Women lead the resistance against the Exmingua mine, owned by Canadian Radius Gold Corporation, in San José del Golfo, Guatemala.

We defend the environment, we defend human rights

Denouncing violence against environmental defenders from the experience of Friends of the Earth International

june 2014 | **report**

Friends of the Earth International

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Executive Summary

This report presents a snapshot of FoEI's efforts over a two-year period to respond to and disseminate testimonies and information about attacks on environmental defenders, contextualising these attacks within current global economic and political trends. Although it is an incomplete picture of the risks that environmental defenders face, it is an alarming picture that calls for urgent action to stop the sources of violence – institutional and corporate violence against communities and nature, and violence against the defenders of human rights and the rights of nature.

Rights violations against environmental defenders recorded by FoEI are not isolated incidents; they are a global trend resulting from an international context of corporate domination. As long as powerful economic interests create disputes with local communities over control of territories and natural resources, situations of violence and rights violations against defenders of nature and human rights will continue.

FoEI therefore calls on States to guarantee the full enjoyment of environmental and human rights, including the right to defend rights. States must promote and agree upon mandatory human rights standards for corporate behavior and legally binding enforcement mechanisms to compel transnational corporations to respect the rights of nature, of people, and of rights defenders. It is crucial that multilateral institutions maintain their independence from corporate interests and fulfil their mission of protecting those vulnerable to rights violations.

Challenging the corporate-led neoliberal production and consumption model and fostering an enabling environment for communities and nations to exercise their self-determination and pursue sustainable livelihoods will ensure the enjoyment of human rights and respect the rights of nature. Stronger international campaigning to address global trends and link the sources of corporate and institutional power to the violations that are committed in territories is needed in order to transform the system and achieve social and environmental justice. A tighter web of protection based on international solidarity is also required to keep environmental defenders safe.

Women lead the resistance against the Exmingua mine, owned by Canadian Radius Gold Corporation, in San José del Golfo, Guatemala.

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Opening

Demanding the safe return of Miguel Ángel Pabón Pabón

Radio Mundo Real, 9 November 2012[1]

Colombian environmental defender Miguel Ángel Pabón Pabón, leader of the social movement in defence of the Sogamoso River and a member of the Colombian Movement in Defence of Territories and People Affected by Dams "Ríos Vivos", disappeared in the municipality of San Vicente de Chucurí, Santander Department of Colombia. He was last seen on 31 October 2012.

Throughout the Magdalena Medio region, community residents, peasant farmers and fisherfolk organised search parties. Several Colombian social organisations are pressuring the relevant authorities to direct resources to the search for Pabón Pabón. International organisations also showed their solidarity: Friends of the Earth International, with activists in almost eighty countries gathered at their general assembly in El Salvador, published a statement denouncing the disappearance and demanding his safe return.

Radio Mundo Real interviewed Colombian activist Tatiana Roa of CENSAT Agua Viva / Friends of the Earth (FoE) Colombia, who discussed Pabón Pabón's disappearance, his work in defence of the Sogamoso river, and the organisation's concern.

Pabón Pabón is 36 years old and lives in the municipality of San Vicente de Chucurí, Santander department. He has two daughters and is one of the leaders of the Colombian Movement in Defence of the Sagamoso River. He is known for his role in the resistance against the Hidrosogamoso dam, built by the Isagen Corporation in the Santander department.

Miguel Ángel Pabón Pabón.

Pabón Pabón came to the El Peaje community in the Betulia municipality in 2007, near the Hidrosogamoso construction area. It was there that he began his work alongside the community, defending the right to housing for those displaced from the Magdalena Medio region and to denounce the social, cultural, and environmental impacts of the hydroelectric project. The defender also raised concern about the rights-abuses perpetrated by the Isagen Corporation – builder of the Hidrosogamoso dam – against the local community.

The activist created the social movement in defence of the Sogamoso River in 2008, along with other defenders from the Magdalena Medio region. Pabón Pabón participated in marches against Isagen and denounced the environmental and social impacts of Hidrosogamoso on local peasant and fisherfolk communities, as well as the deplorable labour conditions of construction workers building the hydroelectric dam.

In that context, the Colombian defender participated in two public hearings regarding Hidrosogamoso convened by the Santander Departmental Assembly and was spokesperson for local communities as the president of the El Peaje Community Board. He was an outspoken participant in the civic strike against Isagen from 14-16 March 2011 in the area where the dam works were happening. "Pabón Pabón and the affected communities' courageous action succeeded in bringing Isagen to the table as the corporation in charge of the mega-development project. At that negotiation table, an agreement was reached with 17 action points; the entire community continues to wait for the corporation to comply," highlights the FoE Colombia press release.

Since 2009, several social leaders have been assassinated in areas near the Sogamoso River and these crimes have been perpetrated in impunity. "We demand of the Magdalena Medio Police, the General Prosecutor of the Republic, the People's Ombudsman, the authorities of the San Vicente municipality, the Regional Prosecutor and all other public entities that they use all available resources to prevent a major tragedy in this case, and to ensure that Mr. Miguel Ángel Pabón Pabón is returned safe and sound," concludes the FoE Colombia press release.

As of May 2014, the whereabouts of Miguel Ángel Pabón Pabón are still unknown. When the environmental defender disappeared, it was believed that he was in the hands of a paramilitary group. Despite rumours spread by paramilitary groups that Mr. Pabón Pabón was murdered, it has not been possible to verify what happened and there has been no official inquiry to determine the veracity of the paramilitary's claims.

Introduction

We defend the environment, we defend human rights

Denouncing violence against environmental defenders from the experience of Friends of the Earth International

Around the world, activists and communities are raising their voices to stop environmental devastation and promote the possibility of another world, where nature is respected and people can live in dignity. These defenders of the environment often face terrible consequences for their actions, suffering acts of violence against them and violations of their rights.

Friends of the Earth International (FoEI) brings together environmental rights organisations in 74 countries, from every continent in a federation that campaigns for social and environmental justice at the local, national, and international level. Friends of the Earth (FoE) groups challenge the current model of economic and corporate globalisation and work to transform the system in order to build environmentally sustainable and socially just societies. This work presents a threat to private interests that seek profits over human rights and the rights of nature.

At the 2003 Cartagena Conference on Environmental Rights, FoEI re-affirmed its commitment to fight for the protection of the human and environmental rights of the people and communities FoE groups work with around the world. More than a decade later, environmental defenders must still argue for recognition that human rights encompass environmental rights, and that nature also has rights that are not human-centred. Some progress has been made in formal recognition of the rights of nature, like in the constitutions of Ecuador and Bolivia. FoEI works to continue bridging the gap between human rights defence and defending the rights of nature.

In October 2013 FoEI's Executive Committee visited PENGON / FoE Palestine. In the Occupied Palestinian Territories the efforts of environmental rights defenders are hampered by generalised repression of activists, with arbitrary arrests and raids on civil society organisations.

The right to defend human rights (including environmental rights) is affirmed in the Declaration on Human Rights Defenders.[2] Environmental defenders include people in local communities and environmental campaigners, and they are often victims of intimidation and human rights violations by vested political and economic interests.[3] In the period between 1 November 2011 and 31 October 2013, Friends of the Earth International (FoEI) recorded more than 100 incidents of violence against environmental rights defenders and violations of their rights in 27 countries around the world. Violence and rights violations against environmental defenders have also been documented by United Nations (UN) mechanisms and non-governmental organisations (NGOs). An important advance in recognition of the risks faced by environmental defenders is the work of the UN Special Rapporteur on the situation of human rights defenders, who has documented complaints regarding violence against defenders working on land and environmental issues and has explored the relationship between large-scale development projects and the activities of human rights defenders. This report draws on the conclusions of the UN Special Rapporteur to help understand the incidents of violence recorded as rights violations by FoEI.

Violence against environmental defenders and violations of their rights do not take place in a vacuum. The neoliberal extractive model, which upholds corporate interests over the rights of people and nature, is part of the current context in which defenders work and which generates the conditions for acts of violence. Conflicts over territory and natural resources lead to violations of human rights and the rights of nature, as well as rights violations against environmental defenders. Corporate social responsibility strategies have failed to stop human rights violations and environmental destruction and instead have been used to cover up corporate abuses of communities, the environment, and of environmental defenders. Militarisation and counter-terrorism policies have created police states that punish instead of protect human rights defenders.

At a time when radical action is required to ensure the future of our planet and reverse growing inequality, States are defending corporate interests by limiting the spaces for action by civil society. Environmental defenders are forced to function in a context of physical and psychological insecurity. This insecurity is evidenced not only by the threats and attacks against the moral and physical integrity of defenders and their families, but also by institutional practices of criminalisation of human rights defenders and an architecture of impunity and collusion between State actors and corporate actors in defence of private interests.

FoEI is responding to violence against environmental defenders by mobilising international solidarity and resources to protect defenders at risk. FoEI's Radio Mundo Real documents testimonies and experiences to disseminate information and analysis globally. In partnership with allies from the broader movement for human rights and environmental justice, FoEI has been building capacity among local communities and organisations as well as supporting legal strategies to protect environmental defenders. There is still much to do in order to address violence against environmental rights defenders and violations of their rights. Protection strategies that take into account risks and resources are important. As important, if not more so, are strategies to tackle violence at its source: the power that the perpetrators of violence hold and the environmental injustices that lead to confrontations between power-holders and human rights defenders. By recognising environmental activism in all its expressions as legitimate defence of human rights and the rights of nature, we can contribute to the struggles of defenders and to keeping them safe.

In the period between 1 November 2011 and 31 October 2013, Friends of the Earth International (FoEI) recorded more than 100 incidents of violence against environmental rights defenders and violations of their rights in 27 countries around the world.

This report presents a snapshot of FoEI's efforts over a two-year period to respond to and disseminate testimonies and information about attacks on environmental defenders, contextualising these attacks within current global economic and political trends. Although it is an incomplete picture of the risks that environmental defenders face, it is an alarming picture that calls for urgent action to stop the sources of violence – institutional violence against communities and nature, and violence against the defenders of human rights and the rights of nature. FoEI therefore calls on States to guarantee the full enjoyment of environmental and human rights, including the right to defend rights. States must promote and agree upon legally-binding regulations to ensure that transnational corporations respect the rights of nature, of people, and of rights defenders. It is crucial that multilateral institutions maintain their independence from corporate interests and fulfil their mission of protecting those vulnerable to rights violations.

Recognising that system change is a long-term endeavour, environmental defenders must strengthen efforts to protect themselves and each other in the face of attacks. Stronger international campaigning to address global trends and link the sources of power to the violations that are committed in territories is needed in order to transform the system and achieve social and environmental justice. A tighter web of protection based on international solidarity is also required to keep environmental defenders safe.

Participants of the World Forum on Human Rights and Sustainability in Nantes, France, 2013.

one Who are environmental rights defenders?

Who are environmental rights defenders?

Environmental rights defenders are active all over the world defending environmental human rights and the rights of nature. Some environmental defenders participate in NGOs, others are active in social movements, and others are activists or community members unaffiliated with any formal organisation. They work at the local, national, and international level to ensure communities' rights to sustainable livelihoods, guarantee the rights of future generations to have a liveable planet, and protect the intrinsic rights of nature.

1.1 Environmental rights are human rights

"Environmental rights are human rights, as people's livelihoods, their health, and sometimes their very existence depend upon the quality of and their access to the surrounding environment."[4]

Rural communities have the right to water for drinking and cooking, as well as for their agricultural needs, and when a factory contaminates their water supply, this is a violation of human rights. This is what has taken place near Weliweriya in **Sri Lanka**, where Venigross Gloves Factory released acidic effluent into the water supply and gave the untreated sludge as manure fertiliser to local people, which, in turn, made the groundwater acidic. Farming families cannot go to the paddy fields because of the pollution from the factory. They cannot drink their own well water. They face the risk of contaminated food, even when they grow it on their own land. The water table will not be recovered in the next two to three decades.

Environmental rights are enshrined in various international treaties and agreements that refer back to the Universal Declaration of Human Rights signed in 1948. In 1990, the UN General Assembly passed a resolution recognising that "all individuals are entitled to live in an environment adequate for their health and well-being." More recently in 2009, the UN Human Rights Council passed a resolution on climate change, stating that events related to climate change affect the ability of peoples to enjoy human rights.[5]

Communities are often the custodians of sensitive ecosystems that are threatened by large-scale development projects. **When communities in Guatemala, Indonesia, Mozambique, Romania and elsewhere around the world decide to reject the exploitation of minerals, timber, and other natural resources, they are asserting their right to determine what kind of development they want and their right to take care of the natural heritage in their territories**. These are environmental rights, also understood as popular ecology.

The Special Representative of the UN Secretary General on Human Rights Defenders explained the connection between environmental activism and human rights issues such as "land rights and natural resources. Additionally it has close links, inter alia, to the rights to health, food and water."[6] These rights are outlined in the International Covenant on Economic, Social and Cultural Rights adopted by the UN General Assembly in 1966.

FoE groups, the communities they support and the allied organisations with which they work, defend environmental rights as articulated by FoEI in 2004:

> Environmental rights mean access to the unspoiled natural resources that enable survival, including land, shelter, food, water and air. They also include more purely ecological rights, including the right of a certain beetle to survive or the right of an individual to enjoy an unspoiled landscape.
>
> Our vision of environmental rights includes political rights such as rights for indigenous peoples and other collectives, the right to information and participation in decision-making, freedom of opinion and expression, and the right to resist unwanted developments.
>
> We also believe in the right to claim reparations for violated rights, including rights for climate refugees and others displaced by environmental destruction, the right to claim ecological debt, and the right to environmental justice.[7]

"Environmental rights are human rights, as people's livelihoods, their health, and sometimes their very existence depend upon the quality of and their access to the surrounding environment."

