

Ecuadorians Vote to “Keep the Oil in the Soil” in the Amazon

Historic Vote Establishes Moratorium on Oil Operations in Key National Park

Antonia Juhasz

The people of Ecuador voted on Sunday to halt all current and future oil drilling in the heart of Yasuni National Park in the Amazon rainforest. This comes after decades of organizing led by a coalition of Indigenous peoples, youth, and activists from across the country. Voters also chose to ban all

Ishpingo, Tambococha, and Tiputini (ITT) area of Yasuni National Park, one of the most intact sections remaining in the Amazon River Basin. It also protects the rights of the Taromenane, Tagaeri, and Dugakaeri Indigenous peoples, living in voluntary isolation. For the first time anywhere, a nation-wide referendum

Indigenous peoples have faced harassment, repression, and even death as they led oil resistance efforts.

“Today we made history!”, declared organizers from the group YASunidos on social media. “This consultation, born from the people, demonstrates the greatest national consensus in Ecuador. It is the

harms, and the climate crisis grows.

Moratoria against fossil fuel operations are increasingly popular and expanding worldwide. Costa Rica, South Africa, Belize, and New Zealand, among others, have implemented moratoria.

Burning fossil fuels and deforestation drive the climate cri-



mining in the Choco Andino forest, near the country’s capital, Quito.

Read a text description of this video

The vote to “keep the oil in the soil” is a historic move: it means that an estimated 1.67 billion barrels of crude oil will remain in the ground, implementing a moratorium on current and future drilling in the

achieved a moratorium to both halt new and roll back existing fossil fuel operations.

Yasuni is a United Nations World Biosphere Reserve, one of the most biodiverse places on earth, and home to nearly one million hectares of tropical rainforest. Oil exploration and production has caused extensive damage to the Ecuadorian Amazon and its inhabitants.

first time that a country decides to defend life and leave oil underground. It is a historic victory for Ecuador and for the planet!”

The share of Ecuador’s gross domestic product from oil has plummeted to just over 6 percent in 2021, from a high of 18.7 percent in 2008. Yet the cost of constant oil spills, health and human rights

sis. Ecuador’s people have shown the world how to confront the climate crisis head-on, protecting both people and the planet using a model others can follow.

To uphold their human rights obligations, governments should phase out of fossil fuels and protect forests and forest peoples everywhere.

Indigenous Peoples Secure Decisive Victory in Brazil

Supreme Court's Crucial Decision Upholds Land Rights



Andrea Carvalho

On September 21, Brazil's Supreme Court upheld Indigenous peoples' rights to their traditional lands by ruling against the so-called cutoff date, a legal argument that Indigenous peoples should not obtain title of their ancestral territories if they were not physically present on them on October 5, 1988, the day Brazil's current Constitution was adopted.

Following the decision, Indigenous people across Brazil celebrated what they have called "the ruling of the century." It is also of major significance for the global climate, as demarcating Indigenous territories has been

repeatedly demonstrated to be one of the most effective barriers against deforestation in the Amazon.

The case, which had been on the Supreme Court's docket for years, stems from a dispute in which Santa Catarina state used the cutoff date argument to challenge lands claimed by the Xokleng Indigenous people. Even before deciding on the merits, the Court determined that its ruling on this case would be applicable to similar cases across Brazil.

Indigenous people from around the country travelled year after year to Brasilia from remote locations, to call on judges and lawmakers to respect their rights. This ruling

will strengthen their tenacious fight to preserve the environment and their way of life, which depends significantly on the land.

The ruling brings immense relief to Indigenous people. If upheld, the arbitrary cutoff date would have made the titling of Indigenous territories impossible for communities who were expelled from their land before 1988 and could not prove they were involved in an ongoing dispute over their claim back then.

However, the rural caucus in Congress, which is tightly linked to agribusiness, also introduced an initiative that would enshrine the cut off date thesis in legislation. The fate

of that proposal remains to be seen. The court's decision is consistent with precedent from the Inter-American Court of Human Rights, which has recognized the right of Indigenous peoples to their land and said that right continues as long as their "material, cultural, or spiritual connection" with the land persists.

The administration of President Lula da Silva should respond to the ruling by speeding up titling of Indigenous territories, some of which have been pending for decades, and ensuring accountability for violence and threats against Indigenous defenders who speak up for their communities' land rights.

Violence against Indigenous People Overshadows Amazon Summit

Brazil's Federal Police Should Investigate Shootings of Indigenous People

Violence against Indigenous people in Brazil has marred the Amazon Summit, a high-level meeting of presidents of countries in the Amazon region aimed at improving protection of the Amazon rainforest. The violence is a stark reminder that there is no future for the Amazon without protecting the

work for a company producing palm oil, Brasil BioFuels (BBF).

A young man and two women had been shot earlier that day during a protest over the earlier shooting. One of the women was seriously injured and taken to a hospital. Company vehicles were set on fire and

contain the criminal action and protect the lives of workers who were on site." The company claimed it was the latest in a series of such incidents.

I watched as Indigenous peoples, Afro-descendants known as quilombolas, and other local communities came together to demonstrate before the civil

Brazil's Federal Police and the Federal Prosecutor's Office should investigate the circumstances of the shootings and the underlying land disputes. Authorities should protect local communities fearful of escalating violence and retaliation.

Last week, in a call to govern-



people living in, and dependent on, the rainforest.

On August 7, I visited Tomé-Açu, a town in Northeast Pará, together with other organizations concerned with escalating conflicts involving Indigenous communities and palm oil companies. Three days before, a 19-year-old Tembé man had been shot and seriously injured by a private security guard reported to

buildings reportedly damaged during the protest. The young man was detained by military police after hospital discharge and taken to a police station in Castanhal, more than 200 kilometers away.

BBF told Human Rights Watch that on August 7 a group of 30 people "set fire to dozens of tractors, machinery and company buildings" and its "private security team managed to

and military police stations in the Quatro Bocas district of Tomé Açu until the young man was released later that day. Protesters described how the communities claiming collective rights to lands where palm oil is being produced or reporting on environmental impacts from its production face intimidation and violence from security guards of companies in the region.

ments attending the summit, Human Rights Watch highlighted the protection of land and forest defenders should be a central part of their commitment to protect the Amazon. Conflicts in the Amazon are certain to continue unless federal and state governments tackle the underlying land conflicts giving rise to acts of intimidation and violence.

