



**INVESTOR ALLIANCE
FOR HUMAN RIGHTS**
AN INITIATIVE OF ICCR



ZEROTOLERANCEINITIATIVE
WORKING TO END VIOLENCE AND KILLINGS IN SUPPLY CHAINS

Addressing Root Causes of Attacks on Environmental Rights Defenders through Collective Approach: Challenges and Opportunities for Investors

Tuesday, October 20, 2020

10AM-11:15AM EST

Interpretation



INVESTOR ALLIANCE
FOR HUMAN RIGHTS

SIMULTANEOUS INTERPRETING IS NOW ACTIVE

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in the menu at the bottom of your screen
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SE HA ACTIVADO LA INTERPRETACIÓN SIMULTÁNEA

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en el menú que aparece en la parte inferior de la pantalla
y seleccione su idioma.

Our Speakers



INVESTOR ALLIANCE
FOR HUMAN RIGHTS



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Senior Campaigner at
Global Witness



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INVESTOR ALLIANCE
FOR HUMAN RIGHTS

Ali Hines

Senior Campaigner in
the Land &
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Defenders Team, Global
Witness



Addressing root causes of attacks against environmental and human rights defenders

Ali Hines, Land & Environmental Defenders team

Global Witness



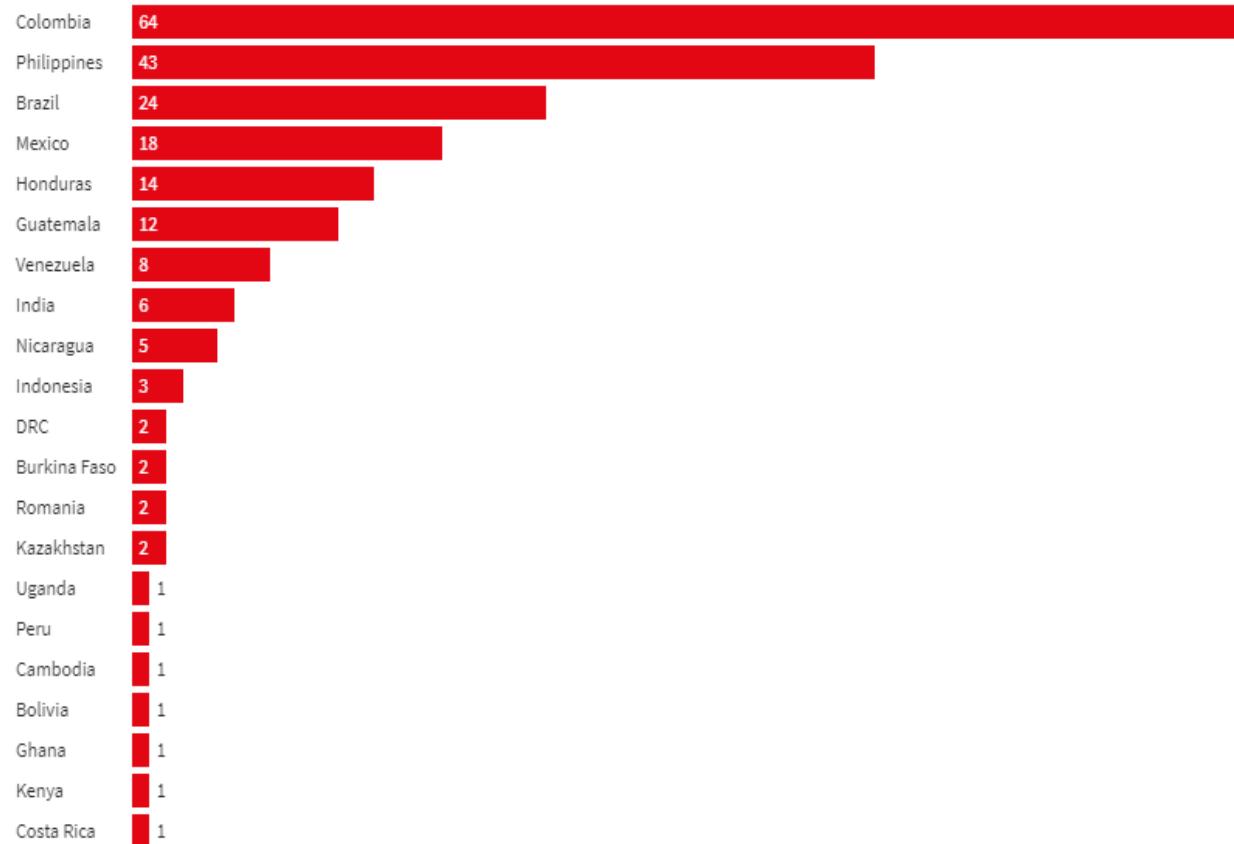


Who are land and environmental defenders?