1.2 Defenders of environmental rights are human rights defenders

"Everyone has the right, individually and in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels."[8]

When staff members of Justiça Ambiental / FoE Mozambique stood up in support of families in Moatize, **Mozambique** who are denouncing Brazilian-owned Vale Mining Company and the impacts of its coal extraction project on the environment and the livelihoods of communities, FoE Mozambique was undertaking human rights defence work.

When community residents in **Sri Lanka** organised a peaceful demonstration to protest against the polluting and deceiving actions of the Venigross Gloves Factory and to demand clean water, they were defending the rights of peasant farming communities to land and water. They, too, are environmental defenders.

When the community of Pungeşti, in **Romania** organised a protest camp to express their opposition to plans by Chevron Oil Company to develop shale gas reserves in their village, they were defending their water and their land and in so doing they became environmental defenders.

In 2011, the UN Special Rapporteur on the Situation of Human Rights Defenders (Special Rapporteur)[9] called attention to the situation of defenders and activists working on land and environmental issues: "According to the information received, this group is thoroughly heterogeneous. **It includes defenders carrying out a vast range of activities related to land and environmental rights, including those working on issues related to extractive industries, and construction and development projects; those working for the rights of indigenous and minority communities; women human rights defenders; and journalists."**[10]

1.3 Environmental defenders also defend the rights of nature

FoEI recognises the value and diversity of life in all forms and the interdependence between human beings and nature. The concept of environmental justice acknowledges the dignity of nature, the web of life, and the independent rhythms of biological and ecological processes. As such, the work of defending the environment involves protecting nature and people alike against the aggressions of corporate-led neoliberal economic globalisation.

Struggles in defence of seeds as well as those against agro-toxics – which are destroying all forms of life – are examples of work in defence of the rights of nature. Often these struggles are led by indigenous and peasant farmers who are also defending their cultural heritage and cultural rights, as many ancestral communities derive their *cosmovisión* from nature – seeds, rivers, etc. – and their cultural survival is therefore dependent on the survival of nature.

Understanding of the rights of nature has evolved based on the premise that humans do not have an explicit right to destroy our natural environment, and that nature has *inalienable rights*, just as humans do. Ecuador and Bolivia have enshrined the rights of nature in their constitutions, in 2008 and 2011 respectively. The chapter on the Rights of Nature in the Ecuadorian Constitution acknowledges that nature in all its life forms has the *right to exist, persist, maintain and regenerate its vital cycles*. And we – humans – have the legal authority to enforce these rights on behalf of ecosystems. The ecosystem itself can be named as the defendant.[11]

Therefore HRDs are more than simply human rights defenders: They defend the rights of rivers that have been contaminated, the rights of species that are in danger of becoming extinct, and the rights of the planet to have a future.

Activists in the **Czech Republic** confronted illegal logging and police brutality in order to protect an area of Šumava National Park which had been designated "interference-free" because it is home to several endangered species. The environmental defenders spoke up for the rights of nature and the non-commercial value of the park and the species that depend on that habitat for their survival.

When **Honduran** indigenous leader Bertha Cáceres stood up in defence of the Lenca indigenous community that is protecting their territory from the Agua Zarca hydroelectric dam project, her work and that of others involved in the Civic Council of Popular Indigenous Organisations of Honduras (known for its Spanish acronym COPINH) is work in defence of the rights of nature . The Lenca people are defending their lands, rivers, and forests against damming, logging, and mining operations. Ms. Cáceres explains the cultural importance of the Gualcarque River for the Lenca peoples and the spiritual aspect of the defence of nature: "This mountain region has a strong relationship with the Lenca people, the forests are alive, the mountains are alive. This is a live river that is threatened by the construction of six hydroelectric dams... From the Lenca *cosmovisión* , water is a fundamental element, just like land is part of balance and creation, the spirits live in the water. That is why it is crucial to respect and care for the water as a being just like us. This explains why a community has so much strength to defend a river."[12]

one Who are environmental rights defenders?

continued

1.4 Activists and NGOs campaigning for the environment are environmental defenders

FoE member groups and other NGOs that take a rights-based approach to sustainable development and environmental issues are conducting environmental defence work – in defence of human rights and the rights of nature. Activists and NGOs often describe their work as support for communities who are defending their rights, but they do not name their own activism as human rights defence. The work of activists and NGOs is vital to ensuring that communities and local activists can uphold rights free from violence and intimidation. They are therefore part of a movement of environmental defenders.

When Hnutí DUHA / FoE **Czech Republic** provided assistance to activists who were harassed during a blockade to stop illegal logging in Šumava National Park and were later prosecuted for their protest, both FoE Czech Republic and the activists were conducting activities consistent with environmental rights defence.

When the Centre for Environmental Justice / FoE **Sri Lanka** organised a capacity-building workshop for activists in response to the increase in threats and attacks against environmental defenders in the country, this is environmental defence.

When CENSAT-Agua Viva / **FoE Colombia** supported initiatives for community water management as a tool for guaranteeing the right to water, this was also environmental defence work.

This type of work can lead to violations of the rights of human rights defenders. Between November 2011 and October 2013, **FoEI documented 12 attacks and rights violations against FoE groups and staff members in 9 countries**: Colombia, Guatemala, Honduras, Indonesia, Mexico, Mozambique, Papua New Guinea, South Korea, and Uganda. Incidents included arrests and issuing of arrest warrants, harassment and intimidation, and break-ins at offices and homes. These incidents were motivated by the non-violent activities of the organisations in defence of the environment.

1.5 Communities defending their land and territory are also environmental defenders

Environmental defenders are defined by their actions to defend environmental rights and the rights of nature. These rights are often linked to local communities' economic, social, and cultural rights. Local communities, collectives, and activists that defend their land rights and protect the natural heritage in their territories are also environmental defenders, regardless of their organisational affiliation.

It is not necessary to be involved in an environmental organisation in order to be an environmental defender nor is it necessary to explicitly work on environmental issues. When peasant farmers in Paraguay resist the expansion of monoculture plantations, they are defending the environment. When communities in Guatemala promote peasant agriculture and food sovereignty as an alternative to mining, they are defending the environment. When rural communities in Romania resist the exploration of shale gas in their territory, they are defending the environment.

Thus, when we record violence against peasants and rural communities, we are often recording attacks on environmental defenders – individuals and groups attacked for their activities in defence of their rights to land and territory. More than half of the killings recorded by FoEI between November 2011 and October 2013 were targeted assassinations of peasant leaders and deaths of peasants during violent confrontations regarding land disputes, often involving the protection of peasant territories from polluting development projects such as hydroelectric dams, monoculture plantations or the extraction of oil, gas and minerals.

"More than half of the killings recorded by FoEI between November 2011 and October 2013 were targeted assassinations of peasant leaders and deaths of peasants during violent confrontations regarding land disputes."

1.6 Environmental defenders live and work in all parts of the world

Although environmental defenders are often identified in connection to the risks they face because of their work, **it is the act of defending human rights and the rights of nature, and not the resulting attacks, that makes them environmental rights defenders.**

Environmental defenders work all over the world, in both rural and urban areas. They conduct environmental rights work at the local, national, and international level. While the risks environmental defenders face differ based on the types of activities they do and the national contexts in which they work, it is increasingly evident that throughout the world, environmental rights defenders are enduring acts of violence and violations of their rights. In the past two years, FoEI recorded over one hundred violations against environmental defenders in twenty seven countries, in all regions of the world.

Crisanta Perez along with seven other women from the town of San Miguel, Guatemala were prosecuted for damaging property of the Montana company, a subsidiary of the Canadian mining corporation Goldcorp, when the company installed high-current electricity wires and posts on their plots and near their homes.

two What risks do environmental defenders face?

What risks do environmental defenders face?

Around the world, environmental defenders are harassed, threatened, and attacked for their work in defence of human rights and the rights of nature. There is growing attention to environmental defenders from traditional human rights organisations and official human rights mechanisms, which helps to understand the situation of violence and rights violations. Most notably, the Special Rapporteur on Human Rights Defenders has documented and codified rights violations against environmental defenders. This is an important resource to frame the experiences of FoEI, its member groups, and the communities and activists with whom they work. Based on the incidents recorded by FoEI over a two-year period, it was possible to identify and examine the types of rights violations experienced by environmental defenders. The stories from the FoEI network help to put a face on these attacks.

2.1 The United Nations has documented the risks that NGOs, activists and communities face because of their activities defending the environment

Violations of the rights of human rights defenders range from acts of violence and threats to the defender's physical well-being, to legal restrictions on the activities of an NGO, to community-wide violence. Restrictions of the right to freedom of assembly and freedom of association are also violations against human rights defenders.

The 2011 report of the Special Rapporteur was dedicated to "selected groups of human rights defenders who seem to face extraordinary risks due to the work that they do and the contexts in which they operate."[13] One of those groups is defenders who work on land and environmental issues. An earlier report identified that "the second most vulnerable group when it comes to the danger of being killed because of their activities in the defence of human rights, are defenders working on land rights and natural resources."[14]

The 2011 report notes that "...defenders working on such issues seem to face a high risk of violations to their physical integrity, including attempted killings, killings, attacks, assault and ill-treatment, and excessive use of force by the police during demonstrations. They have also been subjected to threats and death threats, and different forms of intimidation and harassment."

The report goes further to describe that "... these defenders have suffered raids on their homes and have had their houses destroyed by fire. In the Americas region, they have often been stigmatised by campaigns against them and statements made by public officials. They have also faced criminalisation on charges of extortion and blackmailing, espionage, defamation, terrorism and intent to sell drugs. Others have been subjected to arrest and arbitrary detention."[15]

While many of the risks faced by environmental defenders are not unique to the defence of environmental rights, the Special Representative's 2007 report notes that there are some differences with other human rights defenders, "perhaps the most important being that defenders working in the field of [economic, social, and cultural rights] often have a harder time having their work accepted as human rights work. This might have several effects, including difficulties attracting funding, a lack of coverage from the media to violations of these defenders' rights, and a lack of attention paid to these violations and a hesitation in seeking remedial measures at the domestic or international level."[16]

2.2 FoEI recorded over one hundred rights violations against environmental defenders in a two-year period

FoEI has responded to attacks against its member organisations and the communities and activists with whom they work by developing mechanisms to mobilise solidarity among members of the international federation and directing urgent resources during emergency situations. FoEI has also documented testimonies and disseminated news and analysis items through Radio Mundo Real's special coverage of Social Activists at Risk.[17] Information gathered from these initiatives shows more than 100 incidents of violence against environmental defenders in the two-year period between November 2011 and October 2013.

There were more than 10 types of rights violations recorded in 27 countries.[18] Some incidents involve several rights violations at the same time, for example during the same incident a defender can be physically assaulted, threatened, and criminalised. Some incidents involve more than one defender, and others were incidents against communities or large gatherings where it was not recorded that specific defenders were targeted. This report does not seek to quantify violence against environmental defenders, but rather to examine the information gathered by FoEI to describe the types of violence and rights violations experienced and identify trends in attacks on environmental defenders.

Violence and harassment during protests

One strong trend across all regions of the world is violence and harassment during public protests. R**epression during social mobilisations** in defence of the environment was reported in Argentina, Colombia, Czech Republic, Guatemala, Honduras, Mexico, Mozambique, Romania, Sri Lanka, and Uruguay.

In **Sri Lanka**, a peaceful protest by nearly 5,000 people against Venigross Gloves Factory in August 2013 ended with the killing of three people, including a 17-year-old schoolboy, and the wounding of many others. Protesters were demanding clean water for their daily consumption and the closure of the factory. They were met with police backed by army troops who fired tear gas and rubber bullets at the protesters, and later opened fire on the crowd with live bullets.

On 4 October 2012, a peaceful mobilisation of Mayan indigenous people in Totonicapán, **Guatemala** was violently put down, resulting in the murder of at least seven indigenous leaders and dozens more wounded. They had convened to demand solutions to several issues that were affecting the surrounding communities: the lack of access to electric power, the need for capacity-building for teachers, and the granting of mining concessions in the territory without community consent.

On 10 January 2012, during a peaceful demonstration more than 700 families that had been relocated by Vale Mining Company in Mozambique were violently suppressed by the police during which the families blockaded a train transporting coal to the Beira harbour. Fourteen people were arrested and there were reports that several of them were tortured while in prison.

When more than 300 people joined a blockade in 2011 to stop illegal logging in the **Czech Republic's** Šumava National Park, they were attacked by loggers and subsequently arrested by the police. The activists involved in the protest were trying to prevent the logging that was taking place in an area of the park that was legally designated "interference-free" because it is home to several endangered species. The blockade involved activists chaining themselves to trees, climbing up to the crowns, and speaking directly with the loggers. Many loggers responded by threatening the activists verbally. Some of them also physically threatened activists (e.g. cutting down trees close to where activists were standing). However, a couple of police officers assaulted several activists more severely, causing a range of injuries, from minor to more severe, such as concussions and broken bones. Over 120 activists were charged by the police for trespassing onto a restricted logging area and for disobeying police orders to disperse.

The community of Pungeşti in **Romania** is defending their water and land from plans to develop shale gas reserves in their village. When Chevron brought in machinery to begin drilling in October 2013, the community organised a protest camp on private property with the permission of the landowner. Since the establishment of the protest camp, several members of the community have faced oppression, including arbitrary arrests and fines, beatings and threats of violence at the hands of the Romanian riot police. Threats have also been made against activists who went to Pungeşti to support the local struggle. These attacks culminated in the violent eviction of the protest camp in December 2013, resulting in injuries and mass arrests. After the eviction, Chevron returned to start its drilling activities. There was a second eviction one week later, with the authorities declaring the village an "area of special public protection", which enabled the escalation of police presence.

Hnutí Duha / Friends of the Earth Czech blockade to stop illegal logging in Šumava National Park.

