INDIGENOUS PEOPLES CALL FOR STRONGER CLIMATE PROTECTIONS AT LATIN AMERICA'S HIGHEST HUMAN RIGHTS COURT

INDIGENOUS PEOPLES, AND CLIMATE ADVOCATES TESTIFY AT THE INTER-AMERICAN COURT OF HUMAN RIGHTS IN A HISTORIC PROCESS THAT COULD SHAPE STRONGER INTERNATIONAL CLIMATE LAWS, AS LITIGATION SOARS WORLDWIDE.

Manaus, May 27, 2024

Rising hunger due to crop failures, acid rains, droughts, and contaminated rivers that are leaving communities without safe drinking water. These are the struggles Indigenous Peoples from across the Americas will present this week to a historic hearing on the climate emergency at the Inter-American Court of Human Rights (IACtHR).

Several Indigenous organizations from the Americas are traveling thousands of miles to Manaus in Brazil to present their amici briefings to the Court, outlining how climate change is impacting almost every aspect of their lives and calling for a strong opinion from the court. Their hope is that the Court can help drive climate action, ensuring governments in the Americas are protecting their citizens from the worsening impacts of the climate emergency.

While Indigenous Peoples protect 80% of the world's biodiversity and contribute to our planet's stability, they are disproportionately affected by climate change and by the lack of public policies to safeguard their rights.

Jhahayra Idalia Machoa Mendua, Youth Leader Representative of CONFENIAE—Ecuador, says:

"When it rains, black powders fall from the sky, which has affected us greatly since we consume rainwater. The water sources that our families drink from are terribly contaminated with diesel oil. We ask the Court to compel governments to take action to address the climate emergency that we all face, in which Indigenous Peoples are the most affected because our rights and territories are not respected."

Avaaz will also be in the hearings advocating for the protection of the rights of children, including their physical and mental health, and for Indigenous Peoples' rights to self-determination and consultation, addressing the harms they experience as environmental defenders.

Bieta Andemariam, Legal Director at Avaaz, says:

"Government inaction on climate change means that the courts are now a final lifeline for many of these Indigenous communities. They are on the frontline of the crisis and can wait no longer for the sort of urgent action that is needed to solve the climate emergency. A bold ruling from the Court could not only ignite action in the Americas, but build momentum in this crucial year for climate litigation in different courts around the world."

The hearings are part of an inquiry initiated by Colombia and Chile that asked the court to issue recommendations about governments' responsibilities regarding climate change and the safeguarding of human rights.

This case comes on the back of important climate litigations, such as Agostinho and KlimaSeniorinnen in Europe. Together, these cases have put climate at the center of critical court rulings worldwide—at the European Court of Human Rights, International Tribunal on the Law of the Sea, and International Court of Justice—in what has been described as a crucial year for climate litigation.

Accompanying this press release is a collection of compelling climate emergency stories that Indigenous organizations will present before the court. There is also a report from a youth climate activist living through the terrible floods in the southern Brazilian state of Rio Grande do Sul. All of them are available for interviews.

Avaaz members from across the Americas also shared their climate anxiety stories. You can read them here.

Read the Executive Summary of Avaaz's Amicus Briefing in: English ▪ Spanish ▪ Portuguese ▪ or the full briefing here.

For more information about the hearings and to arrange interviews, email media@avaaz.org or reach out over the phone/Whatsapp to:

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THE VOICES OF CLIMATE EMERGENCY



Luiza Flechiá Tuxá

Legal Department of the Coordination of Indigenous Peoples and Organizations of the Northeast, Minas Gerais, and Espírito Santo - APOINME (Brazil)

My name is Luiza Flechiá Tuxá, I am an Indigenous woman from the Tuxá People located in the northern part of the State of Bahia, Brazil. In the 1980s, my people were impacted by a hydroelectric project, and at that time, it was said that the hydroelectric plant was "Clean Energy," but in reality, this project resulted in the flooding of a large part of our territory. This drastically interfered with our collective, ecological, and spiritual way of life, and to this day, we have not received the proper territorial compensation.

The Brazilian State has a historical debt with the Tuxá people, as they forced us into a strange temporary environment with the promise of compensation that never materialized. I am part of a new generation and have not had the opportunity to bathe in the flowing waters of the São Francisco River or to encounter the various species of fish and game that used to be found in our territory. I no longer know the planting and harvesting cycles because this right was taken from me and my people. On the contrary, I belong to a generation that sees the monoculture of coconuts expanding agricultural boundaries in a sacred place, contaminating our soil and our sacred bodies. This has affected the lives and altered the life expectancy of my relatives.

