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**2015'S DEADLY ENVIRONMENT: THE KILLING AND CRIMINALIZATION OF LAND AND ENVIRONMENTAL DEFENDERS WORLDWIDE**



## THE ASSASSINATION OF BERTA CÁCERES

At around midnight on 2 March 2016, gunmen broke down the door of the house where Berta Cáceres was staying in La Esperanza, Honduras, and shot and killed her. Berta was a high-profile environmental campaigner and activist on indigenous land rights. Last year she was awarded the Goldman Environmental Prize, a prestigious award recognizing grassroots environmental activism from around the world. In Berta's acceptance speech she spoke of the death threats and kidnapping attempts against her due to her struggle against the Agua Zarca dam. Global Witness highlighted her courageous work in *How Many More?* which profiled Honduras as the world's most dangerous country per capita to be a land and environmental defender. This report is dedicated to Berta Cáceres and the many brave activists who, like her, stand up to power despite the dangers to their lives.

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June 2016

## EXECUTIVE SUMMARY

2015 was the worst year on record for killings of land and environmental defenders – people struggling to protect their land, forests and rivers through peaceful actions, against mounting odds.

The environment is emerging as a new battleground for human rights. As demand for products like timber, minerals and palm oil continues, governments, companies and criminal gangs are exploiting land with little regard for the people who live on it. Increasingly, communities that take a stand are finding themselves in the firing line of companies' private security, state forces and a thriving market for contract killers.

The numbers are shocking. We documented 185 killings across 16 countries, a 59% increase on 2014 and the highest annual toll on record. On average, more than three people were killed every week in 2015 - more than double the number of journalists killed in the same period.<sup>1</sup> The worst hit countries were Brazil (50 killings), the Philippines (33) and Colombia (26).

Mining was the industry most linked to killings of land and environmental defenders with 42 deaths in 2015. Agribusiness, hydroelectric dams and logging were also key drivers of violence. Many of the murders we know about occurred in remote villages or deep within rainforests – it's likely the true death toll is far higher. For every killing we are able to document, others cannot be verified, or go unreported. And for every life lost, many more are blighted by ongoing violence, threats and discrimination.

This report sheds light on the acute vulnerability of indigenous people, whose weak land rights and geographic isolation make them particularly exposed to land grabbing for natural resource exploitation. In 2015, almost 40% of victims were indigenous. For example, the father and grandfather of Filipino activist Michelle Campos were publicly executed for defending their ancestral land against mining in an attack which drove 3,000 indigenous Lumad people from their homes. Rich in natural resources, their region of Mindanao is one of the most dangerous in the world for land and environmental defenders, with 25 deaths in 2015 alone. Although the Lumad killers were identified by the many witnesses, they have never been brought to justice.

Elsewhere, the Amazon states of Brazil saw unprecedented levels of violence in 2015, where communities are being encroached on by ranches and agricultural plantations or gangs of illegal loggers. The rainforest has given way to thousands of illegal logging camps<sup>2</sup> whilst the agricultural frontier is pushing further into previously

*"Killing has become politically acceptable to achieve economic goals..... I've never seen, working for the past 10 years in the Amazon, a situation so bad."*

– Felipe Milanez, former deputy editor of National Geographic Brazil<sup>3</sup>

untouched indigenous reserves. It's estimated that 80 % of timber from Brazil is illegal,<sup>4</sup> and accounts for 25% of illegal wood<sup>5</sup> on global markets. Much of this is being sold on to buyers in the US, Europe and China.<sup>6</sup>

Across the world, collusion between state and corporate interests shield many of those responsible for the killings. In cases that are well documented we found 16 were related to paramilitary groups, 13 to the army, 11 to the police and 11 to private security – strongly implying state or company links to the killings. There was little evidence that the authorities either fully investigated the crimes, or took actions to bring the perpetrators to account.

Our findings highlight another alarming trend: while impunity for perpetrators prevails, the criminalization of activists is becoming more commonplace, particularly in African countries. Governments and powerful business interests use their influence to marginalise defenders and turn public opinion against them, branding their actions as 'anti-development'. We document the experiences of four defenders in Cameroon, Sierra Leone, Madagascar and Democratic Republic of Congo, who in 2015 faced legal harassment by authorities, including being arrested on trumped-up charges.

There is growing international awareness of this growing crisis, with many NGOs and human rights experts calling for urgent action. As UN expert Victoria Tauli-Corpuz commented during a visit to Brazil in March 2016, *the pattern of killings in many countries is becoming an epidemic.*<sup>7</sup>

This report asks why – and calls for urgent, meaningful action to end the rising tide of violence. Protecting land and environmental defenders is vital – not only as a matter of justice and basic human rights, but for our collective survival. They are the custodians of the planet's natural resources in the face of accelerated climate change and a host of environmental problems that threaten humanity. In the words of Michelle Campos: *We want to speak. Hear us.*<sup>8</sup>

**Above:** Julia Francisco Martinez's husband was killed in January 2015 for campaigning against a hydroelectric dam on indigenous land in Central Honduras.  
©Giles Clarke/Getty Images Reportage



## A 5 POINT PLAN FOR LAND AND ENVIRONMENTAL DEFENDERS

Governments, companies and the international community must do far more to address the crisis. Consistent, coordinated and legally binding measures are necessary across the world to:

- ▶ Protect land and environmental defenders so they are able to carry out their work without fear of violence, intimidation or threats against themselves or their families, colleagues or communities
- ▶ Investigate crimes against activists, bring the perpetrators to justice, and expose the corporate and political interests that lie behind the persecution of people defending land and environmental rights.
- ▶ Remedy the situation faced by victims and their communities by holding those responsible for crimes to account, providing compensation and other assistance, and reviewing controversial projects.
- ▶ Support defenders' rights to speak out against projects imposed on their land, instead of denigrating them, and facilitate constructive dialogue with civil society.
- ▶ Resolve the underlying causes of violence against defenders, including prioritising formal recognition of land rights as well as tackling corruption and illegalities in resource exploitation.

## 2015: THE DEADLIEST YEAR ON RECORD

Global Witness documented 185 killings in total across 16 countries, a 59% increase from 2014 and the largest total since we started collecting data going back to 2002.

Land and environmental defenders are now being killed at a shocking rate of more than 3 a week.

The majority of cases recorded were in Latin American and South-East Asian countries, with the highest tolls in any year yet recorded in Brazil (50) and the Philippines (33).

Indigenous peoples have been hardest hit for defending their ancestral land representing almost 40% of victims.

Mining and extractives industries were linked to the most killings, with 42 defenders murdered.

Agribusiness (20 killings), hydroelectric dams and water rights (15) and logging (15) were also major drivers of killings.

We found suspected involvement of paramilitary groups in 16 cases, 13 for the armed forces, 11 for the police and 11 for private security guards.

## RECOMMENDATIONS

### National governments in countries where environmental and land defenders are under threat must take immediate steps to:

- ▶ Ensure that law enforcement bodies and the judiciary enforce relevant laws to protect defenders from violence
- ▶ Support independent units with resources to protect defenders under threat, such as risk assessments, legal aid, security provision and temporary relocation where necessary
- ▶ Ensure prompt and impartial investigations into allegations of threats and violence against defenders, and carry out prosecutions of direct perpetrators and intellectual authors of crimes
- ▶ Publicly reaffirm and recognise the important work of land and environmental defenders, and take steps to respect, protect and promote their rights, as stipulated by the UN Special Rapporteur on Human Rights Defenders in 2011<sup>9</sup>
- ▶ Implement and respect all provisions set out in the UN Declaration on Human Rights Defenders<sup>10</sup> and apply the guidance set out in the resolution on Human Rights Defenders working on economic, social and cultural rights adopted by the UN Human Rights Council on 24 March 2016<sup>11</sup>
- ▶ Support the UN Human Rights Council's Special Procedures, specifically those mandated to Human Rights Defenders, Indigenous Peoples, Business and Human Rights, Environment and Human Rights and Extrajudicial Killings, by accepting visits by Special Rapporteurs and addressing their recommendations
- ▶ Review controversial projects in areas with violence against defenders, and suspend or cancel operations where there is evidence of illegalities or lack of compliance with environmental regulations or consultation procedures
- ▶ Provide appropriate redress and reparation to victims and local communities to remedy and redress any direct and indirect impact of human rights abuses
- ▶ Prioritise actions to tackle illegalities and corruption in sectors exploiting land and resources, and publicly reaffirm the work of public officials threatened when monitoring these sectors
- ▶ Develop National Action Plans on business and human rights to address corporate human rights abuses against defenders in line with UN guidance<sup>12</sup>
- ▶ Ratify ILO Convention 169 on Indigenous and Tribal Peoples<sup>13</sup> and recognise and implement the right of affected communities to reject investment and extractive projects unless they give their free, prior and informed consent
- ▶ Prioritise processes to secure the collective land rights of indigenous peoples and local communities, and ensure their rights to sustain their livelihoods as part of national development strategies
- ▶ Actively support land and environmental defenders as an integral part of civil society, allow them to operate freely, participate in decision-making and access information on land and natural resource governance
- ▶ Desist from denigrating the work of defenders and criminalizing their actions; rescind the use of policies and legislation that restrict the activities of defenders in contravention of international human rights law