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Arbitrary detentions and arrests

There were multiple reports of **detentions and arrests** of environmental defenders. Some arrests and detentions in connection with public protests, while other defenders were arbitrarily detained because of their role and reputation as environmental defenders. Detentions and arrests were reported in Belarus, Colombia, Honduras, Indonesia, Mozambique, Palestine, Paraguay, Peru, and Romania.

In **Belarus**, four anti-nuclear energy activists were arrested in July 2012, on the same day that the Russian Prime Minister arrived in Minsk to sign a contract for the construction of a new nuclear power plant in Belarus. One of the activists was nuclear physicist and journalist Andrey Ozharkovskiy. Although all four activists were released, Mr. Ozharkovskiy was expelled from Belarus and banned from entering the country for ten years.

In July 2012, protests against the Conga mining project in Cajamarca, **Peru** were violently repressed, leaving at least five people dead and dozens injured. Former priest Marco Arana, one of the leaders of the resistance against Conga, was violently attacked and arrested by the police in Cajamarca, while sitting in a public square holding a sign protesting mining. Mr. Arana offered no resistance and only asked the police officers not to beat him; he was taken to the local police station and released the following day. Social organisations from different parts of the world denounced the violent response to demonstrations against the copper extraction project of Swiss company Xstrata. Mr. Arana is a member of the environmentalist organisation Grufides, one of the community spokespeople in the resistance to mining and a leader of the political group "Tierra y Dignidad."

In the early hours of 23rd January 2013, the Israeli army arrested Hassan Yasser Karajeh, a 29-year old Palestinian rights defender, violently breaking into his home in the West Bank village of Safa, west of Ramallah. Mr. Karajeh was detained and interrogated without access to his lawyer or family. Mr. Karajeh is youth coordinator of Stop the Wall, a coalition of Palestinian NGOs (including PENGON / FoE **Palestine**) and popular committees that mobilises and coordinates efforts aimed at stopping and dismantling the wall erected by the State of Israel along and within the West Bank, and resisting Israeli occupation and colonisation.

Criminalisation

In addition to arbitrary detentions and arrests, the criminalisation of environmental defenders is a worrying trend around the world. Acts of **criminalisation** include active police investigations of environmental defenders and their organisations, raids on offices and homes and confiscation of materials and equipment, creating false charges and issuing arrest warrants, and the prosecution and sentencing of defenders for their activities related to their defence of the environment. Criminalisation leads to the **stigmatisation** of defenders, as they are portrayed to the general public as conducting illegal activities. Forcing defenders to defend themselves in lengthy legal actions against them is exhausting and it distracts from the primary work of defending rights. Experiences of criminalisation (not including detentions and arrests as listed above) were reported in Colombia, Ecuador, Guatemala, Honduras, Indonesia, Mexico, Paraguay, the Philippines, and Romania.

In **Indonesia**, Anwar Sadat, Dede Chaniago, respectively Director and Deputy Director of WALHI / FoE Indonesia in South Sumatra and Kemalheddin from Sriwijaya Farmers Union, were arrested and detained in South Sumatra, during a demonstration in January 2013 concerning a land dispute between local communities and the State-owned plantation company PT Perkebunan Nusantara VII Cinta Manis. Anwar Sadat and Dede Chaniago were sentenced to 5.5 months in prison for "incitement" and Kemalheddin to 1.4 years in prison for "violence against the police". The three appealed the sentence.

When an industrial forest plantation encroached into the ODLIBA and TATRICO Manobo Ancestral Domain in **the Philippines**, tensions flared between indigenous communities and loggers regarding governance, leadership, management and control in the area. In August 2012, authorities promoting the plantation project issued arrest warrants against seven tribal leaders who were defending their territory. The leaders fled to safety where they were subsequently able to collect the Certificate of Ancestral Domain Title and demonstrate that the case was baseless.

Bertha Cáceres, the general coordinator of COPINH in **Honduras** was arrested on 24 May 2013, along with fellow human rights defender Mr. Tomás Gómez Membreño. While Mr. Gómez was immediately released, Ms Cáceres was transferred to prison, before being released on 25 May 2013. She then had to appear before the court on 13 June, accused of possession of an illegal firearm, which she said had been planted in her vehicle during her initial arrest. On the morning of the trial, representatives of over forty social movements and human rights organisations arrived outside the courthouse in a show of solidarity with Ms Cáceres. However, representatives from COPINH were stopped and temporarily detained at a military checkpoint on their way to the courthouse, an act

which they interpreted as intimidation. The many long breaks in the trial itself, which lasted more than eight hours, may have been intended to tire the crowd gathered outside the court so that they would leave, according to some who were present. On 13 June 2013, the charges against Ms Cáceres were provisionally dismissed due to a lack of evidence, but after a politically motivated appeal process the case continued. She was back in court again on 12 September 2013 along with defenders Tomás Gómez and Aureliano Molina facing new charges of usurpation of land, coercion, and causing more than $3 million in damages to DESA, a hydroelectric dam company. On 20 September 2013 the judge in Intibucá ordered preventive detention for Ms. Cáceres and punitive measures for her colleagues – including that they stay away from the community near the dam and report to court every 15 days . In February 2014, the legal actions against Ms. Cáceres regarding the false charges of illegal possession of a firearm were finally and definitively dismissed. However, the legal claim by DESA against Ms. Cáceres continues.

Mr. Yul Choi, founder of Friends of the Earth in **South Korea**, was jailed in February 2013 in response to his campaign against a government project. Over the past four years, the Korean government has persecuted Mr. Choi for his fight against the destructive Four Rivers Project, a massive government plan that includes 16 dams, on the Han River, Nakdong River, Geum River and Yeongsan River in South Korea. This project, initiated by then South Korean president Lee Myung-bak, was first announced as part of the "Green New Deal" policy launched in January 2009 and was later included in the government's five-year national plan in July 2009. It was finished on October 21, 2011.

Mr. Choi Yul of South Korea was imprisoned for a year for his activities opposing a destructive dam project. He was released on Feb. 19, 2014.

Intimidation and threats

Environmental defenders, like many other human rights defenders, often receive phone calls, emails, or letters threatening them, their livelihoods, and their families. Sometimes, these threats come in the form of face-to-face confrontations – thefts, verbal abuse, or attacks on the street. Authorities also harass defenders and organisations by repeatedly asking for credentials, requesting information about their activities, and threatening activists with police action. **The objective of these acts is to instil fear in defenders so that they will stop their work in defence of human and environmental rights**. These threats, intimidation and acts of harassment are considered a violation of the defenders' rights to conduct their work free from fear or intimidation. Death threats are taken particularly seriously, as it is not possible to predict whether those issuing the threat plan to take it further. FoEI recorded twenty one incidents of threats, intimidation, and harassment in Argentina, Colombia, Guatemala, Honduras, Liberia, Mexico, Mozambique, Nigeria, Papua New Guinea, the Philippines, Poland, and Romania. These include seven death threats to prominent environmental and peasant leaders, including two directors of FoE groups.

Mr. Odey Oyama, director of the **Nigerian** Rainforest Resource Development Centre has received threats to his life due to his advocacy on behalf of communities against Wilmar International, one of the world's largest palm oil corporations. Wilmar had recently established a 50,000 hectare palm oil plantation in Cross-River State, Nigeria; Odey and his organisation say that the lands claimed by Wilmar belong to local farmers and lie within the boundaries of protected forests. The company has begun planting palm oil seedlings without conducting a proper Environmental Impact Assessment, and without consent from local communities who claim rights to the land. Just prior to the launch of a lawsuit against both the company and the government due to Wilmar's failure to comply with Nigerian laws, Mr. Odey was placed on a government watch list – a recognised signal that his life could be in danger – and was forced to flee his home.

In 2012, ClientEarth, an environmental organisation in **Poland**, was the target of intimidating remarks by the Polish Ministry of Treasury in response to the organisation's appeal against the expansion of a coal-fired power plant in Opole proposed by the Polish Energy Group (PGE). In a statement to the Polish Press Agency and repeated later in an interview with the daily newspaper *Rzeczpospolita*, Minister Mikołaj Budzanowski publicly challenged the activities of ClientEarth claiming that they are "against the interest of the State..." The Minister also added that "[t]his kind of organisation should accept that there are limits to its activities. In my opinion they have passed their limit. If I were ClientEarth ... I would reconsider doing any further work against PGE."[19]

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Violent acts of intimidation have been reported in Guatemala and Honduras, where defenders have been kidnapped for several hours, beaten, and threatened with death if they don't cease their human and environmental rights defence.

> Honduran journalist Karla Zelaya, who is part of the communications team of the Unified Peasant Movement of Aguan (MUCA), was kidnapped in Tegucigalpa in October 2012. She made it out alive, but was warned to keep her mouth shut. "The threats began on 22 August, a day after almost twenty six peasants, together with lawyer Antonio Trejo, who is no longer among us, were arbitrarily arrested just for demonstrating in defence of the rights of the peasant people outside the Supreme Court of Justice," said Karla in an interview with Radio Mundo Real's correspondent in Honduras before she was kidnapped. "I got the first message that read 'this is how you will end up for defending that bitch. Watch your back.' Then I started getting messages with constant threats. I told my colleagues at MUCA and they became concerned about the situation. I then filed a report before the Committee of Families of Disappeared in Honduras (COFADEH)," she said.[20]

> In December 2012, personnel from the **Guatemalan** riot police suppressed and kidnapped members of the community of San Jose del Golfo and San Pedro Ayampuc near Guatemala City, who had been holding a vigil for ten months to block the arrival of mining equipment belonging to company EXMINGUA intended for gold and silver extraction. Even though there were no formal accusations against them, police officers ordered community members to disperse, threatening to destroy the improvised kitchen the community was using to feed almost 200 protestors every day. "This was all based on false accusations" said Milton Carrera, one of the community members kidnapped. "They almost strangled me". During the eviction, the police threw tear gas at people, and beat up elderly people and even children, said Mr. Carrera.[21]

AHOMAR fishermen at the headquarters of the association in Mauá beach.

Killings, attempted killings, and forced disappearances

Violations against a defender's physical integrity and an individual's right to life are often the most shocking incidents of violence against environmental defenders. A landmark report by Global Witness that quantified the number of people killed "defending their human rights or the human rights of others related to the environment, specifically land and forests" found 711 individuals reported killed between 2002 and 2011.[22] The report further analysed four types of killings: Clashes between communities and State security forces, disappearances followed by confirmed deaths, deaths in custody, and one-off/ multiple targeted assassinations.

FoEI recorded killings of environmental defenders in Argentina, Brazil, Colombia, Guatemala, Honduras, Indonesia, Mexico, Paraguay, Peru, the Philippines, and Sri Lanka. Many of these were peasants or indigenous defenders who were victims of targeted assassinations or were killed during violent confrontations. Because several incidents involved multiple deaths, it is difficult to report an accurate account of how many environmental defenders were killed. There were, however, more than twenty five incidents reported by Radio Mundo Real in Latin America alone in the two-year period. These include the wave of killings of peasants in Paraguay since the coup d'état as well as the all-too frequent killings of indigenous and peasant defenders in Colombia who are defending the rights of displaced persons and fighting for land rights.

> One week prior to the Rio+20 Earth Summit in **Brazil** in June 2012, FoEI and other organisations participated in a 'toxic tour' of the Guanabara Bay near Rio de Janeiro, hosted by the fisherfolk organisation Associação de Homens e Mulheres do Mar (AHOMAR).[23] AHOMAR denounced the environmental crimes in the fifty years that the Duque de Caxias Refinery (REDUC) has been in operation and the rights violations that took place during the construction of the Rio de Janeiro Petrochemical Complex (COMPERJ), one of the largest investments in the history of Brazilian energy giant Petrobras in the bay. The Rio+ Toxic tour also included visits to affected communities in Santa Cruz, in Sepetiba Bay, where an iron and steel plant operated by German corporation Thyssen Krupp and Brazilian corporation Vale. The steel plant and oil refineries dump their chemical waste and air pollution into the costal area of Rio de Janeiro city on a daily basis, with particular impact on fisherfolk communities from the state. Two representatives from AHOMAR, Almir Nogueira de Amorim and Joao Luiz Telles Penetra, gave a presentation on the negative impacts of oil, mining and steel projects in Rio de Janeiro State at the Peoples' Summit, which ran parallel to Rio +20. Four days later, the two environmental defenders disappeared and were subsequently found brutally

murdered in Mauá beach on 24 June 2012, two days after the close of the UN Rio+20 Conference in Rio de Janeiro.[24] AHOMAR headquarters are located in Mauá beach and since February 2012 the police presence at the beach had been removed, exposing the defenders to threats and increasing the vulnerability of the local population. Three other community leaders have received death threats.

On 1 December 2012, two masked assailants murdered **Paraguayan** peasant leader Vidal Vega, member of the Landless Peasant Commission that has been fighting to obtain the Marina Cue plot of land in Canindeyu Department. This plot is located thirty five kilometres from Curuguaty, where eleven landless peasants were killed on 15 June 2012. The incident is known as the Curuguaty massacre. It triggered the ousting of President Lugo. Mr. Vega was a key aide in the investigation into the massacre, where six police officers were also killed. A press release issued by the National Coordination of Rural and Indigenous Women Workers (CONAMURI) highlights the cruelty with which the hitmen killed Vidal Vega in front of his family: "This is another case of criminalisation of the social struggle. The State, which provides no answers to the demands of the peasant sector that has historically sought a piece of land to live on, is responsible for this", reads CONAMNURI's press release. According to the newspaper 'Periódico de Interpretación y Análisis E'a', Vega became the leader of the Landless Commission after the 15 June massacre. "He had recently been put in charge of proceedings to help families access land. The murder aims to intimidate the community".[25]

Human rights defender and peasant leader Adelina Gomez was murdered in the Cauca department of **Colombia** in October 2013. She had received death threats over her resistance to mining activities. Ms. Gomez was a member of the Macizo Colombiano's Integration Committee (CIMA), which is part of the National Agrarian Coordinator (CNA), a representative of the Latin American Coordination of Countryside Organizations in Colombia (CLOC-Via Campesina). Ms. Gomez devoted her life to community and social work. She was part of the Process of Maciceña Women of CIMA and she had also been promoting the Mining and Environmental Forum in Almaguer municipality, held on 15 February 2013. Nearly 1,500 peasant and indigenous people participated. Social movements and organizations issued a call for the judiciary to investigate and prosecute those responsible for the crime, highlighting the importance of combining efforts to expose the criminalisation of the struggle in the countryside, which often leads to peasants' deaths. The Network for Life and Human Rights in Cauca raised alarm about the situation of women human rights defenders in the department; the network's human rights observatory recorded fifteen murders of women in 2013 in Cauca. Nearly half of the cases happened in the Colombian Macizo and two of them were peasant leaders. Fourteen other human rights activists were killed, especially in Cauca's rural areas. The observatory also recorded twelve individual threats against men and five against women.

