

Environmental defenders under attack

Report

– The threats facing people who protect nature



Swedish Society
for Nature Conservation

Acronyms

| | |
|--------|--|
| BHRC | Business and Human Rights Resource Center |
| CSO | Civil society organisation |
| ECOSOC | United Nations Economic and Social Council |
| EU | European Union |
| FPIC | Free, Prior and Informed Consent |
| HRDD | Human Rights Due Diligence |
| ICNL | The International Center for Not-for-Profit Law |
| IPBES | The Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services |
| IPCC | The Intergovernmental Panel on Climate Change |
| NGO | Non-governmental organisation, used synonymously with CSO |
| OHCHR | Office of the United Nations High Commissioner for Human Rights |
| UN | United Nations |
| UNDRIP | United Nations Declaration on the Rights of Indigenous Peoples |
| UNEP | United Nations Environment Programme |
| UNHRC | United Nations Human Rights Council |

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Contents

| | |
|---|----|
| Acronyms | 2 |
| Summary | 4 |
| Preface | 6 |
| 1 | |
| 2 | |
| 3 | |
| 4 | |
| 5 | |
| 6 | |
| 7 | |
| Key concepts | 8 |
| Methodology | 12 |
| Background: An alarming development | 14 |
| 3.1. One step forward, two steps back? | 16 |
| 3.2. Democracy and human rights under attack | 16 |
| 3.3. Civil society under fire | 18 |
| South Africa: “The kids know that my life is in danger.” | 20 |
| Results from the study: | |
| Environmental defenders increasingly under attack | 22 |
| 4.1. Confirming the general picture | 23 |
| 4.2. Threats facing the global environmental movement | 24 |
| 4.3. Why do conflicts arise? | 28 |
| 4.4 Violence is spreading | 30 |
| 4.5 Indigenous people are the most exposed | 32 |
| 4.6. Latin America – the region hit the hardest | 33 |
| Brazil: “I refuse to sell my land to the people cutting it down.” | 36 |
| Humanity and the environment | 39 |
| 5.1. The violent downside of consumption | 40 |
| 5.2. Traditional knowledge for people and the environment | 41 |
| Rays of hope | 44 |
| The Philippines: “Her husband was assassinated – she carries on his struggle” | 48 |
| Conclusions: Dual pressure | 50 |
| The rights of environmental defenders in international conventions | 54 |
| States | 54 |
| United Nations | 54 |
| Regional mechanisms | 55 |
| The private sector | 55 |
| Demands from the Swedish Society for Nature Conservation | 56 |
| Demands to the United Nations | 57 |
| Demands to the European Union | 57 |
| Demands to states | 58 |
| Demands to the government of Sweden | 58 |
| Demands to the private sector | 59 |
| Demands to civil society | 59 |
| Support to environmental defenders | 60 |
| Sources | 63 |

Summary

Civil society is under attack. According to the International Center for Not-for-Profit Law, since 2012 more than 70 countries have introduced legal restrictions aimed at citizens wanting to get involved in civil society organisations. People fighting for democracy, environmental protection and human rights face increasing risks.

Environmental defenders, i.e. people involved in trying to protect the environment and/or land rights, are one of the groups facing the most risk. According to Global Witness, the number of environmental defenders being killed has increased at an alarming rate. At least three environmental defenders are being killed somewhere in the world each week.

This report presents the results of a comprehensive study carried out by the Swedish Society for Nature Conservation (SSNC). The study is based on testimonies from 25 environmental organisations around the world with whom SSNC collaborate (See Chapter 4).

The results are troubling:

- 88 per cent of participating organisations state that the situation for civil society in their respective countries has deteriorated in recent years.
- 80 per cent say that they find it difficult to carry out their activities as planned. The most common forms of risks are said to be surveillance (physical and digital), smear campaigns and death threats.
- 24 percent say that employees or individuals from the organisation's target groups have been killed as a result of their environmental work.
- 52 per cent present examples of when they themselves or their target groups have been harassed or threatened by private actors.
- 68 per cent perceive that decision-makers in the country in which the organisation operates seem to regard the environmental movement as a threat.

Conflicts involving environmental defenders are often linked to land and natural resources in countries plagued by weak rule of law and widespread corruption. The mining, agricultural and forestry sectors account for the majority of confrontations arising between companies and local communities living in exploited areas. This is a frightening situation, and one that consumption in Sweden and other wealthy countries contributes to by means of a rising demand for products and raw materials from these countries.

SSNC calls upon the Swedish government, the UN, the EU and the private sector to take decisive action with regard to the risks facing environmental defenders. We call upon the government of Sweden to completely phase out unsustainable investments and export credits. Swedish embassies should also to a greater extent serve as safe spaces for vulnerable organisations and environmental defenders. We also call upon companies to ensure that extractive projects are transparent, carried out in accordance with the rule of law, free of corruption and implemented in a dialogue with stakeholders. See all our demands on page 56.

The fact that organisations and people defending the environment are monitored, harassed and killed represents a threat to democracy and a violation of fundamental human rights. At the same time, it also represents a threat to the environment. Humanity is facing one of its greatest challenges so far – preventing ongoing climate change and loss of biodiversity. In order to successfully counteract this development, we need a strong environmental movement capable of mobilising, exerting influence, demanding accountability and participating in implementing the changes required. The world needs to stand up for the rights of environmental defenders to defend our common future.

Preface

One should not underestimate the power of civil society. Since the nineteenth century, the endeavours of ordinary people have played a key role in Sweden evolving into a welfare state. The temperance and women's movements paved the way for universal suffrage. During the twentieth century, the trade union movement contributed to improving work environments and strengthening workers' rights. And, not least, the struggle for nature and the environment carried out by the environmental movement has been crucial for many things we now take for granted in Sweden: the Right of Public Access, our nature reserves and national parks, the protection of threatened species and habitats, measures against toxic substances in nature, efforts to counteract the acidification of soil and water and much more.

Since 1909, SSNC has worked tirelessly for a healthy and living planet. Our engagement is based on the power of our more than 230,000 members supporting our work and the thousands of dedicated individuals who stand up for the environment and in different ways engage in voluntary activities in our popular movement.

Every day across the world, organisations and activists fight for nature and the people who manage it. They range from indigenous people opposing deforestation in Borneo to coastal communities fighting against large-scale overfishing along the West African coast. And they include environmental activists in South Africa holding elected representatives accountable for secret plans to expand the use of nuclear power in the country.¹

Since the mid-1990s, SSNC has collaborated with like-minded environmental organisations around the world. Today, our global work consists of a

Sida-funded development cooperation programme in the form of support to some 45 organisations in low- and middle-income countries. The involvement of environmental defenders is essential if we are to solve global warming and reduce the loss of biodiversity.

At the same time, however, there are more and more reports coming in about those fighting for the environment themselves being under attack. Reports originating from a wide range of countries, such as Brazil, India, the Philippines and South Africa, describe how environmental defenders are being exposed to threats and harassment and even being killed. This report sets out to analyse the causes behind this as well as illustrate what the threats may look like and where they originate. Above all it seeks to demonstrate how we can fight this development.