### All governments must:

- ▶ Ensure any future bilateral and multilateral trade agreements involving governments whose defenders are under threat include measures to address these violations and be conditioned on robust investigations of cases
- ▶ Introduce binding regulations to ensure that large-scale land acquisitions and investments do not violate legitimate collective land rights, and are in-line with the Voluntary Guidelines on the Governance of Tenure of Land, Forests and Fisheries, in the context of National Food Security<sup>14</sup>
- ▶ Hold investors and corporations to account to ensure that they meet their human rights and environmental obligations when either financing, operating or sourcing goods and services nationally and/or abroad
- ▶ Ensure that all development aid and assistance is guided by the provisions set out in the UN Declaration of Human Rights Defenders<sup>15</sup> and that this applies to programming in all sectors and at all stages

### International and regional bodies:

- ▶ Dissemination and implementation of the EU Guidelines on Human Rights Defenders and support for the Special Procedures of the UN Human Rights Council should be properly resourced by EU missions in countries where environmental and land defenders are under threat<sup>16</sup>
- ▶ The ASEAN (Association of South East Asian Nations) Human Rights Commission and African Commission on Human and Peoples' Rights should establish a mechanism based on the Inter-American Human Rights Commission's framework to provide emergency protection ("precautionary measures") for human rights defenders<sup>17</sup>
- ▶ The UN Working Group to Develop a Treaty to Prevent and Address Corporate Human Rights Violations<sup>18</sup> should address the heightened risk posed by business activities to environmental and land defenders in any text of a future treaty
- ▶ The UN Economic Commissions for Africa and Asia should establish robust, legally binding regional instruments on access to information, public participation and justice in environmental matters, modelled on the current process in Latin America and the Caribbean,<sup>19</sup> including measures to protect land and environmental defenders

### All companies and investors must:

- ▶ Support constructive dialogue with defenders and desist from denigrating their work and using judicial harassment to impede their actions
- ▶ Refuse to make any investment decision unless genuinely free, prior and informed consent is given by potentially affected communities
- ▶ Establish grievance mechanisms necessary to avoid, reduce, mitigate and remedy any direct and indirect impact of human rights abuses
- ▶ Implement due diligence checks on supply chains to ensure that their purchasing policies are not linked to operations that are associated with human rights or environmental abuses, including acts of intimidation, repression or violence against defenders
- ▶ Adopt and implement the Voluntary Principles on Human Rights and Security,<sup>20</sup> the UN's Guiding Principles for Business and Human Rights<sup>21</sup> and other relevant international human rights standards
- ▶ Implement and require compliance with the Voluntary Guidelines on the Responsible Governance of Tenure across their national and international supply chains

## WHO IS UNDER THREAT?

*"It is necessary to defend the land, for us the poor people, because the land is our own bank. If we lose it we have lost the world. We become landless landlords."*<sup>22</sup> – Sima Mattia, secretary of the Malen Land Owners and Users Association (MALOA) of Sierra Leone

We define environmental and land defenders as people who take peaceful action to protect environmental or land rights, whether in their own personal capacity or professionally. Often they are ordinary people living in remote forests or mountain villages, who may not even be aware of their classification as 'land and environmental defenders'. But similarly they might work as journalists, activists or lawyers committed to shining a light on environmental destruction. Some are indigenous leaders defending their traditional lands against mining and dam projects. Whilst others work to conserve forests as park rangers tackling illegal logging and deforestation.

Land and environmental defenders often face powerful political and business interests who collude to steal their land and natural resources. These interests use their influence to marginalise defenders and turn public opinion against them, branding their actions as 'anti-development'. Many face years of death threats, intimidation and harassment against themselves and their families, but receive little or no protection from authorities.

The rights they defend are recognised as human rights, such as the right to a healthy environment and the rights of indigenous peoples to their ancestral lands. They also might campaign on freedom of speech and the right to protest. As such, environmental

Below: Michelle Campos' father, grandfather and school teacher were publicly executed for opposing mining in Mindanao, Philippines. ©Tulda Productions

and land defenders are human rights defenders and governments are obliged to protect them as set out in the UN Declaration on Human Rights Defenders.<sup>23</sup> Their work is also essential to broader goals like combating climate change and ensuring sustainable development for future generations.

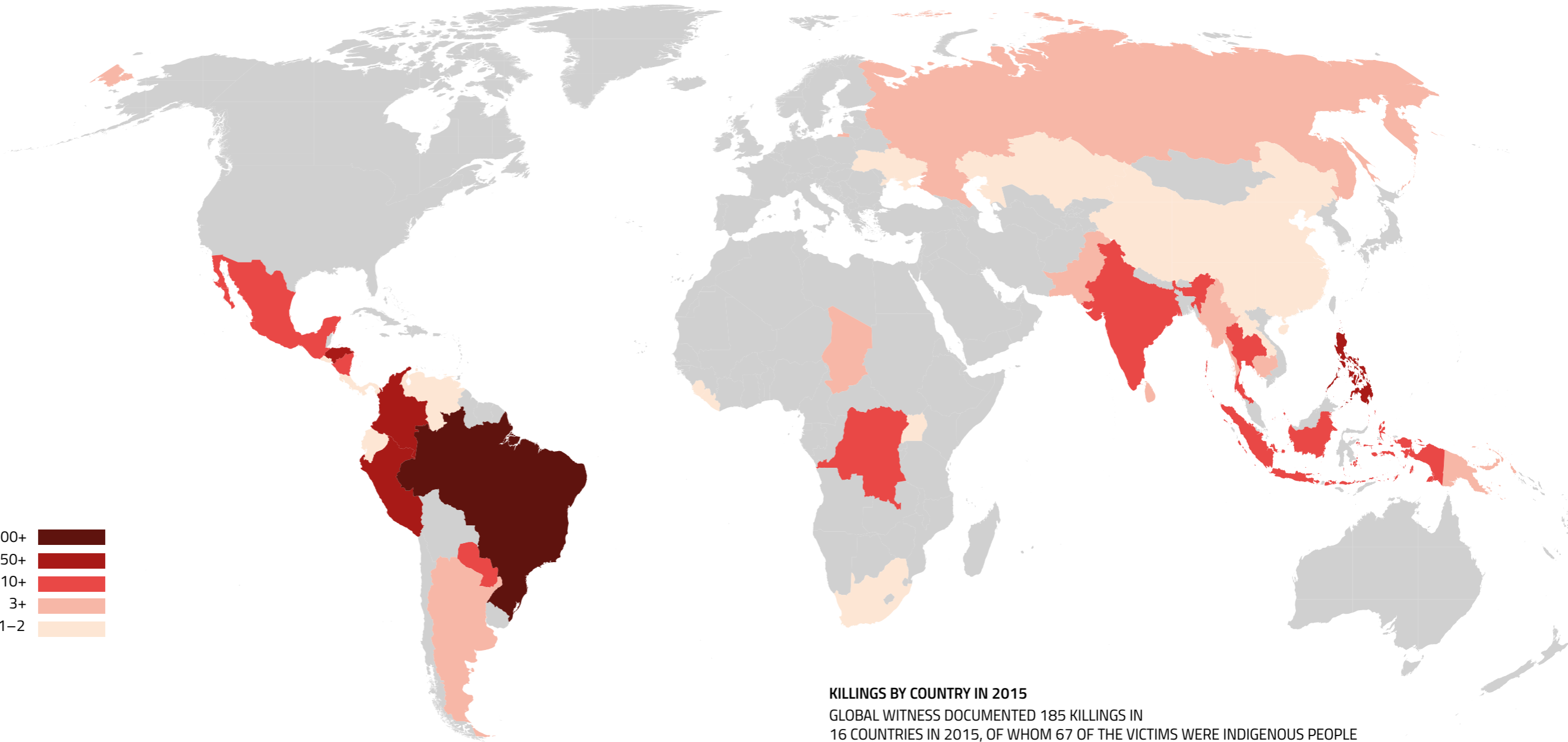
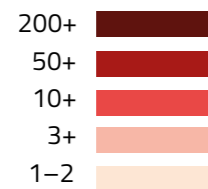


