

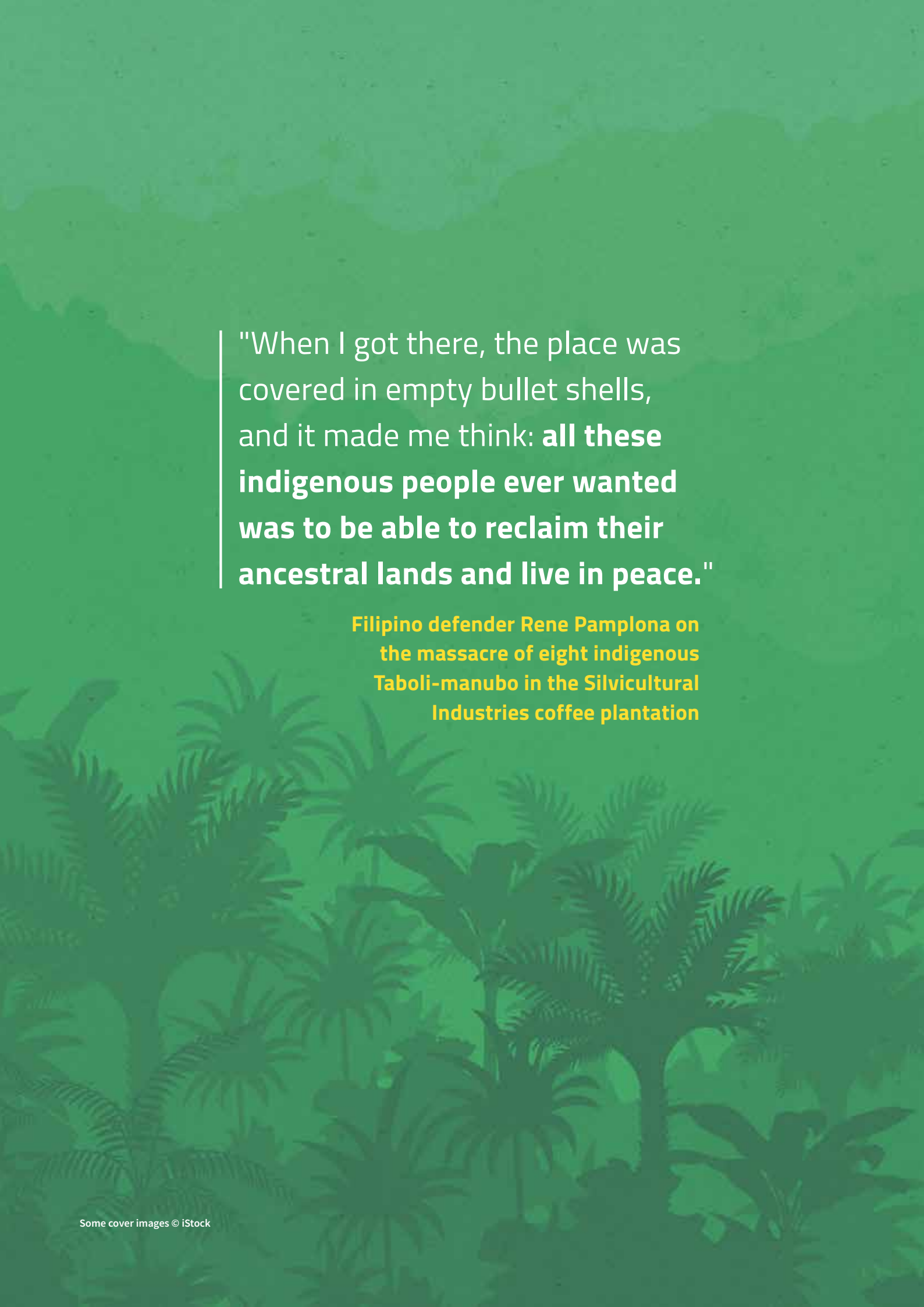


global witness

# AT WHAT COST?

Irresponsible  
business and  
the murder of  
land and  
environmental  
defenders  
in 2017





"When I got there, the place was covered in empty bullet shells, and it made me think: **all these indigenous people ever wanted was to be able to reclaim their ancestral lands and live in peace.**"

**Filipino defender Rene Pamplona on the massacre of eight indigenous Taboli-manubo in the Silvicultural Industries coffee plantation**

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# THEIR LIVES WERE TAKEN BUT THEIR FIGHT CONTINUES

## The land and environmental defenders murdered in 2017

This report, and our campaign, is dedicated to all those individuals, communities and organisations that are bravely taking a stand to defend human rights, their land, and our environment.

207 of them were murdered last year for doing just that. On these pages we remember their names, and celebrate their activism.

And we reiterate our resolve to stand alongside those who continue the struggle for a better world and shine a light on these issues which are too often hidden from sight.

**You are not alone. Justice will be done.**

**Santiago Maldonado**, Argentina  
**Rafael Nahuel**, Argentina  
**Ceará**, Brazil  
**Roberto Santos Araújo**, Brazil  
**Elivelton Castelo Nascimento**, Brazil  
**José Caneta Gavião**, Brazil  
**Sônia Vicente Cacao Gavião**, Brazil  
**Orestes Rodrigues de Castro**, Brazil  
**Renato Souza Benevides**, Brazil  
**Xukuru-Kariri Damião Lima da Silva (Dão)**, Brazil  
**Waldomiro Costa Pereira**, Brazil  
**Raimundo Silva (Umbico)**, Brazil  
**Aldo Aparecido Carlini**, Brazil  
**Edson Alves Antunes**, Brazil  
**Ezequias Santos de Oliveira**, Brazil  
**Fábio Rodrigues dos Santos**, Brazil  
**Francisco Chaves da Silva**, Brazil  
**Izaul Brito dos Santos**, Brazil  
**Samuel Antônio da Cunha**, Brazil  
**Sebastião Ferreira de Souza**, Brazil  
**Valmir Rangeu do Nascimento**, Brazil  
**Silvino Nunes Gouveia**, Brazil  
**Kátia Martins**, Brazil  
**Etevaldo Soares Costa**, Brazil  
**Paulo Sérgio Bento Oliveira**, Brazil  
**Weldson Pereira da Silva**, Brazil  
**Nelson Souza Milhomem**, Brazil  
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**Ozeir Rodrigues da Silva**, Brazil  
**Jane Julia de Oliveira**, Brazil  
**Regivaldo Pereira da Silva**, Brazil  
**Ronaldo Pereira de Souza**, Brazil  
**Bruno Henrique Pereira Gomes**, Brazil  
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**Ademir de Souza Pereira**, Brazil  
**Rosenilton de Almeida**, Brazil  
**Raimundo Mota de Souza Junior**, Brazil  
**Lindomar Fernandes Martins**, Brazil  
**Manoel Índio Arruda**, Brazil  
**Maria da Lurdes Fernandes Silva**, Brazil  
**Adeilton Brito de Souza**, Brazil

**Amauri Pereira Silva**, Brazil  
**Cosme Rosário da Conceição**, Brazil  
**Gildásio Bispo das Neves**, Brazil  
**Marcos Pereira Silva**, Brazil  
**Valdir Pereira Silva**, Brazil  
**Edilson Pereira dos Santos**, Brazil  
**Jorge Matias da Silva**, Brazil  
**Eraldo Moreira Luz**, Brazil  
**Flávio Gabriel Pacífico dos Santos**, Brazil  
**João Ferreira dos Santos**, Brazil  
**Hugo Rabelo Leite**, Brazil  
**Flávio Lima de Souza**, Brazil  
**Marinalva Silva de Souza**, Brazil  
**Jairo Feitosa Pereira**, Brazil  
**Fernando Pereira**, Brazil  
**Aldemar Parra García**, Colombia  
**José Yeimer Cartagena**, Colombia  
**Edmiro León Alzate Londoño**, Colombia  
**Yoryanis Isabel Bernal Varela**, Colombia  
**Edilberto Cantillo Meza**, Colombia  
**Falver Cerón Gómez**, Colombia  
**Eder Cuetia Conda**, Colombia  
**Ruth Alicia Lopez Guisao**, Colombia  
**Javier Oteca Pilcué**, Colombia  
**Gerson Acosta Salazar**, Colombia  
**Nelson Fabra Díaz**, Colombia  
**Jorge Arbey Chantré Achipiz**, Colombia  
**Daniel Felipe Castro Basto**, Colombia  
**Mario Andrés Calle Correa**, Colombia  
**Ezequiel Rangel Romano**, Colombia  
**Luis Edilson Arango Gallego**, Colombia  
**Manuel Ramírez Mosquera**, Colombia  
**Esquivel Manyoma**, Colombia  
**Efigenia Vasquez Astudillo**, Colombia  
**Oscar Ferney Tenorio**, Colombia  
**Aulio Isarama Forastero**, Colombia  
**Mario Jacanamijoy**, Colombia  
**Mario Castaño Bravo**, Colombia  
**Hernán Bedoya**, Colombia  
**Joël Meriko Ari**, DRC  
**Gerome Bolimola Afokao**, DRC  
**Tims Nalola Butinda**, DRC  
**Léopold Gukiya Ngbekusa**, DRC  
**Patrick Kitembo N'singa**, DRC

**Sudi Koko**, DRC  
**Antopo Selemani**, DRC  
**Lokana Tingiti**, DRC  
**Dudunyabo Machongani Célestin**, DRC  
**Charles Paluku Syaira**, DRC  
**Jonas Paluku Malyani**, DRC  
**Pacifique Musubao Fikirini**, DRC  
**Christian Mbone Nakulire**, DRC  
**Luís Manuel Medina**, Dominican Republic  
**Leo Martínez**, Dominican Republic  
**Laura Leonor Vásquez Pineda**, Guatemala  
**Sebastián Alonso**, Guatemala  
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**Silvino Zapata**, Honduras  
**Leodan Mancías**, Honduras  
**Héctor Noé Cárcamo Castellanos**, Honduras  
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**Mafizul Khan**, India  
**Daulat Ram Lader**, India  
**Dharmendra Vala**, India  
**Jailal Rathia**, India  
**Pehelwan Singh**, India  
**Lalita**, India  
**Uday Yadav**, India  
**Niranjan Yadav**, India  
**Vimlesh Yadav**, India  
**Sharath Madivala**, India  
**Duba Issa**, Kenya  
**Roba Duba**, Kenya  
**Friday Pyne**, Liberia  
**Marciano Martínez Cruz**, Mexico  
**Rafael Hernández Cisneros**, Mexico  
**Isidro Baldenegro López**, Mexico  
**Juan Ontiveros Ramos**, Mexico  
**Benjamín Juárez José**, Mexico  
**José Carlos Jiménez Crisóstomo**, Mexico  
**Luis Gustavo Hernández Cohenete**, Mexico  
**Francisco Jiménez Alexandre**, Mexico  
**Santiago Luna Crisanto**, Mexico  
**Miguel Ángel Vázquez Torres**, Mexico  
**Agustín Vázquez Torres**, Mexico  
**Rodrigo Guadalupe Huet Gómez**, Mexico  
**Pablo Andrés Jiménez**, Mexico  
**Gabriel Ramos Olivera**, Mexico  
**Felipe Ramírez**, Mexico  
**Hussen Antônio Laitone**, Mozambique  
**Lung Jarm Phe**, Myanmar  
**Htay Aung**, Myanmar  
**Camilo Frank López**, Nicaragua  
**Celedonia Zalazar Point**, Nicaragua  
**Tito José González Bendles**, Nicaragua  
**Felipe Pérez Gamboa**, Nicaragua  
**Inspector Manzoor**, Pakistan  
**Constable Mushtaq**, Pakistan  
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**Jorge Calderón Campos**, Peru  
**Orlando Burillo Mendoza**, Peru  
**Feliciano Córdova Abad**, Peru

**Alcides Córdova López**, Peru  
**José Edil Córdova López**, Peru  
**Jhony Cáceres González**, Peru  
**José Napoleón Tarrillo Astonitas**, Peru  
**Datu Venie Diamante**, Philippines  
**Mario Contaoi**, Philippines  
**Veronico “Nico” Delamante**, Philippines  
**Alexander Ceballos**, Philippines  
**Wencislao Pacquiao**, Philippines  
**Renato Anglao**, Philippines  
**Alejandro Laya-Og**, Philippines  
**Orlando Eslana**, Philippines  
**Mia Manuelita Mascariñas-Green**, Philippines  
**Edweno ‘Edwin’ Catog**, Philippines  
**Willerme Agorde**, Philippines  
**Gilbert Bancat**, Philippines  
**Ramon Dagaas Pesadilla**, Philippines  
**Leonila Tapdasan Pesadilla**, Philippines  
**Pedro Pandagay**, Philippines  
**Cora Molave Lina**, Philippines  
**Arman Almonicar**, Philippines  
**Arlyn Almonicar**, Philippines  
**Danilo Ruiz Nadal**, Philippines  
**Bernardo Calan Ripdos**, Philippines  
**Jerry Cuyos**, Philippines  
**Jocel Rosales**, Philippines  
**Rodolf Tagalog Jr.**, Philippines  
**Federico “Pande” Plaza**, Philippines  
**Lito Casalla**, Philippines  
**Ande Latuan**, Philippines  
**Carolina Arado**, Philippines  
**Boy Cañete**, Philippines  
**Roger “Titing” Timboco**, Philippines  
**Lomer Gerodias**, Philippines  
**Engracio de los Reyes**, Philippines  
**Obillo Bay-ao**, Philippines  
**Ruben Arzaga**, Philippines  
**Webby Argabio**, Philippines  
**Perfecto Hoyle**, Philippines  
**Elisa Badayos**, Philippines  
**Eleuterio Moises**, Philippines  
**Lando Moreno**, Philippines  
**Rodrigo Timoteo**, Philippines  
**Datu Victor Danyan**, Philippines  
**Victor Danyan Jr.**, Philippines  
**Artemio Danyan**, Philippines  
**Pato Celardo**, Philippines  
**Samuel Angkoy**, Philippines  
**To Diamante**, Philippines  
**Bobot Lagase**, Philippines  
**Mateng Bantel**, Philippines  
**Marcelito “Tito” Paez**, Philippines  
**Xavier Ribes Villas**, Spain  
**David Iglesias Díez**, Spain  
**Wayne Lotter**, Tanzania  
**Aysin Ulvi Büyüknohutçu**, Turkey  
**Ali Ulvi Büyüknohutçu**, Turkey  
**Freddy Menare**, Venezuela  
**Rodrick Ngulube**, Zambia



# — THE GLOBAL SITUATION —



Those on the front lines of the struggle for human rights and our planet's future are facing greater threats than ever, with governments and business failing in their duty to act. © RODRIGO ARANGUA/AFP/Getty Images

## A CALL TO ACTION

The food on our plates, the rings on our fingers and the wooden furniture in our homes: all too often there is a violent reality behind household items we use everyday. As agribusiness booms, tropical forests are logged and mining continues to deliver huge revenue to major global corporations, there are increasingly brutal attacks on land and environmental defenders.

In Colombia, Hernán Bedoya was shot by a paramilitary group 14 times. He was killed after protesting against palm oil and banana plantations on land stolen from his community. In the Philippines, near the town of Lake Sebu, the

military descended on a small community, leaving eight dead, wounding five and causing 200 to flee.

And in one of the largest-scale attacks of 2017, Gamela indigenous people were assaulted in Brazil. Machetes and rifles were used in an attempt to forcibly seize control of their land, leaving 22 severely injured, some with their hands cut off. Months later, nobody had faced justice for this appalling incident, reflecting a wider culture of impunity and inaction to support defenders by the Brazilian government.

Rather than taking steps to crack down on these attacks, President Michel Temer and the Brazilian legislature are

actively weakening the laws and institutions designed to protect land rights and indigenous peoples. At the same time, they have set about making it easier for big business – apparently unperturbed by the devastating human and environmental cost of their activities – to accelerate their exploitation of fragile ecosystems.

## IRRESPONSIBLE BUSINESS, NEGLIGENT GOVERNMENTS

But it's not just in Brazil where governments and business are turning their backs on those fighting to protect their land and way of life. As our sixth Annual Report shows, around the world too many of those who perpetrate and are complicit in attacks on defenders are literally getting away with murder.

Governments and business have failed to act responsibly, ethically and even legally, making them a major driving force behind a litany of crimes against activists last year.

They are part of the reason 207 defenders were killed in 2017, making it the worst year on record. And why many, many more were attacked, threatened or criminalised for showing the courage to speak out for their communities, their way of life and our environment.

Their inaction helped fuel the surge in killings of people protesting against large-scale agriculture, as the global rush for land gathered pace.

And their willingness to turn a blind eye has permitted the systemic impunity that lets perpetrators know they will almost certainly never be brought to justice. In fact, governments are often complicit in the attacks. One of the most shocking facts outlined in this report is the number of killings committed by government security forces at the behest of their political bosses and in league with industry.

The data painstakingly gathered and presented in this report – and the case studies included – are almost certainly a sizeable underestimate, given the many challenges in identifying and reporting killings. Yet even as it stands, it shows that governments and business have a very serious case to answer.

But we can all do more.

Ultimately, attacks against land and environmental defenders stem from our voracious appetite for agricultural goods like palm oil and coffee, and for fossil fuels, minerals and timber. Extracting these resources requires an increasing amount of land, turning it into a highly prized commodity. Communities who have lived and worked on the land for generations are often the losers in this quest for natural resources.

Companies have a responsibility to their customers, who should have confidence that the products they buy are not fuelling human rights abuses, cultural destruction or environmental devastation. And we, the consumers, have a responsibility to demand that these companies live up to their responsibilities.

When rich tropical forest is levelled for monoculture crops, delicate ecosystems that could capture carbon emissions are lost forever. When land is exploited for mining, soil and fresh water are poisoned, jeopardising the health and the future of nearby communities. These abuses are tolerated, facilitated and sometimes even perpetrated by irresponsible business and investors, together with corrupt or negligent governments, who are hell-bent on meeting consumer demand and maximising profit.

## STANDING WITH THE DEFENDERS

Opposing unscrupulous governments, companies and investors – in a grossly unequal struggle – are land and environmental defenders. Every defender has his or her own story, and some of them feature in our case studies of communities under threat in Brazil, Mexico, the Philippines, Honduras and Colombia. But they are all part of a global movement to protect the planet.

They are on the frontline of fighting climate change, preserving ecosystems and safeguarding human rights. They stand up for causes that benefit us all: sustainability, biodiversity and justice.

And we stand with them.

We urge the powerful institutions and organisations that threaten the interests of defenders, their communities and the planet to recognise their responsibilities and to use their power to be a force for good. For although they are the source of many of the problems documented in this report, governments and business also have the power – the financial, legislative and executive muscle, as well as the legal duty – to make a profound difference.

## CALLING FOR ACTION

We're calling on governments and business to take responsibility, prioritise defenders, and:

➤ **Tackle the root causes** of violence against defenders, especially the lack of free, prior and informed consent from communities for the use of their land and natural resources.

➤ **Support and protect defenders** at risk so they can carry out their advocacy in safety.

➤ **Ensure accountability** so that those responsible for attacks on defenders are brought to justice; and so that there are consequences for those who fail to protect activists and for companies who don't do proper due diligence of their supply chains.

Consumers can play their part too, demanding guarantees that the products they buy are not associated with land-grabbing, forcible evictions or attacks on defenders.

Despite the odds they face, the global community of environmental and land defenders is not going away – it's only getting stronger. We will campaign alongside them, taking their struggle to the corridors of power and the boardrooms of corporations. We will not tire in our fight to ensure that their voices are heard.

### 10 KEY FINDINGS

**1.** At least 207 defenders were murdered in 2017 – the **deadliest year** on record.

**2.** Agribusiness was the **most dangerous sector**, overtaking mining for the first time ever, with 46 defenders killed protesting against the way goods we consume are being produced.

**3.** **More massacres** occurred in 2017 than ever before: Global Witness documented seven cases in which more than four defenders were killed at the same time.

**4.** Almost 60% of the murders registered in 2017 were from **Latin America**.

**5.** Brazil saw the **most deaths ever registered in one year in any country** (57), while the Philippines saw more killings in 2017 than ever seen in an Asian country (48).

**6.** Mexico **got a lot worse** in 2017, with an increase from three to 15 killings compared to 2016.

**7.** There was a **large decrease in killings** of land and environmental defenders in Honduras, although repression of civil society in general is worse than ever.

**8.** **Some increased recognition and action** was taken by governments and business, but much more must be done.

**9.** Widespread impunity makes it difficult to identify **perpetrators**, but Global Witness was able to link government security forces to 53 of the killings, and non-state actors to 90.

**10.** **Documenting and verifying** cases, particularly in Africa, continues to prove difficult.

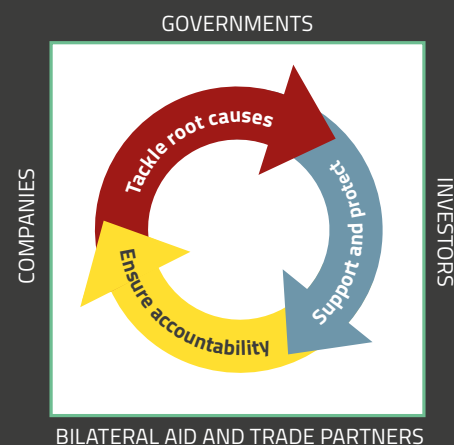
### WHO NEEDS TO DO WHAT?

States have the primary duty, under international law, to guarantee that human rights defenders can carry out their activism safely. However, land and environmental defenders face specific and heightened risks because they challenge business interests. Therefore, to keep them safe, action is needed from:

- > **Governments**
- > **Companies**
- > **Investors**
- > **Bilateral aid and trade partners**

These actors must take steps to:

- > **Tackle the root causes of risk** – Guaranteeing communities can make free and informed choices about whether and how their land and resources are used.
- > **Support and protect defenders** – Through specific laws, policies, practises and resources.
- > **Ensure accountability for abuses** – This goes beyond the prosecution of those responsible for ordering or carrying out an attack, and extends to ensuring that those actors who failed to support and protect defenders face consequences for their inaction.



For each of the countries profiled for the report, we will outline three recommendations for that government: one along each of these lines.

**Read our full set of recommendations on pp.50-51**



## 2017 – THE GLOBAL TRENDS

### Disturbing new patterns

#### MOST DANGEROUS YEAR ON RECORD

In 2017, Global Witness documented 207 killings of land and environmental defenders – ordinary people murdered for defending their forests, rivers and homes against destructive industries. This is six more murders than in 2016, making it the worst year on record.<sup>1</sup>

As the killing has increased, some governments, businesses and intergovernmental organisations have begun to acknowledge the gravity of the situation. But their promises and rhetoric have yet to translate into convincing policies and concrete change, leaving defenders in fear of their lives.

#### THE RISE OF AGRIBUSINESS KILLINGS

This is, in part, driven by one deadly trend: the number of people killed while protesting against **large-scale agriculture** more than doubled compared to 2016. For the first time, agribusiness surpassed mining as the most dangerous sector to oppose, as 46 defenders who protested against palm oil, coffee, tropical fruit and sugar cane plantations, as well as cattle ranching, were murdered in 2017.

Opposition to **mining and oil** operations (40 killings), **poaching** (23 murders) and **logging** (23 cases) were the other main reasons defenders were killed last year.

#### A YEAR OF MASSACRES

Linked to the spike in agribusiness-related deaths, Global Witness observed a rise in **multiple killings** (7 incidents in total) of land and environmental defenders, many of whom were disputing large-scale agriculture projects.<sup>2</sup> Brazil was the scene of three horrific massacres, during which 25 defenders died.<sup>3</sup> Eight indigenous activists were massacred in the Philippines,<sup>4</sup> while Mexico,<sup>5</sup> Peru<sup>6</sup> and the Democratic Republic of Congo<sup>7</sup> also saw incidents where more than four defenders died at the same time.

These massacres sent the message that not only community leaders will be targeted: nobody is safe. This has a huge impact, given that whole communities – or large parts of them – are often involved in struggles to protect their land from being grabbed.