The study is based on reports from 21 organisations in ten countries and four global environmental organisations with which SSNC collaborates. On the basis of a collection of data, SSNC here presents an analysis of the situation for the environmental movement and environmental defenders worldwide. Furthermore, we also give demands to the UN system, the EU, states, companies and civil society, to ensure the rights of civil society and environmental defenders to stand up for the environment and our common future.



Karin Lexén

Secretary-General, Swedish Society for Nature Conservation

1. Read more about these stories on the SSNC website: www.naturskyddsforeningen.se/en/global/



Key Concepts

1

Civic space: The organisation Civicus describes the concept of Civic space as “the set of conditions that allow civil society and individuals to organise, participate and communicate freely and without discrimination, and in doing so, influence the political and social structures around them.”

Civil society: An arena separate from the state, market and individual households where people, groups and organisations act together in relation to common interests. Civil society includes both formal organisations and associations, as well as looser communities and networks.

Environmental defender: There is no universally accepted definition of what characterises an environmental defender. SSNC uses the definition of the organisation Global Witness, namely “anybody who takes peaceful action, either voluntarily or professionally, to protect environmental or land rights.”² Environmental defenders are people who have chosen to engage in environmental organisations as well as, for instance, local communities forced to defend their land. An environmental defender is defined by what he or she does, not what he or she is.

Environmental movement: Defined as the broad social and political movement working to promote environmental awareness. The environmental movement includes organisations, public movements and other associations, and it looks different from country to country.

Human rights: Human rights govern the relationship between the state and the individual, where the individual is afforded a set of rights that the state is obligated to meet. Human rights are universal, they apply to everyone and are regulated in both national legislations and different types of international agreements. The United Nations Universal Declaration of Human Rights and the two UN conventions of 1966³ contain a long list of rights and fundamental freedoms, including the right to protection from abuse and rights to meet the most basic of needs.

Human rights defenders: According to the UN Declaration on Human Rights Defenders, they are defined as people who “individually and in association with others [...] solicit, receive and utilize resources for the express purpose of promoting and protecting human rights and fundamental freedoms through peaceful means.” This term not only includes activists and people working in areas such as trade unions, women’s organisations, LGBT organisations, etc. but also in areas related to the environment, which means that environmental defenders are also included in the broader term of human rights defenders.⁴

2. At What Cost? Irresponsible Business and the Murder of Land and Environmental Defenders in 2017, Global Witness, 2018, p. 12. Cf. UNEP’s definition: “UN Environment considers an environmental defender to be anyone who is defending environmental rights, including constitutional rights to a clean and healthy environment, when those rights are being violated.”

3. The International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights.
4. See, for example: <https://human-rights-due-diligence.nortonrosefulbright.online/>

Human rights due diligence: An ongoing risk management process for companies in order to identify, prevent, minimise and manage its activities in order to avoid negative consequences for stakeholders and to ensure that human rights are not violated.

Indigenous people: Indigenous people are the original inhabitants and caretakers of a certain region, unlike groups that have subsequently settled, occupied or colonised the area. One element of the characteristics of indigenous people is that they maintain and pass down traditions, cultural markers and sometimes languages that relate to the group's early way of life – often linked to a specific area.

Network organisation: SSNC collaborates with a number of organisations whose activities are carried out at a regional or global level. These collaborations are typically carried out through other nation-based organisations belonging to this organisation, which, in turn, makes it a network organisation.

Partner organisation: Term used for denoting an organisation with which SSNC is engaged in a formal collaboration through our Sida-funded Global Programme.



Protest march against President Rodrigo Duterte on International Women's Day on March 8, 2018 in Manila, Philippines.



Methodology

2

The results of this report are based on a compilation of data on the environmental movement and the increasing risks facing environmental defenders. The data has been collected from an extensive questionnaire, reports, in-depth interviews and annual reports for the years 2017–2018 from all SSNC partner organisations – all in all 45 organisations. The methodological approach of the report is comparative and primarily qualitative in nature but also quantitative in terms of how the data collected from the questionnaire has been compiled. The purpose of the questionnaire and the in-depth interviews has been to get a picture of how SSNC’s partner organisations experience the situation for the environmental movement in their respective contexts.

The questionnaire has been sent to the organisations SSNC collaborates with in our Global Programme. In the questionnaire, these organisations were asked to respond to ten questions and were also offered the opportunity to comment on each question. Twenty-five replies came in from ten countries from the organisations that received the questionnaire, including four global environmental networks. SSNC has also performed in-depth interviews with 19 of the 46 organisations, which have provided more detailed descriptions of the problems they experience.⁵

The report also contains articles on three people who have fought for the environment and been subjected to threats, harassment and violence – in one case with a fatal outcome. By presenting these three environmental defenders, we seek to draw attention to the people behind these frightening statistics and illustrate what form the drivers behind this violence may take.

In order to capture trends in both problem descriptions and recommendations, we have analysed some 30 reports focusing on the issues at hand. We have also used statistical databases from organisations such as the International Institute for Democracy and Electoral Assistance (IDEA), Global Witness and Business and Human Rights Resource Centre (BHRC).

This study should not be seen as universally applicable, nor does it constitute an in-depth analysis of the specific situation in the countries discussed. The different examples presented below serve as snapshots of different contexts in order to illustrate the problems facing environmental organisations. Presumably, this report paints a picture recognised by many people in the environmental movement, as it covers 25 diverse organisations in ten countries.

5. These interviews have been compiled by the consultancy firm Rightshouse into the report: Conflict Sensitivity and Conflict Perspective: An Assignment for SSNC, Alffram, H., Mod  r, P., Rightshouse, 28 March 2018.



When counterterrorist policies are used to suppress peaceful protests and legitimate opposition movements, shut down debate, target human rights defenders, or stigmatize minorities, they fail, and we all lose.

António Guterres, Secretary-General of the United Nations

**Background:
An alarming development**

3



3.1. One step forward, two steps back?

During the last five decades, global development work has seen several partially conflicting trends. Significant progress has been made in the fight against poverty, including improved health and increased access to education, and several of the UN millennium development goals have been met. The 17 Sustainable Development Goals that world leaders were able to agree upon in September 2015 within the framework of 2030 Agenda represent a framework for the joint sustainability efforts of the international community, the like of which has never been seen before.

At the same time, we are very concerned with escalating global warming, the depletion of biodiversity and the exploitation of our natural resources as major threats to our planet and our civilisation. We have already passed four of the nine so-called planetary boundaries⁶ and the measures presented by the international community to date are far from adequate. Humanity faces changes that will have a critical impact on our societies.

Democracy made great strides during the twentieth century, especially in terms of free elections and respect for fundamental rights. At the same time, many people have in recent years also pointed to a worrying development on the global political agenda. Basic democratic values and the perception of human rights are increasingly challenged across the world.

In order to understand what is going on, we need to look back at some of the political trends that may have had an impact on the troubling development in the world today.