### Below are some examples of the different types of land and environmental defenders killed in 2015:

- ▶ Rigoberto Lima Choc, a Guatemalan teacher, was shot dead on 18 September 2015 in broad daylight in the town Sayaxché, on the steps of the local court building. He had spoken out about pollution of the La Pasión River allegedly caused by the palm oil company Reforestadora de Palmas del Petén, S.A. (REPSA). The same day as his murder, three other environmental activists were temporarily kidnapped by workers from the company after a judge suspended REPSA's activities.<sup>24</sup> REPSA have rejected accusations that they caused the water pollution in the Río de la Pasión and have also categorically rejected any link between the company and the killing of Rigoberto Lima Choc.
- ▶ Saw Johnny, an advocate for land rights in Karen State, Myanmar, was shot several times in the back by unidentified gunmen early in the morning on 2 July 2015. He was well-known for supporting local victims of land grabbing and reportedly exposed the illegal sale of government plots of land.<sup>25</sup>
- ▶ Alfredo Ernesto Vracko Neuenschwander, a Peruvian community forestry worker, was gunned down in his home in Madre de Dios on 19 November 2015. He led a movement to resist forest invasions into the biodiverse Tambopata region by illegal gold miners, who had repeatedly threatened him prior to his killing. He had denounced the threats, but little action was taken by the authorities.<sup>26</sup>
- ▶ Maria das Dores dos Santos Salvador, a Brazilian rural community leader in Amazonas, was kidnapped and brutally killed on 12 August 2015. She had strongly denounced the illegal sale of community land and had faced threats for several years without receiving the necessary state protection.<sup>27</sup>
- ▶ Sandeep Kothari, an Indian journalist, was found burned and beaten to death in Maharashtra state on 20 June 2015. He had written critically on sand mining by local mafia groups in Balaghat district, which the state has allowed to grow unchecked. Prior to his murder, he had faced considerable threats, including intimidation by the police and spurious legal charges in alleged retribution for his journalism.<sup>28</sup>

# DEADLIEST YEAR ON RECORD

**KILLINGS BY COUNTRY 2010-15**  
THE DEADLIEST YEARS ON RECORD



In 2015 Global Witness documented 185 killings of land and environmental defenders, which makes it by far the worst year on record. In total, Global Witness has documented 1176 cases going back to 2002. Last year's death toll increased a shocking 59% from 2014. These stark figures show governments are turning a blind eye to the spiralling violence against land and environmental defenders.

Killings in 2015 have been identified from 16 countries, as shown opposite. The highest tolls were in Brazil (50) and the Philippines (33). These countries also recorded their highest level of killings for any year. The Brazilian conservationist Felipe Milanez recently commented about the risks for activists in the Amazon: *Killing has become politically acceptable to achieve economic goals... I've never seen, working for the past 10 years in the Amazon, a situation so bad.*<sup>29</sup> Colombia (26), Peru (12), Nicaragua (12) and Democratic Republic of Congo (11) were the next hardest-hit countries. The data reveals that 67 of the land and environmental defenders killed last year belonged to indigenous communities, the most on record. Increasingly companies are encroaching onto indigenous people's land and silencing those who oppose their plans to extract natural resources.

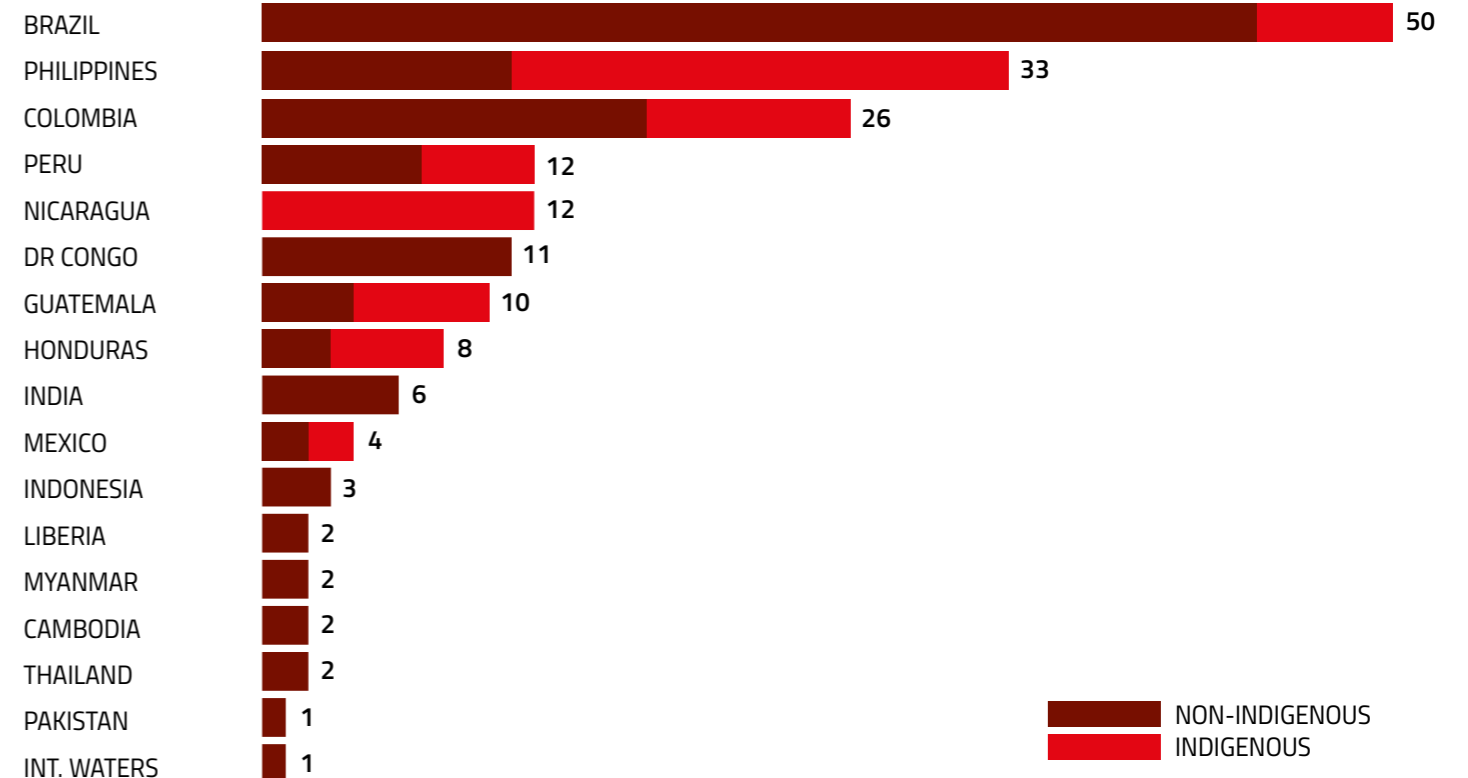
Mining and extractive industries were linked to the most killings in 2015 with 42 cases – an almost 70% increase from 2014 – with the highest tolls in Peru (11), Philippines (11) and Colombia (7). Many of the grievances against mining related to companies' refusal to consult local communities on projects that would affect their land

and environment. Pressure on the ownership, control or use of land was an underlying factor behind all killings, with many rural communities being subjected to violent repression from more powerful landowners and companies. Large-scale agribusiness plantations were linked to 20 cases, especially in the Philippines (7) and Brazil (7), with further cases in Indonesia and Thailand. Logging was another driver in 15 killings, often related to illegal loggers moving into protected areas or indigenous territories. Whilst hydroelectric dams and irrigation projects were linked to 15 killings, with particularly egregious cases in Honduras and Guatemala.

Our data on killings is likely to be an under-estimate of the problem as many deaths go unreported, especially in remote, isolated areas. We have identified and verified cases through a systematic review of online public information but, in some cases, it was impossible to gather sufficient details to verify the events. The lack of monitoring and suppression of the media and civil society in some countries, particularly in Asia and Africa, means, invariably, there are more cases than we have documented. Killings reflect the most extreme risk faced by land and environmental defenders but last year also saw an increasingly worrying trend of criminalization of their work, particularly in Africa. Governments and companies are using legal measures to attack activists and obstruct their legitimate defence of land and environmental rights.

## KILLINGS BY COUNTRY IN 2015

GLOBAL WITNESS DOCUMENTED 185 KILLINGS IN 16 COUNTRIES IN 2015, OF WHOM 67 OF THE VICTIMS WERE INDIGENOUS PEOPLE





**Above:** Private security guards for hydroelectric dam, mining and agribusiness projects were linked to at least 11 killings in 2015 (copyright Giles Clarke/Getty Images Reportage)

## SUSPECTED PERPETRATORS

Few perpetrators of killings of defenders are ever brought to justice due to the failures of governments to properly investigate or prosecute anyone for these crimes.<sup>30</sup> Many authorities either turn a blind eye or actively impede investigations into these killings due to the collusion between corporate and state interests – the principal suspects in these murders. This entrenched culture of impunity makes it easier for further killings to take place as those responsible know they are unlikely to be held to account.

An example is the brazen attack on environmental defender Rigoberto Lima Choc in Guatemala who was shot dead on the steps of a local court building after denouncing pollution of a nearby river.<sup>31</sup> This lack of accountability makes reporting on perpetrators challenging. Often there is no detailed information on those responsible for the killings or public reporting on police investigations. Even in the rare cases where the murderers were arrested, there was little sign that those who ordered the killings had been investigated, suggesting powerful interests at play.