#### WHAT IS AGRIBUSINESS?

The term ‘agribusiness’ features heavily in this report as the industry most linked to killings of land and environmental defenders. Any business that earns most or all of its revenues from agriculture is known as an ‘agribusiness’. They tend to be large-scale business operations involved in farming, processing and manufacturing, as well as potentially packaging and distributing products.<sup>8</sup>

Some key agribusiness products include cattle (beef and dairy), cotton, palm oil, soy and sugar cane. Palm oil is in about half of all packaged products sold in the supermarket, including chocolate, margarine, ice cream, shampoo and lipstick.<sup>9</sup> Sugar extracted from sugar cane is prevalent in many of the foods we eat, and increasingly a source of biofuels and bioplastics.<sup>10</sup> Most commercially produced beef, fish, chicken and dairy products were fed on soy, with 80% of the world’s soybean crop fed to livestock.<sup>11</sup>

#### THE PERPETRATORS AND WHY THEY GET AWAY WITH IT

A widespread culture of **impunity** has made it difficult to identify those responsible for the killings, and sends a signal to would-be perpetrators that they will not be made to pay for their crimes. Worse still, Global Witness data shows that it is often government security forces committing the crimes. They were linked to around a quarter of the murders last year – 30 linked to the army and 23 to the police.<sup>12</sup> Criminal gangs, security guards, landowners, poachers and other non-state actors were suspected of carrying out at least 90 killings.<sup>13</sup>



Consumer demand for agricultural goods like palm oil and coffee has turned land into a highly prized commodity for companies, often to the detriment of communities who have lived and worked there for generations. © Leo Plunkett

### KILLINGS BY COUNTRY 2017

#### THE DEATH TOLL: REGION BY REGION

Once again, **Latin America** saw the highest number of murders, accounting for almost 60% of the total. According to Global Witness data, **Brazil** recorded the most killings of any country ever with 57 people killed, 80% of them while protecting the natural riches of the Amazon. In **Colombia** 24 defenders were murdered in 2017, as conflicts over land raged on. **Mexico** and **Peru** saw a jump in killings from three to 15 and two to eight respectively. There were fewer murders in **Honduras** – five compared to 14 in 2016 – but the growing repression of civil society has restricted what defenders can say and do. **Nicaragua** registered the most murders *per capita*, with four defenders killed.<sup>14</sup>

In **Asia**, the most alarming developments took place in the **Philippines**, which saw 48 killings – almost a 71% rise on 2016 and the most murders ever recorded in Asia in a single year. President Duterte's aggressively anti-human-rights stance and a renewed military presence in resource-rich regions are fuelling the violence. Almost half of the killings in the Philippines were linked to struggles against agribusiness.

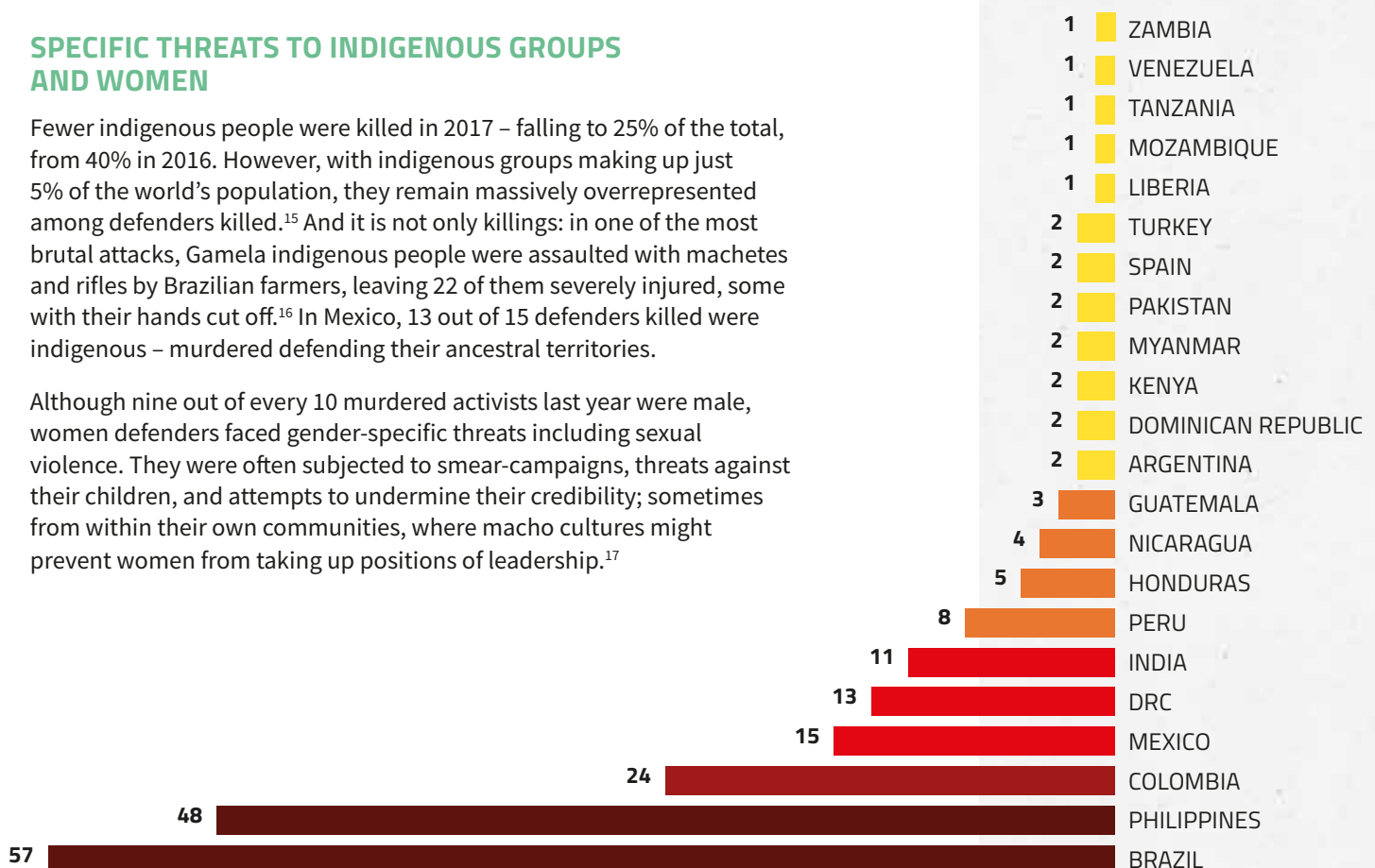
Of the 19 land and environmental defenders reported killed across **Africa**, 17 lost their lives while defending protected areas against poachers and illegal miners – 12 in the **Democratic Republic of Congo** alone.

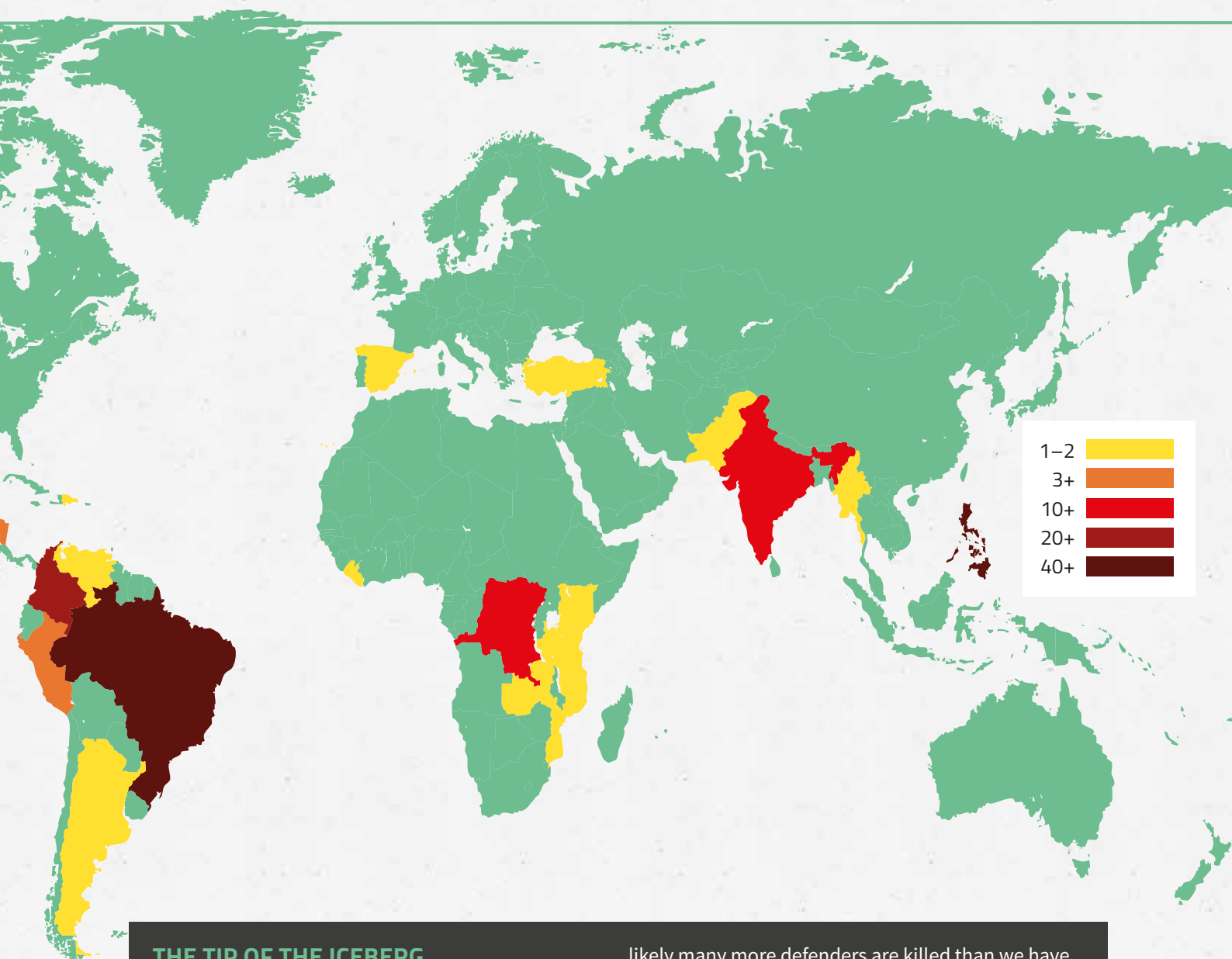
Of course, many other countries and regions could be suffering elevated numbers of killings which have not been documented or which we have been unable to verify.

#### SPECIFIC THREATS TO INDIGENOUS GROUPS AND WOMEN

Fewer indigenous people were killed in 2017 – falling to 25% of the total, from 40% in 2016. However, with indigenous groups making up just 5% of the world's population, they remain massively overrepresented among defenders killed.<sup>15</sup> And it is not only killings: in one of the most brutal attacks, Gamela indigenous people were assaulted with machetes and rifles by Brazilian farmers, leaving 22 of them severely injured, some with their hands cut off.<sup>16</sup> In Mexico, 13 out of 15 defenders killed were indigenous – murdered defending their ancestral territories.

Although nine out of every 10 murdered activists last year were male, women defenders faced gender-specific threats including sexual violence. They were often subjected to smear-campaigns, threats against their children, and attempts to undermine their credibility; sometimes from within their own communities, where macho cultures might prevent women from taking up positions of leadership.<sup>17</sup>





## THE TIP OF THE ICEBERG

Our data on killings is likely to be an underestimate, given that many murders go unreported, particularly in rural areas. Our methodology requires cases to be verified according to a strict set of criteria (see Methodology on page 52), which can't always be met by a review of public information like newspaper reports or legal documents, nor through local contacts. Having a strict methodology means our figures don't represent the scale of the problem, and we are working to improve this.

In some countries, suppression of the media, a lack of monitoring and documentation by both governments and NGOs, or the fact that information emerging from conflict zones can often be unclear or contradictory, can make it difficult to identify specific cases. These challenges in reporting, coupled with shrinking space for free speech and civic organisation in many places, means it is highly

likely many more defenders are killed than we have documented. It is also important to note that a low number of documented murders in a given country does not necessarily mean that defenders there are not facing other threats such as imprisonment or harassment (see page 12).

Our data may differ from that being gathered by other NGOs, and there are three likely reasons for this. Firstly, different groups are being monitored: some NGOs document attacks against *all* human rights defenders. Global Witness data only covers one subgroup of defenders: those working on land or environmental issues. Secondly, some NGOs document *all* threats, attacks and restrictions on defenders. We only document killings. Thirdly, it may be the case that different NGOs are using different methodologies to verify and include cases in their statistics.

# THE KEY QUESTIONS

### WHO ARE LAND AND ENVIRONMENTAL DEFENDERS?

When communities have their land taken from them, forests cut down or rivers polluted without their permission or even knowledge, they are given little choice but to take a stand. As soon as they speak up, they are no longer only affected communities: they become land or environmental defenders.

A land or environmental defender is anybody who takes peaceful action, either voluntarily or professionally, to protect environmental or land rights. They are often ordinary people who may well not define

themselves as ‘defenders’. Some are indigenous or peasant leaders living in remote mountains or isolated forests, protecting their ancestral lands and traditional livelihoods from mining projects, large-scale agribusiness, hydro-dams and luxury hotels. Others are park rangers, tackling poaching and illegal logging. They could also be lawyers, journalists or NGO staff working to expose environmental abuse and land-grabbing.

Land and environmental defenders often clash with political, business and criminal interests, who collude to steal their natural resources. These powerful forces often seek to marginalise defenders, branding

their actions ‘anti-development’. Many defenders face years of death threats, criminalisation, intimidation and harassment, but receive little or no protection from authorities.

These activists defend internationally recognised human rights, such as the right to a healthy environment,<sup>18</sup> the right to participate in public life,<sup>19</sup> the right to protest<sup>20</sup> and the right to life.<sup>21</sup> As such, they are a subset of human rights defenders who governments are obliged to protect, as set out in the UN Declaration on Human Rights Defenders.<sup>22</sup> Business must respect their rights too, as per the UN Guiding Principles on Business and Human Rights.<sup>23</sup>

### WHAT OTHER THREATS ARE DEFENDERS FACING?



Judicial harassment



Threats and attacks on family



Use of force in peaceful protests



Sexual harassment



Illegal surveillance



Death threats

Violent attacks

Blackmail

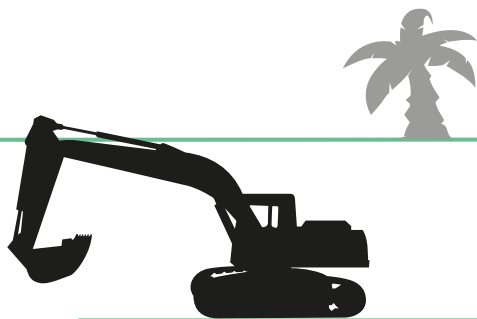


Enforced disappearance

Travel Bans

Source: UN Special Rapporteur on human rights defenders





## WHICH INDUSTRIES ARE DRIVING THE ATTACKS?

Most of the killings documented by Global Witness are connected to the struggle for land and natural resources, between governments and companies on one side and local communities on the other. In some cases, we were able to identify the specific sectors defenders had challenged before their murder, and therefore which industries might be driving the killings.

| Sector                 | Total     |
|------------------------|-----------|
| <b>Agribusiness</b>    | <b>46</b> |
| Mining and extractives | 40        |
| Poaching               | 23        |
| Logging                | 23        |
| Water and dams         | 4         |

## WHO ARE THE POSSIBLE PERPETRATORS?

Killings of defenders rarely result in prosecutions, making it difficult to know who carried them out or ordered them. However, in some cases we could identify a suspected perpetrator.

| Suspected perpetrator | Total            |
|-----------------------|------------------|
| <b>Criminal gangs</b> | <b>32</b>        |
| Soldiers              | 30 <sup>24</sup> |
| Police                | 23               |
| Paramilitary forces   | 13               |
| Poachers              | 12               |
| Others                | 36 <sup>25</sup> |

## WHAT ARE THE ROOT CAUSES OF THREATS AGAINST DEFENDERS?

In order to prevent threats and attacks against defenders, governments and businesses must act beyond protective measures for activists and tackle the root causes of these threats and attacks.

There are a range of factors which accentuate and perpetuate the risks that defenders face – such as the militarisation of public security, and the fact that many guidelines governing natural resource extraction for governments and business remain voluntary. However, we have identified five principal root causes of threats against defenders:

➤ **Impunity** for threats and attacks against defenders acts as a green light to potential perpetrators who see that they are unlikely to face consequences for attacks on activists.

➤ **Corruption** allows government officials and businesses to collude in grabbing land or imposing business projects on communities, as well as facilitating impunity.

➤ **The failure to secure and respect customary and collective land rights and other land titles** makes land grabs easier and land conflicts more common, forcing communities to take a stand.

➤ **A lack of respect for the free, prior and informed consent of communities regarding the use of their land and natural resources.** When communities are excluded from decision-making at the outset, they have no choice but to stand up for their rights, putting them on a collision course with powerful interests.

➤ **The exclusion of communities from other decision-making processes**, including environmental, social and human rights impact assessments.

A portrait of Rene Pamplona, a man with dark hair and a serious expression, wearing a red and black striped t-shirt. The background is dark and out of focus.

## WHERE THINGS GOT DRASTICALLY WORSE IN 2017

In this section, we look at two emblematic cases from countries that stand out because of their shocking rise in murders in 2017.

Firstly, **the Philippines**, which saw the highest number of murdered land and environmental defenders ever documented in Asia. The backdrop to this rising death toll is a president who is brazenly anti human rights, the militarisation of communities, multiple armed groups and the failure of government bodies to provide protection for at-risk activists.

Secondly, we highlight **Mexico**, where a rise in organised crime, continued impunity and the failure of the government to protect defenders led to the brutal silencing of those opposed to logging, mining and other industries on their lands.

Against a backdrop of violence, **Rene Pamplona** has worked tirelessly alongside indigenous communities like the Taboli-manubo people of Mindanao, who oppose the expansion of a coffee plantation on their ancestral lands. A member of the Convergence of Initiatives for Environmental Justice (CIEJ), he faces intimidation and surveillance and is said to be on a military hit list. Despite this, he continues to document violations and demand justice and respect for the rights of local communities.





An army base overlooks a coffee plantation in Mindanao, the Philippines. Eight members of the community who opposed the plantation were killed in an army attack in 2017. © Thom Pierce / Guardian / Global Witness / UN Environment

## UNHOLY ALLIANCE

### Agribusiness and the military in the Philippines

- At least 48 land and environmental defenders murdered in 2017 – the highest ever recorded in Asia, and a 71% increase in the country since 2016.
- The widespread criminalisation and demonisation of human rights defenders saw one UN expert labelled a terrorist<sup>26</sup> and the president threaten to throw others to the crocodiles.<sup>27</sup>
- Suspected army involvement in 56% of the murders. 67% of killings occurred in the resource-rich island of Mindanao, and 41% were related to agribusiness.

**"When I got there, the place was covered in empty bullet shells, and it made me think: all these indigenous people ever wanted was to be able to reclaim their ancestral lands and live in peace."**<sup>28</sup> Filipino defender

Rene Pamplona on the massacre of eight indigenous Taboli-manubo in the Silvicultural Industries coffee plantation

For the Taboli-manubo people of Mindanao, the Silvicultural Industries coffee plantation, which according to a resolution of the Philippines parliament is part of the DMCI conglomerate, had only brought 'poverty', 'hardship' and a 'violation of [their] human rights'.<sup>29</sup> When plans were put forward to extend a plantation already covering 300 hectares of their ancestral land, the community were consulted and said "no".<sup>30</sup> Little wonder, then, they continue to oppose the expansion.<sup>31</sup>

'We hope', they said, 'that the government and the company [...] will respect our decision.'<sup>32</sup>

However, according to Rene Pamplona, a defender working closely with the Taboli-manubo Sdaf Claimants Organization (TAMASCO), which is protesting against the expansion, their members were harassed and intimidated by Silvicultural Industries employees and by armed groups after opposing the renewal of the land's lease to the company.<sup>33</sup> A year after the company's contract expired, rumours continued that the company had indeed been granted a new contract, and the plantation would nonetheless be expanded.<sup>34</sup>

Then, on 3 December 2017, the Filipino military launched an attack near the town of Lake Sebu. At least eight members of the community were killed as a result.<sup>35</sup> A fact-finding mission found that five more were wounded, 10 were missing and more than 200 had to evacuate the area.<sup>36</sup>

## WHERE THINGS GOT DRASTICALLY WORSE IN 2017



At least 48 land and environmental defenders were murdered in the Philippines in 2017 – the highest total ever recorded in Asia, and a 71% increase in the country since 2016. © Thom Pierce / Guardian / Global Witness / UN Environment

### MILITARY EXPULSION, AGRICULTURAL EXPANSION

The massacre is emblematic of the growing threat agribusiness and the military pose to land and environmental defenders in the Philippines. The eight people who died at Lake Sebu were among 48 defenders from across the country who were killed in 2017 – the highest number ever recorded there. Twenty of these murders were linked to struggles against agribusiness, and civil society reports suggest the military were involved in many of them.<sup>37</sup>

The military expulsion of small-scale farmers and indigenous people from their land to make way for large-scale agriculture is nothing new in the Philippines. According to one study, the imposition of martial law by President Ferdinand Marcos was a catalyst for the mass acquisition of land for oil palm plantations between 1972 and 1981.<sup>38</sup> Communities were displaced or felt compelled to sell their land to companies for a pittance to escape military incursions and the atrocities that tended to follow.<sup>39</sup>

History is in danger of repeating itself. In 2017, President Duterte's administration announced that it aims to allocate 1.6 million hectares of land for industrial plantations.<sup>40</sup> Most of this expansion is earmarked for the island of Mindanao, where 67% of the murders of land and environmental defenders have taken place.<sup>41</sup>

In May 2017, Duterte declared martial law in Mindanao, after clashes involving government forces, Islamic

extremists and armed left-wing rebels. But the imposition of martial law has seen the military attack and bomb indigenous people's territories, and force them from their land – most notably at Lake Sebu.<sup>42</sup>

### LAKE SEBU: REASONS TO BE SUSPICIOUS

The army claims the Lake Sebu attack was an act of retaliation, alleging rebels from the New People's Army (NPA) – the armed wing of the Philippines Communist Party – opened fire on soldiers patrolling the area.<sup>43</sup> But no members of the communist group were found among the dead.<sup>44</sup> Instead, Datu Victor Danyan, one of the main opponents of the coffee plantation's expansion, and four members of his family, were killed.<sup>45</sup>

It is still not clear why Datu Victor and his family were murdered. However, anonymous sources close to the issue told Global Witness that members of the Special Civilian Armed Auxiliary (SCAA), an auxiliary army unit that provides security services to Silvicultural Industries, may have been involved.<sup>46</sup> A number of SCAA groups across the Philippines stand accused of multiple human rights abuses against communities who oppose mining and other extractive projects.<sup>47</sup>

One of the sources speculated that the SCAA might have falsely informed the army that the NPA were present among the community, so as to incite violence against those opposed to the plantation.<sup>48</sup> Another source speculated that the SCAA might be trying to make an example of TAMASCO to dissuade others from following



its lead, especially after the community organisation's decision to reject the lease renewal inspired other communities who oppose the coffee plantation.<sup>49</sup>

While the army acted consistently to support the interests of Silvicultural Industries in the land and there are firsthand accounts of its employees engaging in intimidation, there is no hard evidence that the management of Silvicultural Industries secured or commissioned military intervention or aggression from its own staff or anybody else.

## SYSTEMATIC TARGETING OF DEFENDERS?

Whether or not the SCAA was involved at Lake Sebu, Duterte's military campaign against the NPA and its sympathisers has allegedly claimed the lives of many innocent civilians, disproportionately affecting indigenous communities in Mindanao.<sup>50</sup> Reports by the UN and local organisations say the military have killed human rights defenders in Mindanao.<sup>51</sup> The army denies the claims and says it only kills NPA rebels,<sup>52</sup> but the sheer number of deaths of community and indigenous leaders involved in land disputes suggests that the army might be systematically targeting land and environmental defenders.<sup>53</sup>

One thing is certain: the number of defenders killed since Duterte became president has risen dramatically. The year before he was elected, Global Witness recorded the murder of 30 defenders. The number of killings increased to 44 between July 2016 and June 2017, the first year of Duterte's administration, while 24 have been murdered in just the first six months of his second year in office. What is more, a number of those allegedly killed by soldiers had previously received death threats, suggesting their killings were neither random nor accidental.<sup>54</sup>

The president has a zero-tolerance approach to those he sees as obstacles to his agenda. In August 2017, Duterte threatened to kill rights activists who he deemed to be 'obstructing justice'.<sup>55</sup> He labelled Victoria Tauli-Corpuz, the UN special rapporteur on the rights of indigenous peoples, and other rights campaigners 'communists' and 'terrorists'<sup>56</sup> after they dared to criticise his regime. He threatened to throw other UN experts to the crocodiles.<sup>57</sup>

The president and the army have been brutal in their response to opposition. Duterte has announced, for example, that he will pay a US\$500 bounty for each communist rebel killed by his forces.<sup>58</sup> He promised to arm and train indigenous groups to go after the rebels.<sup>59</sup> He even ordered his soldiers to shoot rebel women 'in the vagina'.<sup>60</sup>

In this violent context, indigenous communities and those advocating for land rights or opposing industries like

agribusiness are at extreme risk. If Global Witness can identify this risk, then agribusiness investors should be able to as well, and should avoid doing business in the Philippines, until the government takes genuine steps to address the grievances of affected communities and protect defenders.

To invest in agribusiness currently in Duterte's Philippines is to invest irresponsibly. It could mean contributing to the murder of countless ordinary people struggling to live in peace off their land.

## RECOMMENDATIONS TO THE GOVERNMENT OF THE PHILIPPINES

**Tackle root causes** Strengthen institutions for the protection of indigenous and land rights, including by reforming and fully resourcing the NCIP (National Commission on Indigenous Peoples) and by broadening the mandate and strengthening the accountability of the indigenous peoples' inter-agency task force.

**Support and protect** Pass and implement a law for the recognition and protection of human rights defenders, incorporating civil society input.

**Ensure accountability** Guarantee that all military personnel, and any armed groups working on behalf of the state or private interests that are accused of extra-judicial killings of civilians, are tried by civilian tribunals.