Brazil: Prosecutors Should Lead Police Killings Inquiries

Prosecutor's Office Should Ensure That New Guidelines Reflect International Standards

Brazil should urgently address the chronic problem of police abuse and impunity by ensuring that prosecutors lead investigations and that those investigations comply with international standards, Human Rights Watch said today in a

letter to the attorney general, Augusto Aras. Police killed more than 6,400 people in 2022, according to the nonprofit Brazilian Forum of Public Security, which compiles the data from official sources at the state level. In less than a month between the end of July and August 2023,

at least 62 people were killed during police operations in Bahia, Rio, and São Paulo states alone.

"The deadly law enforcement operations in recent months underscore the urgent need to improve investigations into

themselves."

While some police killings are in self defense, many result from illegal use of force that goes largely unpunished. Currently, civil police carry out investigations into police abuses. This raises serious

questions of impartiality as civil police investigate their own personnel, as well as military police personnel with whom they may have worked in other cases. In 2017, the Inter-American Court of Human Rights ordered Brazil to ensure that investigations of police

killings, torture, or sexual violence are "entrusted to an independent body, distinct from the police force involved in the incident." In 2021, the Court said that both the Brazilian state and representatives of victims agreed that the prose-



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police conduct," said Maria Laura Canineu, Brazil director at Human Rights Watch. "Prosecutors should carry out effective oversight of the police by leading investigations into police killings and cases of suspected police abuse, instead of relying on the police to investigate them-

questions of impartiality as civil police investigate their own personnel, as well as military police personnel with whom they may have worked in other cases. In 2017, the Inter-American Court of Human Rights ordered Brazil to ensure that investigations of police

cutor's office is that independent body. Brazil has an obligation to comply with the Court's decisions. On March 10, the National Council of Prosecutors, which oversees the work of federal and state prosecutors, established a working group to draft a resolution to guide prosecu-



tors' investigations into cases of death, torture, and sexual violence "in the context of police operations." The resolution should make clear that prosecutors have not only authority, but the obligation to conduct their own investigations into all cases of police abuse, Human Rights Watch said.

Human Rights Watch has documented scores of cases in which police officers intimidated witnesses, or manipulated and destroyed evidence, including by taking bodies to hospitals falsely claiming the victims were still alive and removing the victim's clothes; as well as cases in which civil police failed to conduct adequate investigations into police killings, for instance by not visiting the crime scene.

The new resolution should include robust requirements for conducting the investigations, Human Rights Watch said. Prosecutors have often failed to meet their obligation to ensure civil and military police abide by the law and that investigations into abuses are prompt, thorough, and independent.

Crucially, the investigations should observe international standards, in particular the UN Manual on the Effective

Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions, known as the Minnesota Protocol. The protocol provides detailed guidelines to ensure investigations include adequate photographs, descriptions of external wounds and their trajectory, and detection of firearm discharge residue on the hands of victims, among other necessary steps.

The resolution should also

and enforcing police protocols to prevent abuses, and carrying out the resulting investigations and prosecutions. State attorneys general should also establish a system of shifts so that on-duty prosecutors and forensic experts respond in real time to complaints of police misconduct, allowing them to intervene immediately and prevent further abuses during ongoing police operations.

The resolution should also call



include steps that state attorneys general should take, such as employing full-time forensic experts who are independent of the civil police; as well as establishing well-resourced specialized units of prosecutors dedicated to developing

on prosecutors to take statements from victims, families, and witnesses, some of whom may fear that providing statements to police investigators could put them at risk. The resolution should also allow victims and relatives to obtain key

information about the investigations, within the bounds of the law, and require states to create accessible complaint mechanisms to report police misconduct, including anonymously.

Human Rights Watch has found that police abuse takes a heavy toll not only on the victims and their families, but also on the police force itself. Prosecutors should work with police forces to assess the working conditions and address the high levels of stress; promote the use of body cameras to help shield other officers from pressure by peers and protect them from false accusations; as well as to address systemic racism in the context of law enforcement.

They should also review state police protocols, and work with police command and secretaries of public security to enact guidelines to prevent that police officers conduct retaliation operations after the killing of a police officer.

Once the working group drafts the resolution, it will open a period of comment on the text by prosecutors' offices around the country. The National Council of Prosecutors will need to approve or reject the

final resolution. In the meantime, the president of the Council may change, as the term of the current attorney general ends on September 26. President Luis Inácio Lula da Silva will have to either select a new attorney general or renew the mandate of the current one. Brazil's Senate needs to approve the selection. "Prosecutors have a key role to play in breaking a cycle of violence and impunity by ensuring adequate police oversight and independent investigations into abuses," Canineu

said. "For that to happen, whoever is appointed as attorney general should not only promote the adoption of a strong resolution, but ensure that state attorneys general and state prosecutors implement it."

New UN Guidance on Children's Rights and the Environment

Protect Children from Effects of Climate Change, Other Environmental Crises

Today, the United Nations Committee on the Rights of the Child launches new guid-

children from 121 countries, governments, and environmental and human rights

"foreseeable environment-related threats" due to state action or inaction now. It says

seek legal remedies. The Committee's guidance emphasizes that states are obligated



ance for governments on protecting children's rights in the face of climate change and other environmental crises.

From toxic pollution in Zambia and harmful plastics recycling in Turkey, to rising sea levels affecting housing in Panama and higher temperatures diminishing food supplies in Canada, environmental crises pose immense risks to children worldwide. Children from poor and marginalized communities are particularly at risk.

The Committee's new general guidance is the result of consultation with over 16,000

groups, including Human Rights Watch. It provides fresh interpretation of the obligations of states under the Convention on the Rights of the Child to uphold the rights of children affected by climate change and other environmental crises.

The Committee emphasizes that "the climate emergency, the collapse of biodiversity and pervasive pollution, is an urgent and systemic threat to children's rights globally" and calls governments to action. For example, it specifies that states are responsible not only for protecting children from immediate harm, but also for

states should ensure businesses rapidly reduce their emissions and require them to assess actual and potential risks to children's rights, reminding governments that "delaying a rapid phase out of fossil fuels will result in ... greater foreseeable harm to children's rights."