However, in 2015, we found partial information on suspected perpetrators in 97 cases. The information strongly suggests state and company involvement in the killings of land and environmental defenders. Paramilitary groups were suspected to have carried out 16 extrajudicial killings in Colombia and the Philippines, where they are alleged to operate with the backing of the army and business interests. The army itself was implicated in 13 killings, also mainly in Colombia and the Philippines, where internal armed conflicts are used as a pretext for land-grabbing by business interests with military support. Further suspected killings by the army were reported in Myanmar and Indonesia.

Last year ten protesters were shot dead by the police during peaceful actions to defend their environmental and land rights. Nine of these occurred in anti-mining demonstrations in Peru which recently weakened its environmental laws to encourage increased mining investment. Gunmen employed by companies and large landowners for private security were also suspected in 11 killings, mainly for ranches and plantations in Brazil and the Philippines. In 13 other cases we found information that land-grabbers in Brazil were suspected of killing off community activists.

## **BRAZIL:** LAND AND ENVIRONMENTAL RIGHTS IN AMAZON STATES

On 25 August 2015, as they returned home along a quiet road, Raimundo dos Santos Rodrigues and his wife Maria were ambushed and brutally attacked by two unidentified men.<sup>32</sup> Maria survived, but her husband died as a result of his injuries. Raimundo, whose name is said to have been on a hit list of environmentalist activists,<sup>33</sup> became the latest victim in the struggle to protect communities' rights in the Brazilian Amazon.

Raimundo worked tirelessly to defend the Gurupi Reserve, a hotbed of biodiversity in the province of Maranhão in Brazil's Amazon

rainforest. He was a prominent environmental defender – championing the rights of small-scale farmers, advising on conservation initiatives,<sup>34</sup> defending indigenous land against powerful landowners, and denouncing illegal logging.<sup>35</sup>

Illegal logging is rampant in Maranhão, where much of the Amazon forest has already been felled.<sup>36</sup> At the frontiers of agricultural land and tropical forests, violence is now commonplace. Following Raimundo's killing, members of his community fled the area and are currently living in destitution,<sup>37</sup> with little government protection or support. Following campaigns for justice, in March 2016 the police finally arrested two men for Raimundo's murder;<sup>38</sup> welcome news in a country where the vast majority of perpetrators of violence against land defenders go untried and unpunished.<sup>39</sup> At the same time, loggers continue to threaten Raimundo's colleagues in the Gurupi Reserve.<sup>40</sup>

In 2015, Brazil recorded more killings of land and environmental defenders than any previous year. The 50 killings we verified - from information provided by the Pastoral Land Commission in Brazil – is almost double the amount killed in 2014.<sup>41</sup> Most of the murders took place in the Amazon states of Maranhão, Pará and Rondônia which has seen a surge in violence linked to large ranches and plantations taking over land where rural communities lack rights, despite promises from the authorities.<sup>42</sup> Agribusiness companies, loggers and landowners are hiring hitmen to silence local opposition to their projects.

Local leaders are being targeted and their communities forcibly displaced by these powerful economic interests. The level of violence has caused increasing alarm. UN expert Vicky Tauli-Corpuz referred to the expansion of the agricultural frontier deeper into the Amazon as *open warfare*.<sup>43</sup> In March 2016 leading human rights and environmental groups in Brazil demanded an urgent response to the crisis from the government.<sup>44</sup>

*“The Gurupi Reserve is under threat and attack... illegal logging and land-grabbing are causing serious damage to conservation of this natural heritage. Gangs of loggers threaten the conservation managers, the local advisers and all of the inhabitants”<sup>45</sup>*

– Cláudio Maretti, President of the Chico Mendes Institute

The Brazilian government must do more to protect activists and stop the killings of land and environmental defenders like Raimundo dos Santos Rodrigues. It must:

- ▶ Address the root causes that generate threats and risks to land and environmental defenders, in particular the prioritisation of formal demarcation of the lands of indigenous peoples and ‘assentamentos’ (settlements) for rural communities
- ▶ Adequately resource the National Institute of Colonization and Agrarian Reform (INCRA) and the National Indian Foundation (FUNAI), responsible for land tenure and demarcation of indigenous land
- ▶ Respect and apply the full rights of indigenous peoples and rural communities under ILO Convention 169 to free, prior and informed consent (FPIC) on projects that overlap their territories
- ▶ Strengthen the National Protection Programme of Human Rights Defenders by giving it a consistent institutional framework and promoting transparency in its functions and participation with civil society



Deforestation in Amazon states like Pará has been driven by ranchers and illegal loggers - the main perpetrators of killings of defenders in Brazil. ©Panos

## INDIGENOUS PEOPLE WORST HIT

67 land and environmental defenders killed in 2015 were indigenous people, almost 40% of the overall total, and an increase of 20 victims from 2014. The actual proportion may be even higher as a victim's indigenous identity is likely to be under-reported. These stark figures demonstrate that indigenous people face mounting violence and receive little or no protection.

Rapacious companies, many of them from the mining or agribusiness sectors, are encroaching more and more onto indigenous land rich in untapped natural resources. Until recently these remote areas may have been out of reach but, as commodity prices fall, companies are taking greater risks to secure larger profits. Demand for agricultural land is driving violence between large landowners and indigenous peoples, particularly in Nicaragua where 12 indigenous leaders were killed in 2015. In the Philippines 22 indigenous activists from the Lumad community were also killed for defending their lands from agribusiness and mining companies. Whilst in Colombia 9 indigenous leaders were killed by suspected paramilitary groups linked to business interests.

### Indigenous peoples' cultural survival is under threat

Indigenous peoples' cultural survival is under threat. The defence of their ancestral territories is paramount not just as a source of livelihoods but also to maintain their traditional identity and way of life. Less than 6% of the world's population is estimated to be indigenous peoples, but their territories cover 20% of the land across the globe, often in relatively untouched areas where high-value natural resources are increasingly earmarked for exploitation.<sup>46</sup>

Another driver of attacks against indigenous peoples is the failures by governments and companies to recognize their rights to decide what happens on their land. Indigenous people come into conflict with companies, often with state backing, looking to develop their ancestral land without their consent. The governments of some of the most dangerous countries for land and environmental defenders - Brazil, Colombia, Peru and Honduras - are obliged under international law to obtain indigenous peoples' free, prior and informed consent (FPIC) before enacting projects.<sup>47</sup> This means indigenous people should get information at all stages of a planned project around the potential impacts on their lives and then decide whether to accept it or not. But in practice this is habitually ignored - leading to conflict.

Even where countries have passed laws to formalise land rights for indigenous peoples, enforcement is often stalled by convoluted processes and priority on land reform is given to extractive industries. For example, an analysis last year identified 27 steps for titling indigenous land in Peru compared with only

## PHILIPPINES: LUMAD PEOPLE IN MINDANAO

three steps for a logging concession and seven for a mining concession.<sup>48</sup> Processes for granting mining, agribusiness, logging and other concessions, often facilitated by corruption, are typically expedited by authorities whilst indigenous communities wait years for formal recognition of their land.

*On September 1, at around 3am, the killers came. They woke the people up and forced them to gather in the basketball court. They prevented Tatay Emok from leaving... tied his hands and feet, slit his throat, shot his chest, and left him dead. They told us to leave our community in two days or else they will finish us all.*<sup>49</sup>

Land defender Michelle Campos knows she is risking her life by speaking out about the crimes committed against the Lumad indigenous people in Mindanao, Philippines. In an open letter published in a Manila newspaper, she recounts the brutal execution of her father and grandfather at the hands of an armed group, in full view of their families and community. A third man, the head teacher of the local school, was detained by the notorious Magahat-Bagani paramilitary group and later found dead, his body bearing evidence of torture. Witnesses reported that the paramilitaries were operating alongside the Philippines army.<sup>50</sup> The violence sparked a mass exodus of around 3,000 Lumad people, who fled on foot to the nearest town, 16km away.<sup>51</sup>

Michelle's grandfather, Dionel Campos, had been the leader of a community organisation campaigning against exploitation of the



**Below left:** 3,000 Lumad people fled to makeshift camps after the killing of anti-mining activist Dionel Campos and two other community members. ©Henry Langston/Vice News

**Below:** Emerito Samarca's dead body was found bearing visible signs of torture days after being detained by an armed group operating in resource-rich Mindanao, Philippines. ©Henry Langston/Vice News

*"Many have died, many were killed because they stood up for our land and indigenous way of life and spoke of our plight - my father, my grandfather, and my school teacher, are just a few of them."*

- Michelle Campos, daughter of slain land activist Dionel Campos

area's substantial reserves of coal, nickel and gold by international and local mining companies.<sup>52</sup> The encroachment of agribusiness and mining interests onto indigenous peoples' lands without their consent<sup>53</sup> is one of the root causes of conflict in the highly militarised Mindanao region.<sup>54</sup> Human rights missions have documented serious abuses, including extra-judicial killings, concentrated in areas where companies seek control of land and resources.<sup>55</sup> In total we documented 22 killings of Lumad activists in 2015 making Mindanao one of the most dangerous regions in the world to be a land and environmental defender.

