

Human Rights Watch

Indigenous Peoples' Rights

<https://www.hrw.org/news/2021/10/07/milestone-bill-would-bar-imports-linked-forest-destruction>

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For weeks, the smoke covers the sky, a doctor told me last year, when we investigated how forest fires [affect](#) the health of Brazilians in the Amazon. Thousands of people in Indigenous and Ribeirinho communities living on the banks of one of the Amazon Rivers largest tributaries depend on his team to get health care when toxic air pollution from largely illegal fires attacks their lungs.

U.S. lawmakers introduced a bill in Congress on Oct. 6 that could play a crucial role in helping these communities and others like them around the world by restricting the import of commodities that are grown on illegally deforested land, or in violation of Indigenous peoples and local communities land rights.

A main [driver](#) of the fires in the Brazilian Amazon is ranchers efforts to clear rainforest to make room for an ever-expanding cattle herd. Indeed, Brazil is one of the worlds top exporters of [beef](#) and [leather](#). Weak environmental law enforcement around the industrys practices has come at a [high cost](#) for the Amazon and its inhabitants, including [fires and encroachment on](#) Indigenous territories. Overall, little of the wealth the industry has [generated](#) has trickled down to the region, whose municipalities register among the lowest development indicators in the country.

[Cattle, palm oil, cocoa](#) and other agricultural commodities embedded in ordinary products found in supermarkets are linked to large-scale environmental destruction and abuses [caused](#) by businesses and [enabled](#) by governments. The annual recurrence of human-caused fires in the Amazon and the [effects on health](#) are only one example. We also have documented [violence](#) against environmental defenders and [displacement and loss of land](#) for Indigenous communities in the largest rainforests elsewhere in the world.

With commercial-scale agricultural expansion now the [single largest driver](#) of deforestation worldwide, it also is the largest source of greenhouse gas emissions from land-use changes that fuel the climate crisis. And as the top climate scientists made clear in their most recent [report](#), we must cut emissions drastically and rapidly to mitigate the most catastrophic effects of climate change. In the United States, they already are being felt with increasing intensity, in the form of [wildfires, hurricanes](#) and [flooding](#).

The bill that Sen. [Brian Schatz](#) (D-Hawaii) and co-sponsors introduced in the Senate initially would cover palm oil, soy, beef, leather, rubber, cocoa and pulp and paper, as well as some of their derived products. The scope would be reviewed annually to ensure that it covers the most important drivers of illegal deforestation. Rep. [Earl Blumenauer](#) (D-Ore) is expected to introduce a sister bill in the House when it is next in session, the week of Oct. 18.

Under the proposed law, the U.S. government would identify high-risk countries without effective safeguards against illegal commodity-driven forest loss. The incidence of violence and rights violations against Indigenous peoples, local communities and human rights defenders also would be taken into account in the assessment. This designation would trigger an obligation for companies importing the listed commodities from that country to document their supply chain to its point of origin and demonstrate that they are taking measures to ensure the commodities werent produced on illegally deforested land.

Before determining a countrys risk status, the U.S. government would be required to consult community and other nongovernmental groups to assess the risks associated with the listed commodities in that country. This requirement provides an important avenue for environmental defenders and Indigenous peoples to report abusive practices in industrial agriculture, which could result in concrete consequences for exporters ability to place their products in the U.S. market.

Unlike voluntary corporate schemes that repeatedly [have failed](#) to eliminate deforestation and abuses in agricultural supply chains, this law would have teeth. U.S. Customs authorities would be responsible for enforcing it and violations could mean fines and criminal prosecution for importing companies.

The law is not all stick, though there also are carrots for both producer countries and businesses. The U.S. government would provide financial and technical assistance to countries engaged in developing and implementing action plans to improve safeguards against

commodity-driven forest loss, which may lead to reversing their high-risk status. And U.S. federal agencies would favor suppliers who take robust, verifiable actions to ensure their products are deforestation-free.

If adopted, the law would be a milestone for corporate accountability. It also would ensure that the United States does not lag behind the European Union and United Kingdom, which are in the process of [adopting](#) similar legislation. And it would be a meaningful way for the U.S. to address its contribution to climate change beyond its borders by better protecting forests and the Indigenous peoples and local communities who defend and [depend](#) on them.

How Violence and Impunity Fuel Deforestation in Brazil's Amazon

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