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**Rampant Crime Trumps Commitments to End Deforestation:  
New Report Reveals Lax Legal Systems, Violations of Indigenous Land Rights, and  
Corruption as Culprits in Fueling Climate Change**

***New York Declaration on Forests, a global pledge to protect forests, Indigenous Peoples,  
threatened by legal “Wild West” in tropical countries that produce most exports of  
timber, palm oil, soy and beef***

**BERLIN** (29 November 2018)—Despite high-profile promises to address corruption and protect forests, a number of governments in tropical countries are failing to prosecute landowners and other actors responsible for the illegal destruction of rainforests and the violence that indigenous and other local communities confront when they resist incursions onto their lands, according to new research released today.

The analysis of progress toward meeting Goal 10 of the New York Declaration on Forests was produced by NYDF Assessment Partners, a coalition of leading environment think tanks. They are releasing the report *Improving Governance to Protect Forests* against the backdrop of growing concern about climate change and awareness of rampant clear-cutting of tropical forests, driven in large part by rising global demand for commodities such as soy, cattle, leather products, palm oil and wood products.

“We found that corruption and failure to enforce laws, if they exist, are fueling deforestation and preventing the implementation of reforms to do something about it,” said Darragh Conway, lead author on the report. “Some countries have started to make improvements in their legal frameworks, but they are falling far short of what needs to be done to address corruption and stop the rising violence and criminalization confronting Indigenous Peoples and local communities who are trying to defend their lands.”

Four years ago, the climate crisis brought together a group of major economic and political actors and indigenous leaders, all interested in addressing deforestation; more than 190 governments, corporations, non-government and Indigenous Peoples’ organizations gathered in New York City in September 2014 to sign on to the New York Declaration on Forests. The endorsers pledged to end forest loss by 2030.

**Significant obstacles confront efforts to rid supply chains of deforestation**

Although the study does not point fingers, it is clear that many in the group are not on track to meet the 2014 commitments.

The findings of a recent Goal 1 update, produced by the same authors, suggests the world is continuing to lose natural forests at an alarming rate. In the years following the adoption of the NYDF, the average annual rate of natural forest loss was 42 percent higher than in the previous decade. According to data released in June on Global Forest Watch (GFW), 2017 was the second-worst on record for tropical tree cover loss. In total, the tropics lost 15.8 million hectares (39.0 million acres) in tree cover that year, say GFW analysts—“the equivalent of losing 40

football fields of trees every minute for an entire year.”

“To stop deforestation, we need to do more than pass new laws to provide better forest governance,” said Rob Bailey, research director on energy, environment and resources at Chatham House. “Inconsistencies and weak enforcement of laws, as well as outright corruption, allow bad actors free rein. There are holes in regulatory frameworks that you could drive a logging truck through. Far too often, the agricultural sector in particular conducts its business right on the edge of legality. If our goal is to stop deforestation, the entire world would benefit from stronger respect for the rule of law.”

Forests and lands are vital for soaking up carbon emissions from the atmosphere each year; but ongoing destruction of this resource has become a significant source of global carbon emissions, an estimated 8 percent annually, according to a recent GFW analysis. According to climate experts, an important solution is to stop the deforestation and degradation of tropical forests and increase the removal of carbon through forest growth and restoration. This could provide at least a quarter of the emissions reductions needed by 2030 to limit the worst impacts of climate change, researchers say.

The authors of the Goal 10 assessment named some of the obstacles they say must be overcome in order to ensure that forests can become a climate solution. The authors examined the legal frameworks that govern forest use and conservation in nine countries that account for almost half of global tropical forest area. All but one—Papua New Guinea—improved these regulatory systems. But most countries suffer from major inconsistencies within forest legislation or with legislation governing the sectors that drive deforestation, while some also lack the political will to implement these laws.

The report also compares the “corruption scores” of 180 countries assessed by Transparency International with the change in primary forest cover and found that countries with high perceived levels of corruption experienced the most forest loss. Overall, corruption levels have not improved over the last five years, undermining efforts to introduce and implement stronger forest laws. Several countries also have important deficiencies in financial management of forest revenues, which can facilitate corruption and embezzlement.