Although the Indigenous Peoples Rights Act of 1997 obliges the state to protect the Lumad people, it has so far carried little weight - with successive governments supporting the aggressive drive to exploit the region's rich resources.<sup>56</sup> According to local organisations, more than 500,000 hectares of Mindanao's lands are now covered by mining applications, and more than 700,000 hectares are being converted into agribusiness plantations.<sup>57</sup>

The atrocities in Michelle's community drew widespread condemnation from civil society organisations and UN experts, who called on the Philippine Government to launch a full and independent inquiry,<sup>58</sup> however, to date, no one has been brought to justice. Local people report that the killers are well known and continue to act with impunity.<sup>59</sup> One of three named suspects was even seen drinking recently with soldiers.<sup>60</sup>

Meanwhile the violence in Mindanao continues unabated with several further killings reported in early 2016. Despite the constant threat, Michelle continues her fight for justice: *We speak, but we are constantly being silenced... Now hear us, give us your space and let us speak.*

The Philippines government must act urgently to prevent further killings of land and environmental defenders and to protect the rights of the Lumad people. It must:

- ▶ Create an independent body to investigate extrajudicial killings and other abuses perpetrated by the army and paramilitary groups and bring those responsible to justice
- ▶ Cease the militarisation in indigenous Lumad ancestral territories and dismantle paramilitary groups linked to the army
- ▶ Ensure the safe return of indigenous peoples displaced by violence, and guarantee redress to the victims' families in compliance with their indigenous traditions
- ▶ Respect the rights of indigenous people to free, prior and informed consent (FPIC) before the development of projects on their land



## COLOMBIA: INDIGENOUS TERRITORIES IN CENTRAL HIGHLANDS

Fabio Moreno has been in hiding since 7 April 2015, the day his friend and fellow land defender Fernando Salazar Calvo was shot dead outside his home.<sup>62</sup> In the weeks before the attack, both men received death threats warning them to cease their work protecting their ancestral land, the resource-rich Cañamomo Lomaprieta Indigenous Reserve in central Colombia.<sup>63</sup>

Their indigenous group, the Embera Chamí, have been practicing small-scale, environmentally responsible, gold mining here for hundreds of years. But despite the traditional authorities declaring the land off-limits to exploitation, the government has approved mining concessions in the area.<sup>64</sup> This has paved the way for prospecting by multinational mining companies such as AngloGold Ashanti and for illegal mining by armed groups. Indigenous leaders, like Fabio and Fernando, who wish to defend their land against encroaching interests, have faced threats and intimidation.<sup>65</sup>

In total, nine killings of indigenous land defenders in Colombia were recorded in 2015, though it is likely that the actual toll was higher.<sup>66</sup> Indigenous people suffer violence linked to the ongoing internal armed conflict, which has seen large-scale land grabs and displacement in their territories.<sup>67</sup> Large agribusiness, mining and extractives activities are exacerbating already extreme levels of land inequality, poverty and environmental degradation.<sup>68</sup>

The principal suspects in much of the violence, according to human rights groups, are paramilitary groups working in collusion with local political and business elites.<sup>69</sup> Last year, 27 incidents were documented of such groups putting up macabre public notices with death threats against communities and their leaders.<sup>70</sup> For example, on 5 February the Black Eagles (Aguilas Negras) paramilitary group announced that it was time for social cleansing in northern Cauca.<sup>71</sup>

To date, no one has been arrested for the killing of Fernando Salazar Calvo. Moreno remains in hiding, away from his family and community; yet despite the huge risks he continues his work to protect the Embera Chamí land and resources. He doesn't know who is responsible for his colleague's death – but he has no doubt whatsoever as to the motive. *What these people want is for the organization [Embera Chamí] not to have any intervention in the issue of mining... so that the companies can come in.*<sup>72</sup>

Land reform and restitution is critical to addressing the root causes of violence against land and environmental defenders in Colombia. In the Cauca region for example, although some indigenous reserves have a degree of self-determination, very few of these areas are formally recognised.<sup>73</sup> Despite the passing of a new law in 2012 which aims to return lands forcibly removed from communities during the armed conflict, there has been little action.<sup>74</sup>

According to local human rights groups, the government's National Protection Unit – meant to provide protection for activists – is failing on every level.<sup>75</sup> Meanwhile, the government is prioritising actions that may drive even further violence; a law passed in 2015 contains several provisions that threaten to legitimise land grabbing by extractive companies, further undermining land defenders' rights and security.<sup>76</sup>

*“We have serious conflicts with the State about their mining vision. They say that the subsoil is theirs; we say that the land is one with the subsoil; you cannot separate it from a spiritual point of view. This is the war we are waging... to have the air, the land, the subsoil, together.”*

– Chief Governor, Cañamomo Lomaprieta Indigenous Reserve<sup>61</sup>

The Colombian government must protect land and environmental defenders and the rights of its indigenous people. It must:

- ▶ Implement effective protection measures for land and environmental defenders, and collective preventative measures for communities, including improving coordination and strengthening responsibility for protection by the National Protection Unit
- ▶ Carry out full, impartial investigations into human rights abuses carried out by the security forces, paramilitaries and guerrilla groups that contribute to land being misappropriated, including the responsibility of state officials and business interests, and bring perpetrators to justice in civilian courts
- ▶ Prioritise measures to fully comply with obligations to ensure reparation, including through land restitution, to all victims of the armed conflict
- ▶ Take effective measures to prevent the forced displacement of indigenous peoples and afro-descendent and rural communities from their lands

## NICARAGUA: MISKITO PEOPLE ON THE CARIBBEAN COAST

Fear is ever present among the defenders of indigenous territory on Nicaragua's Caribbean coast, home for centuries to the Miskito people. Their ancestral lands and livelihoods are increasingly under threat from the thousands of new settlers from the country's interior, including ex-military personnel, who seek to exploit the region's natural resources.<sup>77</sup>

Lottie Cunningham Wren,<sup>78</sup> a lawyer and member of the Miskito community, works for a grassroots organisation that helps indigenous people exercise their legal right to protect their land. But with the authorities turning a blind eye to their plight, she knows the stakes are high:

*“Defenders are at permanent risk. We've received calls and messages with threats to kill us and our families. The Nicaraguan authorities show no interest, nor do they take measures to protect us.”*<sup>79</sup>



Activists defending the Cañamomo Lomaprieta Indigenous Reserve have been threatened and killed by suspected paramilitaries in Central Colombia. ©Viviane Weitzner

In May 2015, Lottie escaped from a kidnapping attempt.<sup>80</sup> Others were not so fortunate. On 17 December, an armed group of settlers attacked the community of Esperanza and abducted three men;<sup>81</sup> later that day the same group murdered two indigenous people – Rey Muller and Kent Disman Ernesto – and wounded three others.<sup>82</sup> The three men kidnapped are feared dead.<sup>83</sup> According to local sources, the government has done nothing to investigate these crimes.<sup>84</sup>

The killings were part of a series of attacks in 2015 by armed groups of settlers against land and environmental defenders in this impoverished region of Nicaragua; in total, we verified 12 killings, although local organisations suggest that the toll could be even higher.<sup>85</sup> Threatening notices have been issued, and it is estimated that up to 3,000 indigenous people have been displaced by the violence.<sup>86</sup>

Some reports suggest that land may have been sold illegally by corrupt local officials, who hope to profit personally by working hand in hand with powerful business interests to exploit the region's timber and agricultural resources.<sup>87</sup> Despite the passing of a law in 2003 guaranteeing indigenous peoples' rights to their communal land,<sup>88</sup> the government has failed to put it into practice and continues to grant concessions for projects on indigenous land without consulting communities.<sup>89</sup> Until they act, there is a real risk that the violence against indigenous people at the hands of armed settlers will continue to escalate.

*Our communities need our work more than ever – and we are committed to it – but we're in a constant state of danger and alarm, says Lottie. She successfully applied to the Inter-American Commission of Human Rights (IACHR) for emergency protection measures for the worst-affected Miskito communities;<sup>90</sup> however, the government has so far refused to acknowledge or act on these.<sup>91</sup> In the meantime – while the violent attacks and forced evictions continue with impunity – Lottie and others defending their ancestral lands must do so in fear for their lives.*

The Nicaraguan government must act urgently to prevent further killings of land and environmental defenders and to protect the rights of the Miskito communities. It must:

- ▶ Meet the Inter-American Commission for Human Rights and adopt the measures necessary to protect the Miskito communities under threat
- ▶ Develop a comprehensive plan to investigate and defuse the violence against indigenous peoples linked to settlers occupying their ancestral territories
- ▶ Respect and apply the full rights of indigenous peoples under ILO Convention 169 to free, prior and informed consent (FPIC) on projects that overlap their territories
- ▶ Implement Law 445 in full to formally recognise indigenous peoples' communal land through a process of demarcation, titling and resolution of issues with third parties



## SECTORS THAT ARE DRIVING KILLINGS

### MINING AND EXTRACTIVES INDUSTRIES

Mining and extractives industries were the sector most linked to killings of land and environmental defenders in 2015 with 42 cases across 10 countries. Shockingly, this represents almost a 70% increase from 2014. Colombia, Peru and the Philippines were the hardest-hit countries for anti-mining activists.