There were also five incidents in which environmental defenders escaped attempts on their lives. These were recorded in Costa Rica, Guatemala, and Paraguay. In these cases, the defenders were clear targets for assassination. They all survived being shot at by unknown assailants.

On 13 June 2012, Yolanda Oquelí was ambushed by two men on a motorcycle, while driving to her home in San José del Golfo in **Guatemala**. She survived repeated wounds and was immediately rushed to a public hospital by community members where she underwent emergency surgery. Ms. Oquelí is a vocal and passionate opponent of the expansion of extractive mining operations in the communities of San Jose del Golfo and San Pedro Ayampuc. Days before the attempt on her life, Ms. Oquelí and other environmental activists presented a series of formal complaints to the Public Ministry regarding acts of intimidation, threats, and criminalisation that they have suffered as a result of their defence of their natural resources. One year later, on 10 July 2013, shots were fired outside Ms. Oquelí's house.

In **Costa Rica**, Bribri indigenous leader Sergio Rojas, president of the Association for the Development of the Indigenous Territory of Salitre, was attacked in September 2012 by strangers in Cebror community. He was shot six times, but managed to survive. Mr. Rojas is a renowned leader who works for the defence and recovery of land and autonomy for his people and all Costa Rican indigenous peoples, according to the National Front of Indigenous Peoples. The murder attempt took place after the Association for the Development of the Indigenous Territory of Salitre led the recovery of lands in the area that were granted by law to the native population but had been occupied by third parties.

Environmental rights defenders are also at risk of forced disappearances, where they go missing under suspicious circumstances, and whether or not they are alive remains an uncertainty. These situations are rarely investigated by the authorities and as time goes by it becomes increasingly difficult to find out the truth about what happened and get justice for the victims and their families.

In **Colombia**, two environmental defenders and close collaborators with CENSAT Agua Viva / FoE Colombia were forcibly disappeared. Sandra Viviana Cuellar was disappeared from a bus stop on 17 February 2011 and remains missing. A

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well-known activist from the Ríos Vivos movement in defence of land and people affected by dams, Miguel Ángel Pabón Pabón, was disappeared on 31 October 2012. Ten days later a group of paramilitary officers arrived at Las Acacias community in the Santander department, threatened the local population and said that environmentalist leader Miguel Angel Pabón Pabón was dead. However, this information has not been verified and his whereabouts are still unknown. In both these cases, there have been no statements by the authorities regarding the incidents or the motivations behind them, and there has been no justice for the families of Ms. Cuellar or Mr. Pabón Pabón.

Violent confrontations in territories

Communities defending their territories from large-scale energy and development projects, extractive projects, the expansion of monoculture plantations, and other environmental threats are often victims of violent repression during forced evictions or other types of land disputes. Violent confrontations between communities and armed forces or private security were reported in Chile, Colombia, Guatemala, Paraguay, the Philippines, Tanzania, and Uganda.

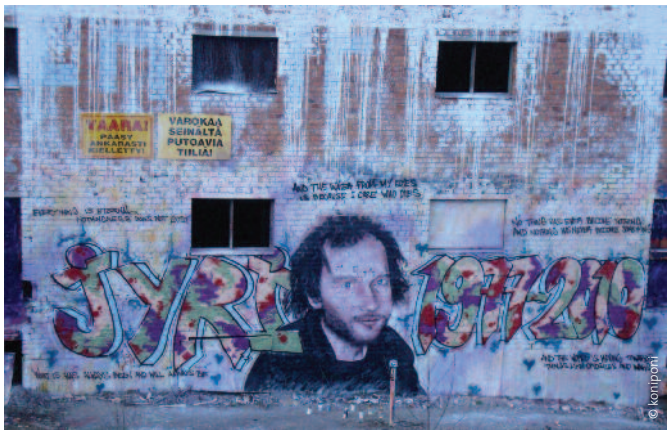
The 2009 Wildlife Conservation Act of **Tanzania** prohibits human activities, including farming and livestock grazing, in game controlled areas. This law has been used to justify the eviction of Loliondo communities whose land and natural resources are under threat due to the expansion of a game controlled area owned by Arab investor Brigadier Mohamed Abdul Rahim al Ali, owner of Ortello Businesses Corporation. In the past two decades this conflict has been a major issue of local and national concern. The predominant ethnic group is Massai pastoralists. Land use practices are based on the seasonal migration of livestock from wet to dry pastures. The pastoral communities in the area are also in dispute with two other big investors: Thomson Safaris Nomad Safaris-Mobile Company and Roy Safaris. The 2009 clashes resulted in forced evictions conducted by the Field Force Unit, together with private security forces. Following the evictions of some 20,000 Massai, it was alleged that more than 200 Massai *bomas* (homesteads) were burnt, women were raped, more than 3,000 people were left homeless, and more than 50,000 cattle left to die for lack of grass and water.

In February 2012, police forces in **Colombia** violently evicted 800 fishing families from a peaceful sit-in on the shores of the Magdalena River in front of the construction site of the hydroelectric project "El Quimbo". The confrontation left three people wounded, amongst them Luis Trujillo, a young man who lost his eye when he was hit by a gas canister used by the police. Since January 2012, affected communities organised by the Association of People Affected by the El Quimbo Hydroelectric Project (ASOQUIMBO) had started a general strike in the western part of Huila department to demand a public hearing for the suspension of the environmental permit for the transnational corporations Emgesa (an electricity-generation company owned by the Spanish-Italian energy giant Enel-Endesa) for the rights violations incurred by people affected by its hydroelectric project El Quimbo, and Emerald Energy (a hydrocarbon production company based in the United Kingdom) for its oil exploitation activities in the region, which pose a huge risk to the water supply.

2.3 International work to defend environmental rights is effective, but also brings risks

In July 2013 two human rights activists, Orlane Vidal from France and Daniel Langmeier from Switzerland, were kidnapped by gunmen in Nueva Esperanza, **Honduras**. Both international observers, who were working for the Honduras Accompaniment Project, were kidnapped for two and a half hours by men with fire arms and machetes.

In April 2010 Jyri Jaakkola, an activist with FoE Finland, was killed alongside Mexican defender Betty Cariño when the caravan they were accompanying in **Mexico** was attacked by armed paramilitaries. Ms. Cariño was known by many FoE groups for her work with the National Coordination Team of the Mexican Network of People Affected by Mining and the Centre for Community Support Working Together (CACTUS). Both defenders were observers in a humanitarian mission to take food and medicine to the Autonomous Triqui Community in San Juan Copalá in Oaxaca. The community had been left without electricity, water, medical access and basic provisions as a result of an ongoing paramilitary blockade.



Mural in Tampere, Finland, in memory of activist Jyri Jaakkola, who was murdered in Oaxaca, Mexico, in April 2010

2.4 The right to access and communicate with international bodies is crucial for environmental defence

Environmental defence activities often include engagement with international institutions and mechanisms where environmental and development policies and agreements are negotiated and monitored. These include UN Conferences on relevant themes such as the 2012 UN Conference on Sustainable Development (also known as Rio+20), international treaties and conventions such as the International Framework Convention on Climate Change, and permanent bodies like the UN Human Rights Council. NGOs have participated in UN spaces since as early as 1948, and a 1996 Resolution confirms "the need to take into account the full diversity of the non-governmental organizations at the national, regional and international levels" and to "ensure, to the extent possible, participation of non-governmental organizations from all regions, and particularly from developing countries, in order to help achieve a just, balanced, effective and genuine involvement of non-governmental organizations from all regions and areas of the world."[26] However, this involvement is often restricted – either by threats of reprisals if NGOs speak out at international meetings or by ill-treatment and limiting access to international spaces.

Friends of the Earth's delegation in Rio celebrates the return of Jeremias Vunjanhe.

Fear of retaliation is grounded on experiences of people returning home after participating in an activity to face intimidation, threats, and violence. The FoEI *Our environment, our rights* publication quotes the World Bank's Extractive Industries Review (EIR) regarding communications about human rights violations linked to extractive projects: "There was also a strong element of fear: quite a few people testifying to the EIR required anonymity when describing human rights violations."[27]

Corporate sponsorships of UN events and other expressions of corporate capture of multilateral institutions have furthered violations of defenders' rights to participate in international spaces, particularly when they are denouncing the negative practices of these corporate sponsors.

One example of such restricted access to international spaces occurred in June 2012 when Jeremias Vunjanhe from Justiça Ambiental / FoE **Mozambique**, who is active in the campaign against Brazilian company Vale Mining, was denied permission to enter **Brazil** in order to participate in the Rio +20 conference. Mr. Vunjanhe, an activist and journalist, was expected to present information about the negative impacts of Vale's operations in Mozambique at the Peoples' Summit, a civil society summit running parallel to the UN Rio+20 conference, as well as in a FoEI side event in the official conference space. Although he had UN accreditation and a valid entry visa, Mr. Vunjanhe was sent back to Mozambique. After advocacy and solidarity efforts by more than 100 organizations from Brazil and worldwide, Mr. Vunjanhe was allowed to travel once more to Brazil and participated in the international events. Importantly, the media coverage surrounding the incident was aimed at protecting Mr. Vunjanhe from reprisals when he returned to Mozambique to continue his environmental defence work.[28]

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2.5 Indigenous communities defending their territory face multiple rights violations

Several international bodies have recognised the rights of indigenous peoples to assert their own cultural, political, and economic structures. The obligation to obtain the free, prior and informed consent of indigenous peoples for development projects is established in the United Nations Declaration on the Rights of Indigenous peoples and in the Convention concerning Indigenous and Tribal Peoples in Independent Countries (commonly known as Convention No. 169) of the International Labour Organisation. The Special Representative on human rights defenders stated in her 2007 report that "[l]and rights and natural resources is an area where a large part of the defenders come from indigenous populations and minority groups. These populations are often working to secure their right to utilise and live on the land they consider to be theirs."[29]

The 2013 report of the Special Rapporteur discusses how she had previously "underlined reports of an escalation of violence by governments and private security forces as a consequence of extractive operations in indigenous territories, especially against indigenous leaders, and of a general repression of human rights in situations where entire communities had voiced their opposition to extractive operations."[30] Indigenous communities defending their territories from unwanted development face numerous human rights violations, including forced evictions, violent confrontations, killings, and intimidation. FoEI recorded violence against indigenous environmental rights defenders in Chile, Colombia, Costa Rica, Ecuador, Guatemala, Honduras, Mexico, Panama, Peru, the Philippines, and Tanzania.

In **Panama**, the Ngöbe Buglé nation has been the target of multiple human rights violations in response to the indigenous community's resistance to mining concessions in their ancestral territories. On 5 February 2012, a police action against the Ngöbe Buglé resulted in the rapes of indigenous women and at least two deaths at the hands of police forces. The Ngöbe Buglé peoples, one of the seven indigenous nations in Panama, were mobilising against a mining law that was being debated in parliament. The law did not include protection for mineral and water resources within the Ngöbe Buglé territory. This protection had been agreed upon between the Coordination for the Defence of Natural Resources and the Rights of the Ngöbe Buglé and the national government, but it was later eliminated from the proposed law.

Sagittarius Mines Inc. (SMI), a company controlled by Swiss-based Xstrata Plc, operates the Tampakan Copper and Gold Project in **the Philippines**, one of the world's largest deposits of gold and copper. Its mining development area is covered by at least 5 ancestral domain claims, most of which belong to the B'laan tribe. Inside the B'laan territory in Bong Mal there are seven military detachments, two community police assistance centres, and nearly 100 security guards. Military and police are often used as security escorts for the company employees. On 18 October 2012 Juvy Capion and her two sons, thirteen year old Jordan and eight year old Jan, were killed when military officers stormed into their hut in the Davao province of the Philippines. Juvy Capion, the woman killed in what is now called the Tampakan massacre, was a farmer, mother of four, and leader of the B'laan community. Her death was mourned by her sister-in-law Erita Capion Dialang, who said her perseverance and hard work made her a reliable leader in her community. A statement by Kalipunan ng mga Katutubong Mamamayan sa Pilipinas (KAMP), a national alliance of indigenous people's organisations in the Philippines, said that "it is entrenched in the culture of the indigenous peoples to defend their land and life. SMI is a threat to the way of life and the survival of the B'laan people."[31]

2.6 Women environmental rights defenders are particularly at risk

The Special Rapporteur focused her 2010 Annual Report on the particular risks faced by Women Human Rights Defenders (WHRDs), who "are more at risk of suffering certain forms of violence and other violations, prejudice, exclusion, and repudiation than their male counterparts... The gender-specific nature of violence against WHRDs includes greater risk of being subject to sexual harassment, sexual violence and rape."[32]

Regarding women defenders working on land and environmental issues, the 2011 report of the Special Rapporteur found that WHRDs who were attacked were "active in negotiations with local authorities to resolve land conflicts and denouncing land-grabbing; working for reparations for indigenous people and denouncing encroachments on their lands; organising community events; campaigning against nuclear power plants; campaigning against the development of a gated community and marina development; working for the rights of field workers; protesting against the creation of a residential and leisure complex; filming a documentary on the harmful impact of oil production; campaigning for water rights and against the construction of a dam; and campaigning against mining projects."[33]

The Mesoamerican Initiative of WHRDs (IM-Defensoras) found in its 2012 Assessment report[34] that WHRDs active in the defence of land, territory and natural resources had the highest number of attacks in the region. Forty-three percent of all attacks on WHRDs documented by IM-Defensoras in 2012 were against WHRDs who defend land and territory, indigenous peoples' rights, and environmental rights. That was 179 attacks on environmental WHRDs in Mesoamerica in 2012.