The Taboli-manubo are demanding the government respect their right to self-determination  
© Thom Pierce / Guardian / Global Witness / UN Environment





**"I get government protection, but I don't feel entirely protected. Their protective measures are not implemented properly. The panic button and the satellite phones do not work in remote areas. Even if they did, the nearest police station is miles away."**<sup>61</sup> Isela González, head of Sierra Madre Alliance, an organisation that has defended indigenous rights in the Sierra Tarahumara for the last 20 years

With the perpetrators of attacks on defenders rarely punished in Mexico, activists like Isela Gonzalez Diaz, the Chairperson of Alianza Sierra Madre, find their work restricted by the threat of attacks. © Thom Pierce / Guardian / Global Witness / UN Environment

## RIISING TIDE OF VIOLENCE

### Organised crime and threatened communities in Mexico

- At least 15 defenders killed in 2017, up from three the previous year. Almost three-quarters were indigenous.
- Organised crime is flourishing in a context of impunity, leading to increased violence against defenders, particularly in areas where drug gangs have a presence.
- Laws on natural resource governance, indigenous rights and the environment, as well as measures to protect defenders, are not being implemented properly by the government.

Isidro Baldenegro knew his life was at risk. He defended the forests of the Sierra Tarahumara mountain range from a powerful alliance of local strongmen, drug traffickers and loggers – work which saw him win the 2005 Goldman Environment Prize, a global award for activism. After receiving threats he left his community in northern Mexico. But when Isidro returned on 15 January 2017, he was shot and killed by a suspected hitman.<sup>62</sup> History had tragically repeated itself: Isidro's father was also brutally murdered 30 years earlier, also for opposing logging.<sup>63</sup>



Isidro Baldenegro, accepting his award at the 2005 Goldman Prize ceremony. © Goldman prize

Isidro was a victim of the steep rise in violence against environmental and land defenders in Mexico last year. Global Witness reported three killings in 2016, yet in 2017 that number increased to 15. Like Isidro, the vast majority of these defenders were indigenous people fighting to hold onto their ancestral land in the face of individuals, criminal groups and companies wanting to control land and exploit natural resources.

Some of the reasons for this escalation of violence can be found in Isidro's case: the spread of organised crime, persistent impunity, the government's failure to provide protection and – crucially – the lack of free, prior and informed consent (see Annex II) from communities for the use of their land or the exploitation of their natural resources.<sup>64</sup>



## THE RISE OF ORGANISED CRIME

The Sierra Tarahumara, a mountainous area near the US border, has been home to indigenous people for centuries. But over the last few decades, their ancestral lands have been threatened by the arrival of infrastructure and extractive projects, logging concessions and a surge in organised crime cultivating and transporting illicit substances.<sup>65</sup> Indigenous communities have been forced to abandon their lands.<sup>66</sup>

**"They have to leave their territory because of a government decision to grant mining concessions or to exploit the forests, or because of a "de facto" occupation by drug traffickers"**<sup>67</sup>

Isela González, head of the Sierra Madre Alliance

The increase in killings of Mexican defenders has coincided with a massive rise in murders stemming from organised crime.<sup>68</sup> In 2017, criminal groups were allegedly responsible for almost 19,000 executions – making it the worst year on record.<sup>69</sup> CEMDA,<sup>70</sup> an organisation that supports environmental defenders in Mexico, observed that violence against land and environmental defenders was getting worse in areas where organised crime had a strong presence. It found that organised crime was responsible for several attacks on defenders.<sup>71</sup>

The rise of organised crime both intensifies conflict over land – which cartels require for drug trafficking and other criminal activities<sup>72</sup> – and provides loggers, drug traffickers and other criminal groups with hitmen they can employ to secure their interests, including by threatening and attacking defenders.<sup>73</sup>

## IMPUNITY: ZERO CONSEQUENCES FOR CRIME

An astonishing 98% of all crimes in Mexico are never solved.<sup>74</sup> Isidro Baldenegro was a high-profile prize-winning defender who the state knew was at risk, but this did not deter his murderers, who must have known they would almost certainly never face justice.

During a visit to Mexico in January 2017, the UN Special Rapporteur on the situation of human rights defenders said: 'The failure to investigate and sanction perpetrators [of crimes against human rights defenders] sends a dangerous message that such crimes have zero consequences, creating an environment conducive to serial violations.'<sup>75</sup>

## GOVERNMENT 'PROTECTION' THAT DOESN'T PROTECT

The communities of Coloradas de la Virgen and Choreachi in Sierra Tarahumara were involved in a long-running legal dispute against the granting of logging concessions on their ancestral land. According to Isela González, head of the Sierra Madre Alliance – a local organisation which defends indigenous rights – seven members of these two communities were killed between 2013 and 2016.<sup>76</sup> None of the murderers have been brought to justice.<sup>77</sup>

After these attacks, the Mexican government was instructed by the Inter-American Human Rights system to work with these communities to define and implement measures for their protection. However, the effectiveness of these measures, which have never been properly implemented, is questionable.<sup>78</sup>

Community members still receive threats and don't trust the government to protect them. One community leader was authorised government protection but – following the brutal killing of one of his fellow activists, Juan Ontiveros Ramos, in February 2017<sup>79</sup> – was so scared that he left his community to hide in a cave.<sup>80</sup> Eleven days before his assassination, Juan had met with Mexican government representatives to ask for protection for him and his whole community, but it failed to prevent his death.<sup>81</sup>

Isela González herself received death threats in 2014, after her involvement in the legal campaign against logging in Coloradas de la Virgen.<sup>82</sup> She, too, was offered protection by the state, which included measures such as a panic



Even when Mexican defenders are granted state protection, implementation is often limited, meaning they are still unable to carry out their work without fear for their lives.  
© Thom Pierce / Guardian / Global Witness / UN Environment





Governments and business have a duty to ensure that communities can give or withhold their free, prior and informed consent regarding the use of their land or natural resources. © Thom Pierce / Guardian / Global Witness / UN Environment

button and the possibility to request police escorts. However, she told Global Witness that she doesn't feel protected.<sup>83</sup>

Mexico is one of the few countries in the world with a specific law and mechanism to protect human rights defenders, but it is not working effectively. A recent study by a coalition of Mexican NGOs concluded that a comprehensive government policy is needed to complement the existing law: one that fosters a culture of celebrating defenders rather than stigmatising them, that combats impunity, and that guarantees the political will required to tackle the problem.<sup>84</sup>

## LACK OF FREE, PRIOR AND INFORMED CONSENT

The imposition of projects on communities without their free, prior and informed consent is a root cause of the attacks on Mexican defenders. When logging, mining or other projects go ahead before the local community has been consulted, and without their agreement, the seeds of conflict are sown.

Since 2007, the Mexican Environmental Authority<sup>85</sup> has granted logging concessions over 24,000 hectares of indigenous territory in Coloradas de la Virgen. However, it has failed to consult the affected indigenous communities<sup>86</sup> as required by international law.<sup>87</sup> Many indigenous people have been forced to leave their homes to give way to the loggers.<sup>88</sup> Those who opposed the concessions – through legal action or protests – have been the victims of death threats, attacks and murder.<sup>89</sup> Since 2016, six members of the community have been killed, including Isidro Baldenegro.<sup>90</sup>

Nevertheless, this is not an issue only confined to the Sierra Tarahumara or logging. According to the Inter-American Commission on Human Rights, in 2013 many of

the approximately 2,600 mining concessions in Mexico were operating on ancestral territories without the consent of the indigenous peoples living there.<sup>91</sup>

In order to end the violence against land and environmental defenders, the Mexican government must tackle the root causes of conflict, and implement its international obligations to guarantee that communities can give or withhold their free, prior and informed consent regarding the use of their land and natural resources.<sup>92</sup> It also needs to combat impunity, find an effective way to tackle organised crime, and prioritise the implementation of comprehensive policies for the protection of human rights defenders. If not, the killings of activists will continue to intensify.

## RECOMMENDATIONS TO THE GOVERNMENT OF MEXICO

**Tackle root causes** Guarantee meaningful, transparent and informed social, environmental and human rights impact assessments are carried out before any permission or concession for a development project or natural resource exploitation is authorised, ensuring that potentially affected communities can participate in these assessments, and that any impacts identified are mitigated in a way which those affected deem adequate.

**Support and protect** Implement the recommendations in the 2018 report 'Protección integral para personas defensoras de derechos humanos y periodistas: la deuda del Estado mexicano' by the Civil Society Space coalition on how to strengthen implementation of the Law for the Protection of Journalists and Human Rights Defenders.

**Ensure accountability** Ensure all investigations into crimes against defenders adequately consider potential motives linked to the defender's human rights activism.

## — PERSISTENT OFFENDERS



In sheer numbers, Brazil has been the most dangerous country to be a land or environmental defender in the last decade, with an average of 42 killings per year since 2012. Honduras has been the worst country per capita, with 128 defenders murdered since 2010. Colombia, meanwhile, has been in the top three worst countries since Global Witness began tracking killings in 2002.

In this section, we analyse the reasons keeping these countries among the most dangerous places for defenders year after year. The main factors identified are some of the principal root causes of attacks against defenders globally: the weakening of legislation, regulation and institutions; corruption; and impunity.

**Brazil** saw the worst year on record for any country, with 57 defenders killed. President Temer systematically weakened the legislation, institutions and budgets that could support indigenous people, prevent land conflicts, and protect human rights defenders. He skewed the balance of power even further in favour of big business, and left activists more vulnerable than ever.

A flawed election in **Honduras** handed President Hernández a second term in power, ushering in even greater repression of civil society. Corruption continued to play a role, as it emerged that the prosecutor's office had sat on evidence concerning the killing of defender Berta Cáceres.

Impunity in **Colombia** emboldened those who murdered 24 land and environmental defenders there in 2017. Global Witness, together with the Vance Center, has uncovered new evidence of exactly how and why murder cases are not advancing in the Colombian justice system.

A formidable Brazilian defender, **Maria do Socorro Costa da Silva** is the target of death threats, intrusions into her home, and has felt the barrel of a pistol against her face. Despite these threats, she leads *Cainquiama*, a coalition of tens of thousands of the Amazon's most persecuted indigenous and other communities. Working together in Pará, the deadliest state in Brazil for environmental defenders, they demand recognition of their land rights and the right to a clean environment in the face of large-scale 'development' projects and pollution of water-sources.



### INSTITUTIONALISING THE POWER IMBALANCE

#### Making a bad situation worse in Brazil

- 57 defenders killed – the worst year on record for any country.
- Harsh legislative and budgetary reforms in favour of big business risk leaving indigenous people and land rights activists more vulnerable than ever.
- A powerful agribusiness lobby is undermining the institutions tasked with protecting people's right to land.

Year after year, in a bitter struggle over land, more environmental and land defenders are killed in Brazil than anywhere else in the world. Global Witness data shows that in 2017, 57 defenders were murdered, 25 of them during three mass killings.

**"Of course, my life is at risk. I receive death threats 24 hours a day because I'm not going to shut my mouth in the face of this atrocity."** Maria do Socorro Costa da Silva<sup>93</sup>

The year's first massacre saw hired assassins torture and kill nine villagers in Mato Grosso state on 19 April.<sup>94</sup> A timber exporter, who wanted to log on the villagers' land, has been charged with ordering the murders to open the way for loggers to gain access to the land.<sup>95</sup> In a second massacre on 24 May, around 30 police officers opened fire on a group of landless farmers in Pará state, killing 10 of them.<sup>96</sup> The farmers had peacefully occupied the Santa Lucia ranch the day before to demand that their land rights be recognised.<sup>97</sup>

Rather than taking steps to prevent such appalling atrocities against defenders, President Michel Temer has weakened the laws and institutions designed to protect them.<sup>98</sup> He has made it easier than ever for industries like agribusiness – associated with at least 12 murders in Brazil in 2017 according to Global Witness statistics – to impose their projects on communities without their consent.

Maria do Socorro campaigns with communities against hydro aluminium factories which are allegedly responsible for water poisoning in the town of Barcarena. © Thom Pierce / Guardian / Global Witness / UN Environment







The interests of small-scale farmers and indigenous communities are often overlooked, with governments favouring the interests of big business. © Leo Plunkett

## CUTTING BUDGETS, UNDERMINING RIGHTS

Massive budget cuts to key government agencies responsible for protecting human rights and the environment mean defenders are more at risk than ever.

In 2017, INCRA – the state body responsible for redistributing land to small-scale farmers and Afro-descendants<sup>99</sup> – saw its budget slashed by 30%.<sup>100</sup> The budget of FUNAI, the agency responsible for protecting indigenous peoples' rights, was almost halved, forcing it to close some of its regional offices.<sup>101</sup>

One such office was in the indigenous territory of Vale do Javari, where illegal gold miners allegedly massacred 10 members of uncontacted tribes in August 2017.<sup>102</sup> The closure of FUNAI bases on the river in Vale do Javari may have facilitated the miners' unmonitored access to this remote area, sparking tensions with the uncontacted indigenous group.<sup>103</sup> The bodies of the victims were never found, and their names never verified, so we have not added them to our database.

Meanwhile, the National Programme for the Protection of Human Rights Defenders remains underfunded,<sup>104</sup> often limiting the protection it provides to telephone calls from officers based far away in Brazil's capital, Brasília.<sup>105</sup> What's more, the mechanism that allows serious human rights violations - including killings of land and environmental defenders - to be investigated and tried at the Federal level, instead of at the local level, has been underused.<sup>106</sup> 'Federalisation', as this mechanism is known, allows the Federal Prosecutor's Office to request a change of jurisdiction when there is evidence that state level institutions are unable to adequately investigate and try a serious human rights violation, due to inaction, negligence, lack of political will or scarce human and material resources.<sup>107</sup>

## AGRIBUSINESS SABOTAGE OF PEOPLE'S RIGHT TO LAND

As well as having their budgets cut, FUNAI and INCRA also had their reputations battered by a congressional commission<sup>108</sup> created to investigate irregularities in land demarcations – the way in which land has been officially allocated to the indigenous peoples, Afro-descendants and small-scale farmers who already inhabit it.<sup>109</sup> The commission's final report accused FUNAI and INCRA officials of backing fraudulent land claims, and requested the indictment of 67 people.<sup>110</sup>

However this appears to be a conscious attempt to undermine the institutions tasked with protecting people's right to land by a body that is far from impartial. The investigation was initiated by the powerful *ruralistas*, an agribusiness lobby group that opposes land demarcations.<sup>111</sup> The *ruralistas* control more than half of Brazil's Congress,<sup>112</sup> and have close links to President Temer,<sup>113</sup> helping to keep him in power after his alleged involvement in corruption.<sup>114</sup>

## A DANGEROUS POWER IMBALANCE

There is an obvious asymmetry of power between agribusinesses and their political backers on one side and indigenous peoples, Afro-descendants and small-scale farmers on the other. There is also a huge amount at stake in this one-sided struggle for land: almost 90% of defenders killed in 2017 died trying to protect the Amazon – an area which they depend on for their livelihood and which is of crucial significance in capturing carbon emissions and combating global climate change.

## PERSISTENT OFFENDERS

This power imbalance will be exacerbated by a series of environmentally regressive laws currently working their way through Congress. The government – which is mired in one of the largest corruption scandals in history – <sup>115</sup> has apparently done nothing to slow these initiatives. Among them is a draft law<sup>116</sup> designed to help foreign investors buy up huge areas of land, inevitably allowing large-scale agriculture to encroach deeper onto indigenous lands.<sup>117</sup> Another draft law<sup>118</sup> aims to convert an area of the Amazon three times the size of Hong Kong into a different classification of forest which would allow for future exploitation by large-scale agriculture, mining and logging.<sup>119</sup>

If the Brazilian government continues to favour the interests of big business over those of small-scale farmers and indigenous peoples, then environmental destruction and conflicts over land will increase. Given that 2017 in Brazil was the deadliest year on record for any country, investors should avoid investing in those sectors associated with murders in the country. It is also clear that supporting defenders should be an urgent priority for whoever wins this year's presidential elections. Increased political will, the reversing of budget cuts to

key institutions and the scrapping of regressive draft laws are critical first steps towards stopping this epidemic and protecting the lungs of the planet.

### RECOMMENDATIONS TO THE GOVERNMENT OF BRAZIL

**Tackle root causes** Strengthen the budget allocation and the institutional capacity of the National Institute of Colonisation and Agrarian Reform (INCRA) and the National Indian Foundation (FUNAI).

**Support and protect** Prioritise implementation of the Protection Program for Human Rights Defenders, guaranteeing its effectiveness across all states of the country.

**Ensure accountability** Encourage the Federal Prosecutor's Office to request the 'federalisation' of emblematic killings of human rights defenders, whose investigations are not adequately progressing at the local level, in order to increase impartiality, create a safer environment for witnesses and reduce the impunity rate.

### FACING ARMED ATTACKS AND CYBER HACKS

Defending the rights of communities to their land and the environment is a very risky business in Brazil today – and few organisations understand that better than the Pastoral Land Commission (CPT).\*

Since 1975, the CPT has supported traditional communities, indigenous people and small-scale farmers in their struggle for land rights, which often puts them up against agribusiness, mining and logging companies.<sup>120</sup> Now the organisation has more than 700 people working for it across the country, most of them volunteers.<sup>121</sup> The CPT rigorously documents land conflicts all over Brazil,<sup>122</sup> revealing the true scale of the problem and providing invaluable information to national and international human rights organisations, including Global Witness.

Their work is not without its dangers. On 9 August 2017,

for example, four members of the CPT were driving to a meeting with a community in Formosa da Serra Negra, when they were ambushed by a hitman. They learned later he'd been hired by a cattle rancher who wanted to evict members of the community from their land.<sup>123</sup>

Fortunately, the police arrived and arrested the hitman following a gunfight.<sup>124</sup> But it left CPT member Márcia Palhano shaken. 'I had received threats before, but on that day, I felt scared,' she said. 'If the police hadn't reacted so quickly, we could have not been here today.'<sup>125</sup> However, with an armed militia still operating in the area, composed of hitmen, land grabbers and public officials, the CPT still fears the worst.<sup>126</sup>

Even the CPT's deskwork registering land conflicts has come under threat – with a hacker launching a cyber-attack against it in 2017.<sup>127</sup>

But the CPT says it will continue to stand firm – its work is too important to stop now.

\* CPT documented 71 murders of individuals – including land and environmental defenders – due to land conflicts in Brazil in 2017. CPT's methodology differs from that of Global Witness since, as well as documenting the murders of land and environmental defenders, they also cover rural workers killed because of their labour and union activism. Likewise, they record killings of individuals in land conflicts that they consider are generated by a lack of governmental action to tackle the root causes of rural violence. However, these individuals do not always fit into Global Witness' definition of land and environmental defenders. For CPT's methodology, see: Comissão Pastoral da Terra (2017), *Conflitos no Campo Brasil 2016*. Goiânia: Comissão Pastoral da Terra, p. 16 and 24, <https://www.cptnacional.org.br/index.php/component/jdownloads/download/41-conflitos-no-campo-brasil-publicacao/14061-conflitos-no-campo-brasil-2016> (accessed 12 July 2018). For CPT's statistics on killings in 2017, see Comissão Pastoral da Terra (2018), "SUGESTÃO DE PAUTA: CPT irá lançar o relatório Conflitos no Campo Brasil 2017 na próxima semana", <https://www.cptnacional.org.br/publicacoes-2/destaque/4368-sugestao-de-pauta-cpt-ira-lancar-o-relatorio-conflitos-no-campo-brasil-2017-na-proxima-semana>, (accessed 12 July 2018).





**"The vast majority of human rights defenders in Honduras are not able to operate in a safe and enabling environment ... They are at risk in most parts of the country and do not feel safe due to numerous attacks and threats, criminalization of their activities and lack of access to justice."** Michel Forst, UN expert on human rights defenders<sup>128</sup>

To dissuade future attacks against land and environmental defenders, both the material and the intellectual authors of previous violence must be brought to justice. © Giles Clarke

## BY HOOK OR BY CROOK

### Corruption and repression in Honduras

➤ Five land and environmental defenders murdered, down from 14 in 2016.

➤ However, repression of human rights defenders in general has worsened, with activists facing criminalisation, death threats, police brutality and killings during protests.

➤ Corruption remains an issue, amid suggestions prosecutors sat on evidence in the emblematic case of Berta Cáceres.

Corruption is at the root of much of the violence perpetrated against land and environmental defenders. When people have a vested interest in making sure a project goes ahead, they tend not to show many scruples in making sure it does – as shown by the case of the Agua Zarca dam in Honduras.

The dam, owned by Desarrollo Energético SA (DESA), sits on the Gualcarque River, considered sacred by the indigenous Lenca people of western Honduras. Berta Cáceres, an indigenous leader, fiercely opposed the dam and received death threats for years. Then, in March 2016, Berta was brutally murdered.<sup>129</sup>

The dam's owners used legal action to intimidate those demanding a proper investigation into her killing. For example, on 28 February 2017, Suyapa Martínez, a women's rights defender, was summoned to court, accused of divulging inaccurate and detrimental information about DESA.<sup>130</sup> The case was later dropped by the court.<sup>131</sup>

### NEGLIGENCE OR DELIBERATE OMISSION?

It took an independent group of international lawyers, GAIPE,<sup>132</sup> to eventually shed light on who was responsible for Berta's killing. GAIPE's investigation concluded there was irrefutable proof that high-ranking DESA executives and employees, along with state agents, were involved in the planning, execution and cover-up of Berta's murder.<sup>133</sup> DESA's executive director, David Castillo, was accused of masterminding her death and, since the report's publication, has been arrested – a welcome development in an otherwise bleak panorama.<sup>134</sup>

The investigation also exposed, at best, a shocking level of negligence or, at worst, deliberate omissions by the state's official investigators. GAIPE examined 40,000 pages of evidence that had been in the possession of the Honduran prosecutors for at least 18 months – crucial information that could have been used to investigate Castillo and his accomplices as suspects in Berta's murder sooner.<sup>135</sup>

There are clear links between the government and DESA that suggest a potential cover-up: the company's hierarchy contains a number of ex-government officials – for example Castillo himself worked for military



## PERSISTENT OFFENDERS

intelligence<sup>136</sup> – while four of those on trial for Berta's murder have links with the military.<sup>137</sup> The government, together with DESA, even launched legal charges against her organisation, COPINH, and failed to protect its members when they were threatened.<sup>138</sup> Furthermore, MACCIH<sup>139</sup> – an international anti-corruption panel in Honduras – is investigating suspicious links between members of the ruling party and companies that won bids to construct hydroelectric projects,<sup>140</sup> including the Agua Zarca dam.<sup>141</sup> MACCIH's head, Juan Jiménez Mayor, resigned in February 2018 citing persistent government resistance to his investigations.<sup>142</sup>



Despite the international outcry that followed the murder of Berta Cáceres, the Honduran government continues to fail in its duty to protect land and environmental defenders. © Goldman Prize

DESA insist that Agua Zarca is not linked to any act of violence, that the project has always acted in accordance with Honduran law, and that GAIPE's report is a fabrication containing false interpretations drawn upon selected conversations that have been taken out of context.<sup>143</sup>

### GREATER REPRESSION THAN EVER

Berta's murder and the search for justice came amid deepening political turmoil and shocking levels of violence against land and environmental defenders. In our January 2017 report 'Honduras: The Deadliest Place to Defend the Planet',<sup>144</sup> we revealed that over 120 people were killed between 2010 and 2016 – more than anywhere else per capita during the same period. We demonstrated how the situation worsened in the context of impunity, corruption and 'business at any cost', which characterise President Juan Orlando Hernández's regime.<sup>145</sup> The report sparked a hostile backlash from the authorities in Honduras, who threatened our staff with arrest amid a sophisticated online campaign to discredit our work and that of many other activists.<sup>146</sup>

While the number of murdered land and environmental defenders in Honduras appears to have fallen in 2017,

human rights defenders in general are facing increased repression. The National Human Rights Defenders Network of Honduras documented 1,232 attacks against human rights defenders in Honduras in 2016 and 2017, a significant increase on previous years.<sup>147</sup>

Last year's elections offered the possibility of change – but those hopes were dashed when street protests about alleged electoral fraud left more than 30 people dead.<sup>148</sup> The UN found that at least 16 of them were killed by government security forces.<sup>149</sup> President Hernández was declared the winner on 17 December 2017.<sup>150</sup> But the result was disputed by the Organisation of American States (OAS), which called for new elections, stating that the 'electoral process was characterised by irregularities and deficiencies [...] and [was] lacking integrity'.<sup>151</sup>

### 'WE WILL HAVE TO KILL YOU'

Threats and attacks against land and environmental defenders remained routine in 2017. For example, Martín Fernández, coordinator of MADJ,<sup>152</sup> an organisation that works on land rights and corruption, was assaulted by armed men on 4 August 2017.<sup>153</sup> He'd been inspecting environmental damage caused by a hydroelectric scheme in Northern Honduras.<sup>154</sup> Another member of MADJ, Luis Mejía, received a note under his door after his house was sprayed with bullets on 12 October 2017.<sup>155</sup> The note read:

**"Luis, we don't want to, but if you don't disappear in three days, we will kill you."**<sup>156</sup>

A vocal opponent of illegal logging on his ancestral land, Luis left home in fear of his life.<sup>157</sup>

### RECOMMENDATIONS TO THE GOVERNMENT OF HONDURAS

**Tackle root causes** Guarantee that the MACCIH (Mission of Support Against Corruption and Impunity in Honduras) operates effectively, independently and that its recommendations are fully implemented.