Children are increasingly making their voices heard on the environment, urging world leaders and governments to protect their rights and those of future generations. They are also taking their governments to court, despite barriers for children to access justice and

to provide effective, child-friendly, and inclusive legal pathways for children affected by environmental harm. They also need to ensure children can safely exercise their right to freedom of expression, including when engaging in peaceful protests on environmental matters.

Governments around the world should now use this guidance to develop and strengthen legislation addressing environmental harm and the climate crisis, making sure that children are both protected and regarded as the active agents of change they can be.

Bold Action Needed Following UN Climate Ambition Summit

Heed Call of Global Marches to ‘End Fossil Fuels.’



On Wednesday, The United Nations held a Climate Ambition Summit in New York City alongside the annual meeting of the General Assembly. The summit broke ground for several reasons, particularly its push for governments to “stamp out fossil fuels.”

UN Secretary General António Guterres has become increasingly steadfast in his commitment to taking on the industry at the forefront of the climate crisis and launched a summit for this purpose.

“We must make up time lost to foot-dragging, arm-twisting, and the naked greed of entrenched interests raking in billions from fossil fuels,” the secretary general said at the

summit’s opening.

The only United States government official invited to speak was California Governor Gavin Newsom, whose state recently passed a slew of climate measures and announced a lawsuit against some of the world’s largest oil companies, citing climate deception. Addressing the summit, Newsom said, “This climate crisis is a fossil fuel crisis. It’s not complicated. And we need to call that out.”

Among other targets, the Climate Ambition Summit called on government leaders, especially major greenhouse gas emitters, to present updated and more aggressive pre-2030 nationally determined contributions, designed to cut

national emissions, including “energy transition plans with commitments to no new coal, oil and gas; fossil fuel phase-out plans; more ambitious renewable-energy targets, and Green Climate Fund pledges.” The summit followed several days of mass public protests, during which people took to the streets around the world in marches and actions as part of the first, “Global Fight to End Fossil Fuels.” Organizers estimate that some 600,000 people took part in over 700 protests in 65 countries on all 7 continents, calling for ambitious government action to rapidly phase out fossil fuels.

The summit yielded few new concrete pledges but should combine with the mass march-

es and protests to put increasing pressure on governments to ratchet up their ambitions in the run-up to COP28, the UN’s annual climate conference, hosted by the United Arab Emirates in November.

Governments should also take bold action at COP28. Fossil fuels are the primary driver of the climate crisis. All stages of fossil fuel use – exploration, extraction, production, storage, transport, refining, combustion, and disposal – can be linked to human rights harms. To uphold their human rights obligations, governments at COP28 should commit to a full, fair, and final phase out of all fossil fuels.

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Plastics Treaty Draft Takes First Step to Reduce Production

Solutions Should Prioritize Fossil Fuel Phase-out Over Recycling



September 4, the United Nations Environment Programme published the zero draft of the new global plastics treaty. The text, based on previous negotiations, lays the foundation for a legally binding instrument to end plastic pollution and could help confront some of the harmful impacts of plastics on the environment and protection of human rights.

The draft proposes options to address the full life cycle of plastics, from reducing production to eliminating the use of the most hazardous plastics, with the goal of ending the export and recycling of plastics containing harmful chemicals – a promising first step towards a meaningful treaty.

Despite these positive elements, the draft lacks an explicit reference to human rights, promotes recycling, and omits phasing out fossil fuels as a key measure to reduce plastic production. Human Rights Watch has made a submission to the negotiating committee outlining sustainable measures, based on human rights, to address plastic pollution.

The zero draft encourages promoting higher recycling rates as a measure to enhance producer responsibility and waste management, but fails to account for the harms associated with plastic recycling. While recycling is often portrayed as a positive, environmentally friendly practice,

without proper procedures, plastic recycling can release pollutants and toxins into local environments, threatening the health of those working in and living nearby recycling facilities.

UN Secretary-General António Guterres has named plastics as “fossil fuels in another form,” urging governments to take more drastic actions to reduce plastic production. Of the more than 400 million tonnes of plastics produced globally every year, 99 percent are made from fossil fuels, which are the primary driver of the climate crisis. The fossil fuel industry is projected to increasingly rely on plastic production for revenue as the movement to end fossil fuel

use in other forms advances. For the new treaty to deliver a sustainable solution to end plastic pollution, it needs squarely to address the role of fossil fuels and the industry’s harms.

It is not too late for governments to propose and integrate these crucial elements. Member states’ submissions will be incorporated and discussed at the next round of negotiations in Nairobi in November. Improving waste management and recycling alone will not end the human rights harms of plastic pollution. There is only one way to ensure the new treaty addresses the ultimate source of plastic pollution: phase out fossil fuels.

Kenya: Ban Use of Highly Hazardous Pesticides

Most Pesticides in Kenya are Harmful to Health, Environment, Study Finds

A study released on September 13, 2023, in Kenya indicates that pesticides that are banned for use in the European Union due to their risks to health and the environment continue to be sold by European and other international companies in Kenya, Human Rights Watch said today. Kenyan authorities

nearly half were substances already banned in the EU due to their risks to health and the environment. The group called on the Kenyan government to urgently put in place regulations on highly hazardous pesticides, prioritizing a list of 40 ingredients identified due to their health and environmental risks and prevalence of use.

Data on Kenya's pesticide use in 2020 obtained from a private market research company by the RTFI indicates that the Chinese-owned Swiss company Syngenta and German Bayer AG had the largest market share by volume for pesticides in Kenya, together making up 35 percent. The group also found that over 65 percent

been banned in the EU.