Many of the incidents recorded by FoEI as described earlier involved women environmental defenders. These are important to highlight. They include the assassinations of Adelina Gómez in Colombia, and Juvy Capion and her children in the Philippines. Yolanda Oquelí from Guatemala survived an assassination attempt and many attacks on her person and her home. In Honduras, Bertha Cáceres has been persecuted and had to flee from baseless arrest warrants, and journalist Karla Zelaya was held captive for several hours and "warned" to stay out of trouble.

"Women human rights defenders are more at risk of suffering certain forms of violence and other violations, prejudice, exclusion, and repudiation than their male counterparts."

Bertha Cáceres, Coordinator of the Civic Council of Popular Indigenous Organisations of Honduras (COPINH) has been persecuted and had to flee from baseless arrest warrants.

three What are the contexts in which violence and rights violations against environmental defenders take place?

What are the contexts in which violence and rights violations against environmental defenders take place?

Environmental rights defenders work in diverse contexts to protect nature and defend peoples' right to sustainable livelihoods and cultural heritage. There are several trends worldwide that have been identified in order to understand violence and rights violations against environmental rights defenders, foremost the global corporate-controlled neoliberal economic model based on natural wealth extraction. Although these trends may not affect all environmental defenders in every country in the same way, there are similarities in the experiences across countries and the specific issues that defenders work on to merit a closer analysis. The rising power of transnational corporations, particularly as they drive the expansion of extractive and energy projects, has contributed to the weakening of democratic institutions and increased militarisation, exacerbating violence and dismantling possibilities for justice and redress in situations of rights violations. The "war on terror" has created a war on defenders of human rights and the rights of nature, with the use of counter-terrorism policies and other tactics to restrict the space for civil society action. These trends are not mutually-exclusive, but rather they intersect in the day-to-day lives of defenders and come together into the overall context in which environmental rights defenders conduct their work.

Standing in solidarity with communities resisting fracking, Romania.

3.1 The neoliberal extractive model increases competition for natural resources and leads to rights violations and situations of violence

Among the defenders whose experiences were recorded by FoEI, the most common issues worked on are: right to water, land rights, mining and energy-related issues such as coal, nuclear power, hydraulic fracturing (fracking), and hydroelectric dams. There were also several cases related to logging and protection of native forests. The Global Witness report states that the trends in killings of land and environmental rights defenders "are symptomatic of the increasingly fierce competition for resources, and the brutality and injustice that come with it."[35] These conflicts are a result of the model of relentless extraction of natural resources for the benefit of corporations, elites, and wealthy consumers, primarily in the global North, which has been driven and accelerated by the neoliberal political ideology that has dominated the economic policies of many governments around the world for the last three decades.[36] These policies have included the European Union (EU) Renewable Energy Directive that promotes the imports of agricultural products for biofuels in order to curb dependence on fossil fuels, and which has led to land-grabbing and forced displacements of rural communities. Carbon offsetting programs like Reduced Emissions from Deforestation and Degradation (REDD) and other false solutions to climate change also respond to the neoliberal model and bring risks that have not been properly considered, for example that they could foster an 'armed protection' mentality that could lead to the displacement of millions of forest-dependent people, including by force.[37] Over-extraction of natural resources to feed the corporate-led neoliberal extractive model also includes mineral extraction and logging of forests for consumer products.

Energy extraction projects are found in the Global North and South. In Europe and North America, there is a long and ongoing history of environmental defence against coal extraction. With the emergence of fracking, shale gas exploration, and the exploitation of tar sands, there is increasing community resistance to these projects and their impacts on the environment and people's livelihoods. This resistance is being met with repression and rights violations around the world, such as what took place in the protest camp in **Romania**.[38]

Timber extraction has long been a threat to the environment and livelihoods of small landholders in **Papua New Guinea**. Logging practices have become more aggressive and in March 2012, local communities reported that they were forced at gun-point to sign documents giving their consent for a project by logging giant Rimbunan Hijau to go ahead. The corporation had hired police officers in West Pomio to coerce landholders into signing over their land rights. Many landholders refused to sign the documents and have since gone into hiding as police officers told them that they would be arrested and sent to jail. Of concern are women and children who are targets of police harassment. Despite a commitment from the Police Commissioner to prevent police from being involved in providing security for logging companies, the situation has not improved. In addition to the harassment of the landholders in West Pomio, the police also threatened FoE Papua New Guinea for offering support and assistance to the local landholders.

Daniel Pascual, leader of the Latin American Coordination of Countryside Organisations (CLOC-Via Campesina) described the conditions of violence against peasant and indigenous communities in **Guatemala**: repression "is part of imposing the neoliberal model, from evictions, to prosecutions, to threats, arrests and violent murders". He cited the mass eviction in 2011 in Valle del Polochic by a sugar cane company, where three indigenous peasants were killed, and houses and crops were burned down. Other examples included the 2012 massacre in Totonicapán, where eight Maya indigenous were murdered, and the killings in Santa Cruz Barillas in the context of community resistance to the hydroelectric plant of the Spanish transnational Hidralia. "We are very aware that we are undergoing a re-militarisation process in the country in order to control the resistance", said Pascual.[39]

"In Guatemala, repression is part of imposing the neoliberal model, from evictions, to prosecutions, to threats, arrests and violent murders."

3.2 Large-scale development projects threaten the rights of affected communities and environmental defenders

The 2013 report by the Special Rapporteur focused on the relationship between large-scale development projects and affected communities and defenders of their rights. "The term 'large-scale development projects' refers to the acquisition, lease or transfer of land or natural resources for commercial investment purposes. The Special Rapporteur does not identify a specific threshold for what should constitute 'large-scale' but considers the impact of a project on its surroundings, specifically with regard to the human rights of affected communities and those defending the rights of those communities, to be a key factor."[40]

Large-scale development and infrastructure projects have been promoted by International Financial Institutions that are notorious for human rights violations and environmental destruction. The Clean Development Mechanisms also promote large-scale development projects by financing carbon emission-reduction projects in developing countries to earn certified emission reduction credits that can then be traded and sold, and used by industrialised countries to meet a part of their carbon emission reduction in order to slow down climate change. Environmental defenders have denounced the environmental and social impacts of these large-scale development projects and they reject them as impositions serving only to maintain the neoliberal extractive model. The numerous conflicts that this model incites worldwide result in violations against environmental defenders, who promote a different model of development that meets the needs of local communities and respects the rights of nature. The Special Rapporteur verified and affirmed what environmental rights organisations have been denouncing:

"... human rights defenders are commonly branded as being against development if their actions oppose the implementation of development projects that have a direct impact on natural resources, the land and the environment. Examples of such projects include the construction of hydroelectric power stations, electric pylons, dams, highways and cement factories, and the operations of various extractive industries. Human rights defenders also speak out against forced evictions that occur in connection to development programmes and projects.

three What are the contexts in which violence and rights violations against environmental defenders take place?

continued

"Rather than demonstrating opposition to development, such actions should be seen as legitimate attempts to defend the rights of those affected directly and indirectly by development projects and policies, as long as they are pursued through peaceful means. Resistance evokes a number of human rights issues, including with regard to the right to freely pursue one's economic, social and cultural development and the right not to be discriminated against... The Special Rapporteur is of the opinion that human rights defenders and the communities whose rights they defend are free to oppose development projects through the exercise of their fundamental rights and that restrictions on those rights have to be applied in accordance with national legislation and the State's international human rights obligations."

FoEI has documented the state of conflict in Southern **Mexico** due to the imposition of large-scale development projects including mining and hydroelectric dams. The indigenous communities Nahua-Otomí of Ayotitlán in the region of Jalisco and Colima are victims of human rights violations because of their refusal to sell their lands to the Italian-Argentinean-Indian consortium Benito Juarez, Peña Colorada SA de CV. The corporate consortium seeks to accommodate the operations of the Peña Colorada mine, owned by the companies Ternium-ISPAT and Mittal Steel. Attacks have included physical aggression, threats, and torture of members of indigenous communities that refuse to sell their lands for the mine's toxic waste dump. Meanwhile, efforts to support resistance to the proposed El Zapotillo dam in Temacapulín, Jalisco has resulted in police investigations of human rights defenders and other criminalisation tactics. Resistance to hydroelectric projects have also led to the killing of at least two defenders – Noé Vázquez and Heron Luciano Sixto López – and repression of social mobilisations.

With the discovery of oil in the Albertine region of **Uganda** and subsequent influx of investors, threats to the environment and communities have increased due to the arrival of oil exploration and oil processing factories. Many people have been forcibly evicted from their ancestral land, leaders from local community-based organisations have been arrested, tortured and imprisoned. Additionally, repression related to land grabbing issues is very present for Kalangala communities facing the expansion of large palm oil plantations, which have forcibly displaced them from both their land and the forested areas on which they have depended for centuries.

Radio Mundo Real interviewed a representative of the Colombian movement Ríos Vivos Antioquia regarding the decision of 350 people to return to their lands having been forcibly displaced months earlier by the Hidroituango hydroelectric project: "We return without guarantees, because the armed conflict continues in the region", a conflict that favours the local government and the companies running the Hidroituango dam so that the project can move forward, said Muñoz. Nearly 70 people will stay in Medellin, some of them because they have received death threats and others because they don't have easy access to housing in their lands. The decision to return to their land was not taken lightly; Nelson Giraldo from Ríos Vivos Antioquia was assassinated when he travelled to the region to investigate the conditions for the community's return. The aggression continued after the community's return, including the murder of a young man, Robinson Mazo, under suspicious circumstances in the municipality of Toledo El Quimbo by the violations of social environmental rights of the affected people, and Emerald Energy (a hydrocarbon production company based in the United Kingdom) for its oil exploitation in the region because it is a huge risk to the production of the water in the region. "We need to go back to our lands, to continue working, so we can live with dignity," Muñoz told Radio Mundo Real.[41]

3.3 Militarisation or the break-down of democratic governance can exacerbate situations of violence against environmental defenders

The ability of environmental rights defenders to conduct their work safely is severely curtailed by the existence of weak States unable or unwilling to respect, protect, enforce and promote human rights. Common perpetrators of violence against environmental rights defenders are State actors who defend government interests – often connected to private corporate interests – above the needs and rights of the population. States very often defend the interests of corporations, declaring natural resources and development projects to be of "national interest", thereby legalising and legitimising violence against people and the environment. This institutional violence, through forced evictions, environmental destruction and impoverishment of communities, is often accompanied by increased police presence and the militarisation of territories that protect corporate interests instead of exercising their duty to protect the population.

Illegitimate governments installed through coups d'état and those governing occupied territories provide few guarantees to communities and activists asserting their environmental and human rights as well as exercising their right to defend human rights through the freedom of expression and freedom of assembly.

In October 2013, FoEI conducted a high-level mission to PENGON / FoE **Palestine**. At the end of the visit, FoEI Chair Jagoda Munic presented their findings: "Apart from illegal Israeli settlements and the separation wall, we have witnessed less visible forms of occupation including toxic waste dumping, the expropriation and diversion of fresh water sources from Palestinian communities for the benefit of Israeli settlers and corporations, such as the Israeli water company Mekorot, the development of polluting industries close to Palestinian towns, and land-grabs. Friends of the Earth International has exposed environmental injustices and resource grabbing around the world, but the Israeli government's systematic policies of segregation, land grabbing, and water resources expropriation are truly shocking." The efforts of environmental rights defenders in Palestine are hampered by the generalised repression of activists, with arbitrary arrests and raids on civil society organisations. This visit verified the findings of a previous FoEI mission to Palestine in 2012, which were gathered in the report "Environmental injustice and violations of the Israeli occupation of Palestine."[42]

The situation of human rights defenders in **Honduras** since the 2009 coup has alarmed the international community, with an intensification of disputes over land and natural resources and an ongoing wave of attacks, criminalisation, and killings of defenders. The Special Rapporteur visited Honduras in 2012 and "expressed concern about the reports and testimonies she had received of violations and abuses committed against defenders working for the rights of indigenous and other local communities by law enforcement authorities, often in collusion with private security firms hired by the corporate sector. While recognising the legitimate right of the Government to promote private investment, the Special Rapporteur expressed concern about the 'state of fear' affecting defenders working on environment-related issues and opposing projects by private companies or the State, in particular in the construction of dams and in the mining and tourism sectors."[43]

Early in the morning of 15 June 2012 in **Paraguay**, a large police operation conducted in the Marine Cue tract of land sought to evict almost fifty landless peasants (including women and children), who claimed land which has been illegally occupied by the livestock and agriculture company Campos Morombi. The peasants argued that the land belonged to the State and should be assigned for agrarian reform. The violent police operation on the grounds ended in a confrontation where eleven peasants and six police officers were killed. This event triggered a coup against President Lugo, and since then dozens of peasants have faced false charges and been arrested, and several have been killed. Radio Mundo Real reported on the assassinations of six peasant leaders in Paraguay between June 2012 and October 2013.

Armed conflicts and the "war on drugs" threaten democratic governance and have led to increased roles for the military and other armed groups. The militarisation of territories and the growth of private security to defend corporate interests have resulted in violence against communities and those who defend their rights.