3.2. Democracy and human rights under attack

During the latter half of the twentieth century, the world witnessed a “wave of democratisation”. An increasing number of countries introduced general elections and representative government. For instance, in the report *Global State of Democracy*, the international democracy institute IDEA notes that 46 countries could be categorised as democratic in 1975, a figure that had increased to 132 by 2016. “The trend since 1975 suggests that most aspects of democracy have improved, and that most democracies have been resilient over time.”⁷

At the same time, however, developments over the past decade indicate a serious reversal. For more than a decade, democracy has retreated in several countries. The results of a number of general elections around the world over the past decade not only confirm the trend towards more authoritarian and nationalist leaders, but also towards governments questioning the need for common agreements and international cooperation. People fighting for democracy and human rights are exposed to threats, violence and persecution to an extent rarely experienced before.⁸

In a new study by researchers Anna Lührmann and Stefan Lindberg published in the journal *Democratization*, they describe the current developments as a “third wave of autocratization”.⁹ The first wave occurred during the 1920s and 1930s as Fascism and Nazism emerged. The second wave occurred during the 1970s through the military coups in Latin America.

6. “Planetary Boundaries: Guiding Human Development on a Changing Planet”, Steffen et al., Science Vol. 347 No. 6223, 2015.7. The Global State of Democracy: Exploring Democracy’s Resilience, International IDEA, 2017, p. 2.

8. Front Line Defenders Global Analysis 2018, Front Line Defenders, 2019, p. 4.

Civil Liberties – Advancers and Decliners, 1980-2018.

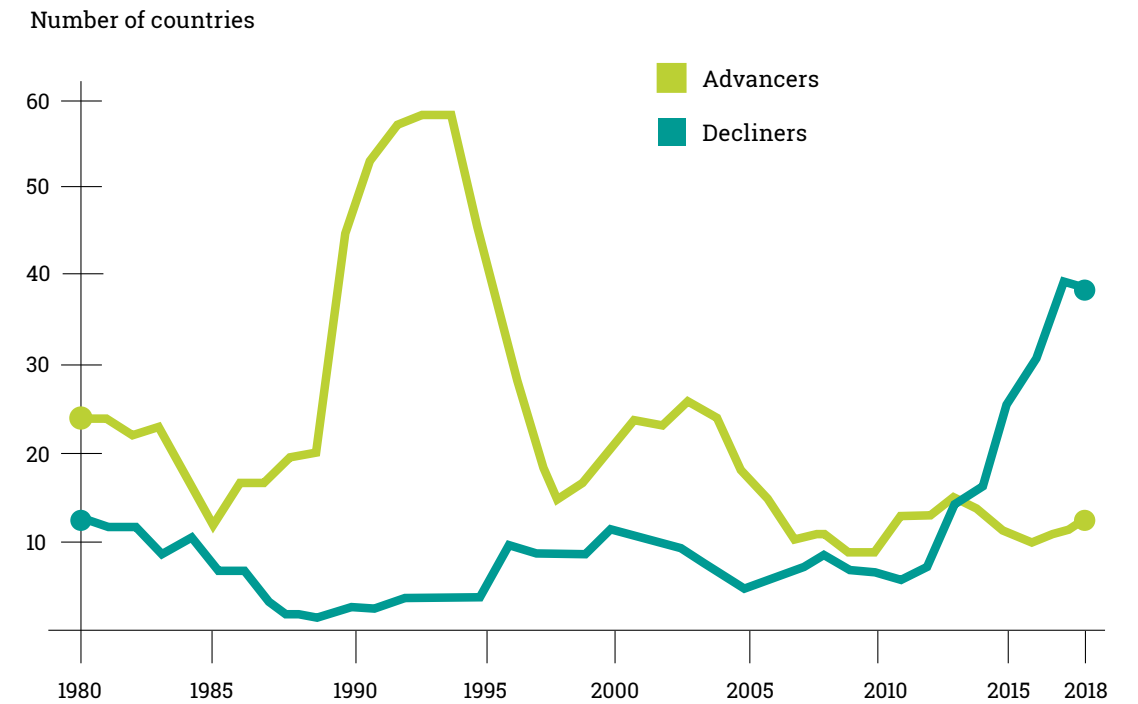


Fig 1. Democracy Institute IDEA's graph of global democratic trends (1975-2018) linked to civil liberties. The green line shows the number of countries moving towards a positive development (“advancers”). The blue number of countries moving in the opposite direction (“decliners”). The graph shows that a trend break occurred around 2011. From that year onwards, a strong rise in the number of countries moving towards reduced democratic development occurred, and in 2013 this development also exceeded the number of countries moving towards increased democratic development.

According to the two researchers, this current third wave differs from past setbacks. During the first two periods, democratic reversals manifested themselves as drastic changes in which democracies turned into closed dictatorships in a relatively short period of time. The latest “wave” of declining democracy instead occurs in democracies with multi-party systems, where elected leaders accept the form of government while gradually and discreetly undermining democratic norms. In several countries, democracy is slowly being curtailed by means of, for instance, rhetoric or secretive legislative changes. This development has meant that the reversal of democracy is less apparent and harder to de-

tect, which, in turn, has also hampered the mobilisation of pro-democratic forces.

The attacks on the democratic system in recent years have coincided with human rights increasingly being questioned globally. In its 2016 report *Human rights, democracy and the rule of law in Swedish foreign policy*, the Swedish Ministry for Foreign Affairs claims that “Authoritarian states have become increasingly skilled at undermining and reinterpreting binding conventions and accepted concepts and norms, leading to the validity of human rights being questioned in many parts of the world.”¹⁰ According to organisations such as Amnesty International, the results of this have been seen in, for instance:

9. “A Third Wave of Autocratization Is Here: What Is New about It?”, *Democratization*, Lührmann, A., Lindberg, S. I., 1 March 2019.

- Minorities and/or marginalised groups facing increasing risks.
- The international community being unable or unwilling to act decisively in relation to arising conflicts.
- The lack of ability of the EU and the US to address the recent refugee crises in a humane way and on the basis of the rule of law.¹¹

Unfortunately, this trend seems to continue. The organisation Front Line Defenders, which documents the abuse of human rights defenders, writes in its 2018 Annual report that “elections which took place during the course of the year often gave platforms to xenophobic, racist and misogynist voices and visions for the future of their countries.”¹²

In addition to specific groups experiencing increasing risks, we have also seen that people actively campaigning for human rights have faced intensified threats in recent years. Women’s rights defenders, trade union representatives, LGBT activists and, as we shall see, environmental defenders have in recent years been exposed to smear campaigns, harassment, surveillance, threats and even murders. When the UN Special Rapporteur on the Situation of Human Rights Defenders, Michel Forst, in December 2018 submitted his report to the UN on the situation in 150 countries around the world, he stated that “in too many locations, there is a war on human rights defenders.”¹³

3.3. Civil society under fire

A sector particularly afflicted by these developments during the last decade is civil

society – organisations, associations and/or movements that people join voluntarily on the basis of shared interests. According to the research organisation International Center For Not-for-Profit Law (ICNL), since 2012 a little over 70 countries have introduced no fewer than 144 new legal restrictions aimed at civil society. This trend is frequently referred to as “shrinking civic space” and constitutes a global phenomenon.