The United Nations World Health Organization and the Food and Agriculture Organization developed the criteria for highly hazardous pesticides. However, because these organizations do not publish official lists of the chemicals meeting these criteria, the Pesticide Action Network reg-



should ban all imports of highly hazardous pesticides and their active ingredients, phase out their use within the country, and invest in safer and more sustainable methods. The study, published by The Route to Food Initiative (RTFI), a program advocating for the right to food in Kenya, says that in 2020 highly hazardous pesticides accounted for over 75 percent of the total pesticide volume in Kenya and

“It should go without saying that pesticides considered too harmful for people living in Europe are equally harmful for those living in Kenya,” said Julia Bleckner, senior health researcher at Human Rights Watch. “The European Union Commission should urgently introduce promised legislation to end the double standard of exporting dangerous pesticides that are already banned for use in the EU.”

of the pesticides sold by Syngenta and nearly 85 percent of those sold by Bayer in Kenya are classified as “highly hazardous” by the Pesticide Action Network, meaning they “are acknowledged to present particularly high levels of acute or chronic hazards to health or environment” under international classification systems. Some of the pesticides sold by these companies in Kenya in 2020 had already

regularly publishes an updated list of highly hazardous pesticides. To ensure strict application of the UN definition, the group uses more specific and stricter criteria.

The danger of highly hazardous pesticides is exacerbated in Kenya, where strategies and resources to minimize the effects of exposure are limited or not feasible. The location and size of farms means buffer zones are impractical for limit-

ing pesticide drift or runoff to nearby homes, schools, and waterways. An Agrochemicals Association of Kenya study found that only 15 percent of farmers in Kenya wear full protective equipment when using pesticides for reasons including cost, lack of availability, or climate.

Exposure to hazardous pesticides can have severe effects on the human rights to health, to adequate food, to safe drinking water, and to a healthy

environment. Civil society organizations behind the 2019 petition submitted a dossier prepared by a task force of independent experts to the board, urging the Kenyan government to quickly put in effect regulations on highly hazardous pesticides. They prioritized a list of 30 active ingredients identified due to their risks and use prevalence. On July 10, 2023, the Pest Control Products Board introduced new regulations limiting the use of nine active ingredi-

ents. The new regulations include restrictions on the use of four active ingredients included in the 2021 civil society submission: Pymetrozine, Thiacloprid, Chlorothalonil, Chlorpyrifos, all of which are already restricted or banned for use in the EU.

However, the full results of the review mandated in 2020 have yet to be published and civil society organizations continue to call for stricter regulations on a more comprehensive list of hazardous pesticides to adequately protect food safety, health, and the environment. Kenya's Pest Control Products Board should expedite and publish the findings of its review of hazardous pesticides initiated in 2020, Human Rights Watch said. The board should adopt and diligently enforce strict regulations and policies to phase out highly hazardous pesticides. The Kenyan government should prioritize integrated pest management strategies that combine methods including crop rotation and diversification, biological controls, and phasing out hazardous pesticides. The government should also develop and subsidize the use of alternatives to hazardous pesticides in consulta-

tion with independent civil society organizations, agroecologists, health experts, and organic farmers. In Kenya, integrated pest management strategies should be urgently adopted for crops where hazardous pesticides are currently used at the greatest volumes, such as maize (corn), wheat, coffee, potatoes, and tomatoes. Internationally, pesticides should be better regulated to protect the right to health, adequate food, and a healthy environment. In 2017, Hilal Elver, the then-UN special rapporteur on the right to food, and Baskut Tuncak, the then-UN special rapporteur on toxics, called for a new global treaty to regulate the use of hazardous pesticides to fill "a critical gap in the human rights

protection framework," stating the "widely divergent standards of production, use and protection from hazardous pesticides in different countries are creating double standards, which are having a serious impact on human rights."

According to data reported in the Pesticide Atlas in 2020, binding international conventions apply to fewer than four percent of pesticides. The EU Commission made a commitment in 2020 to ensure



environment.

In 2019, Gladys Boss Shollei, a parliament member, submitted a public petition about the issue to the Kenyan National Assembly, on behalf of a group of civil society organizations. In response, Kenya's National Committee on Health "raised a red flag" regarding dangerously high pesticide residues on fruits and vegetables and called on the Ministry of Agriculture's Pest Control Products Board to review the list of pesticides allowed in the country and put in effect urgent regulations for pesticide use.

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Amazon Summit: Commit to Protect Rainforest, Defenders

Countries in Region Should Support Escazú Treaty

Latin American countries meeting at the Amazon Summit in Brazil on August 8 and 9, 2023, should commit to ratify and carry out the Escazú Agreement, Human Rights Watch said today as it released a video explaining the importance of this treaty. The regional agreement would help shore up protection of the Amazon rainforest and other vital ecosystems across the region by requiring countries to protect environmental defenders, guarantee access to information, and ensure public participation in decision-making on environmental matters.

“The Amazon rainforest and its defenders are under serious threat,” said Juanita Goebertus, Americas director at Human Rights Watch. “Governments gathered for the Amazon Summit should show their commitment to preserving a crucial ecosystem for South America and the planet by ratifying and implementing the Escazú Agreement.”

Countries sharing the Amazon will meet in the city of Belém to advance the Amazon Cooperation Treaty Organization, an intergovernmental organization. Brazil, Venezuela, Bolivia, Peru, Ecuador, Colombia, Guyana, and Suriname, as well as the territory of French Guiana, are expected to send representatives. They plan to issue a joint commitment to act together to protect the forest and promote sustainable development in a region that is vital for fighting climate change.

Ratifying and implementing the Escazú Agreement should be a central part of governments’ commitment to protect the Amazon, Human Rights Watch said.

Three of the eight countries where the Amazon is located –

Ecuador, Bolivia, and Guyana – are among the fifteen nations that have already ratified the Escazú agreement. In addition, Colombia’s Congress passed a law approving the agreement, which President Gustavo Petro

tions for the defenders and ensuring that those responsible for violence and intimidation against them are investigated and prosecuted.

Upholding the rights established in the Escazú agreement



signed. The Constitutional Court is reviewing the decision, a final step before the government ratifies the treaty. After 140 organizations including Human Rights Watch pressed Brazil for action, President Luis Inácio Lula da Silva sent the agreement to Congress in May.

The treaty, adopted in 2018 in Costa Rica, guarantees people’s right to obtain environmental information and to participate meaningfully in decision-making that affects their lives and environment. It requires countries to ensure access to justice when those rights are violated, and to establish systems to prevent environmental harm or provide redress. It is the world’s first legally binding instrument containing specific provisions on environmental defenders – requiring governments to provide safe and enabling condi-

could contribute hugely to reversing the cycle of violence and environmental destruction in the Amazon, Human Rights Watch said.