We define land and environmental defenders as people who take a stand and carry out peaceful action against the unjust, discriminatory, corrupt or damaging exploitation of natural resources or the environment.

This covers a broad range of people. Defenders often live in communities whose land, health and livelihoods are threatened by the operations of mining, logging, agribusiness companies or other industries. Others will be defending our biodiverse environment. Others will be supporting such efforts through their work – as human rights or environmental lawyers, politicians, park rangers, journalists, or members of campaigns or civil society organisations, for instance.

TOTAL NUMBER OF LAND AND ENVIRONMENTAL DEFENDERS KILLED IN 2019 BY COUNTRY



NUMBER OF KILLINGS BY SECTOR

Mining and extractives	50
Agribusiness	34
Logging	24
Illegal crops substitution	14
Land reform	11
Water and dams	6
Poaching	4
Fishing	1
Other	9
No clear link to a sector	71

Source: Global Witness • [Download Data](#) • [Embed](#)

Root causes of threats to LEDs:

- Inadequate due diligence by companies in high-risk countries
- Failure by companies to uphold customary & collective land rights resulting in conflict & social unrest
- Failure by companies to respect Free, Prior & Informed Consent
- Exclusion by companies to include communities in decision-making processes



The case for companies & investors to act:

- Under the **UN Guiding Principles on Business and Human Rights**, businesses have a responsibility to respect human rights – bolstered by **UN Declaration on Human Rights Defenders, OECD Guidelines on Multinational Enterprises** and the **UN Sustainable Development Goals**.
- Due diligence legislation:
 - France Loi de Vigilance 2017
 - EU Regulation on sustainability
 - EU mandatory due diligence legislation

Developing a due diligence process that ensures the respect & protection of LED's rights:

1. EMBED RESPONSIBLE BUSINESS CONDUCT INTO POLICIES & MANAGEMENT SYSTEMS. Policies should include:

- Zero-tolerance on threats or violence towards LEDs
- Commitment to FPIC



Investors and other financial institutions should:

- Screen portfolios for human rights defenders-related risks, including specific risks to LEDs, and establish early warning systems to detect and prevent potential conflicts.
- Include contractual provisions in all project contracts requiring compliance with, and reporting on, the company's HRD policy and outlining reprisal prevention measures.
- Call for transparent disclosure by companies - Where investors or financial institutions have financing relationships with companies, they should write a disclosure provision into their contracts to ensure project transparency. Violation of the terms should result in an immediate investigation and potential termination of the contract.
- Independently verify that projects have secured and maintained FPIC of indigenous people and affected communities.



2. IDENTIFY AND ASSESS ADVERSE IMPACTS IN OPERATIONS, VALUE CHAINS AND BUSINESS RELATIONSHIPS

Periodic national risk assessment in key countries of operation should include:

- The situation of civic freedoms and human rights defenders in the country**
- Statutory and customary land rights**
- Legal procedures for the acquisition of land**
- Relevant environmental laws and policies**



3. CEASE, PREVENT OR MIGITATE ADVERSE IMPACTS

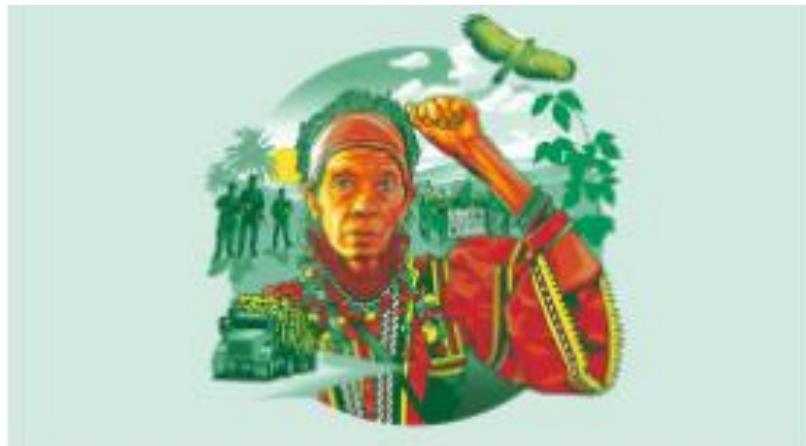
The following are five generic steps that businesses should take to identify case-specific measures:

- Verify the reality and severity of the risk to LEDs and/or their communities, and identify potential prevention or mitigation measures
- Verify the degree of business involvement
- Identify the risks/costs of action vs. inaction to your business and to LEDs/their communities
- Identify how the business can best use its leverage to support LEDs
- Where ceasing production is necessary, create a clear roadmap towards this aim



Investors and other financial institutions should adopt and disclose a protocol for responding to threats and attacks against defenders associated with companies in their portfolios which should include the following steps:

- Consultation with the defender(s) at risk and any supporting organisations to assess the ongoing risks they face and agreeing a response plan
- Requiring implicated companies to take measures to prevent and mitigate further harm and protect defenders.
- Deploying appropriate compliance measures and sanctions, and where needed, suspension of funding/lending until a safe environment for defenders is guaranteed.
- Using the investor/lender's influence with other financial institutions to apply collective pressure on the implicated companies.



4. TRACK IMPLEMENTATION AND RESULTS

5. COMMUNICATE HOW IMPACTS ARE ADDRESSED

6. PROVIDE FOR OR COOPERATE IN REMEDIATION WHEN APPROPRIATE

Investors should ensure that LEDs and communities associated with companies in their portfolios have access, without fear of reprisal, to project-level grievance mechanisms as well as to independent accountability mechanisms within financing institutions that meet the UNGPs' effectiveness criteria for non-judicial grievance mechanisms.



FOR FURTHER INFORMATION:

Global Witness, ‘Responsible Sourcing: The business case for protecting land and environmental defenders and indigenous communities’ rights to land and resources’

Business & Human Rights Resource Centre, ‘Safeguarding Human Rights Defenders: Practical Guidance for Investors’

Coalition for Human Rights In Development, ‘Uncalculated Risks: Threats and attacks against human rights defenders and the role of development financiers’



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Guangchunliu Gangmei

Programme Coordinator, Human Rights
Campaign and Policy Advocacy
Programme, Asia Indigenous Peoples Pact,
(AIPP)



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INICIATIVA DE TOLERANCIA CERO.

TRABAJANDO PARA ELIMINAR LA VIOLENCIA Y LOS ASESINATOS EN LAS CADENAS DE SUMINISTRO



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"Many of our communities are now surrounded by oil palm plantations and their access to water, wells and livelihood resources has been lost," Colombian community leader part of the ZTI.



A global coalition led by:

- Indigenous peoples
- afro descendant communities
- local community representatives
- supportive NGOs

WORKING COLLECTIVELY TO

address the root causes of killings and violence
against human rights defenders linked to global
supply chains.



- [The Geneva Declaration](#)
- [Enough! Report](#)
- [Emblematic Cases](#)

Governance and Principles

- Collective Action to catalyse collective impact
- Recognition of Human Rights
- Self-determination
- Free Prior and Informed Consent (FPIC)
- Meaningful participation in decision spaces that affect communities
- Access to independent accountability, protection, redress and grievance mechanisms





Strategy

- 1/ Community knowledge and learning network
- 2/ Solidarity Network
- 3/ Platform for coordinated advocacy

Joining the ZTI Coalition, Steering Group or Coordination team

Membership of the ZTI Coalition

- In order to become a member of the ZTI Coalition, you must be a representative of Indigenous Peoples or a local community, a civil society organisation or an NGO.
- Members must endorse the core values exemplified in the Geneva Declaration.
- Organisations or people who wish to become members of the ZTI are reviewed by the Coordination Group and the Steering Group.
- Members are encouraged to share their name/logo for the ZTI website but don't have to.
- Information on ZTI's ongoing work will be shared with all members (by the coordination group) and they will be invited to participate in activities of the coalition as well as to attend coordination group meetings when relevant. They can choose how engaged they are with the ongoing work.