I hope that the Inter-American Court recognizes and protects the relationship between territorial defense and the energy transition, ensuring that the Brazilian government truly guarantees the right to step on and demarcate my sacred territory, and that public policies reach the village ground, promoting our autonomy and respecting the way of living and cultivating nature that our communities have. Above all, as those affected and victims of a hydroelectric project, I hope my relatives are free from these projects, falsely considered renewable and transitional energy, which have only doubly victimized the same regions and strongly impacted our territories and our well-being.

Jhahayra Idalia Machoa Mendua

Youth Leader of CONFENIAE (Ecuador)

My name is Jhahayra Idalia Machoa Mendua; I am 24 years old and belong to the ancestral A'I Cofán nationality. I currently live in the A'i Cofán del Milenio community of Dureno, one of the eleven Cofán communities located in the Ecuadorian Amazon. I represent the Confederation of Indigenous Nationalities of the Ecuadorian Amazon (CONFENIAE) and am the Youth Leader.

As a leader, woman, and youth, I believe climate change is one of the most pressing and important issues for us because it significantly affects our territories. Climate change is not something distant or of the future; it has already strongly impacted our coexistence with our environment, land, water, and animals. Things are no longer as they always were. The most noticeable changes we experience in my territory result from oil activity. What has affected us the most are the "flares" from the oil fields, which emit toxic gases, and the oil extraction wells. We live and feel their impacts every day.

In our communities, we have recently seen a kind of acid rain because when it rains, black powders fall from the sky, and since we consume rainwater, we drink contaminated water. Another important water source for our families is the springs that emerge in the jungle, but many are terribly contaminated with diesel oil, a type of fuel derived from petroleum.

We are also affected by infertile soil, which no longer produces good crops in the area. The expansion of different types of production that are not native to the area, coupled with tree logging, affects the quality of our lands, the rights of Nature, and the lives of animals.

We fight against extractivism in our territories and are threatened by oil companies, which have gone as far as to murder our leaders; there is still no justice or reparation.

On this occasion, we ask the Inter-American Court of Human Rights to listen to Indigenous Peoples to compel States to take action to address the climate emergency that we all live in and in which Indigenous Peoples are the most affected because our rights and territories are not respected. That is why Indigenous youth are educating themselves and are here to raise their voices and continue fighting for our lives, worldviews, organizations, and communities.





Junior Anderson Guarani Kaiowá

Indigenous from the Guarani Kaiowá ethnic group (Brazil)

I am from the Indigenous community of Guapo'y, in the municipality of Amambai, Mato Grosso do Sul, and represent the Guarani Kaiowá ethnic group. The climate emergency has manifested in the seasons: during the rainy season, when it should rain, it doesn't. During the hot season, when it should be hot, it isn't. And during the cold season, when it should be cold, it isn't. However, with these changes, it rains with hail when it rains outside the rainy season. Our crops, which we have planted over the years, are being destroyed because the climate has not been favorable.

Climate change is more clearly manifested by the drying up of the springs and rivers that cross our territories, as it has been hotter in recent years. The medicinal plants we use as medicine in the Indigenous territory are disappearing. More and more, we are going further to find or seek out these traditional remedies from what little is left.

What makes me most afraid and anxious is the lack of water in Indigenous territories. The artesian and semi-artesian wells that were opened to supply the community are drying up. As a result, potable water reaches each family house every 15 days. Most of the community fears the lack of water, which is essential for survival.

Thus, I hope that the Inter-American Court takes measures that can truly curb climate emergencies. Many pesticides that were previously banned in Brazil have been used in recent years, causing a wave of destruction to the forest and our springs. Therefore, I hope that the Court will more aggressively and seriously hold Brazil and other countries accountable so that together, we can embrace this cause and each one do their part.

Eva Patrícia Fernandes

Quilombola leader (Brazil)

I am Eva Patrícia Braga Fernandes. I am from the Quilombola community Desiderio Felipe de Oliveira, in Dourados, Mato Grosso do Sul.

In our territory, one of the climate emergencies we face is the drying up of rivers, especially due to the extensive use of pesticides by neighboring monoculture farms cultivating corn and soy for export.

Our territory is vast, spanning 3,749 hectares, and it contains several river springs. Unfortunately, today only 39 hectares remain in the possession of the community, and within these, we observe the drying and death of the springs where water once flowed easily. The little water that remains is unfortunately not suitable for consumption, as it contains heavy materials due to pesticide use. The animals have also disappeared from our lands: varieties of deer, armadillos, and birds no longer exist here.

What fills us with fear and anxiety is that we are demanding the titling of our quilombola territory, which is our right, but there is a lack of response from the Brazilian government. If this area were in the hands of the quilombola people, it would be preserved because we have a harmonious relationship with nature, and the community feels a sense of belonging to it. We can produce and live in harmony. The community understands and identifies itself as part of a whole within this cycle that is nature.

