines for U.S. Diplomatic Mission Support to Civil Society and Human Rights Defenders, which apply to environmental defenders and which “highlight[] the many ways in which the United States seeks to advance human rights by supporting civil society and human rights defenders to continue their work without hindrance or undue restriction, and free from retribution against them or their families.”⁶ In June 2022, the U.S. Government also led efforts to obtain governmental commitments to support environmental defenders as part of the “Our Sustainable Green Future” statement issued by leaders at the Ninth Summit of the Americas.⁷

Yet more significant and systematic action is needed, particularly because environmental defenders face increased risk at the hands of private actors and governments whose economic and political interests can be inconsistent with the struggle against environmental degradation and climate change. The number of reported attacks grows each year, and we expect this trend to continue as the climate crisis deepens. The Department of State, United States Agency for International Development (USAID), and the Development Finance Corporation (DFC) should take immediate steps to put the full weight of the United States behind the crucial work done by environmental defenders around the world.

First, the DFC should strengthen its Environmental and Social Policies and Procedures by adding an explicit non-retaliation policy specifying that the DFC does not tolerate any action by a DFC client that amounts to retaliation—including threats, intimidation, harassment, or violence—against those who voice an opinion regarding the activities of DFC or those implementing its programs. The International Finance Corporation (IFC) introduced a non-retaliation policy in October 2018⁸ and the Asian Infrastructure Investment Bank (AIIB) adopted a statement on retaliation on May 31, 2022.⁹ DFC’s Environmental and Social Policy and Procedures contain detailed guidance on the environmental and social dimensions of sustainable development, and provide applicants notice of the general environmental and social requirements that are applied in evaluating prospective projects and monitoring ongoing supported projects.¹⁰ DFC should seize the opportunity to lead its peers on this issue by rapidly adopting an industry-leading non-

⁵ Special Presidential Envoy John Kerry (@ClimateEnvoy), Twitter (April 23, 2021, 3:57 PM), <https://twitter.com/ClimateEnvoy/status/1385684183109054467>.

⁶ U.S. Department of State, Guidelines for U.S. Diplomatic Mission Support to Civil Society and Human Rights Defenders, <https://www.state.gov/wp-content/uploads/2021/11/Human-Rights-Defenders-Guidance.pdf>.

⁷ IX Summit of the Americas, Our Sustainable Green Future (June 9, 2022), http://summit-americas.org/documentos_oficiales_ixsummit/CMBRS02294e02.pdf.

⁸ IFC Position Statement on Retaliation Against Civil Society and Project Stakeholders (Oct. 2018), https://www.ifc.org/wps/wcm/connect/ade6a8c3-12a7-43c7-b34e-f73e5ad6a5c8/EN_IFC_Reprisals_Statement_201810.pdf?MOD=AJPERES#:~:text=IFC%20does%20not%20tolerate%20any,any%20credible%20allegations%20of%20reprisals.

⁹ Statement on Retaliation, Asian Infrastructure Investment Bank (May 31, 2022), <https://www.aiib.org/en/policies-strategies/download/environment-framework/AIIB-Statement-on-Retaliation-EXTERNAL-31-05-22.pdf>.

¹⁰ U.S. International Development Finance Corporation, Environmental and Social Policy and Procedures (DFC ESPP), (July 2020), https://www.dfc.gov/sites/default/files/media/documents/DFC_ESPP_07312020-final_1.pdf.

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retaliation policy as part of its Environmental and Social Policy and Procedures that would include measures both to prevent reprisals and to respond effectively when they occur.