Media reports about the August 2013 protest in **Sri Lanka** give testimony to the situation of militarisation and the use of military personnel to protect corporate interests: "Brutal military force was unleashed in the Weliweriya area of Gampaha on people engaged in a protest demonstration against pollution of water by acidic contamination caused by a glove manufacturing plant... Military personnel are currently scouring the area going from house to house in search of the leaders who organised the protest demonstration. According to beleaguered residents the military has virtually besieged the area. A 17 year old male named Akila Dinesh was killed and 24 injured persons hospitalised, as a protest demonstration, in the Belummahara Junction along the Kandy-Colombo Road turned violent with the protesters clashing with the Army personnel deployed to disperse the crowds and quell the situation... The soldiers were wearing flak jackets and carrying T-56 assault rifles as if they were engaged in war against a deadly enemy whereas the protesting civilians were unarmed except for a few throwing stones. The army said it had been compelled to fire as the troops had come under attack by those demanding the closure of a factory allegedly responsible for polluting ground water in the Rathupaswela area of Weliweriya."[44]

three What are the contexts in which violence and rights violations against environmental defenders take place?

continued

3.4 Growth of corporate power has fuelled violence perpetrated by non-State actors

While the human rights movement grew out of violence and rights violations perpetrated by State actors (the police, military, or other forces acting on behalf of the State), there has been increasing recognition of violence and abuses perpetrated by non-State actors, particularly corporations and armed private security or individuals defending corporate interests. Concerns about private actors attacking environmental defenders were summarised by the Special Rapporteur: "Since 2007, the situation with regard to [defenders working on land rights and natural resources]... seems to have worsened. In 2010, the Special Rapporteur reported on the violations committed by private corporations and businesses, which were among the non-State actors she identified as committing violations against human rights defenders. She pointed to instances in which security guards employed by oil and mining companies had allegedly threatened to kill, harassed and attacked human rights defenders protesting against the perceived negative impact of corporate activities on the enjoyment of human rights by local communities."[45] **As corporate control over territories through resource-grabs and the imposition of mega-development projects grows, so does their participation in and responsibility for human rights violations.**

One of many examples of corporate abuses against human rights defenders and collusion between corporations and State security forces is the current situation with Brazilian mining company Vale and its actions in **Mozambique**. Vale is the largest producer of iron ore and pellets – a key raw material for the iron and steel industry, and the second largest producer of nickel. The company has owned the concession of a coal extraction project in Moatize, Mozambique since 2007; the area is considered as one of the largest reservoirs of coal in the world. The project has been the source of many conflicts, among other reasons because it led to the displacement of 1,300 families. These displacements and the conditions in which the families are forced to live sparked several mobilisations that were violently suppressed by the police. Three community leaders were arrested during one of the protests against Vale and held for six days, in violation of Mozambican law, which prohibits detention without charge for more than forty eight hours. The defenders were told of the charges against them after four days: disturbance of public order and death threats against a Vale officer. This last accusation was withdrawn because the officer in question could not provide any information about the supposed threat. Vale's influence regarding the resistance to its operations in Mozambique were also felt in Brazil, when a Mozambican activist was prevented from entering the country to participate in the Rio+20 UN conference, even though he had proper accreditation and an entry visa.

In **Liberia**, the communities of the Joghban Clan from District no.4 in Grand Bassa County, who are resisting further expansion of palm oil plantations onto their customary land have been intimidated and physically assaulted by private security hired by the UK Equatorial Palm Oil company (EPO) and the Police Support Unit (PSU), a paramilitary unit of the Liberia National Police. These communities were displaced by the previous concession holder Palm Bay in the 1960s. EPO took this concession and want to expand their plantation which would displace communities yet again. Disregarding the affected communities' objection to its expansion, the company cleared and planted some of the communities' lands with oil palm in 2013. EPO then forcibly conducted a land survey without the consent of the affected communities. When communities attempted to halt the survey, the PSU was deployed into the area. On 18 September 2013, community members were accosted and some were beaten by EPO security and PSU forces as they walked to the county capital, Buchanan, to lodge a protest with authorities. Seventeen people were arrested, but were promptly released after the government's County Attorney found there were no grounds for their detention.

3.5 Voluntary measures by corporations to respect human rights have failed to reduce violations against environmental defenders

Environmental defenders who uphold the right of communities to determine their own development path in opposition to corporate-driven mega-development projects are subject to many types of human rights abuses, often committed by the corporations or on their behalf. Corporations and multilateral institutions promote voluntary codes of conduct for corporate social responsibility (CSR), which claim to address the negative impacts of corporate practices on people and the environment. **Not only have these voluntary mechanisms failed to stop human rights violations and environmental destruction, they are used to cover up corporate responsibility in acts of violence and serve to present a "clean" image of corporations**. One such mechanism is the Global Compact that was launched by the United Nations in 2000 as a tool to promote "responsible corporate citizenship." This voluntary mechanism lacks an enforceable legal framework, meaning that corporations cannot be held liable for human rights violations. Thus, while the Global Compact claims that businesses that have signed "adhere to internationally accepted standards." In reality many of them consistently fail to comply. The Global Compact only expels companies if they don't report human rights violations, not for perpetrating these violations as such.[46]

Mining giant Vale has been a member of the Global Compact since 2007 and was listed as a contributor to the Foundation for the Global Compact in the range of USD 20,000 – 100,000 in 2009. Vale is also a key member of the Global Compact's LEAD Initiative that brings together Global Compact members with a "strong engagement at the local and global levels." Through the LEAD Initiative, Vale is rewarded for its good behaviour as a Global Compact member with special access to international forums and political processes. In direct contradiction to the praise for its "global citizenship," Vale was voted Worst Corporation in the 2012 Public Eye Awards for human rights abuses and environmental devastation connected to its Belo Monte dam project in **Brazil**. Vale is infamous for its attacks on environmental defenders, including continuous harassment and intimidation of activists in **Mozambique** in connection to the Moatize coal extraction project. As co-sponsor of Rio+20, Vale benefited from efforts to stop a defender from Mozambique from entering Brazil to present information that would be damaging to the company. Vale has also been accused of spying on the Landless Workers' Movement in Brazil and other activists protesting the environmental impact of corporate activities.[47] A February 2014 mission to Brazil organised by the International Federation for Human Rights (known as FIDH for its acronym in French) exposed Vale's targeting of persons and NGOs believed to present potential barriers to the company's activities. In its findings, FIDH asserts that "...the spying activities conducted by multinational corporations on social movements in Brazil raises serious questions about human rights respect by companies. These activities undermine freedom of expression and the right to protest, which form one of the fundamental pillars of a democratic state."[48]

Dipped Products PLC (DPL), owner of the Venigross Gloves factory in **Sri Lanka**, announced in February 2014 that its Corporate Social Responsibility project won the Best Innovative Model for CSR at the Japan-Sri Lanka Technical and Cultural Association Awards. As stated on the company's web site, the CSR initiative "reflects DPL's commitment towards business sustainability in which economic, environmental and social factors are integrated in order to empower smallholder rubber farmers to achieve their maximum capability as well as empowering farmer communities through capacity building activities."[49] This award for its work in Sri Lanka was presented shortly after suppression of a protest against DPL's Venigross factory in that same country resulted in the deaths of three people. The environmental defenders were protesting the water pollution coming from the factory that had destroyed the livelihoods of neighbouring farmers, among other environmental health concerns. Rather than taking responsibility for its actions, Venigross denied wrong-doing and claimed a CSR award instead.

In 2011, the UN Human Rights Council (UNHRC) approved the Guiding Principles on Business and Human Rights. Although a partial victory for civil society, which brought some corporate accountability, the Guiding Principles are still voluntary norms for corporations. The principles are often referred to as the Ruggie Principles, for their lead author John Ruggie. Ruggie was appointed in 2005 as special rapporteur for business and human rights by UN Secretary GeneralKofi Annan. In 2012, the report "Contribution of the United Nations system as a whole to the advancement of the business and human rights agenda and the dissemination and implementation of the Guiding Principles on Business and Human Rights" was published by the UN Secretary General and presented to the UNHRC. By stating that the Guiding Principles will not create any "new international law obligations" the report confirms the principles' non-binding character. In 2013, a Declaration introduced to the UNHRC by the Government of Ecuador and signed by more than 80 countries, expressed the concerns from the Global South regarding the flagrant human rights violations caused by TNCs' operations, which have gravely affected local communities and peoples. This declaration affirms that the Guiding Principles will not have any real impact unless a framework based on legally binding instruments regulating and sanctioning the illegal actions of transnational corporations is created.[50]

Friends of the Earth International is part of a broader movement calling for a treaty with legally binding rules for business and human rights and hopes this to be the outcome of the UNHRC sessions in June 2014, as an urgently needed further step to give affected communities and human rights defenders meaningful access to justice in their disputes with corporates.

Community affected by mining giant Vale in Moatize, Tete province, Mozambique.

three What are the contexts in which violence and rights violations against environmental defenders take place?

continued

3.6 The culture and architecture of impunity creates a multiplier effect by seeking to silence further activism

Impunity in acts of violence against nature, people, and environmental defenders is prevalent in all regions of the world where attacks are reported. This failure of the justice system leaves perpetrators free to continue their actions and serves to deter defenders from continuing their work. **The objective of violence against defenders is to instil fear and stop their defence work. The culture of impunity further promotes this objective**.

This lack of access to justice and redress for acts of violence and human rights violations is part of a broader architecture of impunity that protects corporate interests and investments, and that is linked to institutional violence against communities that resist the imposition of mega-development projects and the destruction of nature. Corporations act with complete impunity through protections they have secured through Free Trade and Investment Agreements which guarantee their "right" to make profits over the rights of nature and of communities.[51]

Impunity for corporate and institutional violence against communities and nature connects back to impunity for human rights violations of environmental defenders who denounce corporate and institutional violence. A key finding of the Global Witness report is that "there appears to be a very low number of convictions and credible investigations [to the killings of land and environmental defenders], which contributes to a culture of impunity that suppresses activism and emboldens further abuse."[52] The report points out factors that play into impunity in cases of violence against environmental defenders: No investigation of crimes against defenders; weak investigations that lead to no convictions; and trivial sentences for the few perpetrators that are convicted.

In a January 2013 statement regarding the situation in **Argentina**, FoEI expressed solidarity with the families of Cristian Ferreyra and Miguel Galván, members of the Peasant Movement of Santiago del Estero (MOCASE), who were murdered in 2011 and 2012 respectively. The federation repudiated "with sorrow and indignation the impunity and injustice of both murders, as well as the evictions and illegal clearing that is carried out daily, and the suffering of the peasants and indigenous that defend and guard their birthplace, generation after generation."[53] Although the hitmen who killed Mr. Ferreyra and Mr. Galván were arrested, there have been no investigations into the motives for the killings and whose interests the murderers were defending when they committed the acts of violence. In both cases, the murderers are said to have been hired by agribusiness interests Furthermore, members of Mr. Ferreyra's family were attacked by hired thugs one year after his assassination.

In **Brazil**, the assassinations of Almir Nogueira de Amorim and Joao Luiz Telles Penetra from AHOMAR in June 2012 remain unsolved, the assailants enjoying total impunity. Even though the State provided protective measures for other AHOMAR members, the claims by the community that there are private militias that protect Petrobras' interests in the Guanabara Bay have not been investigated.

Instead of conducting an independent inquiry to investigate the actions of the military in **Sri Lanka**, when they shot live bullets into a peaceful demonstration against Venigross Gloves, the incident was referred to a military commission, thereby ensuring that the killings will remain unpunished. The investigation found that the military deployment to a non-violent protest against water pollution from the factory that ended in three deaths was "within legal boundaries."[54]

3.7 Security policies and restrictions on civil society action impinge on the right to defend rights

The growing trend to restrict spaces for civil society in the name of counter-terrorism and national security has a serious impact on defenders. This takes place through laws that limit public protests and the freedom of association and that regulate "recognised" organizations and monitor foreign sources of funding. A 2012 Human Rights Watch report found that over 140 governments approved counter-terrorism legislation since 11 September 2001.[55]

Counter-terrorism policies have fostered an image of environmental and human rights defenders as an "internal enemy", resulting both in the criminalisation and stigmatisation of defenders, as the general public is led to become suspicious of rights-defence activities. These policies have permitted the labelling of civil society groups as "domestic extremists or terrorists", thereby justifying a host of illegal activities by State actors, such as police infiltrations of organisations and activist groups.[56] This is interrelated with a growing national security discourse, which in many countries results in an increasingly violent police force. Additionally, the national security discourse justifies the declaration of certain geographic areas or natural resources as "national interests" thereby justifying their plunder regardless of the environmental and human rights impacts.

Not all policies that shrink space for civil society are presented as counter-terrorism measures. Some policies are veiled behind the myth of recognising the work of civil society and thereby the need to regulate it. States can then threaten defenders with the removal of their organisations' legal status and arbitrary enforcement of inspections and tax audits for instance. Although the recent growth of regulatory policies places stronger restrictions on which organisations can qualify for legal status and are stricter on foreign sources of financing, the use of existing laws to intimidate and criminalise defender organisations is not new.

Policies that require registration of civil society organisations attempt to drive a wedge between organisations and social movements by determining what strategies are recognised as "legitimate" civil society action, thereby dismissing valid and effective actions such as non-violent civil disobedience. These attitudes have contributed to legitimising legal actions against activists, with criminal charges and excessive sentencing and fines for civil disobedience activities.

Restrictions on freedom of speech and freedom of assembly are not only found in countries considered "undemocratic", they are also spreading through countries in Western Europe and North America. According to proposed "public safety" legislation in Spain, "[d]emonstrating near parliament without permission will result in steep fines, while participation in 'violent' protests can result in a minimum two-year jail sentence. In each case, the logic is to put a chill on protest. It is not just that it is a protest deterrent; it has a domesticating effect on such protests as do occur."[57] These laws open the door to criminalisation and violence against defenders throughout the world.