No single factor is capable of explaining this complex process; however, shrinking civic space is commonly seen as linked to at least three important events in world politics:

- The terrorist attacks on the World Trade Center on 11 September 2001.
- The so-called “colour revolutions” that took place 2003-2005 in the former Soviet Union.¹⁴
- The Arab Spring initiated in Tunisia in 2010.¹⁵

The US war on terror in the wake of 9/11 served as the beginning of a new era of surveillance, restrictions on financial transfers between countries and a gradual shift in norms in terms of how the international community perceives civil society. After the colour revolutions and the Arab Spring, a number of legislative changes followed in a short period of time in countries such as Russia, Belarus, Eritrea and Uzbekistan, which were specifically targeted at the democratic movement and civil society at large.

In its latest annual report, the global civil society network Civicus states that 109 countries are currently restricting the space for people to organise and be heard.¹⁶

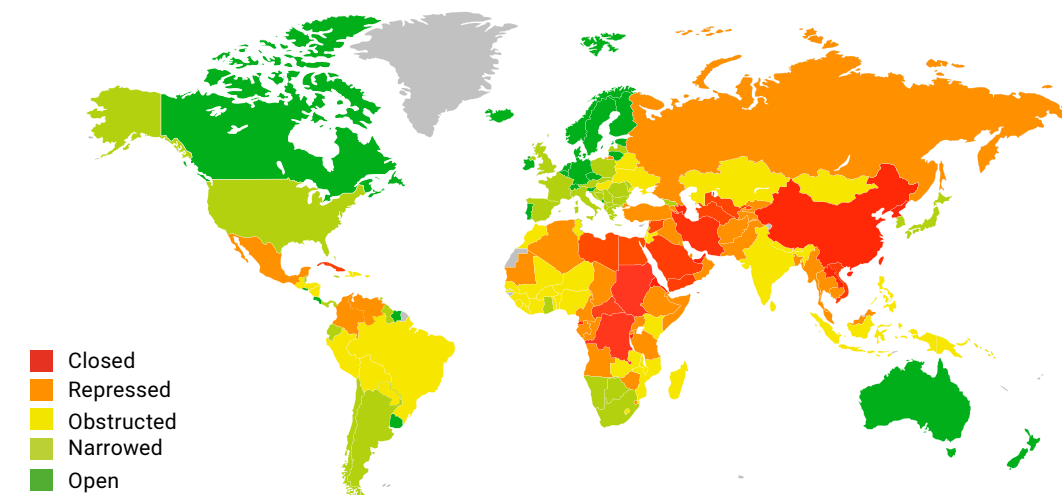


Fig 2. In its database “Civicus Monitor”, the organization Civicus tracks the state of civil society freedoms all around the world. The scale is based on four main indicators (transparency, inclusion, flexibility and activism) and countries are graded on a 100-degree scale. The most open countries get dark green, the most closed red. See more: <https://monitor.Civicus.org/>

The majority of these restrictions have been introduced in sub-Saharan Africa, followed by Europe, which shows that the worrying development we have seen also affect regions previously made up of strong democracies.

These restrictions on civil society’s ability to act, the so-called shrinking civic space, have been carried out in a number of ways. In the report *Laws Designed to Silence: The Global Crackdown on Civil Society Organizations*, Amnesty International presents several examples of how states have tried to curtail civil society through various legal restrictions, frequently copied from other countries. For example, many states have introduced bureaucratic obstacles in order to make registration processes more complex, or expensive registration fees that make it harder for small organisations to survive. This represents a heavy blow for civil society as, in most cases, being registered is a prerequisite for an organisation to receive public funding, open bank accounts and reach cooperation agreements with others (e.g., in order to receive international development assistance).¹⁷ In addition to restrictive laws, as we shall

see below, there are many examples of surveillance, smear campaigns, threats and harassment against employees of or spokespeople for civil society organisations (CSOs). These examples also highlight a general stigmatisation of civil society and its representatives, who are sometimes described as unpatriotic, hostile to economic development or, in a number of cases, as terrorists.

The harsher conditions for civil society and human rights are also linked to politics at the international level. For instance, in recent years we have seen a reduction in funding to central institutions in the United Nations working with human rights.¹⁸ This is a result of the general reduction in contributions to the UN system, cuts in targeted contributions to OHCHR¹⁹ and delayed payments from a number of member states. An increasing number of reports, including from SSNC partner organisations, have been submitted concerning how the states seek to limit the participation of civil society in the UN system and its processes.²⁰

10. Human rights, democracy and the rule of law in Swedish foreign policy, Government Communication, 2016/17:62, December 2016, p. 7.

11. The state of the World’s Human Rights: Amnesty International Report 2017/2018, Amnesty International, 2018, p. 12–13.

12. Front Line Defenders Global Analysis 2018, Front Line Defenders, 2019, p. 6.

13. World Report on The Situation of Human Rights Defenders, Forst, M., United Nations Special Rapporteur on the Situation of Human Rights Defenders, December 2018.

14. Georgia in 2003, Ukraine in 2004 and Kyrgyzstan in 2005.

15. “Aid Barriers and the Rise of Philanthropic Protectionism”, Rutzen, D., International Journal of Non-for-Profit Law, Vol. 17 No. 1, March 2015.

16. State of Civil Society Report 2018 – Year in Review: Top-Ten Trends, Civicus, 2019.

17. Laws Designed to Silence: The Global Crackdown on Civil Society Organizations, Amnesty International, 2019, pp. 8, 12.

18. Human Rights Funding Takes a Hit but Key Mandate Reaffirmed”, McEvoy, T., International Service for Human

Rights, 4 January 2018.

19. Office of the United Nations High Commissioner for Human Rights.

20. The Backlash against Civil Society Access and Participation at the UN, International Service for Human Rights, Foreign & Commonwealth Office, 2018.



SOUTH AFRICA

"The kids know that my life is in danger"

The winter winds in South Africa tend to be harsh. But ever since the large open cast mine opened up the earth's crust for the Ikwezi coal mine, the wind is even more persistent and Lucky Shabalala's face gets blasted by sand when visiting the families living by the mine. Villager Khethiwe Ngwena (age 27) is concerned. She and her family have to move in a month. That is when their house will be torn down, but none of them have yet had a new home built for them.

By: Torbjörn Selander



South Africa

What happened at the Ikwezi mine located on Kliprand Farm is a typical example of how South African mining companies operate. Ikwezi Mining managed to convince a few families living where the open cast mine would be located with promises of money, new homes and work at the mine. A woman representing three families signed Ikwezi Mining's proposal, while six other families had no idea of what was happening. Nevertheless, the company argued, the needs of the local population were now met.

Several households were suddenly visited by representatives from the mine who measured their houses. This was followed by bulldozers razing the houses to the ground. This destruction was carried out with the protection of security companies and the local police, and the villagers were relocated by force to small corrugated iron shacks.

Ever since the 1950s, the families have been allowed to stay at Kliprand Farm in exchange for work. When the farmer left the farm in the 1990s, he promised that they could stay and continue cultivating the land. They would never have to move. But the Indian and South African owners of the coal mine had a different view. The lucrative coal had to be mined.