Principles of ZTI work

- All activities undertaken under the ZTI logo must
- Uphold the principles of the Geneva Declaration
- Reflect the priorities of indigenous peoples and local communities
- Align with the annual strategy approved by the Steering Group
- Include an indigenous peoples' or local community organisation in the planning of that activity



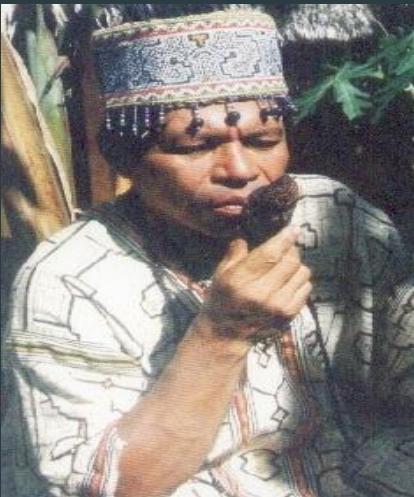
INVESTOR ALLIANCE
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Miguel Guimaraes Vásquez

President of Federation for the Native Communities of the
Ucayali and its Tributaries (FECONAU)

FECONAU is a member of the Zero Tolerance Initiative
Steering Committee.

Onayabo: Transmisión de conocimientos y sabidurías



Ciencias naturales
(biología, botánica,
zoología)

Rituales, danzas,
canciones, ritmos
Curaciones, medicina,
farmacología

Arquitectura, artesanía,
cerámica, tejidos o
diseños

Conocimiento de
preparación y proceso
de almacenamiento de
especies

Selección de especies de
flora y fauna

Selección y
conservación de
semillas

Entre las causas principales de los ataques contra defensores Indígenas en la Amazonía peruana, la inseguridad territorial es clave. Muchas comunidades en Ucayali y otras regiones de la Amazonía peruana enfrentan una serie de problemas debido a la falta de reconocimiento por parte de un Estado que en cambio negocia y otorga derechos sobre sus tierras a terceros.

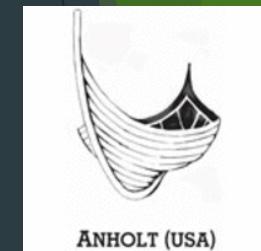
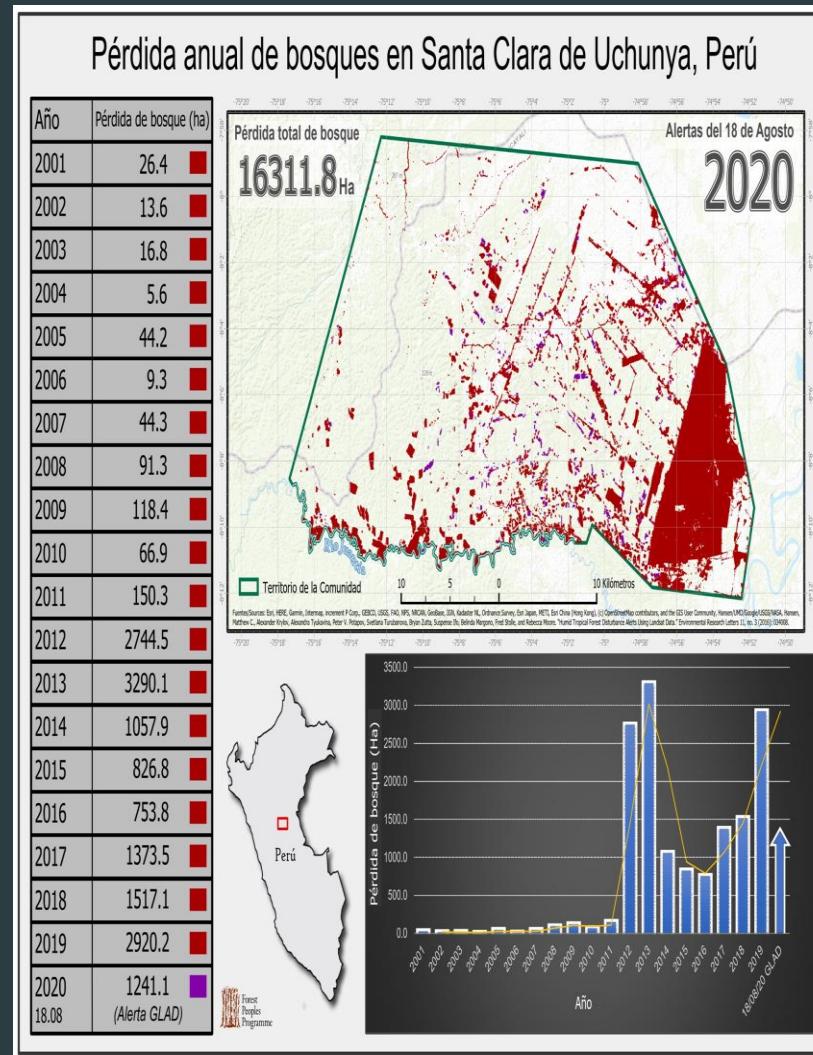


Los territorios que el pueblo shipibo-konibo y otros pueblos ocupan desde tiempos ancestrales hoy en día se encuentran bajo una fuerte presión por la expansión de la tala, la agricultura industrial, la minería, el narcotráfico, la extracción de combustibles fósiles y los mega proyectos de infraestructura.