Second, USAID must ensure it addresses the inclusion and protection of environmental defenders in its programming in a holistic manner. USAID recently issued its 2022-2030 Climate Strategy, which recognizes the value in “promoting safe, secure, and enabling political environment at all levels of governance for Indigenous Peoples, human rights and environmental defenders, and local communities to participate in climate actions” and “supporting and protecting the rights of civil society and environmental defenders, including land and resource rights for effective climate outcomes.”¹¹ However, currently no office or individual within USAID serves an agency-wide coordinating role regarding environmental defenders. USAID has no protocols specifically addressing engagement with environmental defenders. Current coordination between staff who work on human rights and environmental issues appears to be minimal and insufficient to address this issue. Existing training modules do not appear to encourage the inclusion of environmental defenders in USAID programming. Although existing training modules may incidentally be instructive regarding interactions with environmental defenders and extractive industry or agribusiness companies, existing training does not appear to specifically address how to manage conflict between these groups or how to encourage businesses to engage responsibly with critics of their activities. The particulars regarding training, inclusion, and conflict resolution are handled at the mission-level.

We urge you to remedy this ad hoc approach at USAID by creating one or more positions dedicated solely and specifically to the agency’s work relating to environmental defenders. This individual should serve as the point person for all issues relating to environmental defenders, which may include creating and overseeing training and protocols for USAID staff at U.S. embassies. These staff are often the first points of contact in the U.S. government for environmental defenders, and they interact with both members of civil society and extractive and agribusiness companies. This individual should also help to bridge the gaps between USAID offices focused on human rights, economic, and environmental issues.

Third, Executive Branch agencies should coordinate more closely to ensure that U.S. support for environmental defenders around the world is consistent and robust. While some cooperation already exists, it is mostly ad hoc and up to individual agencies, bureaus and individuals to maintain, without institutional guidelines. Currently, coordination related to environmental defenders appears to occur primarily through the voluntary participation of approximately 1,000 people from more than 20 agencies in the State Department-led Informal Interagency Working Group on Environmental Defenders (IIWGED), which has been regularly convened since 2017. The accomplishments of this group are significant and commendable, but it is neither intended nor enabled to create and enforce a robust top-down systematic application of government-wide policies and procedures. In addition to the important awareness-raising and networking that

¹¹ USAID Climate Strategy 2022-2030 (pp. 22, 36), <https://www.usaid.gov/sites/default/files/documents/USAID-Climate-Strategy-2022-2030.pdf>.

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occurs through the IIWGED, the State Department should be leading efforts to ensure that attention to environmental defenders is being integrated strategically into its diplomacy and programming.

In order to adopt a more systematic and strategic approach to supporting environmental defenders, we urge you to take these important steps at DFC, USAID, and the Department of State to improve coordination and create dedicated positions, programming, and guidance around the protection of environmental defenders.


In order to inform our oversight of this matter, we ask that you please respond to the following questions in writing by September 12, 2022:


- For the Department of State: What changes to U.S. government processes, staffing, training, and operations would enable the U.S. government to more effectively support and help protect environmental defenders across the globe, particularly in the regions and countries where they face the greatest threat? What legislation or other resources would you require from the Congress to accomplish these changes? What is your plan for the long-term sustainability and continued growth of the IIWGED, and what resources would you require from Congress to support these efforts?
- For the DFC: What impediments exist to integrating an explicit non-retaliation policy into DFC's Environmental and Social Policies and Procedures and how can these impediments be overcome? What leadership role could DFC play in encouraging the broader adoption of non-retaliation policies by other national and multilateral development institutions?
- For USAID: What would help USAID to more effectively support and help protect environmental defenders? What new resources, if any, would you require from the Congress to create one or more positions within USAID to serve an agency-wide coordinating role regarding environmental defenders, including the development of policy and robust training modules addressing the inclusion of environmental defenders in USAID programming, interaction with extractive industry or agribusiness companies, and managing conflict between them and environmental defenders? Where would these positions best be located within USAID?

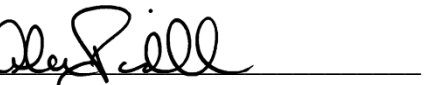
We look forward to your response and appreciate your consideration of this request.


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The Honorable Samantha Power
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Sincerely,


Edward J. Markey
United States Senator


Bernard Sanders
United States Senator


Alex Padilla
United States Senator


Elizabeth Warren
United States Senator


Jeffrey A. Merkley
United States Senator