Brazil, Bolivia, Peru, and Colombia are ranked among the countries worldwide suffering the greatest loss of primary forest – meaning, mature, undisturbed forest – according to the World Resources Institute’s Global Forest Watch. Brazil, which includes about 60 percent of the Amazon basin, has led in the destruction, accounting for more than 40 percent globally in 2022. If this pace continues, vast portions of the rainforest may dry out in the coming years, releasing billions of tons of stored carbon, changing rain patterns and water cycles across South America, and accelerating climate change planet-wide.

The destruction has driven

serious rights violations, including encroachment on protected land and violence and intimidation against forest communities, many of them Indigenous, that play a crucial role in protecting the rainforest, Human Rights Watch said. Carrying out the Escazú treaty could help protect environmental and other defenders in a region where they face high levels of violence.

In Colombia, more than 230 Indigenous, Afro-descendant, and peasant leaders have been killed since 2020, the Human Rights Ombudsperson’s Office reported. The situation in Brazil is also dire, with 100 people killed in conflicts over the use of land and resources since 2020, according to the nonprofit Pastoral Land Commission, 78 of them in the Amazon region.

The levels of deforestation and killings of environmental and land defenders should prompt governments in Latin America to ratify the agreement and take tangible steps to carry it out, Human Rights Watch said. Governments should actively foster public participation and access to information in environmental matters, even before they have ratified the agreement. They should establish or strengthen mechanisms to protect environmental defenders and ensure that any acts of violence against them are properly investigated and those responsible brought to justice.

“Latin America is the world’s most dangerous region for environmental and land rights defenders,” Goebertus said. “Better protection for front-line communities is key to keeping our forests standing – and keeping them standing is key to containing the climate crisis.”

Turkey Approves New Coal Mining to Feed Power Plants

Destruction of Forest Latest Battleground on Coal



Dramatic scenes of villagers and environmental activists protesting the felling of thousands of trees in order to expand a coal mine have received widespread media coverage in Turkey over the past two weeks. Police used teargas and water cannon against the protesters and numerous were arrested as they attempted to stop the tree felling in Akbelen forest in Turkey's western Mugla province.

The episode highlights the government of President Recep Tayyip Erdogan's ongoing support for coal mines and coal-fired power plants, and its disregard for the well-documented impact of coal burning on air pollution, which negatively affects the health of local people. It also ignores the

significant greenhouse gas emissions generated by burning coal and the contribution this is making to the climate crisis. Turkey has 37 coal-fired power plants licensed to run, in some cases, until the 2060s. The two plants near the Akbelen forest have been operating for decades. Both have a long history of negative environmental impacts, which has even led to cases being brought against them in the European Court of Human Rights. Both plants were found to have operated in violation of national environmental regulations, and experts have continued to raise concern that

they may be operated without adequate pollutant filtration systems in the majority of the plants units. To keep the two plants operating, the government has also approved further coal mining in the area.

Turkey ratified the Paris Agreement in 2021 and announced that it would be carbon neutral by 2053. Yet, in Europe, alongside Bosnia and Herzegovina, Poland, and Serbia, Turkey has not announced when it will stop using coal. The Turkish government's plans to enable new coal mining and to keep operating 37 coal-fired power plants – including the two for whom the Akbelen forest has been sacrificed – raises serious questions over Erdogan's commitment to clean air and tackling the climate crisis.



Bangladesh: Social Audits Shortchange Workers

Shahidul Islam's Killing Underscores Heightened Risks for Independent Unions

The social audits and certifications that brands and retailers use are totally inadequate to monitor and respond to threats to workers trying to organize independent unions, Human Rights Watch said today in releasing an analysis of standard social audit reports of

like discrimination and harassment, forced labor, child labor, and freedom of association. The seriousness of these shortcomings assumes more importance in the aftermath of the June 2023 killing of Shahidul Islam in Bangladesh. Islam, an independent labor union

bility director at Human Rights Watch. "Brands and suppliers should not rely on social audits and certifications as they are woefully inadequate, particularly in preventing violence and harassment of workers seeking to form or join independent labor unions."

People interviewed by Human Rights Watch said that a few "goons" involved with the so-called yellow unions operating in the areas where the attack occurred were among those arrested. One experienced activist said that a few of the names had come up on other



garment factories in Bangladesh. Most audit reports either barely addressed the issue of freedom of association, or in some cases, recycled stock language as part of auditor findings on freedom of association from other factories' audit reports. Previous Human Rights Watch research has shown that standard social audits present greater risks for labor abuses being under detected or undetected, especially for issues

leader, was killed as he was leaving a factory operated by Prince Jacquard Sweater Ltd. after trying to mediate on behalf of garment workers over nonpayment of wages and Eid bonus. The factory had undergone audits under two commonly used social audit systems. "Islam's killing is a chilling reminder of the dangers facing independent labor union leaders," said Aruna Kashyap, associate corporate accounta-

Human Rights Watch released an analysis of 40 social audit reports of garment factories in Bangladesh provided by a European clothing brand in 2018. Brands and retailers globally should revamp how they monitor workers' rights to freedom of association in factories from which they source. Following the Islam killing, the authorities have registered a criminal complaint and are investigating the case. They have made a number of arrests.

occasions since December 2020, when workers had reported intimidation and harassment. Bangladesh authorities should ensure that an independent and thorough investigation is conducted to hold accountable all those involved in directing, planning, and executing the attack, Human Rights Watch said. "Yellow unions" are set up or controlled by employers and violate workers' right to freedom of association under inter-

pendence and the credibility of information they generate, they cannot be used as tools for human rights due diligence.” Freedom of Association and “Yellow Unions” in Bangladesh
Bangladesh has a longstanding pattern of violations of the rights of freedom of association and collective bargaining. The police cracked down on independent unions following wildcat protests by workers demanding wage increases in 2016 and 2019. The International Labour Organization (ILO) Committee of Experts on the Application of Conventions and Recommendations noted

“Yellow unions” are set up or controlled by employers and violate workers’ right to freedom of association under international labor rights law. The International Labour Organization’s Convention on Right to Organise and Collective Bargaining (Convention No. 98) states in article 2(2) that “acts which are designed to promote the establishment of workers’ organisations under the domination of employers or employers’ organisations, or to support workers’ organisations by financial or other means, with the object of placing such organisations under the control of employers or employers’