**Support and protect** Ensure that the Mechanism for the Protection of Human Rights Defenders takes actions to prevent attacks on defenders, and that its protection measures are determined according to a risk analysis which fully assesses the needs of the defender at risk.

**Ensure accountability** Establish an independent international commission to investigate human rights abuses in the context of the 2017 Presidential election and its aftermath.

## GETTING AWAY WITH MURDER

### Impunity in Colombia

➤ **24 defenders murdered in 2017 – Colombia among the three worst countries every year.**

➤ **New research by Global Witness and the Cyrus R. Vance Center for International Justice (Vance Center)<sup>158</sup> shows how impunity is still fuelling the violence: perpetrators for past attacks on defenders roam free, as the majority of cases fail to advance beyond inquest stage.**

➤ **The situation has worsened since the peace process: displaced community members are attacked when returning home, while rival actors vie to fill the power vacuum and control natural resources.**

In Colombia impunity rules and history repeats itself: seven years apart, two brave men from the same region die struggling for the right to remain on their land. New research by Global Witness and the Vance Center shows the real impact of impunity upon land and environmental defenders.

On 30 July 2010, Jhon Jairo Palacios rang his family from Ríosucio, the capital of Chocó department, where he'd travelled by boat from his community, to tell them he would be coming home the following day.<sup>160</sup> When he failed to show up, they called his mobile. A man claiming to belong to a paramilitary group answered, saying: 'Tell his family that he is already dead.'<sup>161</sup>

Jhon was a member of an Afro-descendant community in the Cacarica River Basin of Chocó. Community members opposed the construction of a major road in the region – a road that would bring with it deforestation, an influx of settlers and devastation to the community's way of life.<sup>162</sup> To this day, Jhon's murder remains unsolved. The investigation is at a standstill, the murderers are at liberty, and the message being sent is clear: there will be no price paid for murdering defenders here.

Seven years later, on 8 December 2017, Hernán Bedoya – another Afro-descendant leader from Chocó – was heading home on horseback to his village. A new paramilitary group intercepted him on a bridge and shot him 14 times, killing him.<sup>163</sup> Hernán had objected to the palm oil, banana plantations and cattle ranches expanding over his community's territory and clearing the forest.<sup>164</sup> He had been forcibly evicted from his land

Community members gather at the spot where Colombian activist Hernán Bedoya was shot fifteen times. He was killed after protesting against palm oil and banana plantations operating on land stolen from his community, and which threaten the area's biodiversity. © Thom Pierce / Guardian / Global Witness / UN Environment



**"This [impunity] is the worst message that the state can send to those who commit [these] crimes, since this incentivises them instead of punishing them, because they will see that there are no consequences to their actions."<sup>159</sup>**

Somos Defensores,  
Colombian NGO





In 2017, the number of defenders killed whilst protesting against the expansion of large-scale agriculture has more than doubled compared to 2016. © Leo Plunkett

by a paramilitary group in 1996, but decided to return despite the risks.<sup>165</sup>

He began receiving threats from illegal armed groups in 2015. According to local civil society, the Colombian government had given Bedoya a mobile phone and a bulletproof vest in an attempt to protect his life.<sup>166</sup> Nonetheless, Hernán was killed. Those who wanted to silence him presumed that, like in the case of Jhon, they would face no consequences for their crimes.

## VACUUM OF POWER

Hernán was just one of 24 defenders killed in Colombia in 2017, making it one of the most dangerous countries in the world to defend land and the environment.<sup>167</sup>

There are several reasons for this, though struggles for land lie at their core. According to the United Nations Human Rights Office, the signing of the peace agreement between the government and the guerrilla group FARC<sup>168</sup> produced a ‘vacuum of power’.<sup>169</sup> With the FARC demobilising, new militias have sprung up, vying with paramilitary groups to control land which belongs to the indigenous, Afro-Colombian and other rural communities who had to vacate it during the civil war and are now returning home following the signing of the peace agreement.<sup>170</sup> This scenario is complicated further as criminal groups move into areas the FARC once occupied,

to carry out illegal logging, mining and cattle ranching.<sup>171</sup> The government’s push for foreign investment<sup>172</sup> has also intensified this scramble for land.<sup>173</sup>

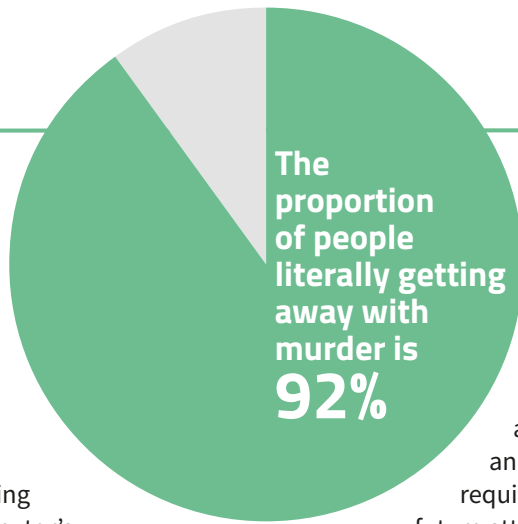
These factors have led to intensifying land conflicts and environmental destruction. Communities have been forced to activism, becoming defenders on the front line of this struggle.<sup>174</sup> The danger is exacerbated by the fact that governmental protection programmes remain limited in their effectiveness<sup>175</sup> and – vitally – that perpetrators of previous attacks on defenders are rarely prosecuted.

## KILLING WITH IMPUNITY

Perhaps the most crucial factor behind Colombia’s appalling death rate is its persistent and unaddressed culture of impunity. The murders of Jhon and Hernán are just two of numerous unsolved murders in Colombia. So long as previous crimes against defenders go unpunished, those wishing to silence activists will feel emboldened to act.

To try to understand the scale of the problem, Global Witness joined forces with the Vance Center. Together, we analysed the killings of all 122 Colombian land and environmental defenders recorded by Global Witness between July 2010 and June 2016, and the Colombian judiciary’s response to each.<sup>176</sup>





The conclusions of the study were astonishing: in 102 cases, an investigation was launched, but only nine cases led to a verdict, eight of which resulted in a conviction. A further ten 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%.<sup>177</sup>

Crucially, 61 of the 102 investigations were still at an inquest stage, meaning that the prosecutors had not gathered enough information even to determine the existence of a crime. This meant that the investigation could not proceed to the next phase. It suggests that the public prosecutors' failure to collect the evidence they need at this early stage is a key factor in the sky-high impunity levels,<sup>178</sup> a conclusion also drawn by Colombian NGO Somos Defensores. To end Colombia's culture of impunity, their study concluded, prosecutors must be given the training and resources they need to investigate cases and, perhaps more importantly, the endemic corruption which prevents the killings of defenders from being investigated must be tackled.<sup>179</sup> The government recently pledged to tackle impunity

for killings of defenders, stating they had set up an elite police task force and investigation unit to dismantle criminal groups and investigate attacks against activists.<sup>180</sup> Proper resourcing and guarantees of independence are required if it is to do its job and prevent future attacks.

### RECOMMENDATIONS TO THE GOVERNMENT OF COLOMBIA

**Tackle root causes** Prioritise and guarantee implementation, across all departments of the country, of land restitution processes and related clauses of the peace agreement.

**Support and protect** Guarantee the implementation of appropriate protection measures for defenders at risk, including by guaranteeing defender participation in their risk analysis, by providing collective and not only individual protective measures, and by differentiating measures according to the specific profile, context and threat faced.

**Ensure accountability** Sufficiently resource the independent taskforce and investigation unit for attacks against activists.

In Colombia a culture of impunity, fuelled by corruption, leaves defenders at risk when investigations into previous attacks fail to advance.

© Thom Pierce / Guardian / Global Witness / UN Environment







Ramón Bedoya has taken over the fight to protect the biodiversity zone that his father gave his life for. He had been trying to protect the area from the huge palm and banana plantations occupying land around their farm. © Thom Pierce / Guardian / Global Witness / UN Environment







## — UNHEARD VOICES —

This section contains two additional short analytical pieces:

Firstly, we assess why **Africa** might be underrepresented in our database on killings of defenders in comparison to other continents.

Secondly, and in collaboration with Just Associates (JASS), we look at the specific risks facing **women defending land rights and the environment**.



**Nonhle Mbuthuma** leads the Amadiba Crisis Committee, which opposes the excavation of dunes and plains along South Africa's Wild Coast by mining developments. Communities' fears of forced evictions and damage to the region's ecology is exacerbated by increased violence, threats and the suspicious murder of the group's former leader Sikhosiphi "Bazooka" Rhadebe. Nonhle has been warned she is next on the hit list. Nonetheless, she is pushing ahead with a legal challenge that aims to assert the right to free, prior and informed consent for local indigenous groups.





Killings represent the sharp end of a range of tactics used to silence defenders, including death threats, arrests, sexual assault, abductions and aggressive legal attacks. © Thom Pierce / Guardian / Global Witness / UN Environment

## THE FULL PICTURE?

### Why our figures on Africa might not add up

Many African countries suffer from high levels of violence, corruption and impunity. Conflicts over land and natural resources are frequent and well documented. The brutal harassment and criminalisation of activists is all too common as well.

That is what makes our figures for Africa confusing. We report that 19 land and environmental defenders were killed in Africa in 2017, significantly fewer than in Latin America and Asia. Front Line Defenders, who track the killings of all human rights defenders, also recorded small numbers of cases across Africa in 2017.<sup>181</sup>

What explains the relatively low number of killings? This deserves more analysis, as several hypotheses exist. Are land and environmental defenders really less active and therefore not as targeted in African countries as they are elsewhere? Are the patterns of harassment different, meaning that they rarely end in murder?

Perhaps simply a lack of reporting is underestimating the true extent of the problem.

We do not yet know the answers to these questions, but there are signs that point towards a shortage of evidence

leading to some killings of defenders in Africa being undocumented.

### A SHORTAGE OF EVIDENCE?

Compared with Latin America and south-east Asia, there are fewer civil society organisations and journalists documenting attacks against land and environmental defenders specifically, and they may feel less free to speak out without fear of reprisals. There may also be less information and reporting from isolated rural areas where killings may take place, compared to other regions.

It is therefore difficult to obtain evidence from many African countries. Less local documentation means we do not have as strong a network of contacts in Africa as we do elsewhere, and much of our information comes from the International Ranger Federation<sup>182</sup> and its charitable arm, the Thin Green Line Foundation,<sup>183</sup> which support one subgroup of land and environmental defenders: park rangers. Seventeen out of the 19 killings we documented in 2017 were of people struggling against poaching and for the protection of wildlife – usually in protected areas – so our sources may well influence our statistics.

It can be difficult to disentangle the different reasons why someone was killed: we may know that a defender was murdered, but not have sufficient evidence to show it was because of their work as a defender. To include cases



Wildlife ranger Samuel Loware has risked his life protecting the wildlife and eco-systems in The Kidepo Valley National Park, which sits close to Uganda's border with Sudan. © Thom Pierce / Guardian / Global Witness / UN Environment

of killings we need a certain level of information to fulfil our verification criteria (see Methodology p.52), which is often lacking in the African context. For example, we need the names of those killed – something that proved impossible when trying to verify who was murdered during 2015 protests against plans to clear forests in central Ethiopia.<sup>184</sup>

### CONSERVATION-RELATED KILLINGS

One relatively well-reported issue in Africa is its significant, long-standing problem with wildlife crime – one of the largest and most profitable forms of organised crime worldwide.<sup>185</sup> Wildlife trafficking helps to finance militia and terrorist groups<sup>186</sup> and is carried out by the same people,<sup>187</sup> using the same illegal networks<sup>188</sup> that traffic drugs, guns and people.

As mentioned above, 17 out of the 19 killings we've documented in Africa are of individuals who were defending protected areas. In the Democratic Republic of Congo (DRC), 12 park rangers were killed while

protecting wildlife. All but two killings were attributed to Mai Mai (local armed groups), who are known to be involved in illegal poaching and mining activities.<sup>189</sup> Virunga National Park, where five park rangers were killed, has traditionally been considered the most dangerous place for park rangers in the world.<sup>190</sup> According to the head of the park, Emmanuel de Merode, there are around 1,500 to 2,000 armed fighters from different rebel groups operating in the area,<sup>191</sup> and they represent a risk for the wildlife and those who defend it.

While we have not been able to attribute wildlife trafficking to attacks against land and environmental defenders we do know that two key conservationists, who've dedicated their lives to combatting the ivory trade, were killed over the past 12 months in suspicious circumstances.<sup>192</sup>

While the motives for these killings are still not clear, their murders warrant further scrutiny from law-enforcement agencies.



## WOMEN

### Defending land, life and equality

While the majority of defenders killed in 2017 were men, women defenders are at the forefront of many struggles for land and the environment around the world. They suffer distinct – and sometimes heightened – risks.

We asked Just Associates (JASS) to write the following piece, which is informed by feedback from hundreds of women human rights defenders in more than 26 countries around the world, many of whom are fighting for land and environmental rights. It also incorporates learnings from protection networks like the Mesoamerican Women Human Rights Defenders Initiative, and other feminist organisations such as the Association for Women's Rights in Development (AWID) and the Urgent Action Fund (UAF).

Women are often at the forefront of struggles to protect their ancestral lands and the environment. This frequently puts them on a collision course with industries that devastate natural resources in the name of 'development'.<sup>193</sup> The critical leadership role they play comes at a high price that is often invisible.

Many women are at a distinct disadvantage at the outset of their land or environmental activism. They are frequently excluded from land ownership,<sup>194</sup> as well as community negotiations about the future of their lands and natural resources. When they dedicate time to activism, they are sometimes criticised for neglecting their children and domestic duties. On the other hand,

the combined impact of domestic and community care, together with activism, can create a huge physical and emotional burden.

**"There are those who continue to believe that a woman's place is in the kitchen. Community affairs are discussed in circles that are exclusively the domain of men, and women have no access. This is used as a reason to exclude women from talks regarding resources."** Angeline Leguuto, Kenya <sup>195</sup>

Women defenders often have to fight a battle on two fronts: the public struggle to protect natural resources, and the hidden struggle to defend their right to speak out within their own organisations and families. Women defenders rarely receive the same level of support as their male colleagues because their communities are often dominated by patriarchal, macho culture. This means that the role that women defenders play is often not recognised, and their communities, organisations and families sometimes even actively hide the violence which women can face.

### THE GENDERED NATURE OF VIOLENCE

Although more male land and environmental defenders are murdered, women can feel the impact distinctly. When male defenders are killed or imprisoned for their activism, women shoulder more family responsibilities,



Maria Leite (Brazil), Maria Salestiana Cardoso (Colombia) and a member of the Taboli-Manubo community (Philippines). Women defenders are a powerful force for communities campaigning against extractive projects, often shouldering the weight of family expectations and community leadership, in the face of gender-specific threats. © Thom Pierce / Guardian / Global Witness / UN Environment

often while pursuing justice for the murder and helping to re-organise their communities.

Women defenders themselves are targets of multiple forms of violence, both for defending their territory and for challenging patriarchal attitudes in their communities, organisations and families. A range of state and non-state actors with powerful economic and political interests have historically used violence against women to spread fear and silence the pursuit of justice.<sup>196</sup>

**"With the expansion of mining and oil extraction, military and police forces have moved in to back up the companies. They use violence and sexual violence to intimidate local women and girls and repress resistance. In some cases, soldiers or police gang-rape women as a form of punishment, [for example] for "trespassing" on diamond fields that were once their ancestral lands."**

Winnet Shamuyarira, Zimbabwe<sup>197</sup>

Threats of rape and violence historically form part of the repression of women opposing extractive projects,<sup>198</sup> as well as misogynistic insults such as being labelled 'whores' or 'bad mothers'. Gender discrimination is one of many fault-lines exploited to exacerbate family or community conflicts through divide-and-conquer tactics.

Criminalisation, too, has a distinct impact. It increases the financial and social vulnerability of women, as their families often isolate them if they are jailed.

**"Two pregnant land defenders – Andrea and Maria Miradel – were jailed for allegedly "participating in criminal activities". Both women were denied immediate medical attention, leading to the death of Andrea's two-day-old daughter."** Testimony from the Philippines<sup>199</sup>

Of course, women defenders are also murdered.<sup>200</sup> This is not only about silencing defenders; it's about silencing women and sends a strong message that women should not be leaders, thus inhibiting others from getting involved.<sup>201</sup>

### PROTECT WOMEN DEFENDERS, PROTECT THE PLANET

Despite the obstacles they face, women defenders increasingly take leadership roles in battles against mining, logging, agribusiness and other destructive industries. A number of NGOs and networks have produced invaluable resources regarding the role and protection of women defenders working on land and environmental issues (see endnote for list).<sup>202</sup> These women are key for the promotion of environmental protection and land rights. They are leading us towards a better, more sustainable, future for our planet.

**"The power of women is a collective power that fosters community; that's what strikes fear into the supporters of extractive policies. We organise not only in our territories but also in our own lives, in our beds, in our homes and communities. We need to declare our territories free from violence, free from mining; we want to be able to celebrate the water, land and air as vital and brimming with life, not as commodities for sale."** Lolita Chávez, Guatemala<sup>203</sup>

Nonhle Mbuthuma defends the titanium rich dunes of South Africa's Eastern Cape from mining projects, protecting the homes of hundreds of people who rely on the land, fresh water and access to the sea for their livelihoods. © Thom Pierce / Guardian / Global Witness / UN Environment





## — TIME FOR CHANGE: GOVERNMENTS AND RESPONSIBLE BUSINESS

This section looks at how to improve the situation, by ensuring that business in the natural resource sector is carried out responsibly.

Firstly, we will assess **how states and business can stop attacks against defenders**: reviewing exactly which actors need to take which actions, recapping the legal framework that obliges them to do so, assessing why responsible business is good business, and looking at what consumers can do.

Secondly, we take a deeper look at the sector most associated with killings of defenders in 2017: **agribusiness**. We assess how that industry is impacting upon human rights and the security of defenders and how the sector needs to change.

A portrait of Isela González, an indigenous woman with grey hair, wearing a traditional orange and brown patterned blouse. She is looking directly at the camera with a calm expression.

With several land and environmental defenders murdered in the Sierra Tarahumara, **Isela González** knows that the risks she faces are real. But she continues to support local indigenous communities in their struggle against the logging, mining and drug trafficking responsible for grabbing their land in Mexico without community consent. She leads Alianza Sierra Madre, an organisation that has defended indigenous rights in the region for the last 20 years.

### HOW AND WHY

#### States and business can and should prevent threats against defenders

Land and environmental defenders are on the frontline of the fight to save our planet from climate change, safeguard human rights and protect vulnerable communities from harm. They champion causes that benefit us all: sustainability, biodiversity and justice. They call out corruption and push for changes in laws, policies and practice to ensure environmental and land rights are upheld.

Yet few people face greater threats. Once again, as part of an ongoing trend, the number of defenders murdered rose in 2017. 207 activists were killed, leaving communities without their courageous spokespeople and champions.

It is primarily the responsibility of states (through their governments)<sup>204</sup> to guarantee that all human rights defenders can carry out their activism safely.<sup>205</sup> However, those defenders who work on land and environmental issues face specific and heightened risks because they are seen as a threat to profit as well as power. In the vast majority of cases, they are killed because they have questioned or opposed a business enterprise – one usually linked to the extraction of natural resources, such as mining, large-scale agriculture or logging.

With much of the violence driven by the thirst for profit, those who hold the purse strings have the power – as well as the legal responsibility – to be a force for good.

#### WHO IS RESPONSIBLE?

A range of actors influence business projects. These same actors can ensure that land and environmental defenders are able to carry out their work without fear of being attacked or killed:

##### State actors

➤ **Governments** of the countries where defenders are at risk. Politicians, state officials and security forces – at the national and local level – should all take action to protect the rights of defenders.

➤ **Bilateral aid and trade partners** – politicians and officials of countries doing business in, or providing aid to, places where defenders are at risk.

##### Business actors

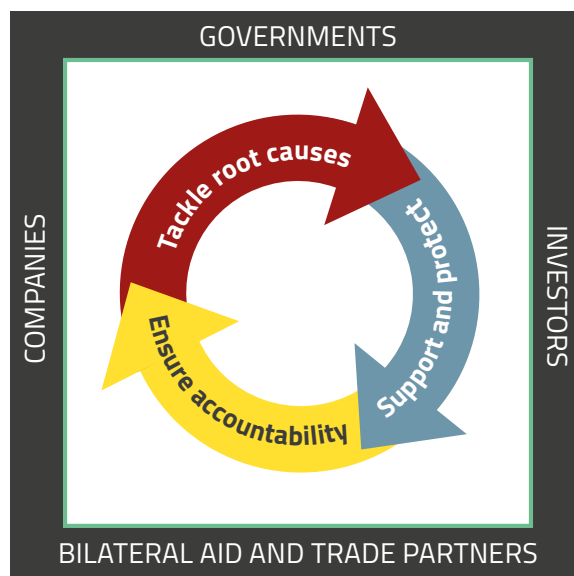
➤ **Companies** – Whether big or small, and whether operating where defenders are at risk or buying commodities and products from those who are, companies can play an important role in supporting defenders and respecting their rights.

➤ **Investors** providing finance for companies and projects. They include private banks, development banks, pension funds and private equity, among others.

Development banks are somewhat of an anomaly. They have the leverage of an investor, but – given that their shareholders are states – the duty of a government. In our 2017 report *Defenders of the Earth*, Global Witness explored the role of development banks in protecting defenders.<sup>206</sup>

#### WHAT SHOULD BE DONE?

In *Defenders of the Earth*, Global Witness published a range of general recommendations (see pp.50-51),<sup>207</sup> which can be interpreted and implemented by the state and business actors outlined above. In 2017, steps were made by some actors to implement these recommendations (see pp. 45-48) which are formulated along three lines:



➤ **Tackle root causes:** The only effective prevention in the long term. This means combating corruption, securing land titles, respecting collective and customary land rights, and guaranteeing the right of affected communities to give or withhold their free, prior and informed consent regarding the use of their land and natural resources.<sup>208</sup>



➤ **Support and protect:** Business and states can take a range of measures to recognise the role of defenders, advocate for their protection, provide them with the tools they need to carry out their activism effectively, and guarantee their safety.

➤ **Ensure accountability:** To prevent future threats, those responsible for attacks on defenders must be brought to justice, while those who fail to support and protect them should face political, financial and judicial consequences. Ensuring accountability is a fundamental step in dissuading future attacks, tackling one of their principal root causes: impunity.

## A LEGAL DUTY TOWARDS DEFENDERS

At the heart of the problem lies an irresponsible approach to business. On too many occasions, the quest for profit drives business decisions, fuels corruption and divides communities, sparks conflicts and damages the environment. Land and environmental defenders have expertise, experience and an understanding of their local context which could help solve these problems.

If activists are to carry out their work in safety and be champions of the environment and their communities, then states and businesses must comply with their legal duty to protect and respect these activists' rights. As we will see later, it is also in their interest to do so.

## THE STATE DUTY UNDER INTERNATIONAL LAW AND GUIDANCE

The legal obligation to protect human rights lies primarily with the state. The **UN Guiding Principles** articulate how existing international law should be applied in the sphere of business and human rights.<sup>209</sup> They are the global standard for preventing and addressing the risk of adverse human rights impacts linked to business, establishing an internationally accepted framework for enhancing standards and practice. The Guiding Principles are built upon three pillars: the state duty to protect human rights, the corporate responsibility to respect human rights, and access to remedy for victims of business-related abuses. Principle One says that, within their territory or jurisdiction, states must protect people against human rights abuses by third parties, including business enterprises. Therefore, if a business infringes on the rights of defenders, the government has a legal obligation to stop it.

States should also be guided by the **UN Declaration on Human Rights Defenders**.<sup>210</sup> It sets out how existing human rights law should be applied to support and protect human rights defenders, of which land and



Communities should be guaranteed meaningful participation and input into every stage of a project's development. © Thom Pierce / Guardian / Global Witness / UN Environment

environmental defenders are a subset. The Declaration highlights the rights that states must protect if defenders are to be able to carry out their activism safely, for example the right to freedom of expression and the right to life.<sup>211</sup> The UN special rapporteur on human rights defenders has expanded upon the Declaration, outlining nine conditions – including the need for conducive legal frameworks and effective protection policies – that states must put in place for defenders to operate in a 'safe and enabling environment'.<sup>212</sup>

The risks facing land and environmental defenders often stem from a lack of opportunity for communities to give or withhold their consent. States can prevent the escalation of conflict which may result in attacks, by implementing existing international conventions that safeguard the right of communities to participate in and give their free, prior and informed consent on decisions that affect, among other things, their land and environment. These conventions include the **International Labour Organization Convention 169**, Article 25 of the **International Covenant on Civil and Political Rights** and the **UN Declaration on the Rights of Indigenous Peoples**.<sup>213</sup>

There is also a growing body of jurisprudence laying out the **extraterritorial duty of governments** to protect the rights of citizens in other countries where their businesses are active.<sup>214</sup> This means that it is not only the governments of those countries where defenders face greatest risks who have a duty to protect activists, but also bilateral aid and trade partners operating in those countries. Government policies on business and human rights must, therefore, drive positive actions to support defenders at home, but also abroad.<sup>215</sup>

Embassies, therefore, have a huge role to play. The EU,<sup>216</sup> Canada,<sup>217</sup> Norway,<sup>218</sup> Switzerland,<sup>219</sup> the UK<sup>220</sup> and the



Following his father's murder, Ramón Bedoya has followed in his footsteps as a land rights activist, prompting the federal government to provide him with two bodyguards. Every year the government will reassess the risk and decide if the security detail is still necessary. © Thom Pierce / Guardian / Global Witness / UN Environment

USA<sup>221</sup> all have **guidelines** on how their governments and embassies should support at-risk human rights defenders, which could be applied by other states too.