When the families had been forcefully removed by the mining company, they contacted Lucky Shabalala. He works at the organisation Sisonke, which collaborates closely with SSNC's partner organisation groundWork.

Lucky Shabalala arranged meetings and protests. In the course of his efforts, he discovered that the elected board was illegal, as only some of the residents had been allowed to elect family representatives. He also discovered that Ikwezi Mining's permit for the mine had expired. Lucky now became enemy number one – and not only for the mining company. The families who had received benefits, jobs, money and seats on the board violently fought Lucky. He has been attacked three times. The worst time was

outside a grocery store in Newcastle in March 2019. The mob surrounded Lucky and one of the leaders approached him with a gun in his hand.

– But then the security guards at the shopping mall came and saved me and sprayed pepper spray, says Lucky Shabalala.

He did not bother reporting the incident to the police, as the reports he had filed in the past had disappeared. However, the same does not apply to the police reports filed against Lucky by employees at the mining company, involving alleged attacks. Lucky says that a police chief has told him that he creates problems for both the mine and the police chief himself. And he has narrowly escaped arrest on several occasions.

Neither has he received any support from the Department of Mineral Resources, which has not responded to his letters. Instead, Lucky has been told by an employee at the department that his phone is being tapped and that he is being followed. South Africa is highly dependent on mining revenues, which amount to almost seven per cent of the country's GDP. In total, the mining industry employs close to half a million people. According to groundWork, there are at least 50 mining conflicts in South Africa. Some have been worse than the one at Ikwezi. Activists have been killed. For instance, Sikkhosiphi Radebe, a vocal opponent of a titanium mine, was killed in 2016.

After the attack in March, Lucky Shabalala received financial assistance from Human Rights Watch and could hire a bodyguard for a few months. This money has now run out, and instead he moves around between different addresses. He can no longer live with his children, who are five, nine and fifteen years old. Relatives take care of them, even though he sometimes sneaks over to visit them.

"The kids know that my life is in danger, so they understand", says Lucky Shabalala with a sad voice.



“Going to a gathering to discuss the right to water can be problematic. When you go to meetings that are challenging inequalities, you become a target. Being there means you’re against the counsellor, which might lead to you losing your place in the housing queue. You become labelled a problem. ”

Environmental defender, South Africa

Results from the study: **Environmental defenders increasingly under attack**

4

4.1. Confirming the general picture

The questionnaire carried out by SSNC confirms the perception of a global attack on civil society. **Of the 25 organisations participating in the study, 20 (80%) state that civil society experiences a decreasing ability to act in the countries in which these organisations operate.** An even higher proportion (88%) state that the situation in their country has deteriorated in recent years. In other words, the questionnaire responses indicate that even in countries where civil society has some ability to act, this is being reduced. Several of the international environmental networks cooperating with SSNC report persecution and threats against organisations and associations. They also point out that the “criminalisation” of activism is rapidly increasing, meaning that actions that used to be legal are being made illegal through legislative changes.

From the **Philippines**, several partner organisations report a deteriorating rule of law and increasing risks facing civil society organisations working with human rights. Many of them feel that president Rodrigo Duterte’s government is attacking those who criticise it by means of slander, fabricated allegations, harassment and extrajudicial executions.

In both **Indonesia** and the **Philippines**, several of SSNC’s partner organisations state that an increasing number of people are being stigmatised and publicly shamed as communists and/or terrorists and that the government controls and monitors their activities. By smearing activists and organisations, governments are in many cases able to justify unwarranted arrests and violent attacks – an effective way to silence dissidents. The questionnaire shows that this is a strategy used in other areas and regions as well.

In **Brazil**, several partner organisations report that the situation for civil society has deteriorated since Jair Bolsonaro became president in January 2019. In a short period of time, the Bolsonaro administration has drastically reduced government funds allocated to civil society, which has been detrimental to the activities of these organisations.²¹ The government has made it clear that it wants to reduce the number of active organisations in the country, which has resulted in the general public and the police increasingly beginning to justify violence against employees and environmental defenders. At the same time, however, one of the Brazilian organisations points out that these attacks against civil society have been going on for a long time and are not exclusively linked to the Bolsonaro administration.²²

In **Kenya**, several organisations report that they are in danger of losing their registration certificates, which among other things would restrict their ability to receive international funding. The government also has limited access to certain forest areas and water supplies in order to make things harder for organisations working to protect them. In India, similar reports are made regarding organisations at risk of losing their registration. One partner organisation states that from 2014 and onwards, hundreds of CSOs have had their registrations revoked under the Foreign Contribution Regulations Act. Organisations that lose their registration lose their ability to receive external funding, which is often a prerequisite for being able to carry out their activities. There are also reports from **South Africa**²³ that the government has made it increasingly difficult for CSOs to receive funding and donations.

21. Conflict Sensitivity and Conflict Perspective: An Assignment for SSNC, Alffram, H., Mod  r, P., Rightshouse, 2018.

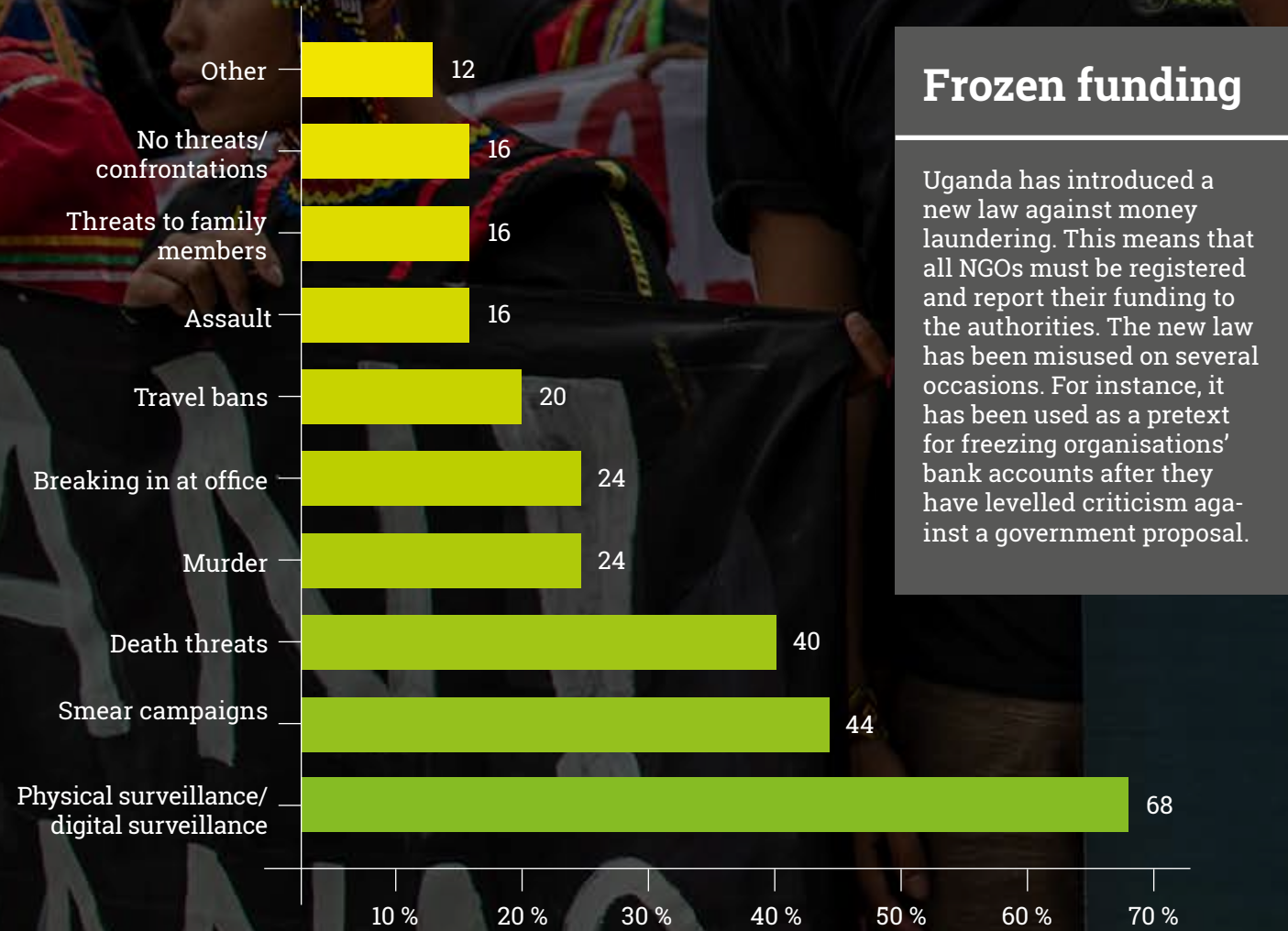
22. For instance, the anti-terror legislation adopted already in the beginning of 2016 represented a harsh blow for civil society. See “Brazil: Counterterrorism Bill Endangers Basic Rights”, News, Human Rights Watch, 13 November 2015.