A 2020 US Senate Foreign Relations Committee report on Bangladesh noted concerns about growing yellow unionism in Bangladesh, and that the practice “has resulted in authorities rejecting the registration application of independent union leaders because another union already exists – the ‘yellow’ one.” The Solidarity Center, an international worker rights organization, told Human Rights Watch that according to union registration data it analyzed, garment factory-level unions affiliated with six independent union federations had an average union registration success rate of about 43 percent from

an Eid bonus. As the representatives were leaving and reached the front of the factory, a gang approached and threatened them for helping workers, and attacked them. The attackers beat Islam unconscious and he was declared dead in a hospital. The criminal investigation has yet to be completed and based on Human Rights Watch interviews, the police have yet to determine who was behind this gang’s violence. The factory management has denied links to the attack and says it paid all of the previously unpaid wages following Islam’s death. Human Rights Watch wrote to the factory seeking additional



in its 2022 report a series of legal and other practical barriers, and union-busting tactics used by employers, that thwarted workers’ ability to join and form unions of their choosing. Further, Bangladesh law does not allow the formation of unions in factories located inside export processing zones, and workers are only permitted to form worker welfare associations, which have fewer legal protections than the already low protections for unions. Reforms are needed to give unions protections in line with the ILO recommendations.

organisations, shall be deemed to constitute acts of interference within the meaning of this Article.” The ILO Committee on Freedom of Association has ruled that “the intervention by an employer to promote the establishment of a parallel trade union constitutes an act of interference by the employer in the functioning of a workers association, which is prohibited under Article 2 of Convention No. 98.” Workers have the right to form or join unions of their choosing that genuinely represent workers’ rights and interests.

2020 through 2022, compared with what the Bangladesh government states is the overall average union registration success rate of about 88 percent. The Islam Case
Islam was the Gazipur president of the Bangladesh Garment and Industrial Workers Federation (BGIWF), an independent union federation. A criminal complaint registered by the police said that he and other representatives met with officials from Prince Jacquard Sweater Ltd. to try to resolve workers’ complaints regarding unpaid wages for the months of May and June and

information about clearing unpaid wages and the bonus, and Prince Jacquard Sweater Ltd. has yet to respond. The Bangladesh Garment Manufacturers and Exporters Association (BGMEA) has sought to cast the attack on Islam as one between trade unionists without drawing a distinction between independent unions and “yellow unions,” which is deeply problematic. The BGMEA has yet to take effective measures to prevent management and its member factories from interfering with workers’ efforts to form independent unions and

curb the growth of “yellow unions” among its member factories.

The social audit programs operated by amfori and Sedex are among two of the most widely used programs worldwide and not just limited to apparel. Sedex operates SMETA, while amfori operates the Business Social Compliance Initiative (BSCI). These are standard social audit programs that use codes of conduct covering a wide range of labor rights issues, including workers’ freedom of association and wages.

Sedex and amfori’s social audit programs are opaque and neither organization publishes their social audit reports. They also do not publish a list of names or street addresses of the sites they audit or the date of the last audit, making it nearly impossible for labor rights organizations and unions to find out which sites are even audited using their program.

In email responses to Human Rights Watch questions, Sedex stated that Prince Jacquard Sweater Ltd. had been audited once under its systems in 2021 but declined to specify the month or to summarize key audit findings and corrective actions. The factory itself was not a Sedex member and Sedex stated that “it had no visibility” over whether a Sedex member brand was sourcing from the factory.

An amfori representative stated that a factory was audited under its program in November 2021 and December 2022, and further stated that the reports found “multiple violations,” including “delayed payment of wages, a failure to ensure annual wage increments as stipulated by law, gaps in benefit payments, and irregular deductions in payments.” The representative said they did not know the corrective actions that were taken and were finding out from amfori’s members. Human Rights Watch wrote to Prince Jacquard Sweater Ltd., requesting a copy of the audit reports and corrective actions. The factory did not respond.

(Email correspondence with Sedex and amfori on social

audits pertaining to Prince Jacquard Sweater Ltd. on file with Human Rights Watch).

Human Rights Watch Analysis of Social Audit Reports

More broadly, and unrelated to Prince Jacquard Sweater Ltd., in 2018, a European brand provided 50 standard social audit reports to Human Rights Watch to enable the organization’s research and analysis, as social audits reports are typically not public. Forty of those 50 reports were from Bangladesh. The reports were provided on the condition that Human Rights Watch would not identify the company that provided them.

These were standard social audits conducted over a day or two, which Human Rights Watch understands is typical. Such audits are different from in-depth investigations. The factories were notified of the window within which audits would occur; that is, they are semi-announced, and auditors said they interviewed workers on site. The audits were conducted by six global audit firms, most in 2017 and 2018. The audit methods and reporting format continue to be used without significant changes.

In Bangladesh, 26 of the 40 audits were “full audits,” in which auditors had assessed all aspects of the Code of Conduct, including workers’ freedom of association, and 14 were “follow-up audits.”

In each audit, the auditors were expected to assess whether the factory respects workers’ rights to “form unions in a free and democratic way” and bargain collectively; “does not discriminate against workers because of their trade union membership” and “does not prevent workers’ representatives from accessing or interacting with workers in the workplace.”

Since the audits did not reveal the factory names, Human Rights Watch could not determine whether these 40 factories had in fact engaged in any anti-union practices around the time of the audits and compare them with audit findings.

But a reading of the audit reports based on what the auditors were expected to assess raises several concerns about how auditors evaluated risks to freedom of association. Six out

of the 26 full audits found “none” or “no findings” when expected to outline what they found. In another report, the freedom of association section was blank. In 10 of the 14 follow-up audits, auditors had skipped assessments of workers’ freedom of association stating that no previous findings existed; noted they had no finding; or left the section blank.

Human Rights Watch analysis of two reports that noted the presence of a union raised additional concerns. In one factory, auditors from Audit Firm-4 had noted that there were more than 1,800 male and 2,100 female permanent workers, all unionized. In the other, auditors from Audit Firm-2 had noted that the factory had over 2,300 male and over 3,000 female workers, all unionized. However, neither factory had a collective bargaining agreement, which would be expected with a fully unionized workforce.