In September 2016, the **International Criminal Court** widened its remit so that politicians and other individuals, including businesspeople, can now be held criminally responsible under international law for crimes linked to the land-grabbing and environmental destruction which defenders risk their lives to oppose.<sup>222</sup>

## THE BUSINESS DUTY UNDER INTERNATIONAL LAW AND GUIDANCE

The **UN Guiding Principles** establish that 'business enterprises should respect human rights'. They go on to explain: 'Because business enterprises can have an impact on virtually the entire spectrum of internationally recognized human rights, their responsibility to respect applies to all such rights.' This, therefore, includes respecting all rights that apply to land and environmental defenders, as laid out in the **UN Declaration on Human Rights Defenders**.<sup>223</sup>

This means that business must respect the rights of defenders and communities to express their views on and protest against business activities.<sup>224</sup> It means refraining from harming defenders, restricting their rights or interfering with their activities, and it extends to consulting and engaging with defenders to identify, mitigate and remedy any adverse human rights impacts of business operations.<sup>225</sup>

The Guiding Principles oblige business to respect human rights regardless of the state's willingness or ability to protect them.<sup>226</sup> This means that companies operating in countries with a weak rule of law or high levels of corruption are responsible for upholding the highest standards of human rights. If they cannot guarantee that

affected communities can participate in decisions relating to their business, or are unable to mitigate any risks to defenders stemming from their project, then they should not do business there.

Using deference to local laws as an excuse for failing to protect the rights of communities and defenders is unacceptable, because those laws may lack sufficient protections within them. Companies and investors must guarantee that private security firms, contractors, subsidiaries or anybody along their supply chain are not impeding the rights of defenders and local communities, but are rather properly engaging them, as recommended by the Guiding Principles.<sup>227</sup>

As such, it is not just companies with projects in places where defenders are at risk who should change their practices. Investors financing those companies and other businesses buying from them have responsibilities too. For example, a bank should never back a project unless it is certain that it will not undermine or restrict the rights of local people. Meanwhile, no company should use timber in its furniture or palm oil in its foodstuffs until it is convinced that rights of affected communities are being protected along the supply chain.

The **OECD Guidelines for Multinational Enterprises** set out a practical due diligence framework for business across all sectors.<sup>228</sup> They recognise that businesses can cause or contribute to adverse human rights impacts through both actions and omissions, and therefore have a duty to prevent, cease and mitigate such impacts.<sup>229</sup> This would include those affecting defenders. The Guidelines emphasise a range of actions which businesses can take to leverage change in the practices of any entity involved in their projects, including business partners, entities in its supply chain, and 'any other non-State or State entity directly linked to business operations, products or services'.<sup>230</sup>



Another OECD document – ‘**Responsible Business Conduct for Institutional Investors:** Key Considerations for Due Diligence under the OECD Guidelines for Multinational Enterprises’ – outlines how *investors* should implement the guidelines.<sup>231</sup> It makes clear that investors, ‘even those with minority shareholdings’, have a responsibility to consider risks ‘throughout their investment process’ and to use their leverage with companies they invest in ‘to influence those investee companies to prevent or mitigate adverse impacts’, which would include threats against defenders.<sup>232</sup>

### THE BUSINESS CASE FOR SUPPORTING, NOT ATTACKING, DEFENDERS<sup>233</sup>

Not only do companies and investors have a legal duty to respect rights and support defenders, it is also good for business.

Affected communities’ and defenders’ local expertise is essential to helping business identify, prevent and mitigate human rights abuses, which in turn serves to minimise legal, reputational, operational and regulatory risks.

Their local knowledge can help business navigate laws and understand local contexts, establish risk management procedures, and design effective grievance policies, mitigation strategies and remediation mechanisms, building strong foundations for a project’s long-term security and effectiveness. By engaging defenders and local communities, business is better prepared to prevent and mitigate negative human rights impacts and build relationships with local stakeholders.

This approach can minimise the risk of community conflict and social strife, which can lead to interrupted production, security costs, crisis management, litigation and reputational damage. In other words, projects are more likely to be successful and sustainable. Evidence shows that failure by companies to avoid conflicts over land can significantly increase their financial risk, increasing the project cost or even in some cases endangering the future of the company. The Rights and Resources Initiative, for example, found that a typical investment encountering land tenure problems can increase the cost of projects by up to 29 times.<sup>234</sup>

Ethical business and the management of environmental, social and governance risks are often rewarded by both consumers and markets.<sup>235</sup> What is more, a context in which defenders are safe is a context conducive to business stability and success too. Both benefit from transparency, rule of law and civic freedoms. What is good for defenders is ultimately good for business.

### WHAT SHOULD BUSINESS DO?

In 2015, a cross-regional group of 39 human rights organisations outlined the following principles for how business might play a proactive positive role to engage and support human rights defenders.<sup>236</sup> These principles should be incorporated into any corporate policy on human rights and environmental defenders. See Annex III for details of how these principles can be put into practise.

- Respect and engage defenders;
- Support and partner defenders;
- Advocate and seek remedy for defenders at risk, and stand against laws and policies restricting them;
- Make additional efforts and take specific action to engage and protect women defenders and other groups facing particular risks.

### THE ROLE OF CONSUMERS: AND WHAT YOU CAN DO

This report has revealed how important it is to hold businesses and governments to account when it comes to attacks on land and environmental defenders, and remind them of their responsibility and role in ending these vicious crimes.

Your role, too, is crucial. It’s important to make sure businesses and politicians know their reputations, votes and profits will suffer if they don’t do more to help. But it’s also critical to use your voice to amplify the voice of defenders and shine a light on the challenges they face.

When you take another look at the sectors driving attacks on defenders, everything feels closer to home. Large-scale agriculture, mining, poaching, logging all produce household items that we use and consume. Palm oil for the shampoo we use. Soy for the beef we eat. Timber for our furniture.

Use this report and your words on social media, your voice when speaking to your political representative and your action when adding your name to our campaign [globalwitness.org/DefendersVoices](https://globalwitness.org/DefendersVoices). Wherever you are and whatever you do, stand with environmental and land defenders, and ensure that their voice is heard.



Mirivic 'Tarsila' Danyan's father and husband were killed by the army in December 2017 for defending community land against the expansion of coffee plantations in the Philippines. © Thom Pierce / Guardian / Global Witness / UN Environment

### AGRIBUSINESS

#### The deadly face of irresponsible business in 2017

- In 2017, no industry was deadlier than agribusiness.
- To fuel growing global consumption, destructive agricultural projects – from palm oil and tropical fruit plantations to cattle ranches – are being imposed on communities without their consent. Those that take a stand for their communities and our environment are being brutally silenced.
- Almost a quarter of the land and environmental defenders murdered in 2017 were protesting against agricultural projects. This is an increase of 100% from the previous year and provides a chilling illustration of the implications of irresponsible business.

In September 2017, in a village in the Peruvian Amazon, six indigenous farmers were ambushed by masked men with guns. The following morning, their bodies were found dumped in a nearby stream. Some were bound by their hands and feet, most had shotgun wounds to the neck. It appears they were murdered, one by one.<sup>237</sup>

Locals suggest the farmers were targeted for opposing criminal gangs, which were sizing up their land for the planting of monoculture crops like rice, cocoa or palm oil.<sup>238</sup> Following the murders, neighbouring communities who complained about a palm oil plantation and illegal logging on their land were threatened.<sup>239</sup>

This is just one grim entry in a global catalogue of killings and threats linked to agribusiness in 2017. In the Philippines eight indigenous activists were slain after opposing the expansion of a coffee plantation (see pages pp.15-17). In Cameroon, award-winning activist<sup>240</sup> Nasako Besingi was arrested after leading opposition to a 73,000-hectare palm oil plantation located in a



biodiverse rainforest and owned by US-based Herakles Farms.<sup>241</sup> In Brazil, five members of the indigenous Gamelas community were shot, two had their arms severed and another six were knifed, allegedly for protesting against the invasion of their land by powerful ranchers and loggers.<sup>242</sup>

In 2017, Global Witness documented 46 killings associated with agricultural projects, putting it above mining as the industry most linked to the killing of land and environmental activists.<sup>243</sup> The Business and Human Rights Resource Centre, meanwhile, identified agribusiness as the sector associated with the greatest number of killings of all human rights defenders, as well as some of the highest numbers of threats and attacks against them.<sup>244</sup>

## MASS CONSUMPTION OF OTHER PEOPLE'S LANDS AND FORESTS

Industrial agriculture meets our demands for mass-produced fruits: the soy that fattens the animals we eat, and the palm oil used in everything from shampoo to margarine and cakes and cookies. But the supermarket prices frequently mask a much heavier cost borne by people at the other end of the supply chain. Along with subsistence farming, industrial agriculture accounted for 80% of deforestation from 2000 to 2010 in tropical and subtropical countries.<sup>245</sup> The crops it produces consume vast amounts of water and deplete tropical soils, while the chemicals they are doused with pollute local water supplies.<sup>246</sup> Many communities affected complain of corruption, environmental devastation, cultural disregard and – above all – land-grabbing.<sup>247</sup>

Land-grabbing driven by agribusiness goes well beyond seizure of local people's farms. In many cases, local and indigenous communities lose access to collective and customary land, traditionally not used for permanent settlement or farming, but for activities such as hunting, fishing and grazing – vital for local livelihoods<sup>248</sup> – or culturally or religiously sacred sites.<sup>249</sup> The destruction or loss of access to forests, which for millions of people are their primary source of livelihood, nutrition and employment, can be particularly devastating.<sup>250</sup>

The global rush for land – driven by increasing demand for fuel, food, raw materials and financial speculation<sup>251</sup> – is causing social and environmental havoc across the world. And land is finite. Since 2000, at least 70 million hectares of land in developing countries has been sold or leased to companies, or is currently under negotiation, according to the online database on land deals, the Land Matrix.<sup>252</sup> That's around twice the land mass of Germany or Malaysia.<sup>253</sup>

## FINANCING DESTRUCTION

Large-scale agricultural investments tend to lack transparency, making it difficult to quantify their precise scale or impact.<sup>254</sup> However, civil society organisations have documented how the number of land deals continues to grow year on year, driven by agribusiness expansion and financed by state pension funds and development banks.<sup>255</sup> In a world experiencing unprecedented demand for food and resources, the drive to turn more of the world's surface over to large-scale commercial agriculture is only likely to intensify.<sup>256</sup>

## A SECTOR THAT NEEDS TO TAKE A STAND

2017's murderous legacy should serve as a wakeup call for agribusiness.

To stop the killings, governments must regulate agribusiness to ensure that companies involved act in accordance with international law, and that those which breach it are prosecuted.

For their part, consumers can demand guarantees that the products they buy are not associated with attacks on defenders.

But champions in the agribusiness industry itself, and among those that underwrite and facilitate its activities, are needed as a matter of urgency. Companies that implement, invest in, insure or use products cultivated through agribusiness projects must make sure the rights of communities and defenders are protected, including by implementing our recommendations (see pp.50-51).

The sector would also do well to prioritise implementation of its own voluntary guidelines (see Annex I), in particular:

- Guaranteeing proper consultation and participation of affected communities, and the right to free, prior informed consent;
- Ensuring transparency in all areas of business, and a zero tolerance policy on corruption;
- Ensuring proper due diligence along supply chains;
- Ensuring that these guidelines are properly implemented at every moment of the project cycle;
- Ensuring proper grievance mechanisms and access to remedy.

A portrait of a young man, Ramón Bedoya, with short dark hair and a serious expression, looking directly at the camera. He is wearing a black t-shirt with the word 'CHANGE' printed in large white letters. The background is dark and out of focus.

## — POLICIES AND ACTIONS —

This section looks at some **steps in the right direction**, reviewing a handful of actions taken by governments, bilateral aid and trade partners, companies, investors and intergovernmental organisations in the last two years.

In our **conclusion**, we summarise the overall findings of our report, and what needs to change.

We also outline our **recommendations** for what governments, companies and investors can do to prevent and respond to threats against defenders.

When paramilitaries murdered his father in December 2017, eighteen-year-old **Ramón Bedoya** inherited the struggle against palm oil plantations who want to develop an area covering his family's land and a biodiversity zone. Colombia has seen a surge in killings of human rights and environmental activists following the 2016 peace accord between the Revolutionary Armed Force of Colombia (FARC) and the government. Since then, other armed groups have filled the vacuum with deadly consequences for activists and indigenous groups opposed to exploitative business projects.



## STEPS IN THE RIGHT DIRECTION

### Recent examples of actions by states, business and others

**It's only a beginning, but some policies and actions taken over the last 24 months show some progress. In many cases, these changes came after direct campaigning by Global Witness and other civil society organisations.**

Almost four land and environmental defenders die every week, and many more are threatened, locked up or attacked,<sup>257</sup> because governments and business are failing to implement the policies and actions needed to keep them safe.

However, this section of the report documents examples of where governments, business and intergovernmental institutions have taken positive steps over the past two years. These examples do not necessarily represent best practice, but they do give us an idea of what can be done, and where momentum might be built.

#### GOVERNMENTS

**Governments have the primary duty to protect the rights of their citizens. Yet all too often soldiers and police officers attack and arrest defenders; politicians stigmatise them as being anti-development, political opposition or even terrorists; judges sentence them; and legislatures vote to impose restrictions on their work. In 2017, government security services were involved in around a quarter of the killings recorded by Global Witness. There were threats against defenders in every country named below – but they did at least take some positive steps.**

In 2017, **Burkina Faso**<sup>258</sup> and **Mali**<sup>259</sup> adopted national laws to protect human rights defenders. Importantly, both countries' laws commit to protect not only defenders at risk, but their family members too. The Malian legislation explicitly recognises the right to defend a healthy environment. However, neither country's laws established a dedicated mechanism to make protection for defenders an operational reality on the ground. Both governments should rectify this omission.<sup>260</sup>

**Ecuador's President, Lenin Moreno**, began to reverse the draconian clampdown on environmental defence, indigenous advocacy and free speech put in place by his predecessor, Rafael Correa. Several organisations closed down by Correa gained permission to operate again, including the renowned environmental organisation Fundación Pachamama.<sup>261</sup> It is imperative that Moreno abides by the results of this year's referendum, cancelling mining concessions on indigenous lands and conducting

proper consultations with local communities.<sup>262</sup> This would help prevent threats against land and environmental defenders.

The **Brazilian Supreme Court** proved that judiciaries can tackle the root causes of threats against defenders, even when other government branches do the opposite. In August 2017, the court repealed elements of the '*marco temporal*' rule, which obliged indigenous land claimants to prove their community was occupying the land in 1988 when Brazil ratified its current constitution. Given that many indigenous groups were expelled from their land long before that date, whether during colonialism or during the military dictatorship, the rule was clearly discriminatory and a catalyst for land rights conflicts that led to attacks on defenders. In February 2018, the court also ruled that the rule should not be applied to the demarcation of Afro-descendants' land.<sup>263</sup>

#### BILATERAL AID AND TRADE PARTNERS

**Governments have a duty to ensure that the actions of their officials and businesses abroad do not have a negative impact on the rights of foreign citizens. This is particularly true where they are trading or providing aid, and where their leverage can be used to support local defenders.**

In December 2016, **Canada** published guidelines setting out the range of actions its government and diplomats can take to support defenders at risk.<sup>264</sup> These guidelines allow embassies to deny trade support to companies associated with threats against defenders – an important step given the abuses frequently reported by activists opposing Canadian mining interests.<sup>265</sup> However, there is no evidence yet of their implementation. What's more, as long as Canada fails to institute a mandatory framework to make its companies abroad accountable, and continues to prioritise 'economic diplomacy' – which directs diplomats to prioritise the interests of Canadian companies operating abroad – then Canadian officials could put defenders at greater risk at the same time as saying they support them.<sup>266</sup>

In 2017, the **United Kingdom** also produced its own guidelines on defenders, though they failed to match the Canadian commitment to remove trade support for businesses with a poor record on defenders.<sup>267</sup> Importantly, the UK guidelines do recognise the additional risks faced by land and environmental defenders, and encourage embassy staff to support defenders, particularly if UK companies, their supply chains or service providers are operating in high-risk or conflict-affected areas. The UK must now publish its guidelines – until it does so, defenders will not know about them and will be unable to ask for support.

## POLICIES AND ACTIONS

The US State Department has consistently defied its mandate from Congress and signed off on aid to Honduras, supposedly tied to the condition that civil society can ‘operate without interference’. This is particularly worrying given that more defenders have been killed in Honduras per capita than anywhere else in the world over the past decade. However, the **US Congress** showed how legislatures can speak up for defenders even when the executive doesn’t. In April 2017, almost 80 legislators wrote to the State Department to support defenders in Honduras and demand US government action.<sup>268</sup> A portion of aid for the Honduran central government is currently on hold due to ongoing congressional concerns about human rights violations, impunity and the presidential election process.<sup>269</sup>

One positive development in the **US State Department**, however, was the creation of an informal interagency working group (IAWG) to monitor violence against environmental defenders around the world and engage a broad range of stakeholders to inform policy focused on reducing this violence.<sup>270</sup> The impact of this important initiative would be enhanced if the IAWG were granted greater human and financial resources.

The **European Commission**<sup>271</sup> and **European Parliament**<sup>272</sup> are considering measures that would require European banks, hedge funds and pension funds to undertake due diligence to make sure they do not invest European savings and pensions in projects that cause human rights violations and environmental destruction around the world. This European Sustainable Finance Action Plan is a unique opportunity for Europe to align its financial sector with international human rights law, the Paris agreement on climate change and the Sustainable Development Goals.

## COMPANIES

**Companies have a duty to respect human rights and engage the communities affected by their operations. They are in an influential position to support defenders and encourage their peers and governmental counterparts to do likewise. Too often, however, they do the opposite: challenging and restricting defenders’ work. Business champions are sorely needed to guarantee that, along their supply chains and in all their operations, defenders are supported and their rights and those of the wider affected community are respected.**

In November 2017, the Anglo-Australian mining company **BHP Billiton** challenged the industry body the Minerals Council of Australia over its attempts to prevent environmental groups from pushing for changes to government policy.<sup>273</sup> The Minerals Council had argued

for a law to prevent environmental organisations using more than 10% of their expenditure on advocacy.<sup>274</sup> With over 120 laws restricting civil society activism introduced worldwide since 2012,<sup>275</sup> other companies should also oppose legislation that ties the hands of defenders. Signs that BHP Billiton is willing to protect defenders are welcome and are evidence of its efforts to improve its operations, which have been mired with controversy, for example the Samarco dam collapse in 2015 – Brazil’s biggest environmental disaster.<sup>276</sup>

When industry representatives question and undermine the work of defenders, they put these activists at ever greater risk. On the other hand, positive statements, recognising their legitimate role, can help keep them safe. For example, last year Nicky Black, representing the **International Council on Mining and Metals (ICMM)**, publicly stressed that harassment, threats and attacks against human rights defenders are not acceptable from responsible mining companies. At a meeting of thousands of mining professionals in South Africa, she called for businesses to speak out and governments to take action.<sup>277</sup> She urged them to take on board criticism from mining opponents gathered at an alternative forum the same day.<sup>278</sup>

## INVESTORS

**Investors have the power to support defenders and address the root causes of the problems that lead to the need for activism. However, even development banks are failing to identify human rights risks in their pre-investment assessments, and are responding weakly – if at all – when defenders are threatened.<sup>279</sup> Investors must carry out robust due diligence before they invest in a project and should implement policies to identify and mitigate risks to civil society, monitor the safety of communities and defenders, and react when threats occur.**

In 2017, a group of investors established the **Investor Alliance for Human Rights (IAHR)**.<sup>280</sup> In early 2018, they spoke out publicly to express concern regarding the situation of human rights defenders generally, and in the Philippines in particular. They laid out their expectations regarding what companies and financial institutions should do to support defenders. The IAHR’s members should implement these expectations in the projects they finance, and other investors should follow this practice.<sup>281</sup>

One of the most powerful things that investors can do is to avoid backing, or withdraw their money from, projects which could have a negative impact on the rights of communities. Private investment group **Blackstone Group**, for example, opted not to invest in the NSO Group, whose surveillance software had been used





There is a business incentive for companies, investors and bilateral aid and trade partners to work more closely with local communities, respect their rights and take action alongside national governments to protect defenders. © Thom Pierce / Guardian / Global Witness / UN Environment

by the Mexican government to spy on human rights organisations, including ones working on land rights.<sup>282</sup> In future, investors like Blackstone should take such decisions on the back of their own analysis, rather than waiting for pressure to build from public protests.

As outlined on page 25, the Agua Zarca hydro-dam in Honduras was linked to numerous threats, attacks and murders of indigenous activists. After sustained civil society campaigning, the Dutch and Finnish development banks – FMO and Finnfund – eventually withdrew their investment in the project in July 2017.<sup>283</sup> FMO has since reviewed its human rights policies and is developing an

‘early warning system for risk of oppression or violence towards human and environmental rights defenders and those opposing projects FMO invests in’.<sup>284</sup> It is vital that the bank now works with civil society to finalise an effective system, guaranteeing it operates transparently and allows FMO to prevent risks connected to its projects from emerging, and to respond effectively if such threats occur. Other development banks should be doing the same.

Several independent accountability mechanisms including the **World Bank’s** Inspection Panel<sup>285</sup> and the International Finance Corporation’s Compliance Advisor Ombudsman<sup>286</sup> – which field complaints from impacted communities – have adopted guidelines to prevent and respond to reprisals against individuals or groups who lodge grievances with these mechanisms. While these developments are welcome, they are extremely limited. Across the board, development banks lack adequate due diligence to address risks for defenders and human rights risks in general. Most importantly, they have yet to develop effective protocols for ensuring that communities are afforded a say in the projects that impact them. While most development institutions have policies requiring meaningful consultation in development planning and implementation, they have not addressed the fact that in contexts where communities suffer marginalisation or where fundamental freedoms like freedom of expression are under attack, meaningful consultation and effective participation are not possible.

The right to a healthy environment is often one of the human rights that defenders campaign for. Investors should steer clear of projects that are potentially linked to any human rights abuses. © Thom Pierce / Guardian / Global Witness / UN Environment





Datu Dande Dinyan is a member of the Taboli-manubo Sdaf Claimants Organisation (TAMASCO), protesting against the expansion of the Silvicultural industries coffee plantation in Mindanao, the Philippines. © Thom Pierce / Guardian / Global Witness / UN Environment

## INTERGOVERNMENTAL BODIES

**Year on year, the international framework for the protection of land and environmental defenders gets stronger, reflecting the growing awareness and concern about the issue. Resolutions, guidance and jurisprudence have been issued at both international and regional levels, which – when combined with NGO reports – give governments and business further tools to guide their action. Over the past year or two, the following stand out.**

In October 2016, the **UN Special Rapporteur on human rights defenders** published a report focusing on the protection of environmental defenders, containing concrete recommendations on how states and business can better protect them. The report emphasised a preventative approach, stressing the importance of properly consulting communities about the use of their land and natural resources.<sup>287</sup>

The Rapporteur provided further guidance in 2017, analysing the threats facing *all* defenders working on business and human rights, of which land and environmental defenders are a significant subset. He called on investors to develop early-warning systems to respond to the risks facing activists, and advocated the use of investment criteria to exclude countries and companies with extensive track-records of threats and attacks against defenders. He said development banks and private investors needed to reform their practices, and underscored the fact that companies benefit when activists can speak freely and point out the human rights risks of their projects.<sup>288</sup>

The **Special Rapporteur on human rights and the environment** launched a resource portal on environmental defenders in 2017,<sup>289</sup> which should facilitate access to online tools. Meanwhile, the UN Working Group on Business and Human Rights is producing guidance for business on engaging and supporting human rights defenders, including land and

environmental defenders, in line with the UN Guiding Principles on Business and Human Rights. The working group held stakeholder consultations in 2017, and aims to publish the document later in 2018.<sup>290</sup>

The **United Nations Environment Programme (UNEP)** launched a ‘Policy for Promoting Greater Protection for Environmental Defenders’ in March, committing to speak out against attacks, push for greater accountability, and work with governments, companies and investors towards better protection. The policy establishes a rapid response mechanism allowing environmental activists to report threats or attacks, so that UNEP can respond and take supportive or protective action.<sup>291</sup>

Environmental advocacy was strengthened when the **Inter-American Court of Human Rights** deemed that ‘a clean environment is a fundamental right for the existence of humanity’.<sup>292</sup> It clearly asserts that states have an obligation to prevent severe environmental damage<sup>293</sup> and that the public must be properly informed and involved when an activity or decision might impact the environment.<sup>294</sup> Crucially, the court explicitly stated that states are also responsible for any environmental harm caused to people outside their borders.<sup>295</sup>

In March 2018, after six years of negotiations, **24 countries from the Americas** strengthened the hand of defenders by agreeing on the text of the Regional Agreement on Access to Information, Public Participation and Access to Justice in Environmental Matters in Latin America and the Caribbean, known as LAC P10.<sup>296</sup> This could be the region’s first legally binding agreement on environmental rights. It requires governments to guarantee that their citizens can meaningfully participate in the environmental decisions that affect them. It contains commitments to protect defenders, as well as to improve access to information and to justice on environmental issues. States can sign and ratify the agreement from September 2018. For the agreement to enter into force, 11 states need to ratify it.