### **Indigenous Peoples pay highest price for defending forests**

A growing body of evidence highlights the importance of Indigenous Peoples and other local communities in forest conservation. In September, the results of a new study of 41 countries suggested that Indigenous Peoples and local communities have legally recognized rights over 15.3 percent of forested land. A second study released this year found that, between 2000 and 2012, rates of deforestation inside legally recognized indigenous communities in the Brazilian Amazon were seven times lower than in lands beyond these borders. And in the Colombian Amazon, the rates were three times lower. Nonetheless, in 14 key countries analyzed for the Goal 10 study, Indigenous Peoples and local communities lack legal recognition for 33-39 percent of the lands they still use and occupy.

“The Goal 10 report finds a clear link between limited legal recognition and respect for communities’ customary rights and their right to free, prior and informed consent, on the one hand, and deforestation, land grabbing and violence against communities, on the other” Conway said.

Despite high-profile recognition on the global stage of their role as forest guardians, Indigenous Peoples and local communities are not benefiting from forest governance statutes in their own countries, according to the new Goal 10 report. Instead, statutes are failing to protect the rights of communities that depend on the forests for their livelihoods. Even in Latin America, with a tradition of recognizing community land rights, the relevant laws have significant weaknesses or are frequently disrespected, the Goal 10 study found. For women and other vulnerable groups, rights are even more precarious.

“Far too often, forest peoples have seen government corruption turn into violence against us,” said Victoria Tauli-Corpuz, the United Nations Special Rapporteur on the Rights of Indigenous Peoples and author of a foreword to the NYDF Assessment Partners report. “In the rush to grab our land, our rights are trampled alongside any laws that might strengthen our position. Enforcement with stronger teeth—and a conscience to match—can slow down this stampede. But political will is needed first.”

“For example, there is broad recognition by countries of Indigenous Peoples’ rights to ‘free, prior and informed consent,’ as enshrined in the United Nations Declaration on the Rights of Indigenous Peoples and the 1989 Indigenous and Tribal Peoples Convention of the International Labor Organization (ILO 169 Convention),” said Conway. “Until now, however, only 23 countries have ratified this treaty,” which requires governments and companies to seek informed consent of Indigenous Peoples, whenever any decision or project might impact their lands and their rights. “And even where countries do have laws guaranteeing this right, they are often weak or are ignored in practice,” he added.

Even where countries do recognize the land and forest rights of Indigenous People and local communities, they often only do so partially, leading to many communities lacking the tenure security they need to protect their lands from outsiders. “On average, low- and lower-middle-income countries provide greater tenure security to Indigenous Peoples and local communities than do upper and upper-middle-income countries that have significant indigenous populations,” Conway said. “The worst offenders among wealthier nations include Finland, Sweden, Norway, Canada and Russia, though in practice, even in places where rights are secure on paper, they are often not secure in practice.”

Weak recognition of tenure rights, failure to respect the principle of free, prior and informed consent, and growing demand for land have led to an increase in land conflicts and growing dangers for communities defending their land rights. The Goal 10 report cited research suggesting 185 people were killed in 2017 for standing up to governments and companies to stop the destruction caused by mining and agro-industrial projects that threatened their forests and lands—the highest number on record.

“In many countries, (resistance) carries major risks, with land and forest defenders often subject to intimidation, violence, arbitrary detention and criminalization,” the authors noted in their paper.

Most of these killings go unpunished. In looking at Colombia, for example, the Goal 10 report cited a paper examining the judicial system’s response to the murders of 122 Colombian land and environmental defenders between July 2010 and June 2016.

“...While in 102 cases, an investigation was launched, only nine cases led to a verdict, eight of which resulted in a conviction. A further 10 cases were not being investigated because the

prosecutor's office had no information at all to go on. This puts the impunity rate—the proportion of people literally getting away with murder—at 92 percent,” the Goal 10 authors noted.

### **Goal 10 analysis cites signs of sustainable development, but notes caveats**

The authors also drew on a review of 50 case studies that described some progress in pursuing sustainable economic activities: communities that have been able to obtain training for members in business management and other skills; others that have developed systems for sharing financial benefits and for providing access to markets for locally produced goods. Some communities have developed a sense of themselves as a “brand,” granting them the confidence to stand up to authorities; others that have elected bodies that help ensure forests are protected and local processes for resolving conflict and promoting security.