Mining companies are increasing production in order to make up for the loss in profits from the fall in commodity prices - causing environmental damage in the process and conflicts with communities.<sup>92</sup> This intensification of resource extraction has led to environmental disasters like in Minas Gerais, Brazil where toxic mud released by a breach of a dam owned by a mining company killed 10 villagers in 2015.<sup>93</sup> The upsurge in mining activity has been coupled with weakening of regulations by governments eager to spur new mining investments, meaning riskier projects are approved that impact on communities.<sup>94</sup>

Land and environmental defenders from these communities are being killed in record numbers for standing up to mining companies' polluting their water sources, land grabbing and threatening their livelihoods.<sup>95</sup> Too often affected communities are not being consulted on decisions that impact their environment and way of life. Governments must ensure transparency in the granting of mining concessions and that communities give their consent for projects on their land. They must also heed broader calls for the rights of indigenous people to pursue their own development paths.

Many governments in developing countries actively promote mining as part of 'development' agendas, although there is limited evidence that this sector benefits local communities.<sup>96</sup> Over 2015 the continued fall in commodity prices meant companies and states cut corners on environmental regulations. In Peru, for example, Law 30230 reduced the time designated for environmental impact assessments in an effort to promote more mining investment.<sup>98</sup>

Peru is one of the deadliest countries for activists protesting against mining. Approximately 80% of the 69 killings there since 2002 were linked to the mining sector, including 11 of the 12 in 2015. In the last decade, human rights organisations in Peru have documented hundreds of social conflicts and cases of criminalization against activists related to such operations.<sup>99</sup> On 28 September 2015, highland farmers in Apurimac launched a protest against the massive Las Bambas copper mine, run by the Chinese company MMG Limited, due to changes in the environmental impact plan that they believed would cause pollution.<sup>100</sup> Four protesters were killed and another 15 wounded by police gunshots, while eight police officers were injured.<sup>101</sup> The passing of Law 30151 in 2014 also made it easier for the police and army to get away with killings by reducing their criminal responsibility if they cause injury or death on duty.<sup>102</sup>

Mining activities operating with the corrupt support of local authorities have also generated conflict globally. An example is sand mining to feed the world's construction and manufacturing boom.<sup>103</sup> In Indonesia, on 26 September 2015, a mob beat Salim Kancil to death, one of the organisers of a protest against damaging sand mining on Watu Pecak beach, Lumajang.<sup>104</sup> The police arrested over

30 people, including two local village officials who allegedly master-minded the attacks, one of whom was also charged with illegal mining and money laundering.<sup>105</sup> An investigation by a local NGO, WAHLI - Indonesian Forum for the Environment, found that the authorities had not responded to earlier threats against the victims.<sup>106</sup>

### HYDROELECTRIC DAMS

The growth in energy demand has driven the construction of large hydroelectric dam projects in developing countries,<sup>107</sup> leading to conflicts with local communities. 2015 saw a spike in killings of land and environmental defenders with 15 killed due to their opposition to hydroelectric projects, mainly in Honduras, Guatemala and Mexico. They were opposing the threat of hydroelectric dam's displacing villages, disrupting farmers' irrigation, and drowning fertile valleys. Often little or no meaningful consultation with affected communities took place. Corruption plays a significant role in projects being approved and leading to conflict. For example, last year in Honduras three indigenous activists were killed related to their opposition to the Los Encinos dam whose concession was fraudulently approved.<sup>108</sup>

### FOREIGN INVESTMENT IN COUNTRIES WORST HIT BY MINING CONFLICTS

The **Philippines** is one of the most mineral-rich countries in the world with large reserves of gold, copper and nickel. Thirty percent of the land area is believed to contain important metallic minerals.<sup>109</sup> The industry is highly dependent on foreign exports and capital.<sup>110</sup> It is estimated that 97% of production is controlled by foreign interests, including companies from the United States, Canada, China and Japan.<sup>111</sup>

In recent years, **Colombia** has actively promoted the mining and oil sectors to attract foreign direct investment by selling exploration rights and offering other incentives.<sup>112</sup> Companies from the United States, Australia, Brazil and Canada are major investors in operations looking to exploit gold, silver, coal and oil.<sup>113</sup>

**Peru** is a major producer of a wide range of minerals and the mining sector attracts large amounts of investment from multinational companies such as Rio Tinto PLC and Anglo American PLC.<sup>114</sup> The Chinese-owned Las Bambas copper mine, one of the world's largest, is expected to grow, alongside other projects.<sup>115</sup> Chinese backers are now behind one-third of all Peru's new mining investments by value, officially estimated at US\$61 billion.<sup>116</sup>

*Land and environmental defenders from these communities are being killed in record numbers for standing up to mining companies' polluting their water sources, land grabbing and threatening their livelihoods.*

Hydroelectric dams continue to be built despite the conclusions of a recent study that large-scale dams are economically unviable and that costs overrun on average 96%.<sup>117</sup>

Guatemala has seen serious conflicts in recent years because of the construction of hydroelectric dams. In Barillas, northern Huehuetenango, indigenous Mayan leaders have been killed, threatened and criminalized because of their opposition to numerous dams planned in the region.<sup>118</sup> On 24 March 2015, community leader Pascual Pablo Francisco, disappeared from his home in Barillas.<sup>119</sup> Three days later, his body was found in a ditch with signs of torture.<sup>120</sup> The same day as Pascual's disappearance two other leaders, who actively opposed the dams, were detained in Guatemala City.<sup>121</sup> The most contentious project planned is run by Hidro Santa Cruz, a subsidiary of the Spanish energy company Ecoener Hidralia Energía. From the outset in 2007 the community has overwhelmingly opposed it, but the government refused to acknowledge community rights and still issued licences.<sup>122</sup> The conflict with the company stems from the failure of the government to comply with its international and national obligations regarding the right to consultation.<sup>123</sup>

**Below:** Máxima Acuña de Chaupe won the 2015 Goldman Environmental Prize and has been beaten by police and suffered years of intimidation for refusing to allow the construction of an open-pit gold mine on her land in Northern Peru. ©Goldman Prize

### KILLINGS IN 2015 BY SECTOR

Conflicts over the control of land and natural resources were an underlying factor in all killings of defenders in 2015. The following sectors were identified as specific drivers in a number of cases.

SECTOR	TOTAL
MINING AND EXTRACTIVES	42
AGRIBUSINESS	20
LOGGING	15
DAMS AND WATER	15
POACHING	13

In some cases more than one sector was a factor in the killing





**Above:** Four members of the Klong Sai Pattana community in southern Thailand have been killed since 2010 for opposing land grabs by agribusiness companies. ©Protection International

## AGRIBUSINESS

Agribusiness grabbing land for large-scale plantations was linked to 20 killings of land and environmental defenders in 2015. Many of these took place in the Philippines where private security guards working for agribusiness companies were implicated in murdering local community members. Large ranches for breeding livestock were also linked to several cases in Brazil where gunmen hired by landowners were suspected of killing land and environmental defenders.

The expansion of agribusiness across developing countries is being supported by governments, donors and investors claiming that it can drive economic growth and food production.<sup>124</sup> But too often this expansion has come at the cost of trampling on community land rights. Large-scale land acquisitions for mono-culture plantations or ranches are often fuelled by corruption and have been a major driver of violence.<sup>125</sup> By displacing smallholders, driving up prices and increasing competition for scarce resources, agribusiness also plays a role in broader land conflicts.<sup>126</sup>

Numerous human rights abuses have been linked with the expansion of agribusiness in African, Asian and Latin American countries; for example, Global Witness has documented violence and corruption linked to land-grabbing for rubber plantations in the Mekong region.<sup>127</sup> There have been international attempts to establish a framework for large-scale land acquisitions, notably the FAO Voluntary Guidelines on the Responsible Governance of Tenure, but there is little sign that such commitments are shaping development on the ground.<sup>128</sup>

Land and environmental defenders in Thailand have been particularly impacted by agribusiness. On 11 February 2015, a man approached community activist Chai Bunthonglek in the street and shot him six times in the chest and head, killing him instantly, before escaping with a motorcyclist.<sup>129</sup> The victim was the fourth member

of the Klong Sai Pattana community in the southern province of Surat Thani to be murdered since 2010.<sup>130</sup> The community is part of the Southern Peasants' Federation of Thailand that has provided support in a dispute involving the palm oil company Jiew Kang Jue Pattana, which illegally continues operations on their land despite its concession ending some 30 years ago.<sup>131</sup> Despite taking steps to recognise their rights earlier, last year the government took actions to evict the community.<sup>132</sup> Meanwhile, the community faces constant intimidation and threats; most recently a witness to Chai Bunthonglek's killing was shot and wounded on 8 April 2016.<sup>133</sup>

## LOGGING

In 2015, 15 killings of land and environmental defenders were linked to the logging industry. 1.6 billion<sup>134</sup> people depend on forests for their survival, while about 60 million indigenous people<sup>135</sup> are almost wholly dependent on them. Our research suggests that these people and those who support them are increasingly putting their lives on the line to protect their forests and all that they provide.