## CONCLUSION

**This report has set out the terrible price communities across the world are paying for the irresponsible actions of governments, companies and investors. At the sharpest end are environmental and land defenders, who all too often pay with their lives for having the courage to oppose the devastating projects imposed on their communities.**

There is a glaring imbalance of power at the heart of this struggle for land and resources. On the one side are big business interests, with their unscrupulous government backers and the military, paramilitary and criminal forces they can call upon to impose their will. On the other side are some of the poorest and most vulnerable communities in the world, trying desperately to hold onto their land and natural resources.

Land and environmental defenders have to show incredible courage and resilience in the face of daunting adversaries. They should not have to face them alone. Not when so much is at stake: their communities, their land, the planet we all share.

We stand with them. We will take their fight to the corridors of power and the boardrooms of multinational corporations. We will make sure their voices are heard.

We will demand that policies are implemented and action is taken by business and government to guarantee communities can give or withhold their free, prior and informed consent regarding the use of their land; to support defenders and guarantee their safety; and to hold those responsible accountable when attacks do take place.

For although they are the source of many of the problems documented in this report, governments and business also have the power to make a profound difference.

Kidepo National Park in Northern Uganda is a regular target for wildlife poachers looking for ivory, buffalo meat and ostrich feathers. © Thom Pierce / Guardian / Global Witness / UN Environment



### RECOMMENDATIONS

#### What needs to be done?

Land and environmental defenders will only be able to carry out their activism safely when a range of actors take action to prevent attacks against them, protect those defenders who are at risk, and react when threats do occur.

With this in mind, we have grouped our recommendations along the following lines:

➤ **Tackle Root Causes:** The only effective prevention in the long-term. This means combatting corruption and impunity, securing and respecting land titles, and guaranteeing the right of affected communities to give or withhold their free, prior and informed consent regarding the use of their land and natural resources.

➤ **Support and Protect:** A range of measures can be taken by business and governments to recognise publically the important role of defenders, advocate for their protection, provide them with the tools they need to carry out their activism effectively, and guarantee their safety when they are at risk.

➤ **Ensure accountability:** In order to prevent future threats and dissuade would-be aggressors, those responsible for attacks on defenders must be

brought to justice, while those who fail to support and protect them should face political, financial and judicial consequences.

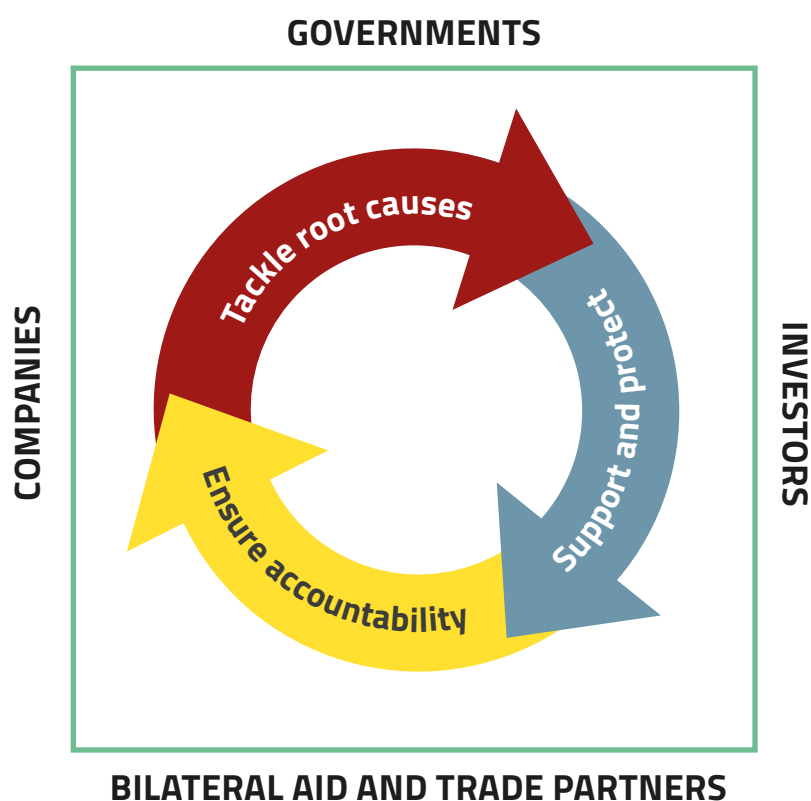
#### WHO IS RESPONSIBLE?

States (through their governments) have the primary duty, under international law, to guarantee that human rights defenders can carry out their activism safely. However, land and environmental defenders face specific and heightened risks because they are challenging business interests.

There are a range of actors who can influence business projects. Therefore there are a range of actors who can – and must – act to keep defenders safe.

**Companies, investors and bilateral aid and trade partners**, have a responsibility – as well as a business incentive – to take action alongside national and local **governments** to protect defenders and respect their rights.

On the page opposite are a range of general recommendations; each and every one of which can and should be interpreted and implemented by governments, companies, investors, and bilateral aid and trade partners.





## Tackle root causes

- Guarantee that no business project goes ahead without the free, prior and informed consent of affected communities at every stage of the project cycle.
- Guarantee the informed and meaningful participation of affected communities in environmental, social and human rights impact assessments, as well as other.

processes related to the planning and implementation of business projects.

- Sanction and eradicate corruption, particularly regarding the allocation of licenses in the natural resource sector.
- Ensure that land rights are protected and respected, particularly in regards to indigenous and community land titling.

## Support and protect

- Implement specific laws, policies and practices for the recognition, support and protection of human rights defenders, and guarantee the human and financial resources necessary for their effective implementation.
- Make strong public statements recognising the important and legitimate role of land and environmental defenders, committing to their protection.
- Speak out to condemn threats and attacks against defenders wherever they occur.

- Suspend those specific business projects where defenders have been threatened, until robust measures are taken to prevent further threats against those at risk.

- Implement protective measures for at-risk defenders, which are commensurate with the specific risks, context, identity and requests of each individual.
- Create spaces for dialogue between companies, investors, public officials, affected communities and defenders.

## Ensure accountability

- Bring to justice those responsible for ordering or carrying out any threat or attack against a land or environmental defender.
- Carry out due diligence to assess whether land and environmental defenders can operate safely in specific industry sectors and countries and – where this is not the case – cease to promote, implement or back (directly or via intermediaries) business

projects, until guarantees of defenders' safety have been made.

- Make aid to countries, and investment in projects, conditional upon whether specific measures for the security of land and environmental defenders are in place or not.
- Guarantee accountability, remedy and reparations for defenders, organisations and communities affected by threats and attacks.

### METHODOLOGY

This report is based on research into the killings and enforced disappearances of land and environmental defenders, who we define as people taking peaceful action to protect land or environmental rights, whether in their own personal capacity or professionally. The period of time covered by this report is from 1 January 2017 to 31 December 2017. As with previous reports, cases were identified by searching and reviewing reliable sources of publicly available online information, through the following process:

➤ **Opportunistic:** We identified datasets from international and national sources with details of named human rights defenders killed in 2017, such as the Frontline Defenders 2017 annual report and the Programa Somos Defensores annual report on Colombia, and then researched each case.

➤ **Systematic:** We set up search-engine alerts using keywords and conducted other searches online to identify relevant cases across the world.

➤ **Verified:** Where possible or necessary, we checked with in-country or regional partners to gather further information on the cases. The following criteria needed to be met for a case to be included:

➤ Credible, published and current online sources of information.

➤ Details about the type of act and method of violence, including the date and location.

➤ Name and some biographical information about the victim.

➤ Clear, proximate and documented connections to an environmental or land issue.

In some cases, the criterion of an online source is negated by the capacity of respected local organisations to give Global Witness the results of their own investigation and verification of cases.

We have recorded data about the cases using the HURIDOCS Event Standard Formats and Micro-Thesauri, an approach widely used to manage and analyse material of this nature. While we have made every effort to identify and investigate cases in line with the methodology and criteria, it is important to add that our research mostly relies on public information and that we have not been able to conduct detailed national-level searches in all countries. Language is another limitation; besides

English, the main languages that we have searched in are Spanish and Portuguese. Due to the large number of countries and potential sources, we have concentrated our searches on those countries where initial alerts indicated that there were potentially relevant cases to investigate. Our contact with local organisations is also patchy; Global Witness has well-established links in some countries but they are lacking in others. Having a strict methodology also means our figures don't represent the scale of the problem and we are working to improve this.

In summary, the figures presented in this report should be considered to be only a partial picture of the extent of killings of environmental and land defenders across the world in 2017. Relevant cases have been identified in 22 countries in 2017, but it is possible that they also occurred in other countries where human rights violations are widespread and likely to also affect land and environmental defenders. Reasons why we may not have been able to document such cases in line with our methodology and criteria include:

➤ Limited presence of civil society organisations, NGOs and other groups monitoring the situation in the field.

➤ Suppression of the media and other information outlets.

➤ Wider conflicts and/or political violence, including between communities, that make it difficult to identify specific cases.

It should also be noted that, as Global Witness develops new contacts in different countries – or when the documentation capacity of Global Witness's partners increases or decreases – there may be an impact on the number of cases we are able to capture in our data.

It should be noted that Global Witness includes in its database friends, colleagues and family of murdered defenders if a) they appear to have been murdered as a reprisal for the defender's work, or b) they were killed in an attack which also left the defender dead.

Finally, Global Witness is committed to fighting the impunity affecting the majority of killings of defenders. We will take cases out of our database only when a successful prosecution has concluded that the motive for the murder of the individual was not his or her land or environmental activism, and when the individual's organisation and/or family believe that due process was followed in that prosecution.



## ACKNOWLEDGEMENTS

We are grateful to all those who are working hard, often at great risk and sometimes with few resources, to support defenders. However, without the diligent documentation of the following organisations, it would simply be impossible for Global Witness to maintain its database and produce this report. This year, we are particularly grateful for the assistance provided by:

- > Comissão Pastoral da Terra (CPT), Brazil
- > Conectas Direitos Humanos, Brazil
- > Justiça Global, Brazil
- > Terra de Direitos, Brazil
- > Instituto Socioambiental, Brazil
- > Programa Somos Defensores, Colombia
- > Office of the United Nations High Commissioner for Human Rights, Colombia
- > Unidad de Protección a Defensoras y Defensores de Derechos Humanos (UDEFEQUA), Guatemala
- > Diakonia, Honduras
- > Centro Mexicano de Derecho Ambiental (CEMDA), Mexico
- > Comité Cerezo, Mexico
- > Centro por la Justicia y Derechos Humanos de la Costa Atlántica de Nicaragua (CEJUDHCAN), Nicaragua
- > Convergence of Initiatives for Environmental Justice (CIEJ), Philippines
- > Kalikasan, Philippines
- > Karapatan, Philippines
- > Amnesty International
- > Business and Human Rights Resource Centre
- > Coalition for Human Rights in Development
- > Forest Peoples Programme
- > Front Line Defenders
- > Human Rights Watch
- > International Ranger Federation
- > Just Associates (JASS)
- > Peace Brigades International
- > Pesticide Action Network Asia and the Pacific (PANAP)
- > Thin Green Line Foundation

The Global Witness Land and Environmental Defenders campaign team would also like to recognise their amazing colleagues. Without the hard work of GW's communications, development, facilities, finance, human resources, IT, legal and management departments – as well as everybody else who keeps the organisation running – Global Witness would not be able to support those brave defenders on the front line of the struggle for human rights and our planet's future. Thank you. #DreamTeam

### ANNEX I:

## Voluntary guidelines for agribusiness, and their relevance to defenders

A range of voluntary guidelines for agribusiness exist which, if properly interpreted and implemented, would ensure that companies and investors not only avoid harming defenders, but support and protect them, facilitating community participation in decision-making. Many of their principles could also be interpreted by other businesses in the natural resource sector.

Of particularly practical utility is the guidance produced by the Interlaken Group<sup>297</sup> on how companies should implement the **Voluntary Guidelines on the Responsible Governance of Tenure of Land, Forests and Fisheries and Forestry in the Context of National Food Security** (VGGT), which were themselves the result of extensive consultation with governmental, private sector and civil society representatives, and are endorsed by 193 governments.<sup>298</sup>

The Interlaken Group guidance, entitled ‘Respecting Land and Forest Rights’ (**the Interlaken Guidance**), is unique in being the only authoritative agribusiness guidance actually written by representatives from the private sector, together with civil society and governments.<sup>299</sup> It lays out what companies need to do to comply with the VGGT, what indicators of compliance might look like, and which resources exist to support efforts towards compliance. The guidance covers a range of project types: greenfield investments, brownfield investments, existing holdings, joint ventures or mergers and acquisitions, plus procurement and supply chains.

Many of the Interlaken Guidance’s key principles could help prevent threats against land and environmental defenders, and include:

➤ **Guaranteeing proper consultation and participation of affected communities, and the right to free, prior informed consent (FPIC):** *The lack of community consultation and consent for business projects is one of the root causes of conflict that leads to threats and attacks against defenders.*<sup>300</sup>

The Interlaken Guidance encourages companies to resource robust consultation processes and secure FPIC from indigenous peoples before making investment decisions, and to also meaningfully consult all neighbouring and host communities before changes are made to a project.

➤ **Ensuring transparency in all areas of business, and a zero tolerance policy on corruption:**

*Communities and activists can only be effective in defending their rights and engaging with business if they have the information necessary to do so. On the other hand, corruption fuels attacks on defenders by facilitating the imposition of projects and fostering impunity when threats occur.*<sup>301</sup>

The Interlaken Guidance demands companies ensure transparency across all interactions with officials and communities, and avoid business with ‘politically exposed persons.’<sup>302</sup> Project details should be available to communities in local languages. Environmental, social, human rights and food security analyses should be participatory, published and conducted before investment decisions are made.

➤ **Ensuring proper due diligence along supply chains:**

*Investors and companies have a duty to ensure that their procurement policies are not negatively affecting defenders, and that the highest human rights standards are upheld along supply chains.*

The Interlaken Guidance reminds companies that compliance with the VGGT requires engaging and encouraging suppliers on the same issues they ought to be tackling themselves. Companies should ensure full traceability, codify their expectations on suppliers, audit compliance and potentially change supplier if standards are not met.

➤ **Ensuring that the VGGT are properly implemented at every moment of the project cycle:** *Business should take steps to consult communities and guarantee the rights of defenders before taking investment decisions, and throughout any project’s evolution.*

The Interlaken Guidance is clear that, if a company takes over an existing project – whether through joint ventures or mergers and acquisitions – it ought to review existing environmental and social impact assessments, human rights impacts assessments, and any contracts they have in place, consulting affected communities and ensuring the VGGT are properly applied.

➤ **Ensuring proper grievance mechanisms and access to remedy:** *When defenders face threats, it is imperative they can alert businesses quickly and securely. Business has a responsibility to remedy any violations that have occurred, and accountability will reduce the possibility of threats escalating or re-occurring. Likewise, if effective grievance, accountability and remedy mechanisms are implemented for complaints regarding land tenure or FPIC, it is less likely that grievances will escalate to conflicts and, ultimately, attacks on defenders.*



The Interlaken Guidance is clear that companies should back out of investments or operations if they could lead to forced evictions, and that projects should be abandoned if forcibly evicted communities wish to return to the area. Similar consequences could therefore be expected if projects lead to threats or attacks on defenders.

Two other voluntary guidelines reiterate a number of these points and should guide agribusiness in preventing threats against defenders: the **OECD Guidelines for Multinational Enterprises** and the **OECD-FAO Guidance for Responsible Agricultural Supply Chains**, which translates companies' human rights due diligence responsibilities into practical steps.<sup>303</sup> It sets out situations that represent 'red flags' and warrant enhanced due diligence. Threats against defenders and restrictions on civil society should be included as red flags when assessing areas, products and business partners.

Finally: evidence proves that guidance alone is not enough. Companies and investors must develop concrete policies to guarantee their implementation, and states must legislate and prosecute to guarantee accountability when agribusiness violates human rights.

## ANNEX II:

### Free, Prior and Informed Consent<sup>304</sup>

International law, guidance and practise protect the principle that all communities should be able to make free and informed choices about whether and how their land and natural resources are used and developed, with individuals having the right to say 'no' to business projects which affect their rights, their land or their environment.

International experts have developed a number of tools exploring what proper free, prior and informed consent (FPIC) should look like in practice, but key principles include:

➤ **FREE** – nobody should be coerced, intimidated, or manipulated into giving their approval to a project. Where defenders are under threat, therefore, conditions for FPIC do not exist.

➤ **PRIOR** – sufficient time should be given for decision-making before bidding for licences and land takes place, and before each significant study, change or phase in a project.

➤ **INFORMED** – communities must have all the information they need. The information must be objective, accurate, and accessible in their native language.

➤ **CONSENT** – the right to veto a project should be guaranteed. Consultation is not consent.

Under international law, the right to give or withhold FPIC is best understood as an expression of the right to self-determination. It can be interpreted as applying to all self-identified peoples who maintain customary (ie. administered under traditional systems and customs) relationships with their land and natural resources, particularly indigenous peoples. This is enshrined in International Labour Organization Convention 169 on Indigenous and Tribal Peoples plus the UN Declaration on the Rights of Indigenous Peoples, and reiterated by a range of expert guidance.

These specific, additional protections afforded to indigenous peoples under international law are clear and states have a duty to replicate and implement them at the national level. However, there is an increasing recognition that the principle of FPIC should be applied to *all* communities whose land, resources or rights might be affected by a business project. The right of every citizen to participate in public affairs has long been outlined in the International Covenant on Civil and Political Rights, whilst the UN Declaration on the Right to Development is clear that all individuals should be able to participate freely and meaningfully in development and its benefits.

The UN-REDD Programme, aimed at preserving forests to reduce carbon emissions, states that FPIC is a means to ensure "the full and effective participation of relevant stakeholders [including...] local communities". Regional conventions have reiterated the need to guarantee public participation, and the UN Special Rapporteur for the right to food has asserted that "any shifts in land use can only take place with the free, prior, and informed consent of the local communities concerned." The palm oil sustainability watchdog RSPO agrees that FPIC is a requirement for all potentially affected communities; a principle reinforced by Michelin Tyres, the Colombian Constitutional Court, and government agencies of Indonesia, amongst others.

As well as governments, business also has the responsibility to ensure that FPIC is guaranteed before projects go ahead. The UN Guiding Principles on Business and Human Rights not only underscore the business duty to respect international human rights law, regardless of the capacity or will of the state to enforce it, but also reiterate the importance of meaningful consultations with potentially affected groups. IFC Performance Standard 7 too articulates expectations upon investors in regards to the necessary consent of communities with customary relationships with their land.

### ANNEX III:

## What exactly can business do for defenders?

In 2015, a cross-regional group of 39 human rights organisations used the occasion of the UN Forum on Business and Human Rights to outline, as follows, how business might play a proactive positive role to engage and support human rights defenders (HRDs).<sup>305</sup>

#### **Business must respect and engage with HRDs, such as by:**

- > Desisting from physical or legal attacks against HRDs, including those exercising their rights to freedom of expression, association, peaceful assembly and protest against the business or its interests;
- > Meaningfully consulting with HRDs in the design, implementation and evaluation of projects, and in due diligence and human rights impact assessment processes;
- > Advising and educating clients, suppliers and peers as to their obligations in relation to HRDs.

#### **Business should support and partner with HRDs, such as by:**

- > Encouraging home and host governments to consult with HRDs in the elaboration of national action plans on business and human rights (NAPs) and to include concrete measures and commitments to support HRDs in such NAPs; addressed alleged murders of, attacks on, and acts of intimidation against HRDs who campaign against the adverse impacts of extractive company operations and allegations regarding the impact of mining and hydroelectric projects on indigenous peoples.
- > Encouraging home governments to speak out in support of HRDs through their diplomatic representations in States in which the company operates and HRDs are restricted.

#### **Business can advocate and seek remedy for HRDs at risk, and against laws and policies that restrict them, such as by:**

- > Joining or supporting, in an appropriate way, a campaign or coalition in support of HRDs and against attacks and restrictions against them;
- > Speaking out in general terms in support of HRDs and a safe and enabling environment for civil society;

- > Speaking out in individual cases of attacks or restrictions against HRDs or in relation to proposed or enacted laws or policies that restrict or criminalise them;
- > Advocating to governments in relation to individual cases, laws or policies.

#### **Business should make additional efforts and take specific action to engage and protect women human rights defenders and other groups facing particular risks:**

- > Recognising and addressing the fact that women human rights defenders can face increased exclusion and specific risks;
- > Taking additional positive actions to consult and protect women human rights defenders, indigenous defenders and minority groups;
- > Ensuring that a response to the particular situations of women human rights defenders, indigenous defenders and minority groups is included across all business action related to human rights defenders.