The Goal 10 authors identified only a very marginal increase in government support for rural organizations, despite their crucial importance for community empowerment. But they noted as well the importance of moving cautiously in addressing new opportunities for community development.

“Local organizations are in a better position to protect forests than anyone else, but too often their role is symbolic, and they are denied the formal power they need,” said James Mayers, Director of Natural Resources at the International Institute for Environment and Development (IIED), and co-author of the report. It is essential that governments and investors recognize local peoples’ rights to manage forests and help them develop forest-linked businesses, including by providing technical support for developing sustainable enterprises.”

### **Failure to supply data, lack of transparency putting supply chain goals at risk**

The authors noted as well that a significant lack of access to data is blocking efforts to document criminal activities as well as progress in slowing deforestation and addressing weak land tenure and conflict. They called for greater transparency regarding the titling of land and the use and management of forests.

“In many countries, information may not be available in formats or languages that are accessible to many people, in particular vulnerable groups,” Conway said. “Governments may use the situation to refuse access on broadly defined grounds or require information to be paid for, further restricting access for many.”

Cost is not the only consideration, Conway said. “Without transparency, big buyers of commodities can’t ensure their supply chains are free of deforestation.”

“The lack of transparency and poor traceability in agricultural commodity supply chains remain a barrier to implementing corporate commitments to address deforestation,” Conway added. “Furthermore, more than 60 percent of the companies that have pledged to clean up their supply chains are not reporting on whether these commitments are being met. And those that do report often provide vague or incomplete information, or bury it in sustainability reports. That has to change if we are to assess whether commitments are being met.”

## **Laws guaranteeing participation and access to justice in forest matters are in place, but implementation is lacking**

The study also looked at whether governments are delivering on commitments to guarantee procedural rights intended to enable civil society, the public and communities to participate in decision making on forests and access judicial and other remedies to challenge improper decisions.

“The majority of countries do provide for consultations in relation to forest-related policies and projects. However, consultation processes are often overly technical and not linked to concrete decision-making, and governments are not required to take comments provided by stakeholders into account,” the authors noted. “Women and other vulnerable groups are heard even less.”

The situation is similar for access to justice—countries guarantee the right in their laws but all too often they are too costly and slow to provide effective legal protection.

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### **Additional information**

**The NYDF Assessment Partners** are an independent network of civil society groups and research institutions—highlighted on the Partners' page—that annually evaluates the progress toward meeting the ten goals formulated in the NYDF. Meeting the goals of the NYDF requires the ongoing resolve of its endorsers. Effective monitoring on progress, engagement and visibility of results is important to boost this resolve. The NYDF Assessment Partners serve as a platform to facilitate these efforts.

Together, the partners annually publish a NYDF Progress Assessment, consisting of an in-depth report looking at progress on a selected goal (or set of goals) and brief updates on all the goals. In 2015, the Partners proposed an initial framework, including a number of indicators and proxies, for assessing progress toward the ten NYDF goals and summarized the status of the goals. In 2016, the second edition of the report focused on eliminating deforestation from agricultural commodity supply chains (Goal 2). The third edition of the report, released in October 2017, looked at the financial support provided to forest emission reduction strategies (Goal 8), and rewards for action (Goal 9).

This fourth edition of the NYDF Progress Assessment focuses on forest governance (Goal 10). The 2018 updates on Goals 1-9, launched in September, show that natural forests continue to disappear at an alarming rate since the NYDF was adopted in 2014. Though some of this forest loss has been offset by regrowth, young forests have different ecosystems and structures from established forests and are unlikely to offset carbon emissions from natural forests. Overall, we are not on track to meet the goal to halve natural forest loss globally by 2020.

**The New York Declaration on Forests (NYDF)** is a voluntary and non-binding international declaration to take action to halt global deforestation. It was first endorsed at the United Nations Climate Summit in September 2014, and by October 2017 the NYDF supporters grew to include over 191 endorsers: 40 governments, 20 sub-national governments, 57 multi-national companies, 16 groups representing indigenous communities, and 58 non-government organizations. These endorsers have committed to doing their part to achieve the NYDF's ten goals and follow its accompanying action agenda.