Audit Firm-2 had wrongly claimed that workers were “free to join or form the trade union” in a factory housed in an export processing zone where the law does not allow workers to form unions, and instead only allows the formation of worker welfare associations:

The overall observation shows that the audittee fulfills [sic] the requirements of this performance area. No trade union has been formed by the workers of the factory. Workers are free to join or form the trade union. No restriction has been imposed to [sic] the workers from the management. The facility has formed workers welfare association (WWA) through election process. Meeting of WWA was held on regular basis. No evidence was identified and reported that workers representatives are discriminated.

Human Rights Watch also found that a number of audit reports of different factories had identical or very similar language when describing audit findings related to freedom of association.

The use of such stock phrases across different factories is only possible to detect when numerous audit reports issued by the same audit firm are

accessible. Regulators and courts should be aware that the quality of such social audit reports may not be fully assessed by looking at one report in isolation; rather other audit reports issued by the same audit firm in the same country should be analyzed to determine whether the audit firm uses stock phrases.

Where such stock phrases are being used, the auditing firm should explain the facts and circumstances in which they use stock phrases, along with additional factory-specific information and the underlying context. One experienced auditor Human Rights Watch interviewed explained that stock language when describing recommendations or corrective actions is different from using stock language while describing audit findings. The latter raised the “hazard of cutting and pasting”:

You lose context and you lose the human side of it. One of the gaps in traditional auditing is that it can be less worker focused and that means there’s less time and effort spent on discussions and interviews with workers. It takes more time and effort to put together a report that is really reflecting that worker’s input. Workers’ experiences are going to be different. The over-standardization of reporting language will often diminish the unique situation faced by the workers in a particular workplace or context.

He also said that a few years ago he had come across “pre-populated” audit reports generated by third-party audit programs. He recalled one egregious example that was part of an “attempt to simplify the reporting process and make the audit cheaper so it would take less time to fill out the report because you were just filling in the blanks rather than writing it up.” He said his audit firm did not use such “pre-populated” reports.

The table below provides an example of the extracted text that is specifically on freedom of association and collective bargaining from Audit Firm-4. Three of the six audits contain 100 percent identical text for this section.

Thailand: Cambodian Opposition Activist Assaulted

Investigate Attack on Refugee Critical of Phnom Penh Government

Thai authorities should immediately and impartially investigate the attack on a

Watch said today. Three Khmer-speaking men beat Phorn Phanna at around noon

Phanna, 40, a member of Cambodia's opposition Cambodia National Rescue

Nations High Commissioner for Refugees recognized him as a refugee. From Thailand, Phanna runs three Facebook pages critical of the ruling Cambodian People's Party, with close to half a million followers. He also provides support to other exiled Cambodian opposition activists.

"The Thai government has an obligation to protect the rights of everyone in Thailand, including refugees," said Elaine Pearson, Asia director at Human Rights Watch. "Thai authorities should urgently investigate the attack on opposition activist Phorn Phanna and take steps to ensure his safety."

Phanna told Human Rights Watch that the assailants had surveilled and followed him around the neighborhood where he worked, photographing him from their car. The attack was recorded on security cameras of nearby shops and was witnessed by about 10 construction workers, who then came to Phanna's rescue. The attack on Phanna is only the latest of several assaults in Thailand on Cambodian opposition members or government critics. In recent years, the Thai authorities have arrested dozens of Cambodian dissident refugees and returned them to Cambodia, where several have faced arrest and prosecution, Human Rights Watch said.

"Thailand's new government needs to make clear that it will seek to prevent politically motivated violence against refugees and protect them from wrongful returns to their own countries," Pearson said. "Thailand should be a place where refugees can live without fear."



Cambodian opposition activist who had sought refuge in Thailand, Human Rights

on August 22, 2023, in Rayong province, causing injuries to his face and chest.

Party, fled to Thailand in July 2022 to escape government persecution. The United

Pakistan: Mob Attacks Christian Settlement

Investigate Faisalabad Violence; Act to Protect Religious Minorities

A mob attack on a Christian settlement in Pakistan highlights the need for the authorities to take immediate action to protect religious minorities from violence, Human Rights Watch said today. Federal and provincial governments in Pakistan have an obligation to investigate and appropriately prosecute all those responsible for intimidation, threats, and violent acts against religious minorities.

On August 16, 2023, several hundred people attacked a Christian settlement in Faisalabad district, Punjab province, after two members of the community were accused of committing “blasphemy.” The mob, armed with stones and sticks, vandalized several churches, dozens of houses, and a cemetery. While the police have arrested 130 people alleged to have been involved in the attacks, residents told local rights activists that hours before the attack, the police warned them a mob was coming but claimed they could do nothing to stop it. On August 16, after the attack, Interim Prime Minister Anwaarul Haq Kakar posted on Twitter that, “Stern action would be taken against those who violate the law and target minorities.”

“The Faisalabad attack underscores the failings of Pakistan’s police to adequately protect religious minority communities and respond promptly to violence targeting them,” said Patricia Gossman, associate Asia director at Human Rights Watch. “The lack of prosecutions of those responsible for such crimes in the past emboldens those who commit violence in the name of religion.”

In recent months there has been an increase in attacks on religious minorities in Pakistan and their places of worship. The persecution of the Ahmadiyya community is embedded in Pakistani law and encouraged by the Pakistan government. On July 25, a mob vandalized an Ahmadiyya place of worship in Karachi, in Sindh province. On August 18,

community of Joseph’s Colony in Lahore, Punjab. The mob looted and then burned down more than 150 houses as the police stood by without intervening. In August 2009, a mob set on fire a Christian hamlet in Gojra, Punjab, killing seven people. The Punjab provincial government has failed to bring any of the attackers to justice. Section 295-C of Pakistan’s

ble for attacks on people accused of blasphemy. The law is also often manipulated to settle personal disputes. In 2014, the Pakistan Supreme Court said: “The majority of blasphemy cases are based on false accusations stemming from property issues or other personal or family vendettas rather than genuine instances of blasphemy and they inevitably lead to mob violence against the entire community.”