## Endnotes

- 1 Global Witness's last annual report, *Defenders of the Earth*, documented the murder of 200 land and environmental defenders in 2016. However, we have since been able to verify one more case, taking the total number of documented murders for that year to 201. For up-to-date statistics on the murders of land and environmental defenders, see our real-time collaboration with the Guardian newspaper at [www.globalwitness.org/guardian](http://www.globalwitness.org/guardian)
- 2 Global Witness documented 7 incidents of multiple killings in 2017, 3 of which were associated with agribusiness. A total of 48 defenders were murdered in these massacres, 24 of whom had opposed an agribusiness project.
- 3 Colniza / Brazil: 'Nine dead in Amazon's worst land-related killings in decades', *The Guardian*, 10 May 2017, <https://www.theguardian.com/environment/2017/may/10/nine-dead-in-amazons-worst-land-related-killings-in-decades> (accessed: 8 June 2018); 'Massacre em assentamento no Mato Grosso mata dez', *Carta Capital*, 21 April 2017, <https://www.cartacapital.com.br/sociedade/chacina-em-assentamento-do-mt-mata-10> (accessed: 8 June 2018).
- Pau d'Arco / Brazil: 'Brazil police killing of 10 Amazon region land activists under probe', *Reuters*, 25 May 2017, <http://www.reuters.com/article/us-brazil-massacre-idUSKBN18L2FM> (accessed: 8 June 2018); 'IML de Marabá e Parauapebas periciam corpos de vítimas de confronto em Pau d'Arco', *G1*, 25 May 2017, <http://g1.globo.com/pa/para/noticia/iml-de-marabae-parauapebas-periciam-corpos-de-vitimas-de-confronto-em-pau-darco.ghtml> (accessed: 8 June 2018).
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- 4 South Cotabato / Philippines: '8 "lumad" slain in Cotabato clash not rebels, says leader', *Inquirer*, 7 December 2017, <http://newsinfo.inquirer.net/950425/8-lumad-slain-in-cotabato-clash-not-rebels-says-leader> (accessed: 8 June 2018); '10 activists, Lumad killed a week before Human Rights Day', *Davao Today*, 6 December 2017, <http://davaotoday.com/main/human-rights/10-activists-lumad-killed-a-week-before-human-rights-day/> (accessed: 8 June 2018).
- 5 Michoacán / Mexico: 'MEXICO: La comunidad indígena de Arantepacua víctima de la violencia del gobierno de Michoacán', *Resumen Latinoamericano*, 6 April 2017, <http://www.resumenlatinoamericano.org/2017/04/06/mexico-la-comunidad-indigena-de-arantepacua-victima-de-la-violencia-del-gobierno-de-michoacan/> (accessed: 8 June 2018); 'Mexico police kill 4 indigenous campesino land activists', *Telesur*, 6 April 2017, <http://www.telesurtv.net/english/news/Mexico-Police-Kill-4-Indigenous-Campesino-Land-Activists-20170406-0028.html> (accessed: 8 June 2018).
- 6 Ucayali / Peru: 'Six farmers shot dead over land rights battle in Peru', *The Guardian* 6 September 2017, <https://www.theguardian.com/environment/2017/sep/06/six-farmers-shot-dead-over-land-rights-battle-in-peru> (accessed: 8 June 2018); 'Ucayali: seis agricultores fueron asesinados por aparente conflicto de tierras', *El Comercio*, 6 September 2017, <http://elcomercio.pe/peru/ucayali/ucayali-alerta-asesinato-seis-agricultores-madereros-noticia-456058> (accessed: 8 June 2018).
- 7 Okapi Wildlife Reserve / DRC: 'Five park rangers killed in DRC in tragic weekend for wildlife defenders', *The Guardian*, 17 July 2017, <https://www.theguardian.com/environment/2017/jul/17/five-park-rangers-killed-in-drc-in-tragic-weekend-for-wildlife-defenders> (accessed: 8 June 2018); 'Five park rangers killed in Congo during rescue of US journalist', *Huffington Post*, 16 July 2017, [http://www.huffingtonpost.com/entry/congo-journalist-rescue\\_us\\_596bc476e4b0d6341fe9cc8e](http://www.huffingtonpost.com/entry/congo-journalist-rescue_us_596bc476e4b0d6341fe9cc8e) (accessed: 8 June 2018).
- 8 Agribusiness definition, *Business Dictionary*, <http://www.businessdictionary.com/definition/agribusiness.html> (accessed: 19 April 2018).
- 9 'Which Everyday Products Contain Palm Oil?' *World Wildlife Fund*, <https://www.worldwildlife.org/pages/which-everyday-products-contain-palm-oil> (accessed: 19 April 2018).
- 10 'Overview Sugarcane', *World Wildlife Fund*, <https://www.worldwildlife.org/industries/sugarcane> (accessed: 21 May 2018).
- 11 'Solving the Soy Problem', *World Wildlife Fund*, [http://wwf.panda.org/our\\_work/food/agriculture/soy/](http://wwf.panda.org/our_work/food/agriculture/soy/) (accessed: 21 May 2018).
- 12 Global Witness was able to identify governmental actors as the alleged perpetrators of 56 killings in total, 53 of which pertained to state security forces: Soldiers: 30, Police: 23, National government entities: 2, Local government officials: 1
- 13 Criminal gangs: 32, Paramilitary forces: 13, Poachers: 12, armed militias: 10, landowners: 9, private security: 8, hitmen: 5, guerrillas: 1.
- 14 When calculated in terms of murders per capita, the ten worst hit countries would be as follows: 1. Nicaragua (0.67 murders per million residents); 2. Honduras (0.56 murders per million); 3. Colombia (0.49); 4. The Philippines (0.46); 5. Brazil (0.27); 6. Peru (0.25); 7. Liberia (0.21); 8. Dominican Republic (0.20); 9. Guatemala (0.18); 10. Democratic Republic of Congo (0.16). Source for country populations: UN Data, <http://data.un.org/> (accessed 09 July 2018).
- 15 There are approximately 370 million indigenous peoples worldwide, in over 90 countries. 'Indigenous Peoples', *World Bank*, <http://www.worldbank.org/en/topic/indigenouspeoples> (accessed: 27 December 2017).
- 16 'The genocide of Brazil's Indians', *New York Times*, 29 May 2017, <https://www.nytimes.com/2017/05/29/opinion/the-genocide-of-brazils-indians.html> (accessed: 27 December 2017); 'Brazil 2017: environmental and indigenous rollbacks, rising violence', *Mongabay*, 27 December 2017, <https://news.mongabay.com/2017/12/brazil-2017-environmental-and-indigenous-rollbacks-rising-violence/> (accessed: 27 December 2017).
- 17 Nini Johanna Cardenas Rueda, *Business and Human Rights Resource Centre*, [https://www.business-humanrights.org/en/10122017-nini-johanna-c%C3%A1rdenas-rueda?attack\\_types\[\]=3918](https://www.business-humanrights.org/en/10122017-nini-johanna-c%C3%A1rdenas-rueda?attack_types[]=3918) (accessed: 18 April 2018); 'Women Human Rights Defenders Confronting Extractive Industries: An Overview of Critical Risks and Human Rights Obligations', *AWID*, [https://www.awid.org/sites/default/files/atoms/files/whrds-confronting\\_extractive\\_industries\\_report-eng.pdf](https://www.awid.org/sites/default/files/atoms/files/whrds-confronting_extractive_industries_report-eng.pdf) (accessed: 18 April 2018).
- 18 Over 90 states have recognised the right to a healthy environment in their constitutions, albeit using differing language to do so: 'Human Rights and the Environment: Regional Consultation on the Relationship between Human Rights Obligations and Environmental Protection, with a Focus on Constitutional Environmental Rights', *United Nations Environment Programme (UNEP)*, 2014, p. 4 <http://srenvironment.org/wp-content/uploads/2014/11/Johannesburg-consultation-report-final1.pdf> (accessed: 17 May 2018).
- The African Charter on Human and Peoples' Rights recognises the right of peoples to 'a general satisfactory environment favorable to their development': Article 24 in 'The Banjul Charter: The African Charter on Human and Peoples' Rights', *African Commission on Human and Peoples' Rights*, 25 January 2005, <http://www.achpr.org/instruments/achpr/#a24> (accessed: 17 May 2018).
- The San Salvador Protocol (PSS) enshrines that right to a healthy environment. It states that 'everyone shall have a right to live in a healthy environment', with state parties agreeing to 'promote the protection, preservation, and improvement of the environment'. The PSS has been signed by 19 states and ratified by 16: Argentina, Bolivia, Brazil, Colombia, Costa Rica, Ecuador, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, Suriname and Uruguay: Article 11 in 'Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights "Protocol of San Salvador"', *Organization of American States (OAS)*, <http://www.oas.org/juridico/english/treaties/a-52.html> (accessed: 17 May 2018).
- Article 12 of the International Convention on Economic, Social and Cultural Rights (ICESCR) provides that states must provide for 'the improvement of all aspects of environmental and industrial hygiene', in order to guarantee the right to health: Article 12 in 'International Covenant on Economic, Social and Cultural Rights', *Office for the High Commissioner for Human Rights (OHCHR)*, <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CESCR.aspx> (accessed: 17 May 2018).
- What's more, the UN special rapporteur on human rights and the environment, John Knox, has called for international recognition of the human right to a health environment, asserting that there can 'no longer be any doubt that human rights and the environment are interdependent': 'UN expert calls for global recognition of the right to safe and healthy environment', *OHCHR*, 5 March 2018, <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22755&LangID=E> (accessed: 17 May 2018).
- 19 Article 25 in 'International Covenant on Civil and Political Rights', *Office for the High Commissioner for Human Rights*, *OHCHR*, <http://www.ohchr.org/Documents/ProfessionalInterest/ccpr.pdf> (accessed: 17 May 2018).
- 20 Article 21 of the International Covenant on Civil and Political Rights protects the 'right of peaceful assembly', otherwise known as the right to protest peacefully, *OHCHR*, <http://www.ohchr.org/Documents/ProfessionalInterest/ccpr.pdf> (ac-

cessed: 17 May 2018).

21 Article 6, in 'International Covenant on civil and Political Rights', OHCHR, <http://www.ohchr.org/Documents/ProfessionalInterest/ccpr.pdf> (accessed: 17 May 2018).

22 UN General Assembly Resolution A/RES/53/144 (1998), 'UN Declaration on Human Rights Defenders', OHCHR, <http://www.ohchr.org/EN/Issues/SRHRDefenders/Pages/Declaration.aspx> (accessed: 19 April 2018).

23 'Guiding Principles on Business and Human Rights', OHCHR, 2011, [http://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR\\_EN.pdf](http://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf) (accessed: 19 April 2018).

24 90% of which were in the Philippines.

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31 TAMASCO Resolution, A Resolution Declaring Our Opposition to the Renewal of the Integrated Forest Management Agreement (IFMA) 22, TAMASCO, 22 December 2015.

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33 Global Witness interview with Rene Pamplona, 28 February 2018.

34 Global Witness interview with Rene Pamplona, 28 February 2018.

35 'Probe concludes killing of Mindanao tribesmen was massacre', UCA News, 16 January 2018, <https://www.ucanews.com/news/probe-concludes-killing-of-mindanao-tribesmen-was-massacre/81250> (accessed: 17 May 2018); 'Fact sheet', Convergence of Initiatives for Environmental Justice (CIEJ), pp. 1–2; "'Terrorism': soldiers kill 8 Lumad in South Cotabato", Bulatlat, 6 December 2017, <http://bulatlat.com/main/2017/12/06/terrorism-soldiers-kill-8-lumad-south-cotabato/> (accessed: 17 May 2018); 'With martial law extension in Mindanao, Lake Sebu massacre is a carnage waiting to happen again' Karapatan, 15 December 2017, <http://www.karapatan.org/With+martial+law+extension+in+Mindanao%2C+Lake+Sebu+massacre+is+a+carnage+waiting+to+happen+again+%E2%80%93+Karapatan> (accessed: 17 May 2018).

36 Global Witness interview with Rene Pamplona, 28 February 2018; Global Witness interview with anonymous source, 28 February 2018.

37 There was evidence the army may have been involved in the killing of 27 defenders, 56% of all killings registered in the Philippines. In 13 cases, there was evidence that the defender had challenged agribusiness and was killed by the army. In 8 cases, there was evidence that the defender had challenged mining and was killed by the army. Global Witness compiled this information using our verification methodology (see page 52) and information from local NGOs and the media.

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39 Oil palm expansion in South East Asia – Trends and implications for local communities and indigenous peoples', Marcus Colchester and Sophie Chao, Forests Peoples Programme, 2011, p. 90. <http://www.forestpeoples.org/sites/fpp/files/publication/2011/11/oil-palm-expansion-southeast-asia-2011-low-res.pdf> (accessed: 17 May 2018);

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Business & Human Rights Resource Centre, 17 November 2017, <https://www.business-humanrights.org/en/mexico-end-of-the-mission-statement-of-the-special-rapporteur-on-the-rights-of-indigenous-peoples-denounces-mega-projects-and-lack-of-consultation> (accessed: 25 May 2018).

The Inter-American Commission on Human Rights, in 2015, found that 'in some rural areas and territories of indigenous communities in the country, violence also takes place in connection with a variety of natural resource extraction projects, highway construction, and other so-called "megaprojects". Violence in this context has a number of different aspects. It takes place mainly when individuals living in the area where a project is to be developed oppose that project. The confrontation with those who propose or support the project then escalates to violence. This type of violence has a particular effect on indigenous peoples and communities and their territories. Some social leaders who oppose mining projects, timber extraction plans, and the construction of dams or highways have been subject to threats, harassment, attacks, torture, and even assassination.'

'The Human Rights Situation in Mexico', para. 58, IACHR, 31 December 2015, <http://www.oas.org/en/iachr/reports/pdfs/mexico2016-en.pdf> (accessed: 25 May 2018).

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**67** Global Witness interview with Isela González, 5 March 2018.

**68** 'Study: 2017 was deadliest year in Mexico for homicides linked to organized crime', InSight Crime, 26 January 2018, <https://www.insightcrime.org/news/analysis/2017-deadliest-year-organized-crime-related-homicides-mexico/> (accessed: 25 May 2018); 'Most Mexico murders organized crime linked', Hurriyet Daily News, 24 January 2017, <http://www.hurriyetaidailynews.com/most-mexico-murders-organized-crime-linked-126238> (accessed 25 May 2018).

**69** 'Study: 2017 was deadliest year in Mexico for homicides linked to organized crime', InSight Crime, 26 January 2018, <https://www.insightcrime.org/news/analysis/2017-deadliest-year-organized-crime-related-homicides-mexico/> (accessed 25 May 2018); 'Most Mexico murders organized crime linked', Hurriyet Daily News, 24 January 2017, <http://www.hurriyetaidailynews.com/most-mexico-murders-organized-crime-linked-126238> (accessed 25 May 2018).

**70** Centro Mexicano de Derechos Ambientales, or Mexican Centre of Environmental Rights.

**71** 'Informe sobre la situación de las personas defensoras de los derechos humanos ambientales', p. 21, CEMDA, March 2018, <http://www.cemda.org.mx/wp-content/uploads/2018/05/DERECHOS-HUMANOS-AMBIENTALES.pdf> (accessed 25 May 2018).

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“Organised crime groups in Mexico take advantage of the isolation and poverty

in which some indigenous communities live, to take their land for drug cultivation, as well as to forcibly recruit children to work across the supply chain of the production and distribution of narcotics”, warned the UN Special Rapporteur for Indigenous Rights, Victoria Tauli-Corpuz’

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**73** In a 2015 report, the Inter-American Commission on Human Rights said that, in Mexico, ‘organized criminal groups focus mainly but not exclusively on drug trafficking. Their other criminal activities include assassinations, extortion, kidnapping, robbery, protection money, control of immigration routes, illegal immigrant trafficking and human trafficking, and arms trafficking, among others[...] This diversification of criminal activity added to the real power these groups exercise in a large portion of the country turn the phenomenon of organized crime into the main source of violence committed by private actors in Mexico, and at the same time it entails Mexican State responsibility due to its failure to effectively respond to the problem.’ ‘The Human Rights Situation in Mexico’, para. 44, IACHR, 31 December 2015, <http://www.oas.org/en/iachr/reports/pdfs/mexico2016-en.pdf> (accessed 25 May 2018)

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‘Report of the Special Rapporteur on the situation of human rights defenders on his mission to Mexico’, para 105. Human Rights Council, 12 February 2018, [http://hchr.org.mx/images/doc\\_pub/A\\_HRC\\_37\\_51\\_Add\\_2\\_EN.pdf](http://hchr.org.mx/images/doc_pub/A_HRC_37_51_Add_2_EN.pdf) (accessed 25 May 2018)

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**81** ‘Asesinato del defensor de los derechos de los pueblos indígenas y ambientalista Juan Ontiveros Ramos’, 7 February 2017, Front Line Defenders, <https://www.frontlinedefenders.org/es/case/environmental-and-indigenous-rights-defender-juan-ontiveros-ramos-killed> (accessed 17 May 2018).

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**84** ‘Protección integral para personas defensoras de derechos humanos y periodistas: la deuda del Estado mexicano’, Espacio\_OSC, April 2017, [http://serapaz.org.mx/wp-content/uploads/2017/07/Espacio-osc\\_Tercer-Informe\\_web-baja.pdf](http://serapaz.org.mx/wp-content/uploads/2017/07/Espacio-osc_Tercer-Informe_web-baja.pdf) (accessed: 25 May 2018).

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**158** The Cyrus R. Vance Center for International Justice advances global justice by engaging lawyers across borders to support civil society and an ethically active legal profession. They have two principal approaches to fulfilling our mission. They provide legal representation to civil society organizations, as well as international

human rights bodies, around the world, with frequent collaboration by leading law firms on a pro bono basis. Vance Center, available at <http://www.vancecenter.org/vancecenter/>.

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**191** 'DR Congo: Why tourists go to Virunga National Park', BBC, 14 May 2018, <http://www.bbc.co.uk/news/world-africa-44107041> (accessed: 26 May 2018).

**192** For example, Wayne Lotter, a leading elephant conservationist, whose work led to the arrest of thousands of poachers and traffickers, was shot dead in a taxi in Tanzania in August 2017. He had received numerous death threats. Esmond Bradley Martin, famed for his work investigating the trafficking of ivory and rhino horn, was stabbed to death in his home in Nairobi in 2018. 'Tanzanian police believe wildlife activist may have been tracked by his killer', The Guardian, 18 August 2017, <https://www.theguardian.com/environment/2017/aug/18/wayne-lotter-police-believe-killers-followed-and-targeted-wildlife-champion-who-was-shot-and-killed-this-week> (accessed: 26 May 2018); 'Crusader who saved elephants from poachers is shot dead in Tanzania', New York Times, 18 August 2017, <https://www.nytimes.com/2017/08/18/world/africa/elephant-poachers-wayne-lotter.html> (accessed: 26 May 2018); 'Leading elephant conservationist shot dead in Tanzania', The Guardian, 17 August 2017, <https://www.theguardian.com/environment/2017/aug/17/leading-elephant-conservationist-ivory-shot-dead-in-tanzania> (accessed: 26 May 2018); 'Anti-poaching activist Wayne Lotter shot dead in Tanzania', ITV, 17 August 2017, <http://www.itv.com/news/2017-08-17/anti-poaching-activist-wayne-lotter-shot-dead-in-tanzania/> (accessed: 26 May 2018); 'Renowned conservation investigator Esmond Bradley Martin killed at home in Kenya', Los Angeles Times, 5 February 2018, <http://www.latimes.com/world/africa/la-fg-kenya-conservationist-killed-20180205-story.html> (accessed: 26 May 2018); 'Top ivory investigator murdered in Kenya', The Guardian, 5 February 2018, <https://www.theguardian.com/environment/2018/feb/05/leading-ivory-trade-investigator-killed-in-kenya> (accessed: 26 May 2018); 'Who killed this benevolent man who saved so many rhinos and elephants? A new lead', Daily Beast, 11 February 2018, <https://www.thedailybeast.com/who-killed-this-benevolent-man-who-saved-so-many-rhinos-and-elephants-a-new-lead> (accessed: 26 May 2018); 'Who killed Esmond Bradley Martin and for what motive?', Daily Nation, 26 February 2018, <https://www.nation.co.ke/oped/opinion/Who-killed-Esmond-Bradley-Martin-/440808-4319456-1522um8z/index.html> (accessed: 26 May 2018). Note that Esmond Bradley Martin's death is not included in this year's annual report because he was killed in 2018, not 2017. Some suggest that his killing was linked to a robbery or to other reasons outside his work on wildlife crime.

**193** Since women are mainly responsible for family care, they are directly affected when water is contaminated or basic foods are scarce. Since they often lack ownership of land, they are vulnerable to displacement from their land and territory. Generally, the extractive industry generates precarious and stereotypical jobs for women, which fosters gender violence and forced prostitution.

**194** Though women constitute on average 43% of the agricultural labour force in developing countries, women's ownership of agricultural land remains significantly lower than that of men. Women's lack of secure rights over land translates into lower productivity, perpetuating food insecurity, malnutrition and poverty. 'Gender and Land Statistics', FAO, p. 1, <http://www.fao.org/3/a-i5488e.pdf> (accessed: 26 May 2018).

**195** 'Women Human Rights Defenders Confronting Extractive Industries: An Overview of Critical Risk and Human Rights Obligations', AWID and Women Human Rights Defenders International Coalition, 2017, p. 14, [https://www.awid.org/sites/default/files/atoms/files/whrds-confronting\\_extractive\\_industries\\_report-eng.pdf](https://www.awid.org/sites/default/files/atoms/files/whrds-confronting_extractive_industries_report-eng.pdf) (accessed: 17 May 2018).

**196** 'Women Human Rights Defenders Confronting Extractive Industries: An Overview of Critical Risk and Human Rights Obligations', AWID and Women Human Rights Defenders International Coalition, 2017, pp. 10–11, [https://www.awid.org/sites/default/files/atoms/files/whrds-confronting\\_extractive\\_industries\\_report-eng.pdf](https://www.awid.org/sites/default/files/atoms/files/whrds-confronting_extractive_industries_report-eng.pdf) (accessed: 17 May 2018).

**197** 'Strengthening protection networks for women human rights defenders to combat discrimination', Intervention of Winnet Shamuyarira, JASS Southern Africa, 18 May 2017, Palais des Nations, Geneva.

**198** 'Mining and Women in Asia: Experiences of Women Protecting Their Communities and Human Rights against Corporate Mining', Asia Pacific Forum on Women, Law and Development (APWLD), 2009, p. 4, <http://apwld.org/wp-content/uploads/2013/09/Women-and-Mining-in-Asia1.pdf> (accessed: 17 May 2018); 'Women, Communities and Mining: The Gender Impacts of Mining and the Role of Gender Impact Assessment', Oxfam Australia, 2009, p. 7, <https://policy-practice.oxfam.org.uk/publications/women-communities-and-mining-the-gender-impacts-of-mining-and-the-role-of-gende-293093> (accessed: 17 May 2018); 'Extractivismo en América Latina: impacto en la vida de las mujeres y propuestas de defensa del territorio', Fondo de Acción Urgente para América Latina, 2016,

[http://docs.wixstatic.com/ugd/b81245\\_16670e088d4e4eb694e0b80314de0893.pdf](http://docs.wixstatic.com/ugd/b81245_16670e088d4e4eb694e0b80314de0893.pdf) (accessed: 20 May 2018).

**199** 'Women Human Rights Defenders Confronting Extractive Industries', AWID, 2017, p. 18, [https://www.awid.org/sites/default/files/atoms/files/sp\\_whrd\\_confronting\\_extractive\\_industries.pdf](https://www.awid.org/sites/default/files/atoms/files/sp_whrd_confronting_extractive_industries.pdf) (accessed: 26 May 2018).

**200** According to information provided to Global Witness by the Mesoamerican WHRD Initiative, between 2012 and 2016 at least 13 women defenders of land and environmental were killed in the Mesoamerican region.

**201** 'Bodies, Territories and Movements in Resistance in Mesoamerica', 2015–2016 report on attacks on WHRD, Mesoamerican WHRD Initiative, <http://im-defensoras.org/2018/05/informe-2015-2016-de-agresiones-a-defensoras-cuerpos-territorios-y-movimientos-en-resistencia-en-mesoamerica/> (accessed: 26 May 2018).

**202** Further reading on this issue can be found in the following resources: 'Making Change Happen: Indigenous and Rural Women in Defence of Land, Territories and Women's Rights', JASS, [https://justassociates.org/sites/justassociates.org/files/web\\_mch5\\_2014.pdf](https://justassociates.org/sites/justassociates.org/files/web_mch5_2014.pdf) (accessed: 26 May 2018);

'Women Human Rights Defenders Confronting Extractive Industries', AWID, 2017, [https://www.awid.org/sites/default/files/atoms/files/sp\\_whrd\\_confronting\\_extractive\\_industries.pdf](https://www.awid.org/sites/default/files/atoms/files/sp_whrd_confronting_extractive_industries.pdf) (accessed: 26 May 2018);

'Impunity for Violence against Women Defenders of Territory, Common Goods, and Nature in Latin America: Regional Report', Urgent Action Fund for Latin America & the Caribbean, March 2018, [http://docs.wixstatic.com/ugd/b81245\\_c0178ea8a0ea4db3b6de6629dea7c6db.pdf](http://docs.wixstatic.com/ugd/b81245_c0178ea8a0ea4db3b6de6629dea7c6db.pdf) (accessed: 26 May 2018);

'Empoderadas: Toolkit for Latin American Women Human Rights Defenders Working on Land and Environmental Issues', Peace Brigades International, <http://herramientadefensorasderechostierra.org/en/> (accessed: 26 May 2018);

'Women, Gender and Extractivism in Africa: A Collection of Papers', WoMin, <https://womin.org.za/images/papers/Full-collection-Women-gender-and-extractivism-in-Africa.pdf> (accessed: 8 June 2018);

'The Intersection between Land and Women's Economic, Social and Cultural Rights', Women and ESCR Working Group briefing paper, ESCR-Net, [https://www.escr-net.org/sites/default/files/briefing\\_paper\\_land\\_0.pdf](https://www.escr-net.org/sites/default/files/briefing_paper_land_0.pdf) (accessed: 26 May 2018);

'Making Change Happen: Rethinking Protection, Power and Movements', JASS, September 2017, <https://justassociates.org/en/resources/making-change-happen> (accessed: 26 May 2018);

'Memoria gráfica del encuentro regional de personas defensoras de la tierra, territorio, bienes naturales', IM-Defensoras, 30 November 2017, <http://im-defensoras.org/2017/11/memoria-grafica-del-encuentro-regional-de-personas-defensoras-de-la-tierra-territorio-bienes-naturales/> (accessed: 26 May 2018);

'Extractivismo en América Latina: impacto en la vida de mujeres y propuestas de defensa de territorio', Urgent Action Fund for Latin America, 2016, [http://docs.wixstatic.com/ugd/b81245\\_16670e088d4e4eb694e0b80314de0893.pdf](http://docs.wixstatic.com/ugd/b81245_16670e088d4e4eb694e0b80314de0893.pdf) (accessed: 26 May 2018).

**203** 'Making Change Happen 6: Rethinking Protection, Power, and Movements', JASS, August 2017, p. 23, [https://justassociates.org/sites/justassociates.org/files/jass\\_mch6\\_rethinking\\_protection\\_power\\_movements\\_4.pdf](https://justassociates.org/sites/justassociates.org/files/jass_mch6_rethinking_protection_power_movements_4.pdf) (accessed: 26 May 2018).

**204** International law tends to name states as the duty-bearers in terms of international law. However, given that governments are 'the group of people with the authority to govern a country or state' (Oxford Dictionary), Global Witness usually uses this term to refer to those governmental or state-employed actors responsible for protecting the human rights of their own citizens, including land and environmental defenders. They include, but are not limited to: the heads of state, heads of government, members of the executive government, members of the legislature, members of the judiciary, the police and other public security forces, the armed forces, trade delegates and the diplomatic corps.

We also refer to 'bilateral aid and trade partners' as another actor with a responsibility towards the rights of land and environmental defenders. These are also governments, in the broad sense explained above. However, we have separated them out because their responsibilities and actions impact upon the citizens – and therefore defenders – not only of their own state, but also of the states they provide aid to or do business with.

**205** An ample amount of literature exists to guide governments in implementing their legal obligations to support and protect defenders as to how they should do that. One of the best places to find a concentration of research and guidance

regarding how states should support and protect human rights defenders is on Protection International's website. See 'Policy Makers Tools', Protection International, <https://www.protectioninternational.org/en/policymaker> (accessed: 9 May 2018).

Other useful publications include: 'Model Law for the Recognition and Protection of Human Rights Defenders', International Service for Human Rights, 15 June 2016, [https://www.ishr.ch/sites/default/files/documents/model\\_law\\_full\\_digital\\_updated\\_15june2016.pdf](https://www.ishr.ch/sites/default/files/documents/model_law_full_digital_updated_15june2016.pdf) (accessed: 26 May 2018); 'Hacia una política integral de protección a personas defensoras de derechos humanos', Inter-American Commission on Human Rights, 28 February 2018, <http://www.oas.org/es/cidh/informes/pdfs/Proteccion-Personas-Defensoras.pdf> (accessed: 9 May 2018); 'Ten years of the European Union Guidelines on Human Rights Defenders', Peace Brigades International, 4 July 2014, [https://issuu.com/pbicolombia/docs/140626\\_direct\\_eng\\_for\\_print](https://issuu.com/pbicolombia/docs/140626_direct_eng_for_print) (accessed: 9 May 2018); 'Report of the Special Rapporteur on the Situation of Human Rights Defenders', A/HRC/25/55, OHCHR, 23 December 2013, [http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session25/Documents/A-HRC-25-55\\_en.doc](http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session25/Documents/A-HRC-25-55_en.doc) (accessed: 9 May 2018).