23. Opinions may differ as to whether Civic space is growing or shrinking in a country. One example is South Africa, where one of our partner organisations states that Civic space is shrinking while the other says that it is in fact growing.

4.2 Threats facing the global environmental movement

The questionnaire shows that 80 per cent of the organisations have difficulties implementing their activities as planned. This is a result of the decreasing ability to act, affecting both the environmental movement and civil society at large. The graphics show that as many as 17 out of 25 respondents (68%) state that they are being subjected to physical or digital surveillance. Almost half of them (44%) claim that they have been exposed to smear campaigns and as many as 40 per cent have received death threats against employees. There are many obstacles and they take different forms. In the following section, and as a complement to the statistics, we have decided to highlight some of the obstacles described by these organisations.²⁴

Fig 3. Compilation of obstacles experienced by the organisations or their target groups.



Frozen funding

Uganda has introduced a new law against money laundering. This means that all NGOs must be registered and report their funding to the authorities. The new law has been misused on several occasions. For instance, it has been used as a pretext for freezing organisations' bank accounts after they have levelled criticism against a government proposal.

Smear campaigns

A partner organisation in South-East Asia, working to inform the public about environmentally hazardous chemicals, is accused of inappropriately using funds raised by the organisation itself and of seeking to impede the economic development of the country. In South Africa, several environmental organisations working with mining issues have been subjected to smear campaigns on social media. An organisation working with chemical issues received threats from the private sector when informing the public about toxic chemicals in products that pose a threat to the environment and people's health.

Surveillance

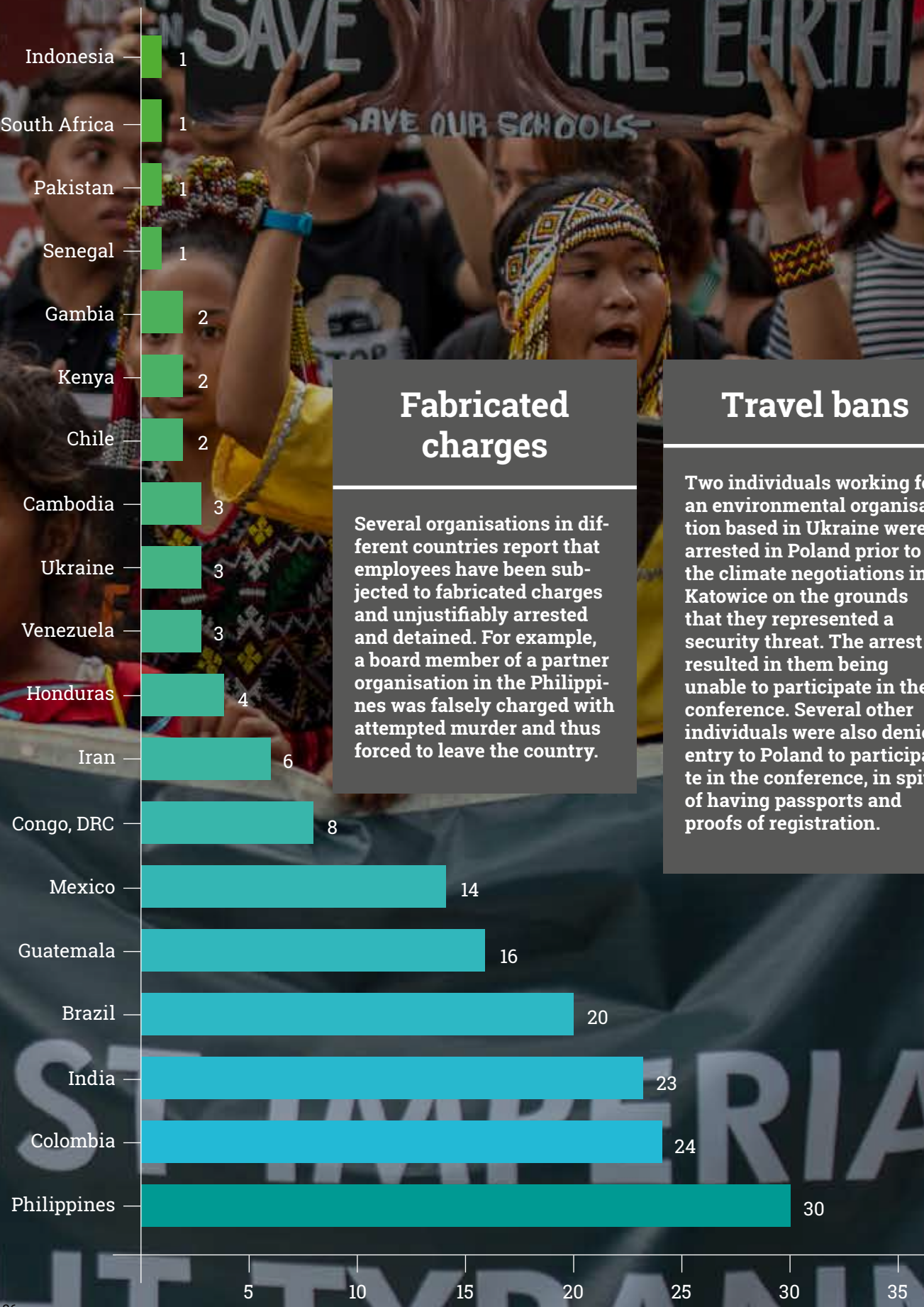
In connection to a campaign, representatives from a South African organisation were followed and monitored by a security company linked to one of the companies they campaigned against. The organisation reports that their office has been burglarised and that several employees also have had their private homes broken into. In Brazil, an organisation reports having been subject to persecution and data intrusion. In the Philippines, there are reports of environmental activists being monitored by the military. A partner organisation in Indonesia had to move to another office due to the security risks they experienced. Another partner organisation in Indonesia reports that their website has been hacked on several occasions.