Emanuel Ssekimpi, 48, is from the village of Bumangi, Kalangala, Uganda. He is part of a farmers group who have become vocal opponents of the land grabbing taking place on the island.

The National Association of Professional Environmentalists / FoE **Uganda** is threatened by a new law, the proposed Public Order Management Law, which would prohibit convening public meetings. The government has also submitted to Parliament an Economic Saboteurs law proposal, which if passed would allow for the imprisonment for at least six months and without right to bail of anyone who publicly criticises public or private sector investments. FoE Uganda has already been harassed by security forces and intelligence agents for their defence of local communities evicted from their ancestral lands in order to clear the region for oil exploration. District Security Officers also ask NGO staff to obtain permission letters from the Permanent Secretary Ministry of Energy and Mineral Development if they want to hold community meetings on oil issues. FoE Uganda has also reported that since the launching of FoEI's report on land grabbing in Uganda, the government's response has been to close down and/or de-register NGOs working to prevent land grabbing. Furthermore, the Internal Affairs Ministry, is preparing to conduct a comprehensive audit of over forty one NGOs deemed to be involved in suspicious or subversive activities. Currently the Ministry is revising the NGO Law to prohibit NGOs such as FoE Uganda from challenging the government's interventions.

These trends specifically target international collaboration among civil society organisations, such as the work of Friends of the Earth International. This is not simply a matter of solidarity, that an attack on a FoE member group is an attack on FoEI, but also a direct attack on transnational advocacy networks that link local work in defence of human rights and nature with the global trends and policies that lead to rights violations.

In **Guatemala**, threats to defenders have included accusations towards international organisations that provide financial support to peasant and environmental organisations. A leaflet circulated against the National Peasant and Indigenous Coordinator (CONIC) and the Peasant Unity Committee (CUC) named the international and financial organisations that support the peasant organisations, such as ActionAid, Oxfam and the Swedish Cooperative Centre. Meanwhile, FoE Guatemala denounced the attacks by the Guatemalan government on organisations that accompany local communities and have managed to secure international funding in order to threaten the organisations' resources.

four What strategies have been effective in responding to violence against environmental defenders?

What strategies have been effective in responding to violence against environmental defenders?

FoEI's Environmental Human Rights Defenders project seeks to leverage the resources and experiences within the international federation in order to protect environmental defenders, respond to attacks, and denounce the contexts that generate violence. Communications strategies to gather testimonies from defenders on the ground are important contributions to documentation of experiences. International networking to mobilize solidarity actions and denounce institutional violence and rights violations assists in keeping defenders safe.

4.1 International visibility amplifies the voices of grassroots defenders and contributes to keeping them safe

Communications strategies that create platforms for environmental rights defenders to present their experiences to the international community are important for sharing information across countries and movements, and to give the struggles of defenders a broader reach. Amplifying the voices of defenders and making their struggles known increases the political costs of acts of violence against them. Through Radio Mundo Real, FoEI disseminates stories from the grassroots as well as news items and analysis from social movements. Radio Mundo Real's special section called "Social Activists at Risk" publicizes the murders of social activists and the cases of death threats against defenders. Through this section, the internet radio reports on the wave of criminalisation of social protest and other trends affecting defenders. It has also become a reliable repository of information and interviews with defenders, who speak in their own words about their work and the threats they face. Radio Mundo Real published over seventy five stories in the special section over the two-year period from 1 November 2011 to 31 October 2013. Many of the stories described in this publication come from original interviews conducted by Radio Mundo Real with environmental defenders at risk.

4.2 International actions put pressure on power-holders to stop violating defenders' rights

In addition to communications tools to circulate information about defenders and their struggles, international actions serve to hold authorities accountable for rights violations by letting them know that the world is watching. Statements of solidarity, petitions, and email actions target decision-makers and let defenders at risk know that they are not alone. FoEI cyber-actions reach activists throughout the world, providing vehicles to express solidarity with environmental defenders and pressure authorities to protect defenders and respect their rights.

> When Rubén Herrera was arrested in **Guatemala** as part of a wave of criminalisation of environmental defenders in Santa Cruz Barillas, FoEI organised a cyber-action through which thousands of people demanded Mr. Herrera's release. Mr. Herrera is involved in resisting the building of a hydroelectric dam by Spanish company Hidralia SA. He was falsely accused of incitement and kidnapping, but was eventually released. Family and friends expressed their thanks to everyone around the world who sent an email to the Guatemalan authorities calling for Mr. Herrera's release.

> Joint action between WALHI / FoE **Indonesia** and FoE **Australia** in response to the violent repression of an anti-mining protest in Bima, Indonesia resulted in a decision by Australian corporation Arc Exploration to suspend its operations in the area. The groups in both countries mobilised their networks, sent letters to relevant authorities, and conducted media work in order to convince Australian Arc to respect community rights in Bima.

International actions also serve to hold transnational actors accountable for perpetrating violence against environmental defenders by linking threatened defenders in one country with their counterparts in the home countries of the transnational corporations violating human rights.

> Awareness-raising coordinated by CEIBA / FoE **Guatemala** and FoE **Spain** denounced the criminalisation of communities in Guatemala resisting a hydroelectric project in Santa Cruz Barillas. Spanish corporation Hidralia is responsible for the project, and the international solidarity campaign was directed at the authorities in Spain to demand that they hold the corporation accountable and that they intercede on behalf of community members who were unjustly arrested. A delegation from Guatemala travelled to Spain to provide testimony about the situation in Santa Cruz Barillas, particularly the jailing of community residents resisting the hydroelectric project. Media coverage in Spain questioned the actions of Hidralia and led to discussions of the responsibility of Spain in holding its corporations accountable for rights violations in other countries.

4.3 Solidarity missions can verify violent situations and demonstrate to defenders that they are not alone

Solidarity missions can serve to verify rights violations against defenders and give greater visibility to local experiences. They also create opportunities to give moral support to defenders on the ground and to exchange knowledge about practices and strategies. In areas of high threat or conflict, international presence can also contribute to the safety of defenders.

From 4 to 12 September 2012 CLOC-Via Campesina, FIAN International, the Research Group in Human Rights and Sustainability, the UNESCO chair at the Universidad Politécnica de Cataluña, the Global Campaign for an Agrarian Reform and FoEI's Radio Mundo Real organised a **human rights and international solidarity mission to Paraguay** after a coup d'état ousted democratically elected president Fernando Lugo. The mission held dialogues with representatives of social movements and organisations, interviewed family members of the peasants who were murdered on 15 June in Marina Cue, and met with authorities in the area. The participants of the mission also visited the Coronel Oviedo prison where nine peasants were jailed. The testimonies collected and the assessments of the mission were documented by Radio Mundo Real in a special coverage section.[58]

An international mission organized by FoEI in **Guatemala** and **El Salvador** in October 2012 documented the **systematic human rights violations and criminalization of environmental activists and communities resisting mining and hydroelectric projects**. The mission included representatives from FoE groups from Croatia, the Philippines, Spain, Argentina, Brazil, Uruguay, Honduras, Colombia, Costa Rica, El Salvador, Guatemala and Sweden, as well as representatives from the Transnational Institute and La Via Campesina. The participants visited communities in Guatemala that are defending their territories from extractive projects such as the Marlin gold mine, owned by Canadian corporation Goldcorp in San Miguen Ixtahuacán municipality; the situation of the political prisoners of Santa Cruz Barillas who were arbitrarily arrested in May 2012 for protesting against the building of a hydroelectric dam owned by Spanish corporation Hidralia SA; and the installation of Exmingua mine, owned by Canadian Radius Gold Corporation. In El Salvador, they learned about the struggle of the Environmental Committee of Cabañas Department to avoid the installation of a gold and silver extractive project in El Dorado by Canadian corporation Pacific Rim. The delegates of the international mission concluded that the economic and ecological crimes committed by transnational corporations in the case of Marlin and Barillas mines in Guatemala and of Pacific Rim in El Salvador are symptomatic of global systemic problems and they exposed the crimes committed by transnational corporations with the complicity of governments by way of international trade or investment treaties.

4.4 Accessing formal human rights mechanisms can help protect defenders at risk

International and regional bodies like the UN Office of the High Commissioner for Human Rights and the African Commission on Human and Peoples Rights will at times intervene on behalf of defenders at risk by expressing concern to national authorities and making inquiries about the safety of threatened defenders. The Inter-American Commission of Human Rights (IACHR) and the Inter-American Court of Human Rights can mandate that the State provide protection and preventative measures for defenders who are at imminent risk. The European Union (EU) has Guidelines on Human Rights Defenders that directs EU missions (Embassies of EU Member States and European Commission Delegations) in countries where defenders are threatened to support and assist defenders at risk and monitor the situation. In cases where defenders are considered to be at immediate or serious risk, this can also include condemnation of threats and attacks against human rights defenders, as well as diplomatic actions and public statements.

FoE **Europe** has raised the situation of Bertha Cáceres and COPINH in **Honduras** with EU officials, calling on the EU to use instruments under the EU Human Rights Defenders mechanism to respond to the criminalisation of COPINH. FoE Europe contacted EU staff in Brussels and Tegucigalpa and sent a letter to the European External Action Service (EEAS) and EU mission staff. This resulted in a response from the EEAS Policy Officer responsible for the country, stating that the EU Delegation and Member States in Honduras (France, Germany, Italy and Spain) have included this issue in the political dialogue with national authorities (including Foreign Minister Ms. Mireya Aguero de Corrales and the Public Prosecutor Oscar Chinchilla) and that written communications were sent to the Security Ministry, the Public Prosecutor's Office and the Supreme Court of Justice.

After the forced disappearance of Sandra Viviana Cuellar, former FoE **Colombia** director Hildebrando Vélez received death threats and files containing information about his efforts to identify the whereabouts of the missing activist were stolen during a break-in at his home-office. In response to these attacks, the IACHR granted precautionary measures to Mr. Vélez, mandating that the Colombian State provide protection to prevent further attacks. This served to legitimise the work of Mr. Vélez and raise his profile in order to protect him from harm.

four What strategies have been effective in responding to violence against environmental defenders?

continued

Interventions by international human rights bodies and national government programs to protect defenders have severe limitations, particularly when State forces are responsible for human rights violations or working in collusion with those perpetrating violence. However, they serve as tools for formally documenting attacks on defenders and making human and environmental rights defence more visible. These institutions can be used strategically, once it is determined that requesting formal protection does not expose the defender to further risks.

4.5 People's Tribunals and other moral condemnations can counter corporate "greenwash" and expose their practices in violating human rights

People's tribunals and ethical courts are an important tool for raising the profile of environmental defenders and for denouncing human rights violations perpetrated by transnational corporations. People's tribunals address the systemic lack of access to justice for communities and defenders of nature and assist in the reconstruction of dignity and recognition of truth, justice, and reparation. These tribunals counter the voluntary CSR mechanisms that facilitate impunity and allow transnational corporations to appear to remedy the ill consequences of their operations without taking any meaningful action at all.

The Permanent Peoples' Tribunal (PPT) session that took place in Lima in 2008 as part of the Enlazando Alternativas parallel event to the EU-Latin American Summit examined a number of cases related to violations of the rights of communities, peoples and indigenous nations and African descendants, in which they condemned the destruction of the natural environment - the source and space for life, which is therefore sacred. **The jury of the PPT also condemned the expulsion of communities from their lands which was often accompanied by violence on the part of the army, the police or other, unregulated armed groups.**[59]

Evidence was presented to the PTT of the plundering of Latin America based on the creation of big infrastructures – as in the case of the German company Thyssen Krupp, which is constructing an industrial macrocomplex for the exportation of steel in the Bay of Sepetiba, in Rio de Janeiro, **Brazil**, and destroying the livelihoods of artisanal fisherfolk in the region. The fisherfolk organisations estimate that there are approximately 43,000 people affected by the activity of the conglomerate Atlantic Iron and Steel Company, made up by the German company and the privatised Vale do Rio Doce Company. Since the dredging works began in 2006 in Sepetiba bay, fisherfolk have been affected by the disappearance of species like meagre, seabass, and shrimp. The German corporation chose to build a private port at the location where these species spawn ensuring their reproduction and survival and, consequently, the food sovereignty of the region. When the fisherfolk organised themselves to defend the bay and denounce the environmental destruction caused by the industrial activities, they began to receive death threats. "We want these threats to be investigated by the relevant authorities. Thyssen Krupp has been breaking several Brazilian laws", stated Sandra Quintela, from the Institute of Alternative Policies for the Southern Cone to news site Adital.[60]

Friends of the Earth groups brought the following cases against TNCs to the sessions of the PPT, all of which involve human right violations by corporations: Holcim, SoraEnso, Union Fenosa (PPT Madrid, 2010); Botnia, Union Fenosa, Proactiva-Veolia-FCC (PPT Lima, 2008); Cargill and Bunge, Andritz AG, ENCE and Botnia, Union Fenosa (PPT Viena, 200).

In 2012, the Peoples' International Health Tribunal was held in San Miguel Ixtahuacán, Guatemala, to expose the health impacts of Canadian Goldcorp's mining operations in Guatemala, Honduras and Mexico. Among the cases presented was the Marlin mine in **Guatemala**, which has seen social conflict and violence. Multiple attacks and intimidation of human rights defenders, community representatives, researchers and people connected to the church, who have spoken out against the Marlin project have been documented.[61] "We condemn the complicit and irresponsible attitude of the governments for failing to ensure the enforcement of the people's rights", reads the ruling, which also accused the Canadian government of being complicit and of supporting and promoting irresponsible mining investments in Central America.[62]

4.6 Building capacity among defenders and communities at risk can help prevent violence and rights violations

Trainings vary from detailed risk-assessments and security-planning to broad know-your-rights workshops. FoE groups have convened national and regional workshops to exchange knowledge and experiences among human rights organisations, indigenous organisations and environmental organisations. Legal Rights and Natural Resource Centre (LRC) / FoE **Philippines** convened a workshop with peasant and indigenous defenders from mining-affected areas to understand the links between resistance to mining projects and threats against defenders. Similarly, trainings in **Tanzania** and **Uganda** were conducted with affected communities facing land-grabbing and forced displacements. Workshops in **Europe** and **Latin America** explored the role of regional networks in preventing violence against environmental defenders and responding to attacks, and trained staff of FoE groups and the Europe region on issues relating to human rights defenders. In most cases, the trainings have been

organised in partnership with local human rights organisations with expertise in the rights and needs of human rights defenders. In Colombia, for example, the regional workshop was convened in conjunction with the Ríos Vivos movement and the Lawyers' Collective José Alvear Restrepo. These trainings emphasise prevention strategies and the importance of understanding the trends and contexts that generate violence against environmental defenders.