**206** 'Defenders of the Earth: Global Killings of Land and Environmental Defenders in 2016', Global Witness, July 2017, pp. 28–34, [www.globalwitness.org/defenders2016](http://www.globalwitness.org/defenders2016) (accessed: 26 May 2018).

**207** These recommendations were first published – together with examples of what implementation would look like – in Defenders of the Earth: Global Killings of Land and Environmental Defenders in 2016', Global Witness, July 2017, pp. 39–41, [www.globalwitness.org/defenders2016](http://www.globalwitness.org/defenders2016) (accessed: 26 May 2018). They have been reproduced without the examples in the final section of this report.

**208** 'Defenders of the Earth: Global Killings of Land and Environmental Defenders in 2016', Global Witness, July 2017, pp. 21–23, [www.globalwitness.org/defenders2016](http://www.globalwitness.org/defenders2016) (accessed: 26 May 2018).

**209** 'Guiding Principles on Business and Human Rights', OHCHR, 2011, [http://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR\\_EN.pdf](http://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf) (accessed: 19 April 2018).

**210** 'Declaration of Human Rights Defenders', OHCHR, <http://www.ohchr.org/EN/Issues/SRHRDefenders/Pages/Declaration.aspx> (accessed: 09 May 2018).

**211** Other rights include: the right to freedom of assembly; the right to freedom of association; the right to access and communicate with international bodies; the right to protest; the right to develop and discuss new human rights ideas; the right to an effective remedy; and the right to access funding. 'Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Framework', A/HRC/17/31, OHCHR, 21 March 2011, [http://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR\\_EN.pdf](http://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf) (accessed: 26 May 2018); 'Declaration of Human Rights Defenders', OHCHR, <http://www.ohchr.org/EN/Issues/SRHRDefenders/Pages/Declaration.aspx> (accessed: 09 May 2018).

**212** The nine main conditions are: a conducive legal, institutional and administrative framework; fighting against impunity and for access to justice for violations against defenders; a strong, independent and effective national human rights institutions; effective protection policies and mechanisms, including public support for the work of defenders; special attention for risks and challenges faced by women defenders and those working on women's rights and gender issues; non-state actors' respect for and support of the work of defenders; safe and open access to the UN and international human rights bodies; strong, dynamic and diverse communities of human rights defenders. 'Report of the Special Rapporteur on the Situation of Human Rights Defenders', A/HRC/25/55, OHCHR, 23 December 2013, [http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session25/Documents/A-HRC-25-55\\_en.doc](http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session25/Documents/A-HRC-25-55_en.doc) (accessed: 26 May 2018).

**213** For more information on the international framework in regard to free, prior and informed consent, which can help prevent attacks against defenders. See 'International Law on Free, Prior and Informed Consent', 'Defenders of the Earth', Global Witness, July 2017, p. 23, <https://www.globalwitness.org/en/campaigns/environmental-activists/defenders-earth/> (accessed: 9 May 2018); 'Indigenous and Tribal Peoples Convention, 1989 (No. 169)', International Labour Organization, [http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100\\_ILC\\_CODE:C169](http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILC_CODE:C169) (accessed: 20 June 2017); Article 10, 'Declaration on the Rights of Indigenous Peoples', United Nations, March 2008, p. 6, [http://www.un.org/esa/socdev/unpfii/documents/DRIPS\\_en.pdf](http://www.un.org/esa/socdev/unpfii/documents/DRIPS_en.pdf) (accessed: 13 June 2017).

Implementation of many regional agreements would also go a long way towards preventing threats against defenders and facilitating their work. For example, Latin American and Caribbean Principal 10 obliges states to ensure that every person has access to information, can participate in the decision-making process and has access to justice in environmental matters. See <https://www.lacp10.org/principle-10> (accessed: 26 May 2018). 'International Covenant on Civil and Political Rights', OHCHR, 16 December 1976,

<http://www.ohchr.org/EN/ProfessionalInterest/Pages/CCPR.aspx> (accessed: 13 June 2017).

**214** See, for example, 'Global Economy, Global Rights: A Practitioners' Guide for Interpreting Human Rights Obligations in the Global Economy', ESCR-Net, August 2014, <http://www.global.org.br/wp-content/uploads/2016/03/Global-Economy-Global-Rights.pdf> (accessed: May 9, 2018); Daniel Cerqueira and Alexandra Montgomery, 'Extraterritorial Obligations for All', Open Democracy, 13 February 2018, <https://www.opendemocracy.net/daniel-cerqueira-alexandra-montgomery/extraterritorial-obligations-for-all> (accessed 9 May 2018); 'Opportunities for Human Rights Defenders to Enforce Corporate Accountability: Enforcing the Extra-Territorial Obligation to Protect Human Rights', ISHR, 30 October 2015, <http://www.ishr.ch/news/opportunities-human-rights-defenders-enforce-corporate-accountability-enforcing-extra> (accessed: May 9, 2018).

**215** 'Human Rights Defenders in National Action Plans (NAPs) on Business and Human Rights', ISHR, June 2016, [https://www.ishr.ch/sites/default/files/documents/ishr\\_icar\\_hrds\\_in\\_naps\\_guidance\\_eng.pdf](https://www.ishr.ch/sites/default/files/documents/ishr_icar_hrds_in_naps_guidance_eng.pdf) (accessed: 26 May 2018).

**216** 'EU Guideline on Human Rights Defenders', European Union External Action, 21 June 2016, [https://eeas.europa.eu/headquarters/headquarters-homepage\\_en/3958/EU%20Guidelines%20on%20Human%20Rights%20Defenders](https://eeas.europa.eu/headquarters/headquarters-homepage_en/3958/EU%20Guidelines%20on%20Human%20Rights%20Defenders) (accessed: 01 June 2018).

**217** 'Voices at Risk: Canada's Guidelines on Supporting Human Rights Defenders', Government of Canada, [http://international.gc.ca/world-monde/issues\\_development-enjeux\\_developpement/human\\_rights-droits\\_homme/rights\\_defenders\\_guide\\_defenseurs\\_droits.aspx?lang=eng](http://international.gc.ca/world-monde/issues_development-enjeux_developpement/human_rights-droits_homme/rights_defenders_guide_defenseurs_droits.aspx?lang=eng) (accessed: 8 June 2018).

**218** 'Human Rights Defenders', Government Norway, 20 April 2015, <https://www.regjeringen.no/en/topics/foreign-affairs/human-rights/ny-struktur/menneskerettighetsforskjempere/id2339808/> (accessed: 1 June 2018).

**219** 'Swiss Guidelines on the Protection of Human Rights Defenders', Federal Department of Foreign Affairs, 2013, [https://www.eda.admin.ch/dam/eda/en/documents/publications/MenschenrechtshumanitaerePolitikundMigration/Leitlinien-zum-Schutz-von-HRD\\_en](https://www.eda.admin.ch/dam/eda/en/documents/publications/MenschenrechtshumanitaerePolitikundMigration/Leitlinien-zum-Schutz-von-HRD_en) (accessed 8 June 2018)

**220** The UK has updated its guidelines working with human rights defenders, though these are not publicly available. 'Human Rights Council 37: Torture and Situation of Human Rights Defenders', UK Government, 1 March 2018, <https://www.gov.uk/government/news/human-rights-council-37-torture-and-situation-of-human-rights-defenders> (accessed: 1 June 2018).

**221** 'US Support for Human Rights Defenders', US Department of State, 20 January 2017, <https://www.state.gov/j/drl/rls/fs/2017/266903.htm> (accessed: 1 June 2018).

**222** The ICC decision announced that the court would begin to prioritise crimes that result in the 'destruction of the environment', 'exploitation of natural resources' and the 'illegal dispossession' of land. It also included an explicit reference to land-grabbing. 'Company executives could now be tried for land grabs and environmental destruction', Global Witness, 15 September 2016, <https://www.globalwitness.org/en/press-releases/company-executives-could-now-be-tried-land-grabbing-and-environmental-destruction-historic-move-international-criminal-court-prosecutor/> (accessed: 8 June 2018). 'ICC widens remit to include environmental destruction cases', The Guardian, 15 September 2016, <https://www.theguardian.com/global/2016/sep/15/hague-court-widens-remit-to-include-environmental-destruction-cases> (accessed: 09 May 2018).

**223** 'UN Declaration on Human Rights Defenders', A/RES/53/144 (1998), OHCHR, <http://www.ohchr.org/EN/Issues/SRHRDefenders/Pages/Declaration.aspx> (accessed: 28 March 2018).

**224** The Guiding Principles establish the "Business enterprises should respect human rights", going on to explain that "Because business enterprises can have an impact on virtually the entire spectrum of internationally recognized human rights, their responsibility to respect applies to all such rights". This would therefore include the right to free speech and the right to free assembly. It would also include respecting all rights as applicable to human rights defenders, including land and environmental defenders, as laid out in the UN Declaration on Human Rights Defenders. 'Guiding Principles on Business and Human Rights', OHCHR (2011), [http://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR\\_EN.pdf](http://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf) (accessed: 9 May 2018).

**225** 'Guiding Principles on Business and Human Rights', OHCHR (2011), p. 20, [http://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR\\_EN.pdf](http://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf) (accessed: 9 May 2018).

**226** 'Guiding Principles on Business and Human Rights', OHCHR, 2011, p. 13, [http://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR\\_EN.pdf](http://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf)



[www.ohchr.org/Documents/Publications/GuidingPrinciples-BusinessHR\\_EN.pdf](http://www.ohchr.org/Documents/Publications/GuidingPrinciples-BusinessHR_EN.pdf) (accessed: 9 May 2018).

**227** The UN Guiding Principles establish that states and business should engage in meaningful consultations with 'potentially affected groups and other relevant stakeholders' to identify the human rights impacts of their work. 'Guiding Principles on Business and Human Rights', OHCHR, 2011, p. 19, [http://www.ohchr.org/Documents/Publications/GuidingPrinciples-BusinessHR\\_EN.pdf](http://www.ohchr.org/Documents/Publications/GuidingPrinciples-BusinessHR_EN.pdf) (accessed: 09 May 2018).

**228** 'Human Rights', OECD Guidelines for Multinational Enterprises (2011), <http://www.oecd.org/daf/inv/mne/48004323.pdf> (accessed: 9 May 2018).

**229** 'Human Rights', OECD Guidelines for Multinational Enterprises (2011), paragraphs 42–43, <http://www.oecd.org/daf/inv/mne/48004323.pdf> (accessed: 9 May 2018).

**230** 'Human Rights', OECD Guidelines for Multinational Enterprises (2011), paragraph 43, <http://www.oecd.org/daf/inv/mne/48004323.pdf> (accessed: 9 May 2018).

**231** 'Responsible Business Conduct for Institutional Investors: Key Considerations for Due Diligence under the OECD Guidelines for Multinational Enterprises', OECD, 2017, <https://www.oecd.org/corporate/RBC-for-Institutional-Investors.pdf> (accessed: 9 May 2018).

**232** 'Responsible Business Conduct for Institutional Investors: Key Considerations for Due Diligence under the OECD Guidelines for Multinational Enterprises', OECD, 2017, p. 13, <https://www.oecd.org/corporate/RBC-for-Institutional-Investors.pdf> (accessed: 9 May 2018).

The OECD has previously concluded in a paper on the scope and application of business relationships in the financial sector that a relationship between an investor and investee company including a minority shareholding can be considered a 'business relationship' under the OECD Guidelines (footnote 9). (See Box 3 for relevant language on this issue.) Hence investors, even those with minority shareholdings, may be directly linked to adverse impacts caused or contributed to by investee companies as a result of their ownership in, or management of, shares in the company causing or contributing to certain social or environmental impacts. In other words, the existence of RBC risks (potential impacts) or actual RBC impacts in an investor's own portfolio means, in the vast majority of cases, that there is a 'direct linkage' to its operations, products or services through this 'business relationship' with the investee company (note 10). As a result, investors are expected to consider RBC risks throughout their investment process and to use their so-called 'leverage' with companies they invest in to influence those investee companies to prevent or mitigate adverse impacts. However, investors are not responsible for addressing those adverse impacts themselves. (See also Section 2.3.)

**233** For examples of actions that business could take, see: 'Investor Responsibility: Backing Bloody Business', in 'Defenders of the Earth: Global Killings of Land and Environmental Defenders in 2016', Global Witness, pp. 28–30, <https://www.globalwitness.org/en-gb/campaigns/environmental-activists/defenders-earth/> (accessed: 3 April 2018); 'Consult, respect, protect: cross-regional group of human rights defenders calls on business to take action for their engagement and protection', International Service for Human Rights joint statement (no date), [https://www.ishr.ch/sites/default/files/documents/10decupdated151115-joint-statement-hrds-bhr\\_with\\_logos\\_final.pdf](https://www.ishr.ch/sites/default/files/documents/10decupdated151115-joint-statement-hrds-bhr_with_logos_final.pdf) (accessed: 3 April 2018); 'The Role of Business and States in Violations against Human Rights Defenders of Land Rights, the Right to Territory and Rights Related to the Environment', International Service for Human Rights / Civil Society joint report, October 2015, [http://www.ishr.ch/sites/default/files/article/files/reportcoalitionbusinesslandshr\\_final\\_0.pdf](http://www.ishr.ch/sites/default/files/article/files/reportcoalitionbusinesslandshr_final_0.pdf) (accessed: 3 April 2018); 'Report of the Special Rapporteur on the Situation of Human Rights Defenders', UN General Assembly, 19 July 2017, <https://www.protecting-defenders.org/sites/protecting-defenders.org/files/N1722075.pdf> (accessed: March 27, 2018).

**234** The Rights and Resources Initiative uses case study analysis including Sime Darby in Liberia and the TIPNIS road project in Bolivia to display financially significant disruptions to the companies of land disputes. 'The Financial Risks of Insecure Land Tenure', Rights and Resources Initiative and Munden Project, December 2012, [http://rightsandresources.org/wp-content/uploads/2014/01/doc\\_5715.pdf](http://rightsandresources.org/wp-content/uploads/2014/01/doc_5715.pdf) (accessed: 9 May 2018).

**235** For example, a 2016 Harvard Business Review study found that overall sales revenue can increase up to 20% due to corporate responsibility practices and that consumers are shifting purchasing decisions to brands with integrity, social responsibility and sustainability at their core. A 2012 PWC study into the responsible investment practice of private equity firms also found that younger consumers are increasingly driving the responsible investment agenda, with higher expectations and demands for responsible products and services than their parents. 'The Comprehensive Business Case for Sustainability', Harvard Business School, 21 October 2016, <https://hbr.org/2016/10/the-comprehensive-business-case-for-sustainability> (accessed: 26 May 2018); 'Responsible Investment: Creating Value from Environmental, Social and Governance Issues', PWC, March 2012, <https://www.pwc.com/gx/en/sustainability/>

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**236** 'Consult, respect, protect: Cross-regional group of human rights defenders calls on business to take action for their engagement and protection', International Service for Human Rights joint statement (no date), [https://www.ishr.ch/sites/default/files/documents/10decupdated151115-joint-statement-hrds-bhr\\_with\\_logos\\_final.pdf](https://www.ishr.ch/sites/default/files/documents/10decupdated151115-joint-statement-hrds-bhr_with_logos_final.pdf) (accessed: 3 April 2018).

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**243** In 2016, Global Witness documented the murder of 23 land or environmental defenders who had campaigned against abuses in the agribusiness sector. In 2017 the number was 43, representing an increase of 71%. It should be noted that, in some cases, the murdered defender had campaigned against more than one sector, often mining and agribusiness. These cases are counted as murders associated with both sectors unless convincing evidence exists to link the murder to the defender's activism in one sector or the other.

**244** In 2017, the Business and Human Rights Resource Centre (BHRRC) recorded 388 attacks on human rights defenders. Compared to the 2016 data, 100 cases were related to agribusiness, with 55 recorded killings, making agribusiness the most dangerous sector for defenders being murdered, and the second 'worst'

sector for attacks overall.

'Key findings – February 2018', BHRRC, <https://www.business-humanrights.org/en/key-findings-from-the-database-of-attacks-on-human-rights-defenders-feb-2017> (accessed: 09 May 2018).

The BHRRC portal provides data on attacks, harassment and killings of human rights defenders working for corporate accountability. In 2017, the Centre documented 388 aggressions, including 63 cases of arbitrary detention and 96 cases of lawsuits and regulatory action. Attacks are affirmed by the BHRRC's regional researchers, and human rights defenders that document their work on corporate accountability. The BHRRC database also uses external archives that document attacks, compiled by Global Witness (from 2015) and Janika Spannagel of the Global Public Policy Institute (cases from 2015, part of a project that analyses cases from the special rapporteur on human rights defenders' reports (2000–2015)). Additionally, several cases from the websites of Front Line Defenders, Amnesty International and FIDH / OMCT – Observatory of HRDs, as well as the latest report by Udefegua (2015), have been included. Due to the underreporting of cases, it is probable that the BHRRC data is incomplete.

**245** 'Industrial Agricultures', Global Forest Atlas, <https://globalforestatlas.yale.edu/land-use/industrial-agriculture> (accessed: 09 May 2018).

**246** Data shows that land grabs remain connected to water reserves as much as land. Access to water is one of the key drivers of transnational land acquisitions. Water scarcity is increasingly a key constraint on agricultural production, leading to escalating competition for water resources. For a collection of articles on water see 'Water', Farmlandgrab, <https://www.farmlandgrab.org/cat/show/799> (accessed: 9 May 2018). See also 'The global farmland grab in 2016: how big, how bad', Grain, June 2016, p. 9, <https://www.grain.org/es/article/entries/5492-the-global-farmland-grab-in-2016-how-big-how-bad> (accessed: 29 March 2018); 'Land Rights and the Rush for Land: Findings of the Global Commercial Pressures on Land Research Project', International Land Coalition, 2012, p. 37 [http://www.landcoalition.org/sites/default/files/documents/resources/ILC%20GSR%20report\\_ENG.pdf](http://www.landcoalition.org/sites/default/files/documents/resources/ILC%20GSR%20report_ENG.pdf) (accessed: 29 March 2018).

**247** The International Land Coalition, which is an international coalition of civil society and intergovernmental organisations, uses a common definition of 'land-grabbing', which it defines as: 'acquisitions or concessions that are one or more of the following: (i) in violation of human rights, particularly the equal rights of women; (ii) not based on free, prior and informed consent of the affected land-users; (iii) not based on a thorough assessment, or are in disregard of social, economic and environmental impacts, including the way they are gendered; (iv) not based on transparent contracts that specify clear and binding commitments about activities, employment and benefits sharing, and; (v) not based on effective democratic planning, independent oversight and meaningful participation.' See: 'Tirana Declaration', International Land Coalition, 27 May 2011, <http://www.landcoalition.org/sites/default/files/documents/resources/tiranadeclaration.pdf> (accessed 09 May 2018).

**248** 'Land Rights and the Rush for Land: Findings of the Global Commercial Pressures on Land Research Project', International Land Coalition, 2012, p. 35, [http://www.landcoalition.org/sites/default/files/documents/resources/ILC%20GSR%20report\\_ENG.pdf](http://www.landcoalition.org/sites/default/files/documents/resources/ILC%20GSR%20report_ENG.pdf) (accessed: 26 May 2018).

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**250** 'Why are community forests so important?', WRI, 17 July 2014, <http://www.wri.org/blog/2014/07/qa-why-are-community-forests-so-important> (accessed: 17 May 2018).

**251** 'Land Rights and the Rush for Land: Findings of the Global Commercial Pressures on Land Research Project', International Land Coalition, 2012, [http://www.landcoalition.org/sites/default/files/documents/resources/ILC%20GSR%20report\\_ENG.pdf](http://www.landcoalition.org/sites/default/files/documents/resources/ILC%20GSR%20report_ENG.pdf) (accessed: 9 May 2018).

**252** The Land Matrix, <http://www.landmatrix.org/en/> (accessed: 29 January 2018). This site has data on 69,643,793 hectares of land which has been leased or is under negotiation. This includes deals that are made for agricultural production, timber extraction, carbon trading, industry, renewable energy production, conservation and tourism in low- and middle-income countries. The exact amount of land exchanged is likely to be far higher – due to limited data availability in the context of a general lack of transparency around land deals.

**253** Surface area of countries available at <http://world.bymap.org/LandArea.html> (accessed: 8 June 2018). 70 million hectares converts to 700,000 km<sup>2</sup>. World By Map, <http://world.bymap.org/LandArea.html>, (accessed: 9 May 2018).

**254** 'Dealing with Disclosure', Global Witness, International Land Coalition and Oakland Institute, 2012, <https://www.globalwitness.org/en-gb/campaigns/land-deals/dealing-disclosure/> (accessed: 9 May 2018).

**255** See, particularly, <http://www.landmatrix.org> and [www.farmlandgrab.org](http://www.farmlandgrab.org). The scale and competition for land resources is escalating at an enormous rate, compounded by changing dynamics in the global food regime, environmental protection initiatives in the context of climate change, and the international flow of finance capital searching for safe investments. A recent report by GRAIN has shown that profit-driven agribusiness expansion is now the dominant agenda behind land grabs. Increasingly financial institutions and pension funds have moved to invest more heavily in farmland. Offshore structures and illicit financial flows also play an important role with investors increasingly using offshore structures to conceal corruption, hide the true beneficial owners and enable companies to avoid taxation. See, particularly, the Land Matrix, <http://www.landmatrix.org/en/> (accessed: 9 May 2018); Farm Land Grab, [www.farmlandgrab.org](http://www.farmlandgrab.org) (accessed: 28 March 2018); 'The global farmland grab in 2016: how big, how bad', Grain, June 2016, p. 9, <https://www.grain.org/es/article/entries/5492-the-global-farmland-grab-in-2016-how-big-how-bad> (accessed: 29 March 2018); 'Pension funds: key players in the global farmland grab', Grain, 20 June 2011, <https://www.grain.org/e/4287> (accessed: 03 April, 2018); 'The Global Land Grab', TNI, February 2013, <https://www.tni.org/files/download/landgrabbingprimer-feb2013.pdf> (accessed: 28 March 2018); 'Land Rights and the Rush for Land: Findings of the Global Commercial Pressures on Land Research Project', International Land Coalition, 2012, [http://www.landcoalition.org/sites/default/files/documents/resources/ILC%20GSR%20report\\_ENG.pdf](http://www.landcoalition.org/sites/default/files/documents/resources/ILC%20GSR%20report_ENG.pdf) (accessed: 29 March 2018).

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**266** The standing government policy of 'economic diplomacy', as described in its Global Markets Action Plan, directs diplomats to principally serve the interests of Canadian companies operating abroad. The policy lacks consideration for whether or not doing so could aggravate conflict or worsen the conditions in which human rights defenders work, both prior to and while supporting companies. For more information, see Charis Kamphuis, 'Canadian Economic Diplomacy: Policy Gaps, Human Rights Impacts & Recommendations', 25 February 2018, available at [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=3125011](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3125011) (accessed: 9 May 2018). See also 'The "Canada Brand": Violence and Canadian Mining Companies in Latin America', Justice and Corporate Accountability Project, December 2017, <https://justice-project.org/the-canada-brand-violence-and-canadian-mining-companies-in-latin-america/> (accessed: 26 May 2018).

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See 'Brazil dam disaster: firm knew of potential impact months in advance', The Guardian, 1 March 2018, <https://www.theguardian.com/world/2018/feb/28/brazil-dam-collapse-samarco-fundao-mining> (accessed: 17 May 2018); 'Brazil charges BHP and Vale staff over mine collapse', BBC, 21 October 2016, <http://www.bbc.co.uk/news/business-37723057> (accessed: 21 May 2018); 'Brazil judge to hear criminal charges for Samarco dam disaster', Reuters, 18 November 2016, <https://uk.reuters.com/article/us-brazil-samarco-miner-charges-idUKKBN13D1KQ> (accessed: 21 May 2018); PF conclui inquérito da tragédia de Mariana e indicia 8 pessoas', G1, 9 June 2016, <http://g1.globo.com/minas-gerais/desastre-ambiental-em-mariana/noticia/2016/06/pf-conclui-inquerito-da-tragedia-de-mariana-e-indicia-8-pessoas.html> (accessed: 21 May 2018); 'BHP Samarco – rejection of charges', BHP Billiton, 21 October 2016, <https://www.bhp.com/media-and-insights/news-releases/2016/10/samarco-rejection-of-charges> (accessed: 21 May 2018); 'Samarco dam collapse: one year on from Brazil's worst environmental disaster', The Guardian, 15 October 2016, <https://www.theguardian.com/sustainable-business/2016/oct/15/samarco-dam-collapse-brazil-worst-environmental-disaster-bhp-billiton-vale-mining> (accessed: 21 May 2018).

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