Las empresas responsables son Ocho Sur en Perú y Peruvian Palm Holdings, la sociedad matriz de Ocho Sur P y U, con sede en Bermudas.

Los inversores principales de los cuales tenemos conocimiento son Anholt (USA) y Amerra, fondos de inversión privada con sede en los Estados Unidos. Estos grupos siguen desarrollando sus actividades e inversiones en el territorio de la comunidad mientras que la deforestación sigue aumentando.



Grandes impactos sobre la Fauna y Flora silvestre



Lideres de la comunidad y FECONAU han experimentado amenazas y ataques por defender su territorio y derechos. La empresa Ocho Sur (antes Plantaciones de Pucallpa) tiene sus aliados entre los elites políticos y económicos de Ucayali, incluyendo en los medios



Death threats for Peruvian palm oil activists

indigenous communities in Peru are coming under increasing pressure from palm oil and cocoa companies to clear their land. Some are fighting back in the face of corruption – and in threats of violence.



land deals in Peru

[Homepage Global 3000 - The Globalization Program](#)

[All videos Global 3000](#)

[All videos in Media Center](#)

[Related Subjects Environment, Deforestation, Peru](#)

[Keywords global ideas, environment, corruption, land use, Peru, palm oil, cocoa, farming, deforestation, indigenous communities](#)

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“Seguimos luchando – estrategias para resistir las dinámicas del despojo”.

Las estrategias que vienen usando para resistir el despojo de sus tierras (acción directa en defensa del territorio, p.ej. justicia indígena, auto linderamiento; incidencia hacia Estado: autoridades regionales y nacionales, denuncias ante fiscalías, demanda de amparo ante el Tribunal Constitucional; incidencia hacia empresas - quejas formales a la RSPO (contra Plantaciones de Pucallpa, luego OLPESA y Alicorp por haber comprado su palma).



Evadiendo la responsabilidad: Limitaciones al acceso a la justicia

- ▶ Durante muchos años el estado no ha cumplido su deber de reconocer territorios indígenas
- ▶ Mientras que no titulaba entrega derechos a otros pues a pesar de obligaciones legales no existen mecanismos de salvaguarda para territorios indígenas no titulados permitiendo la sobreposición de derechos y el conflicto
- ▶ No existen vía judicial específico para pueblos indígenas o conflictos sobre tierras.
- ▶ Igual hay obstáculos como el idioma y recursos económicos
- ▶ La corrupción en los procesos judiciales
- ▶ Fiscalías no tienen recursos ni voluntad para investigar casos
- ▶ PPII no están considerados como agraviados por delitos ambientales (por no ser reconocidos como dueños de los bosques) lo cual implica que muchos casos se archivan
- ▶ No hay transparencia sobre las empresas y sus beneficiarios, muchos están registrados en paraísos fiscales con reglas que restringen el acceso a la información

La comunidad y FECONAU han tenido que enfrentar muchos desafíos durante más de 6 años de lucha. Estos incluyen: las amenazas y violencia la lentitud del sistema jurídico (van mas de 5 años desde las primeras denuncias mientras que la deforestación sigue aumentando) las dificultades de determinar exactamente quienes están invirtiendo y beneficiando de la destrucción de sus territorios y la ausencia de mecanismos fuertes para exigir rendición de cuentas de actores responsables



Queja ante RSPO contra Plantaciones de Pucallpa

- ▶ En diciembre 2015 se presenta la queja contra PDP por deforestación de bosques primarios y vulneración de derechos territoriales
- ▶ En abril 2016 RSPO emite orden de suspensión hasta que termine su investigación pero siguió operando mas bien sale de la membresía de la RSPO para evadir sus responsabilidades
- ▶ PDP vende sus bienes y tierras a Ocho Sur una empresa nueva
- ▶ En marzo 2017 el RSPO emite informe concluyendo que PDP había violado sus reglas pero sin sanción
- ▶ En abril del 2018 investigaciones periodísticas prueban que Ocho Sur vende su palma a empresas procesadores miembros de RSPO como Olpesa - Alicorp
- ▶ En agosto ante RSPO se presenta quejas sobre Olpesa y Alicorp