Concerned governments and intergovernmental bodies should press the Pakistani government to reform or repeal laws that discriminate against religious minorities, including the blasphemy law, Human Rights Watch said.



a mob attacked a factory owned by an Ahmadi in Lahore, accusing him of blasphemy. Instead of prosecuting the attackers, the authorities charged eight members of Ahmadi community with blasphemy.

In Pakistan, mere accusations of blasphemy can put those targeted at risk of physical harm. Since 1990, at least 65 people have reportedly been killed in Pakistan over claims of blasphemy. In March 2013, police stood by while a crowd of a thousand people instigated by the blasphemy allegations against a Christian man attacked the residential com-

penal code, known as the blasphemy law, carries what is effectively a mandatory death sentence. The Center for Social Justice, a Pakistani advocacy group, has reported that at least 1,472 people were charged under the blasphemy provisions from 1987 to 2016. Although there have been no executions, several people convicted of blasphemy are currently on death row, while many others are serving life sentences for related offenses. Pakistan’s blasphemy law is largely used against members of religious minorities, while the authorities rarely bring charges against those responsi-

Pakistani blasphemy and anti-Ahmadiyya laws violate Pakistan’s international legal obligations under the International Covenant on Civil and Political Rights, including the rights to freedom of conscience, religion, expression, and association, and to profess and practice one’s own religion. Pakistan ratified the covenant in 2010.

“The Pakistan government’s indifference to the abuses under the blasphemy law and the violence it provokes is discriminatory and violates the rights to fundamental freedoms,” Gossman said. “The authorities’ failure to hold those responsible for violence against religious minorities to account only encourages extremists and reinforces fear and insecurity among all religious minorities.”

The Myanmar Military Wants the World to Give Up

Abandon hope. This is the message the junta is sending to the population of Myanmar.

World leaders will gather in Jakarta in early September for the Association of Southeast Asian Nations (ASEAN) and East Asia Summits. Participants will include several G7 leaders and U.S. Vice-President Kamala Harris, while U.S. President Joe Biden will be in the region attending the G20 with several ASEAN and G7 leaders. A key agenda item for the ASEAN meetings will be Myanmar, where a military junta in power after a 2021 coup has engaged in a mass crackdown on opposition movements and ethnic armed groups.

The junta has committed arbitrary detentions, summary executions, torture, and unlawful military attacks, much of the brutality amounting to crimes against humanity and war crimes. A recent so-called partial pardon for ousted leader Aung San Suu Kyi was essentially a scam — six years were shaved off the 78-year-old's 33-year prison sentence, deflecting attention from another extension of the “state of emergency” the junta has invoked to try to justify their crackdown.

Diplomatic efforts on Myanmar since its 2021 coup have floundered. ASEAN and its allies, as well as the U.N. Security Council, have failed to compel the junta to curb their abuses, just as they failed to hold the Myanmar military accountable for crimes against humanity and acts of genocide against Rohingya Muslims in 2016-2017, atrocities that are ongoing.

Despite ASEAN's inability to unify on Myanmar, diplomats within and outside the bloc continue to refer to ASEAN's defunct five-point consensus from April 2021 — which Myanmar's junta repudiated days after agreeing to it — as a pretext for their own inaction. Myanmar's generals have been counting on everyone giving

up. And while the people of Myanmar have not, most outside governments have obliged. Myanmar's human rights crisis, however, is not insolvable, and it's too horrendous to be ignored.

Granted, it's hard to be hopeful. The Myanmar military has engaged in relentless, violent campaigns against the country's people for more than six decades. Some of the military's most egregious crimes, including the violence against the Rohingya, occurred during the period of democratic reforms that began in 2010. The Myanmar military's indifference about its international reputation and its willingness to commit massive human rights abuses seems unlimited. The U.N. Security Council, which last December passed a



resolution noting the council's “full support for ASEAN's central role in facilitating a peaceful solution” in Myanmar, needs to chart a bolder course. The United Kingdom, which traditionally leads council debates on Myanmar, should distribute ideas for a new, stronger resolution on Myanmar, including the possibility of an arms embargo and international sanctions. China abstained and did not veto last December's resolution, indicating that more pressure at the council is possible. Some ASEAN members have called for U.N. support in resolving the crisis, and there is little hope ASEAN will ever accomplish anything if the Security Council doesn't

settle on a new approach soon. Furthermore, ASEAN dialogue partners attending the summits — in particular, Security Council members United States, U.K., France, Japan, and upcoming 2024 addition South Korea — need to signal their intentions for stronger action at the U.N. rather than continuing to imply that ASEAN can solve the crisis in Myanmar on its own. They should urge reluctant ASEAN members to cooperate in enforcing existing U.S., EU, and U.K. sanctions in Southeast Asian jurisdictions, and press them to suspend Myanmar from ASEAN entirely unless the junta begins moving toward reform.

In particular, ASEAN partners should pressure Thailand, which purchases hundreds of

millions since the coup do target the military leadership and its business interests. Yet as with the previous sanctions put in place before Myanmar's fleeting period of reform, measures have been imposed too slowly, not been enforced robustly, and failed to target the junta's largest sources of foreign income.

Enormous revenues still flow to the junta in dollars, euros, and other currencies from joint ventures, mostly extractive, involving companies across the world — not just China, but also countries that have condemned the junta, including Japan, South Korea, Singapore, and Malaysia. Transactions from natural gas revenues, the junta's single largest source of foreign currency, have only recently been targeted by the United States, and have not yet been effectively blocked. Restrictions on the military's purchases of aviation fuel need to be strengthened and more tightly enforced.

More effective efforts to block extractive revenues, paid in dollars and euros, would significantly reduce the junta's foreign-currency income. These efforts would also likely reduce transactions to the junta in other currencies: most international banks need to comply with U.S. and EU rules so they can conduct U.S. dollar and euro transactions for other clients.

Myanmar's military has not faced serious economic pain. Should anyone then wonder why it has so blatantly defied calls by neighbors, world powers, and the United Nations? Does it make any sense to expect a divided ASEAN to compel them to change?

It's not too late to adopt effective measures to compel Myanmar's military to change its conduct. It's simply a matter of political will. The people of Myanmar haven't given up. Neither should the rest of the world.