The logging trade operates in remote areas with weak law enforcement and often works hand in hand with corrupt local officials. Loggers are encroaching into previously untouched areas in the search for high-value timber and coming into conflict with local communities. Rates of deforestation increased last year in key countries, notably Brazil, with illegal logging a main driver in forest loss.<sup>136</sup> This rise in illegal logging is leading to violence against land and environmental defenders.

Indigenous communities have proven to be some of the most effective protectors of tropical forests,<sup>137</sup> often with little state support, but their monitoring work often comes at a high cost. On 26 April



**Above:** Indigenous communities in Brazil have had their lands decimated by illegal loggers and ranchers. Brazil saw a record 50 land and environmental defenders killed last year. ©AP

*“There have been constant death threats against us for a long time. Now they are even killing to intimidate us. They say it is better that we surrender our wood than more people die. We don't know what to do, because we have no protection. The state does nothing.”<sup>138</sup>*

– An indigenous Ka'apor leader in Brazil's Amazon rainforest speaking to Survival International

2015, Eusebio Ka'apor, a member of an indigenous community living in the Alto Turiaçu reserve in the Brazilian Amazon, was shot and killed by two hooded men on a motorbike. Eusebio led patrols to monitor illegal logging on the Ka'apor ancestral lands, where they protect their forests by shutting down the tracks used to extract } timber. Shortly after the murder, a known logger warned Eusebio's son that more people would die.<sup>139</sup>

In 2015 illegal loggers were also linked to the killing of forest authority officials in the Philippines, India, Guatemala and Cambodia. Sieng Darong, a Forestry Administration ranger, and Sab Yoh, a police officer, were shot and killed early in the morning on 7 November 2015 at their campsite during a patrol in the Preah Vihear Protected Forest in north-western Cambodia.<sup>140</sup> Earlier that day they had confiscated chainsaws from an illegal logging site.<sup>141</sup> Amongst the six loggers arrested, one was a soldier from the armed forces.<sup>142</sup> Much of the illegal logging in Cambodia is driven by the trade in high-value rosewood, which is facilitated by powerful political interests that put officials at risk.<sup>143</sup> In Peru, OSINFOR, the official body that investigates forest crimes, suffered physical attacks on its offices and death threats to its employees. OSINFOR's director was recently sacked by the government in an effort to silence him.<sup>144</sup>

Forest rangers protecting wildlife from poachers were also killed last year in their line of work. In 2015 some 11 rangers and soldiers were killed in national parks in the Democratic Republic of Congo (DRC); eight of them were in Garamba National Park, where the demand for ivory has driven elephant poaching.<sup>145</sup>

## BRAZIL – ONE OF WORLD'S LARGEST AGRICULTURE AND TIMBER EXPORTERS

In 2013, the last time a global assessment was made, Brazil accounted for 25% of the world's illegal timber.<sup>146</sup> Brazil is the second largest producer and consumer of tropical logs and a leading producer of wood-based products.<sup>147</sup> The majority of those exports comprised pulp and paper whose main destinations are the EU, China, the US and Japan.<sup>148</sup>

Brazil is also the world's second largest agricultural exporter<sup>149</sup> and the biggest supplier of sugar and coffee. Exports by agribusiness industries totalled over US\$86 billion in 2013, accounting for 36% of the country's total.<sup>150</sup> Multinational trading companies - Archer Daniel Midlands (ADM), Bunge, Cargill and Louis Dreyfus - have traditionally dominated the market, riding the wave of rapid expansion in soybean and grain production in frontier regions such as Mato Grosso.<sup>151</sup> Brazil's crop sector is expected to continue growing on the basis of yield growth and increase in agricultural area.

## TRENDS ACROSS AFRICAN COUNTRIES

Global Witness' research on the killings of land and environmental defenders has identified few cases from African countries going back to 2002. In 2015 there were 13 killings of land and environmental defenders across Africa, 11 of them were park rangers from the Democratic Republic of Congo. This relatively small amount is striking, especially given that many African countries suffer from high levels of violence and conflicts often appear to be linked to land and natural resources.<sup>152</sup> It is also surprising given the very real threats defenders faced in 2015 where we found increasing cases of criminalization of activists across Africa.

There are several reasons why killings of land and environmental defenders have proven difficult to identify (see Annex for our methodology). There is a lack of information and reporting from isolated rural areas where killings may take place, and compared with countries in Latin America and South-East Asia, fewer human rights NGOs, civil society organisations and journalists monitor the problem. Information outlets are limited, whilst both the media and civil society are also strongly suppressed in some African countries.

There are challenges in linking deaths directly with root causes. Often killings relate to political violence or conflicts driven by inter-community tensions where the defence of land and environmental rights may play a role but detailed information is lacking. It is possible that land and environmental defenders are not as active and therefore targeted in African countries as they are in parts of Latin America and South-East Asia. Fear of the repercussions could be stronger and people may be less aware of their rights to campaign and protest against development on their land.

The potential drivers for violence against land and environmental defenders are undeniably present in many African countries. Large-scale land and resource-grabbing driven by agribusiness, extractives, logging, and infrastructure projects, often backed by foreign investment, is displacing communities. Indigenous people face on-going marginalization and displacement, for example the Baka in Cameroon,<sup>153</sup> the San and Bakgalagadi in Botswana<sup>154</sup> and the Maasai in Tanzania.<sup>155</sup> Forms of customary land tenure and resource use still prevail across much of the continent, but they often lack formal recognition and government support.<sup>156</sup> Instead, many states have retained control of land and resources, often under residual colonial laws, so that they can allocate them to companies with little or no regard for traditional communal rights.<sup>157</sup> Weak institutions and laws are also readily side-stepped or abused by powerful elites and vested interests. High levels of corruption and authoritarianism is also present in many African countries, where intimidation and criminalization of land and environmental defenders is commonplace.

There were several well-documented cases of criminalization by state and corporate interests of leading African land and environmental defenders in 2015. They suffered various types of judicial harassment such as repeated investigation, interrogation, arrest and detention. On the one hand authorities dedicated considerable

*They suffered various types of judicial harassment such as repeated investigation, interrogation, arrest and detention*

**Below:** Protests in Ethiopia over development projects in Oromia province led to unconfirmed reports of more than 200 dead. ©Getty Images



effort towards persecuting defenders, while on the other the companies linked to corruption and environmental destruction consistently escaped attention.

### ETHIOPIA: OROMO PROTESTS

Over two months in 2015 protests spread across rural towns in Oromia, central Ethiopia. The initial spark was a student protest, brutally put down by police, in the small town of Ginchi on 12 November 2015 against plans to clear forests for an investment project.<sup>158</sup> The largely peaceful demonstrations that followed were met by extreme violence by the police and army.<sup>159</sup> Available information suggests scores of protesters died, more than 200 by some accounts, and thousands were arrested.<sup>160</sup> Leading political figures of the Oromo people were also detained.<sup>161</sup>

We were unable to count these killings in our 2015 reporting due to the challenges in verifying specific details of the events and victims. The government of Ethiopia heavily represses civil society and the media, which seriously limits available information. The drivers behind the protests are also complex. Many Oromo feel politically marginalized and discriminated against by a succession of governments, despite being the largest ethnic group in Ethiopia. One of their main grievances has been the lack of transparency about the proposed Addis Ababa Integrated Development Master Plan, a potentially massive building expansion onto rural land in Oromia.<sup>162</sup> There are also reports that many Oromo farmers have been displaced with little compensation, and there is discontent with foreign companies involved in agribusiness and other projects.<sup>163</sup> Even though the government made a rare concession by suspending the Master Plan in January 2016, the underlying issues persist.<sup>164</sup>

## CRIMINALIZATION OF LAND AND ENVIRONMENTAL DEFENDERS IN AFRICAN COUNTRIES

### CAMEROON: NASAKO BESINGI

In November 2012 heavily armed police and soldiers invaded the offices of the Cameroonian NGO SEFE and arrested their director Nasako Besingi as well as five villagers.<sup>165</sup> Since 2009, Nasako Besingi has played a key role in exposing the plans of Herakles Capital, a venture capital firm based in New York, to develop palm oil plantations in northwest Cameroon through its local subsidiary SGSOC.<sup>166</sup> In response, he has faced years of litigation by the authorities and the company. On 3 November 2015 he was convicted of two counts each of defamation and propagation of false news against the company, and was sentenced to pay a fine of US\$2,400 or face up to three years in prison.<sup>167</sup> Then on 21 January 2016, he was convicted for unlawful assembly on charges related to peaceful meetings he had organised.<sup>168</sup>

Nasako Besingi's campaign work has been crucial to raising awareness on how the plantations in primary forests and rural land threaten the livelihoods of local people, damage water supplies and displace the habitat of endangered species.<sup>169</sup> Herakles' operations in Cameroon have been curtailed as a result of local and international pressure,<sup>170</sup> but local communities continue to face threats and intimidation for defending their livelihoods and environment.