Reduced ability to advocacy

A global environmental network describes how they over the past two years have experienced a shrinking possibility to influence the international negotiating processes in which they participate. As an example, the network mentions a senior UN official who participated in an international environmental conference and publicly compared environmental organisations with terrorist groups. There are reports from several countries, such as Uganda, that organisations in increasing numbers no longer dare to engage in external advocacy work. Many organisations also say that they are excluded from policy processes within the government and public authorities which also have a direct impact on their activities.

²⁴ Unless otherwise indicated, the information in this section originates from the questionnaire and the in-depth interviews, that were carried out.

Fig 4. Number of environmental defenders killed during 2018.



Fabricated charges

Several organisations in different countries report that employees have been subjected to fabricated charges and unjustifiably arrested and detained. For example, a board member of a partner organisation in the Philippines was falsely charged with attempted murder and thus forced to leave the country.

Travel bans

Two individuals working for an environmental organisation based in Ukraine were arrested in Poland prior to the climate negotiations in Katowice on the grounds that they represented a security threat. The arrest resulted in them being unable to participate in the conference. Several other individuals were also denied entry to Poland to participate in the conference, in spite of having passports and proofs of registration.

Threats and violence

44 per cent of SSNC's partner organisations state that employees or affiliated activists have been subjected to threats and violence. During a campaign against nuclear power in South Africa, a partner organisation received a number of death threats. A partner organisation in Indonesia reports that they have received death threats via text messages against an individual in the organisation when working with issues relating to sand mines.

Arrests

An environmental defender from Cameroon involved in a project seeking to stop the expansion of an American palm oil company was recently arrested under the pretext of being part of the separatist conflicts in the country. After a few months, however, this person was released but had to leave the country due to security concerns. The arrest severely impaired the partner organisation's ability to support the efforts against the expansion of palm oil plantations in the area. The same organisation also reports that several other environmental defenders in the same network live under similar threats – in countries such as Sierra Leone, Honduras, Guatemala and Papua New Guinea.

Murders

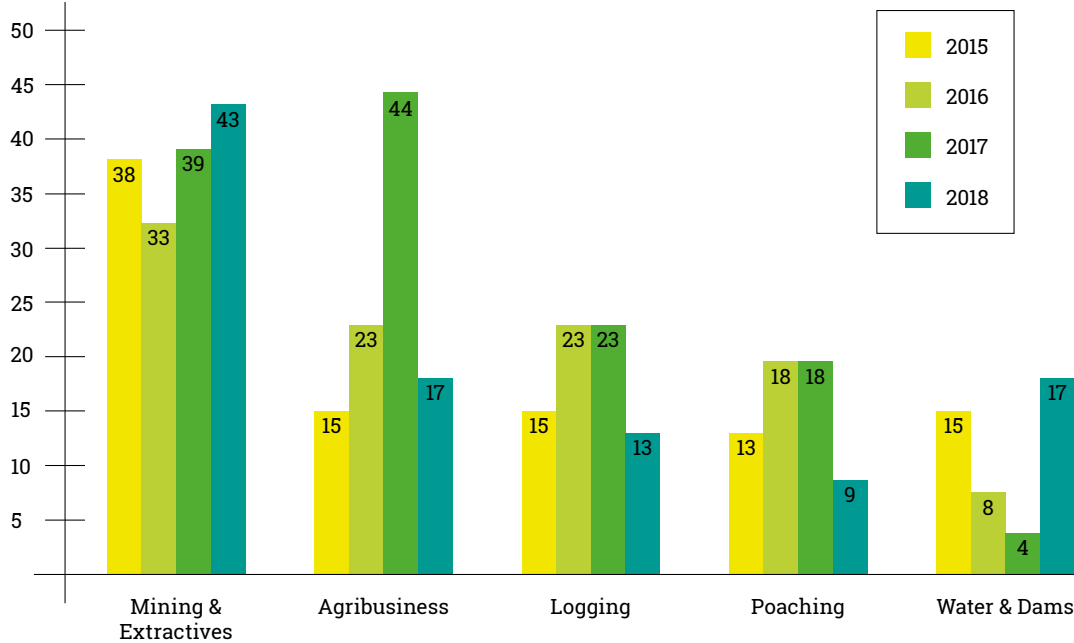
Nearly a quarter of SSNC partner organisations (24%) claim that employees or the organisation's target groups have been murdered as a result of their environmental work. An organisation operating in central India reports that indigenous peoples opposed to the exploitation of their land are frequently arrested, harassed and threatened. On several occasions, this has even resulted in people being killed. In Brazil, two people working for an organisation were brutally killed in 2018, which is suspected to be linked to their work to preserve and protect the environment. In March 2019, twelve farmers in the Philippines were killed by military forces. At the time, they were engaged in a dialogue to join an environmental organisation in order to organise their struggle for land rights.

4.3. Why do conflicts arise?

As demonstrated, there are many obstacles and rights violations facing the environmental movement in different countries with different political contexts. At the same time, these examples are in no way unique but rather fit into a pattern of abuse also experienced by organisations around the world working with rights-based issues in other contexts. However, there are strong indications that people involved in environmental protection and land rights experience a particular type of risk to a greater degree than others; the risk of direct confrontations and, in some cases, death.

This study shows that **17 out of 25 organisations (68%) feel that the decision-makers in the countries in which they operate consider the environmental movement a threat**. Only five organisations see themselves as allies of the government. In the in-depth interviews, it became clear that 19 partner organisations whose activities are perceived as a threat to companies or the financial interests of influential individuals feel particularly exposed to risk.²⁵

Fig 5. Number of deaths related to sector 2015–2018.



Organisations from a range of countries claim that the risk of being seen as a threat to the government increases when decision-makers have financial interests linked to the private sector – mining companies, plantations, the forest industry, etc.

The interview responses are consistent with the picture provided in the questionnaire, where more than half of the respondents (52%) **say that they have concrete examples of companies and private sector actors having threatened or harassed the organisation or its target group**. The fact that companies are linked to conflicts with environmental defenders is an observation made by a number of organisations. An organisation working to document abuses against environmental defenders in particular is London-based **Global Witness**. Based on its statistics on killed environmental defenders, Global Witness analyses which sectors may be linked to these killings. A compilation of data from the last four years shows that the mining industry may be linked to the largest number of killings (153 cases), followed by the agricultural sector (99 cases) and the forestry sector with 74 documented cases as a result of confrontations.

What these three sectors have in common is that they focus on extracting and exploiting natural resources from land and water. As the environmental movement, on the other hand, fights to protect these natural resources and use them in a sustainable manner, we see how the potential for conflict arises.