The community hopes that the Inter-American Court will help us demand that the Brazilian government resolve this issue, especially in my community, which is unique because it was acquired from the Brazilian government; it was public land, bought by us, and we have lived for almost a hundred years outside our territory. Therefore, the community asks the Inter-American Court to help us by pressuring the Brazilian government to respond and return what is ours. This way, we ensure that quilombola land in the hands of quilombola people is synonymous with preserved land.







Milena Mura

President Coordinator of the Organization of Indigenous Women Mura (OMIM) (Brazil)

My name is Milena Mura, I am from the Mura people and I live in the Moyray village, Guapenu Indigenous Land, in the municipality of Autazes, in the state of Amazonas.

Today, we are about 37 villages in the municipality of Autazes, and at many times in our history, we have suffered invasions by farmers who deforested our forests and polluted our rivers, as well as illegal loggers and fishermen. Our greatest current threat is a Canadian company called Potássio do Brasil, which extracts potassium from our territory, violating many laws and ignoring our land rights. The extraction of potassium has co-opted Indigenous leaders, divided our peoples, invaded our hunting and fishing grounds, and deforested our forest.

In 2023, we experienced an extreme drought in our municipality, impacting all the villages: we lacked drinking water and had to seek support. Our forests and crops were burned, driving away our game and fish. Many relatives suffered, and some even died. This situation is a reaction from Mother Nature to human actions.

We are afraid for the future. If cattle ranching and invasions continue, the trend of climate actions will worsen, aggravating the impact we will suffer here. We need support to stop this from continuing. The world needs to wake up so that the Amazon can still generate oxygen for everyone and pay attention to Indigenous peoples and our territories.

This is what I want for the future generations: that they can live. I count on you and hope that we can join forces to defend our territories. We hope that not only we, but you, wherever you are in the world, will join forces to defend our Mother Nature.

Amália Garcez

Socio-Climate Activist and Physics Student at the Federal University of Rio Grande do Sul (UFRGS) (Brazil)

My name is Amália, and I am part of the Eco Pelo Clima collective, the local branch of the Fridays for Future movement in Brazil.

In recent years, climate change has become evident in my region. Last year, cyclones devastated various cities, and now, entire towns are underwater. My state, Rio Grande do Sul, has turned into a land of climate refugees, facing a tragedy that is not only environmental but also due to political inaction. Back in 2020, we, the activists of Eco Pelo Clima, were calling for the declaration of a climate emergency in the state. In 2023, even before the first cyclone that left more than 20 dead, we were protesting and trying to get our leaders to take us seriously. All the state government did was relax environmental laws and propose subsidies for coal exploitation.

Currently, over 600,000 people are displaced, entire municipalities remain underwater, more than 150 people have died, and nearly 100 are still missing due to the ongoing rains. I am afraid of what we will find when the water recedes. Afraid that the reconstruction and relocation of those who lost everything will not consider what is necessary to plan for future extreme events. Afraid for my friends and family, my home, my daily life, and my communities. Afraid of what will happen when the water rises and no longer goes down. Local leaders seem to fear only failing to privatize the next public service. I hope the Inter-American Court of Human Rights can recognize the catastrophe in my state not just as an extreme climate event but as the result of inaction and negligence by those responsible for acting for the population's well-being. I hope the Court takes us seriously and makes ambitious recommendations so that leaders in the Americas finally protect their citizens.

Jeferson Pereira Quilombola

From the Quilombola Territory Águas do Velho Chico (Brazil)

I am Jeferson Pereira, a quilombola lawyer with the National Coordination for the Articulation of Rural Black Quilombola Communities (CONAQ) and a researcher at the Observatory of Consultation Protocols. I am from the Águas do Velho Chico Quilombola Territory, in the city of Orocó, State of Pernambuco.

My territory is hybrid, formed by the junction of the Caatinga biome and the São Francisco River riverside area. The impacts of climate change are twofold. Harvesting and hunting activities in the Caatinga have changed; it no longer exhibits the same characteristics as before. Floodplain planting is also not the same, as the river is increasingly degraded, and the waters have become unfamiliar to traditional farmers. The rainfall pattern has changed, altering the form and timing of planting. Quilombolas no longer know when to plant and harvest. Rainfall no longer occurs in the same periods, with the same predictability and intensity. The Caatinga, once a gauge for the quilombola from the countryside, no longer responds similarly. Communities no longer recognize their natural habitat, and their ancestral practices have been altered or disrupted.

We hope that with this advisory opinion from the Court, quilombola and traditional communities will be heard and respected more in their way of life. We hope the Court will be an instrument to enforce or pressure nation-states to prioritize the human rights of traditional peoples and communities.