4.7 Emergency funds are an important tool for addressing immediate security needs

In 2012 FoEI created an emergency fund designed to respond to urgent cases within the FoEI network, where environmental defenders and their families are at imminent risk. As of October 2013, FoEI had provided emergency funds to support urgent cases in Colombia, Honduras, Mexico, Costa Rica, Guatemala, the Philippines, Indonesia and Nigeria. These grants have been used for emergency shelter and relocation as well as for medical attention for defenders who suffered attacks. Funds have enabled the implementation of security measures such as alarms and other improvements to homes and offices. Urgent response campaigns have also been supported to report on forced disappearances and request information on the whereabouts of defenders who are missing.

4.8 Legal strategies are a tool and a consequence of environmental defence

Environmental defenders have long used **legal strategies as a tool for environmental defence**. This includes legal actions to hold corporations accountable for their criminal activities against people and the environment as well as lawsuits to compel authorities to bring justice and redress to affected communities. Support for these actions that demand the guarantee of human rights and denounce rights violations as illegal is an important strategy to further environmental defence.

With the support of FoEI's legal fund, FoE **Tanzania** provided legal support to Massai communities who are defending themselves from forced displacement as a result of plans to extend a gaming and hunting sports area. In **Sri Lanka**, a petition was filed with the Court of Appeal regarding Venigross Gloves Factory, seeking to compel the Central Environmental Authority and the Board of Investment of Sri Lanka to bring justice to community residents by taking legal action against the company for the pollution of inland waters and soil and for violating the terms and conditions of the environmental protection licence in the performance of their statutory duty.

On the other hand, **legal strategies are used against environmental defenders as a consequence of their actions within the process of criminalisation**. As has been described earlier, defenders are prosecuted for allegedly conducting illegal activities, resulting in lengthy and costly legal processes to push back on false accusations. Additionally, corporations are suing defenders to claim financial damages as a result of alleged profit losses from resistance to their operations. In this way, the victimiser claims that it is a victim of human rights defenders. Even though these charges are usually false and baseless, these legal actions take resources and wear down defenders and their organisation.

FoEI's legal fund has provided support to activists in Czech Republic who have been prosecuted for their blockade against illegal logging. In early 2014, the Czech courts ruled that defenders, including many members of Hnutí Duha/FoE **Czech Republic**, who blocked loggers in Šumava national park in 2011, acted peacefully, legitimately and in complete accordance with the law. Police intervention, however, and the tree-felling itself, were both deemed illegal. The blockade of 'Bird Creek' began in the summer of 2011, in response to plans to chop down areas of rare mountain forest in the national park. Protesters non-violently prevented illegal logging, with some chaining themselves to trees, before being violently removed by police. **The court's judgment effectively legitimises non-violent acts of civil disobedience for the sake of public interest**, ruling that "civil society groups active in nature conservation were completely deprived of the ability to pursue nature conservation interests in the decision-making process [leading up to the logging]. It is not surprising that a blockade was chosen as a last resort to confront the authorities' blinkered decision to illegally log." It also criticised the police for its violent crackdown on protesters, and deemed both their actions, and the decision to log Bird Creek, illegal.[63] This is a huge victory for Šumava national park and for environmental defenders in Czech Republic; however, the legal action against the defenders lasted more than 2 years and demanded significant resources and attention.

Photo report
‘Corporate Power in Guatemala, Human Rights and Environmental Defenders’

photos by Victor Barro

In November 2012 an international mission to Guatemala organized by Friends of the Earth International verified systematic human rights violations and criminalization of environmental rights defenders and communities resisting mining and hydroelectric projects.

The mission participants visited cases of resistance in Guatemala including: the resistance against the Marlin mine, owned by Canadian corporation Goldcorp in the municipality of San Miguen Ixtahuacán; the situation of the political prisoners of Santa Cruz Barillas, who were arbitrarily arrested in May of 2012 for resisting the building of a hydroelectric dam owned by Hidro Santa Cruz, a subsidiary of Spanish corporation Hidralia SA, and finally the resistance of the residents of San José del Golfo to the installation of the Exmingua mine, owned by Canadian Radius Gold Corporation.

In 2013 a selection of photos from the mission was made available for the exposition ‘Corporate Power in Guatemala, Human Rights and Environmental Defenders’ that was exhibited at the World Forum on Human Rights and Sustainability in Nantes, France, and at the photo festival Outono Fotográfico in Barcelona, Spain.

The political prisoners from Santa Cruz Barillas | 2012

In November 2012, a Friends of the Earth International delegation met ten political prisoners from Santa Cruz Barillas at the Preventive Detention Center, Zone 18 in Guatemala City. The detainees told the delegation how they were captured by people dressed as civilians, how they were beaten and transferred to Huehuetenango city and then to Guatemala's capital.

"Our demand is for justice to be fair, not unfair, because here they are being unfair to us. We are not guilty, we are farmers who barely make a living to support our families. We've been detained here for over 7 months and our problem has not been solved [...] we are mainly asking for our freedom", said Saúl Amelio Méndez during the meeting with the international delegation.

The release of the prisoners | 2012

In the afternoon of November 15, 2012, Esteban Bernabé and Pascual de Pascual Pedro were released, as had been announced during a hearing the previous day. The remaining eight political prisoners were released on January 10, 2013.

For the delegation that witnessed the release, it was a very moving moment and a moment of great admiration for the wives of the now former prisoners, who never surrendered to pressure from the company, despite having gone through a period of great need and despair with their families. Hidro Santa Cruz had offered the women a settlement, which they considered disrespectful, in exchange for the release of their husbands. The women refused to sign.

The resistance continues | 2012

Once Esteban and Pascual were released, their organisations and communities held parties to welcome them. People gathered on the roads to greet them. Rallies were held in Huehuetenango's capital and in Barillas, where a large demonstration of people once again demanded that Hidro Santa Cruz leave their territories, and declared that the resistance will continue.

Trip to Spain to confront the company | 2013

In May, 2013, Friends of the Earth Guatemala coordinator Natalia Atz and Paula del Cid of the Feminist Alliance of Guatemala traveled to the headquarters of Hidralia SA in Spain to raise awareness in Europe about the involvement of the company in human rights violations.

The solidarity of social, environmental and feminist movements in Europe is essential to raise awareness about the human rights violations perpetrated against communities who defend their territories and the environment. Solidarity and coordinated work on both sides of the Atlantic have exposed and deligitimized corporate power in the company's country of origin.

five What can be done to stop attacks on environmental rights defenders?

What can be done to stop attacks on environmental rights defenders?

Environmental conflicts and institutional violence will continue as long as corporate profits are privileged over human rights and as long as resource extraction is privileged over the rights of nature. As communities and civil society organise to denounce and transform the current system, they will continue to face violence and violations in response to their exercise of the right to defend human rights and the rights of nature. Attacks on environmental defenders can and must be countered through the fulfilment of State obligations to protect people and the environment and to regulate corporate practices, as well as through defenders' own strategies to protect themselves and each other to ensure the sustainability of the environmental justice movement.

5.1 States must guarantee the full enjoyment of environmental and human rights, including the right to defend rights

States' obligations to guarantee human rights entails first an end to state-sponsored institutional violence that stems from the extractive model of development that is based on corporate profit and perpetuating inequality. States must act in compliance with international environmental and human rights law and stop violence against environmental defenders perpetrated by State actors. States must also fulfil their duty to protect defenders from violence perpetrated by non-State actors. Finally, States must hold all perpetrators of violence and rights violations accountable and combat impunity by ensuring fair and prompt investigations of human rights abuses that lead to justice and redress for those whose rights have been violated.

5.2 States must promote and agree upon legally-binding regulations to ensure that corporations respect the rights of nature, people, and rights defenders

Voluntary mechanisms, like the Global Compact and Ruggie's UN Guiding Principles on Business and Human Rights, are insufficient – to say the least – to protect the rights of nature and people, and they have not reduced attacks on defenders who question corporate abuse. The Ruggie Principles do not cover the full scope of States' obligations to fulfil the enjoyment of human rights, including their obligation to create an enabling environment for human rights defenders. These obligations imply "the State's obligation to regulate – individually and through international cooperation - the business sector in a way that addresses the needs of individuals and communities currently lacking enjoyment of their economic, social, cultural, civil or political rights."[64] National and international public institutions must ensure compliance with existing rules and dictate internationally-binding rules that oblige companies to apply the same high human rights standards wherever they are, regardless of the country in which they are operating. **A regulatory and enforcement framework that is legally binding for corporations is required**, such as the one proposed at the UN Human Rights Council by a group of 84 nations led by Ecuador "to regulate the work of transnational corporations and to provide appropriate protection, justice and remedy to the victims of human rights abuses directly resulting from or related to the activities of some transnational corporations and other business enterprises."[65] These regulations must be consistent with the Declaration on Human Rights Defenders to underscore corporations' obligations to respect the rights of communities and activists who, in their role as rights defenders, present opposition to corporate activities.

5.3 Multilateral institutions must maintain their independence from corporate interests and fulfil their mission to protect those vulnerable to rights violations

The corporate capture of the UN and other multilateral institutions extends beyond the success of corporations to escape regulation through the endorsement of voluntary and unenforceable mechanisms. **The UN and its member states should reaffirm their over-riding prerogative to serve the public interest**. It should overhaul its decision-making processes to ensure that civil society has a more prominent role and that industry's influence is limited. This is crucial to uphold human rights and protect human rights defenders, as well as for the UN's function to uphold the rights of nature and safe-guard biodiversity, water and land resources.

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5.4 Recognising that system change is a long-term endeavour, environmental defenders must strengthen efforts to protect themselves and each other from attacks

FoEI's experience demonstrates that solidarity contributes to keeping defenders at risk safe, and to giving courage and hope to defenders to continue their work on behalf of human rights and the rights of nature, knowing they are not alone. It is important to **strengthen international solidarity actions** that take into account the international dimensions of the contexts in which violence against environmental defenders occurs. A valuable contribution of the international network is its ability to respond quickly and effectively to emergency situations. These mechanisms must be strengthened and resources must continue to be made available to enable emergency responses to guarantee the life and safety of environmental defenders.

Building alliances with other social movements is as important as leaning on each other within the environmental movement to support and strengthen each other's struggles, such as peasants, indigenous rights, and women's rights movements. Such alliances can help strengthen the safety net for defenders who are often involved in multiple movements. These alliances are important at the regional and international level in order to increase the reach of international solidarity efforts, as well as locally in order to strengthen local support systems among defenders at risk.

Alliances with human rights organisations must be based on mutual recognition of the roles that each movement plays in defending human rights. As the Centre for Environment and Human Rights states: "Lack of awareness on the part of both international organisations and civil society that the environmental activists are human rights defenders seriously worsens their situation of defencelessness... It is not merely about including environmental activists in human rights activism, but also about upholding their environmental work, recognising their importance as defenders of human rights."[66]

This report presents a snapshot of the risks that environmental defenders face and the contexts in which violence and rights violations of environmental defenders take place. It is an incomplete picture based on FoEI's efforts over a two-year period to respond to and disseminate testimonies and information about attacks on environmental defenders. More **systematic documentation** of attacks will enable more effective advocacy efforts to hold perpetrators accountable as well as to increase the capacity of organisations and movements to analyse the trends and contexts that make rights violations against defenders possible.

We defend the environment, we defend human rights

Denouncing violence against environmental defenders from the experience of Friends of the Earth International

Conclusion

Rights violations against environmental defenders recorded by FoEI were not isolated incidents; they are part of a global trend resulting from an international context of corporate domination. As long as powerful economic interests create disputes with local communities over control of territories and natural resources, situations of violence and rights violations against defenders of nature and human rights will continue. Challenging the corporate-led production and consumption model and fostering an enabling environment for communities and nations to exercise their self-determination and pursue sustainable livelihoods will ensure the enjoyment of human rights and respect for the rights of nature. Stronger international campaigning to address global trends and link the sources of power to the violations that are committed in territories is needed in order to transform the system and achieve social and environmental justice. A tighter web of protection based on international solidarity is also required to keep environmental defenders safe.

Friends of the Earth and supporters demonstrating for the release of Miguel Correa in London. Miguel Correa, a 20 year old working with Friends of the Earth Paraguay was wrongfully arrested in June 2012 after violence broke out during a police-led eviction of peasant farmers. In the confusion Miguel was detained by the police, and wrongfully accused of murder. Within 48 hours, thousands of Friends of the Earth supporters across the world took action in solidarity with Miguel. Miguel was released without charge.

We defend the environment, we defend human rights

Denouncing violence against environmental defenders from the experience of Friends of the Earth International

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Friends of the Earth International is the world's largest grassroots environmental network with 74 member groups and over two million members and supporters around the world.

Our vision is of a peaceful and sustainable world based on societies living in harmony with nature. We envision a society of interdependent people living in dignity, wholeness and fulfilment in which equity and human and peoples' rights are realised.

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Sierra Leone
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Swaziland
Tanzania
Togo
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Asia - Pacific

Australia
Bangladesh
Indonesia
Japan
Malaysia
Nepal
New Zealand
Palestine
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Cyprus
Czech Republic
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Estonia
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