### DEMOCRATIC REPUBLIC OF CONGO (DRC): AUGUSTIN ALPHONSE BOFAKA

Between 11 and 15 November 2015, the Congolese government's intelligence agency interrogated Augustin Alphonse Bofaka and several local chiefs about their role in protests against a palm oil plantation run by the Feronia company.<sup>171</sup> Augustin Alphonse Bofaka is the coordinator of the NGO Centre for Assistance to Development and Self-Promotion, which advocates for the protection of community forests. He received a threatening phone call from a state intelligence officer and was accused by a local administrator of inciting the population to revolt.<sup>172</sup>

In June 2015, a report by the international NGO Grain and the DRC network RIAO-RDC exposed the history behind three palm oil plantations that were sold in 2009 by Unilever to Feronia, an obscure company registered in the Cayman Islands.<sup>173</sup> The report documented local communities' grievances over the loss of traditional forests and farmlands surrounding a plantation at Lokutu in Orientale province.<sup>174</sup> The communities claim that the land registration document of the plantation is fraudulent, that Feronia had never consulted them on the use of their lands, and that the plantation guards have committed several abuses.<sup>175</sup> These issues led to protests in the towns of Mosite and Yaoselo around early November, which drew a repressive response from authorities.<sup>176</sup>

### MADAGASCAR: ARMAND MAROZAFY

Armand Marozafy, an environmental activist and ecotourism guide, was arrested in Madagascar last year after denouncing illegal rosewood trafficking on the fringes of Masoala National Park.<sup>177</sup> In February 2015, he wrote an email implicating two local businessmen, which subsequently found its way on to social media.<sup>178</sup> This led to government prosecutors charging Marozafy with defamation.<sup>179</sup> He was sentenced to a six-month jail sentence and nearly US\$4,000 in fines; the court of appeal later reduced the term to four months and he was released in September, but the fine remained.<sup>180</sup>

The case is revealing of the threats faced when attempting to expose a trade that is backed by powerful vested interests. There are allegations that people involved in the rosewood trade bribed the judge in charge of the trial of Marozafy.<sup>181</sup> Another local activist, August Sarovy, fled Madagascar after receiving death threats for denouncing rosewood smuggling and remained in exile in Europe through 2015.<sup>182</sup>

### SIERRA LEONE: MALOA COMMUNITY MEMBERS



*"It is necessary to defend the land, for us the poor people, because the land is our own bank. If we lose it we have lost the world. We become landless landlords."*<sup>183</sup>

– Sima Mattia, secretary of the Malen Land Owners and Users Association (MALOA) of Sierra Leone

Since 2011, the Malen Land Owners and Users Association (MALOA) in Sierra Leone have denounced the negative impacts of palm oil plantations run by the Socfin Agricultural Company (SAC) in Pujehun District.<sup>184</sup> Their concerns relate to land-grabbing by the company and the lack of transparency and consultation about its operations. Due to their actions, community members of MALOA have faced frequent harassment in terms of arrests, detention and trumped up charges.<sup>185</sup>

Over 2015, three different criminal cases were being pursued by the authorities against MALOA. One case went to the High Court in Bo, which on 4 February 2016 found six members guilty of 'destruction of growing plants belonging to SAC', 'conspiracy' and 'incitement'.<sup>186</sup> As MALOA's spokesperson, Shiaka Musa Sama was sentenced to pay a fine of US\$15,000 or face six months of imprisonment.<sup>187</sup> After 20 days he was released thanks to international support to pay the fine.<sup>188</sup> The five other activists were sentenced to pay US\$7,500 each or face five months of imprisonment; only one of them had been released at the time of writing.<sup>189</sup>

**Above:** Sima Mattia was forced to pay a fine of US\$15,000 or face six months of imprisonment on trumped up charges because of his opposition to a palm oil project in Sierra Leone. ©landjustice4wa

## CONCLUSION

*The increasing number of killings of land and environmental defenders is symptomatic of wider trends that are undermining basic human rights and repressing civil society in many countries*

The record toll of 185 land and environmental defenders killed in 2015 must act as a rallying call for governments, companies and investors worldwide to stop the murders. The situation is getting worse in many countries, including those hardest hit by the violence: Brazil and the Philippines. In many cases those killed received several threats before their murder, but states did little to protect them. Family members, witnesses and fellow community activists continue to be threatened even after the defenders' deaths.

The increasing number of killings of land and environmental defenders is symptomatic of wider trends that are undermining basic human rights and repressing civil society in many countries. More and more governments are introducing measures to restrict freedom of expression and association, and are attempting to choke off funding to civil society organisations.<sup>190</sup> They are avoiding UN oversight by deferring the Human Rights Council's country reviews and turning down visits by Special Rapporteurs.<sup>191</sup>

There are increasing threats too from the criminalization of defenders - a tool used to silence dissent in Africa, Latin America and South East Asia.<sup>192</sup> Governments and companies are using inflammatory language to denigrate activists and publicly brand them as 'anti-development'. At the same time, they are turning a blind eye to corruption, illegalities and environmental degradation. Impunity reigns in many cases, and the suspected perpetrators behind the violence - corporate and state interests - are not being investigated.

Across the world, governments, companies and financiers are driving agendas that prioritise mining, agribusiness, logging and hydro dam projects. Falling commodity prices are giving perverse incentives to intensify resource extraction, whilst paying scant regard to environmental and human rights concerns in the process. These industries are increasingly exploiting land belonging to indigenous peoples - those best placed to preserve resources through their traditional practices - but they have been the worst affected with almost 40% of those killed in 2015.

Stronger measures to protect land and environmental defenders are urgently needed. Governments must increase protection for those under threat and fully investigate those responsible. But it is also crucial to address the underlying issues that drive the violence. This means prioritising recognition of communal land rights as well as tackling corruption and illegalities in resource exploitation. Similarly, projects causing conflict must be urgently reviewed and activists' rights to speak out supported. Without these measures those on the frontline in the battle to save the environment will continue to be killed in record numbers - and any hope we have for future generations will also be killed.

**Below:** Protecting land and environmental defenders is vital in the fight to conserve the planet's resources. ©Panos



## ANNEX: METHODOLOGY

This report is based on research on killings and enforced disappearances of land and environmental defenders, who we define as people who take 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 2015 to 31 December 2015. As for previous reports, cases were identified by searching and reviewing reliable sources of publicly online information through the following process:

- ▶ **Opportunistic:** We identified datasets from international and national sources with details of named human rights defenders killed in 2015, such as the Frontline Defenders 2015 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, with a particular focus on countries in the following regions as defined by the UN: Latin America and the Caribbean (Central America, South America, Caribbean), Africa (Northern, Eastern, Middle, Southern, Western) and Asia (Central, Eastern, Southern, South-Eastern, Western).
- ▶ **Verified:** Where possible, we checked with in-country or regional partners to gather further information on the cases and verify that they were applicable to our definition.

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 exact date and location.
- ▶ Name and further biographical information about the victim, such as their occupation, organisational and political affiliations, and where relevant, their ethnic or indigenous identity.
- ▶ Clear, proximate and documented connections to an environmental or land issue.

We have recorded data about the cases using the HURIDOCs Event Standard Formats and Micro-Thesauri, an approach which is 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 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 contacts with local organisations is also patchy; Global Witness has well established links in some countries but they are lacking in others.

In summary, the figures presented in this report should be considered to be only partial picture of the extent of killings of environmental and land defenders across the world in 2015. Relevant cases have only been identified in 16 countries in 2015, 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

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- ▶ Asociación para una Ciudadanía Participativa (ACI-PARTICIPA), Honduras
- ▶ Centro Mexicano de Derecho Ambiental (CEMDA), Mexico
- ▶ Centro por la Justicia y Derechos Humanos de la Costa Atlántica de Nicaragua (CEJUDHCAN), Nicaragua
- ▶ Prilaka Community Foundation, Nicaragua
- ▶ Coordinadora Nacional de Derechos Humanos (CNDDHH), Peru
- ▶ Kalikasan, Philippines
- ▶ Karapatan, Philippines
- ▶ Protection International, Thailand
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