- ▶ A inicios de febrero 2019 RSPO admiten la queja contra olpesa pero niega investigar a alicorp con el argumento que ni es procesador ni productor
- ▶ En mayo del 2019 se descubre que aparentemente ocho sur pertenece a Peruvian Palm Holdings, una empresa de bermuda que tiene a Dennis Melka como uno de sus directivos
- ▶ Ocho sur ya esta contrayendo su propia planta extractora una vez instalada podrá procesar y vender su palma directamente a Alicorp y otros compradores
- ▶ RSPO no es efectivo en sus mecanismos por que un miembro puede seguir comprando tranquilamente una plantación condenada

Recomendaciones

- ▶ Establecer mecanismos de salvaguarda de territorios indígenas no titulados
- ▶ Establecer vía judicial especial para PPII y conflictos territoriales
- ▶ Permitir a PPII involucrarse en procesos de danos ambientales
- ▶ Dotar a las fiscalías con recursos adecuados
- ▶ Brindar fondos flexibles a comunidades y defensores criminalizados para que defienden sus derechos con recursos legales

Situación actual: Resumen:



- United Cacao, empresa de Denis Melka ha sido retirado de la Bolsa de valores de Londres.
- Las empresas de Denis Melka cambiaron de razón social de Plantaciones de Pucallpa SAC a Ocho Sur SAC.
- Plantaciones de Pucallpa SAC se retiró de la membresía de la RSPO antes que esta entidad emitiera su informe.
- TC emitirá su informe
- Relatoría emitió un informe “amicus” exigiendo al TC que se restablezca el territorio a la comunidad Santa Clara de Uchunyá.

https://www.youtube.com/watch?v=c6ezX_psjoM

UCHUNYA: ?Where Will We Live? ¿A dónde vamos a vivir?

<https://peru.oxfam.org/v%C3%ADdeos-agronegocios-en-la-amazon%C3%A1-peruana>

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INVESTOR ALLIANCE
FOR HUMAN RIGHTS

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Boston Common Asset Management

Who We Are



Boutique global equity manager dedicated to **integrated ESG IMPACT** investing since 2003



WOMEN-LED, majority **WOMEN & EMPLOYEE-OWNED**



Approximately \$3.0 billion in assets under management**

ESG Leadership & Responsible Investment Expertise



Among **TOP FIVE Lead Investors** by Engagements (PRI)***



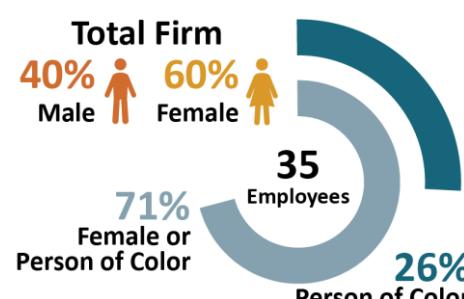
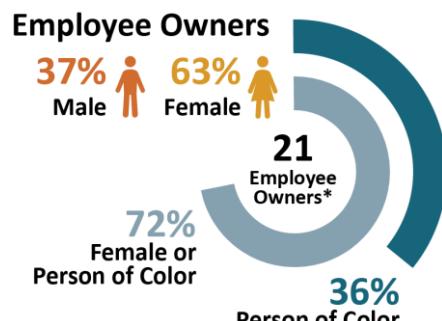
Rated **A+** by UN PRI for **5 consecutive years** (2015 – 2019)****

Seasoned, diverse **Investment Team**, with In-house, experienced **ESG Research & Engagement Team**



Recognized as **"BEST FOR THE WORLD: Overall"**, by B Lab - 2017, 2018, & 2019

Diversity at Boston Common



Real Impact Tracker assesses & recognizes investment managers creating impact across strategic categories



INVESTOR ALLIANCE
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Q & A

Please type in your questions in the Q&A chat box.



INVESTOR ALLIANCE
FOR HUMAN RIGHTS

Thank You!!



Investor Alliance for Human Rights

A collective action platform connecting institutional investors with tools and strategies to promote corporate respect for human rights.

Join Us

Sign up to become a member: <https://bit.ly/2IOYDA9>

For more information, contact: dschilling@iccr.org, afisher@iccr.org