In the questionnaire, several SSNC partner organisations state that the reason why environmental defenders are particularly at risk is precisely this – the very existence of the environmental movement and the threat it poses when challenging powerful economic interests.

It is thus clear that a potential conflict of interest exists between, on the one hand, companies whose activities are based on exploiting natural resources and, on the other hand, the people who live off, manage and protect them. But why does this lead to such severe confrontations? Why do companies fail to handle potential conflicts before they lead to violence and, in the worst case, death? In order to answer this question, we need to look at additional case studies.

The Swedish-based organisation Swedwatch, of which SSNC is a member, assesses companies and how they take responsibility for people and environment. They focus in particular on countries and sectors where there is a high risk of human rights violations. In a series of reports over the years, the organisation has examined and documented how companies in sectors such as forestry, agriculture and mining have established themselves in areas

about to be exploited. Swedwatch carries out field visits, interviews and analyses of policies and documents, frequently studying what the dialogue with local communities has looked like prior to, during and after projects.

The results are often disappointing and generally exhibit the same pattern: companies demonstrate shortcomings in their risk analyses and dialogues with the local communities affected by the activities at hand.²⁶ In cooperation with SSNC, Swedwatch recently released the report *Undercutting Rights: Human Rights and Environmental Due Diligence in the Tropical Forestry Sector*. The report focuses in particular on Cameroon, arriving at the following conclusion:

*The fact that Vente de Coup²⁷ companies in Cameroon are not required by law to carry out any assessments of the environmental and social impacts constitutes a substantial risk for illegalities. When no impact assessment is carried out, or where communities are not properly consulted, affected communities are left without adequate information about the potential impacts on their forest-based livelihoods.*²⁸

This example is not unique. A recent report by Amnesty International, Diakonia and FairAction, which examined 28 companies operating in high-risk sectors and/or high-risk countries, showed that only five of these (about 18%) stated that they carry out so-called human rights due diligence (HRDD) in their operations. The same low number stated that they normally consult

25. Conflict sensitivity and conflict perspective: An Assignment for SSNC, Righthouse, 2019. s. 7

26. See, for instance, No Business, No Rights: Human Rights Impacts when Land Investments Fail to Include Responsible Exit Strategies. The Case of Addax Bioenergy in Sierra Leone, Report #86, Wåhlin, M., Swedwatch, 2017; Carrying the Costs: Human Rights Impacts in Communities Affected by Platinum Mining in South Africa, and the Responsibilities of Companies Providing Mining equipment, Report #89, Björnsson, O., Swedwatch, 2018; and To the Last Drop: Water and Human Rights Impacts of the Agro Export Industry in Ica, Peru: The Responsibility of Buyers,

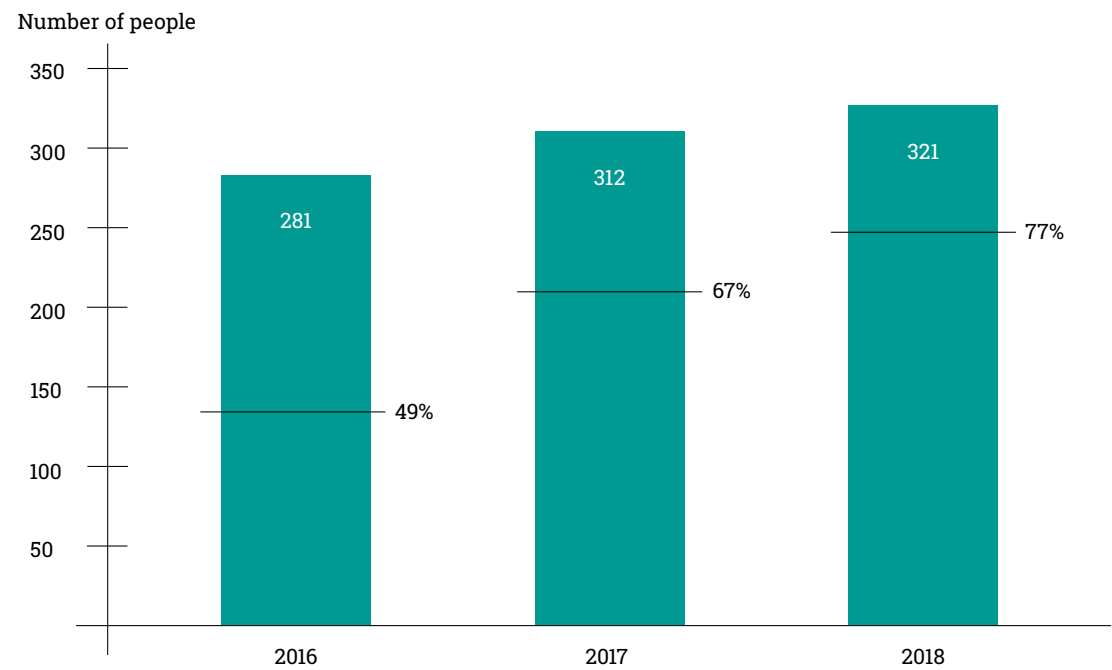
Report #92, Wåhlin, M., Swedwatch, 2018.
27. This refers to companies with shorter contracts.
28. Undercutting Rights: Human Rights and Environmental Due Diligence in the Tropical Forestry Sector. A Case Study from Cameroon, Report #93, Arounsavath, F., Swedwatch, 2019, p. 34.

stakeholders likely to be adversely affected.²⁹

In short, HRDD is a process that companies should use for analysing whether their activities may have a negative impact on human rights and, in such cases, have a plan for addressing these risks. HRDD is a key element of, for instance, the *UN Guiding Principles for Business and Human Rights* and the *OECD Guidelines for Multinational Enterprises*, both released in 2011. The goal of HRDD is to minimise the potential risks and negative effects of business activities in high-risk sectors.

At the same time, these guidelines are not compulsory unless they are legally required, which at present is only the case in a few countries. Repeated analyses by Swedwatch and other organisations rather indicate that companies often carry out their exploitation of natural resources without using HRDD processes or consulting the people affected.

Fig 6. Number of human rights defenders killed in total, and proportion of these being related to environment, 2016–2018.



29. Hög ribban för företagen! En granskning av hållbarhetsredovisningar ur ett människorättsperspektiv, Amnesty

4.4 Violence is spreading

As seen in section 4.2, death threats are the third most common form of risk experienced by environmental organisations in their work. Murder comes in at fourth place. A full 60 per cent of organisations report that employees or individuals from their target group have received death threats or even been killed for defending the environment.

Unfortunately, this is also a risk affecting human rights defenders in general. In its latest annual report, the organisation *Front Line Defenders*, which among other things is documenting assassinations of human rights defenders worldwide, describes this violent trend as a “global epidemic”. In 2018 alone, 321 human rights defenders were reported to have been killed in 27 different countries.³⁰

If we take a closer look at the Front Line Defenders figures for 2016–2018 in the graph, we may also make two important observations:

International, Diakonia, FairAction, Februari 2019, p. 8
30. Front Line Defenders Global Analysis 2018, Front Line Defenders, 2019, P. 4

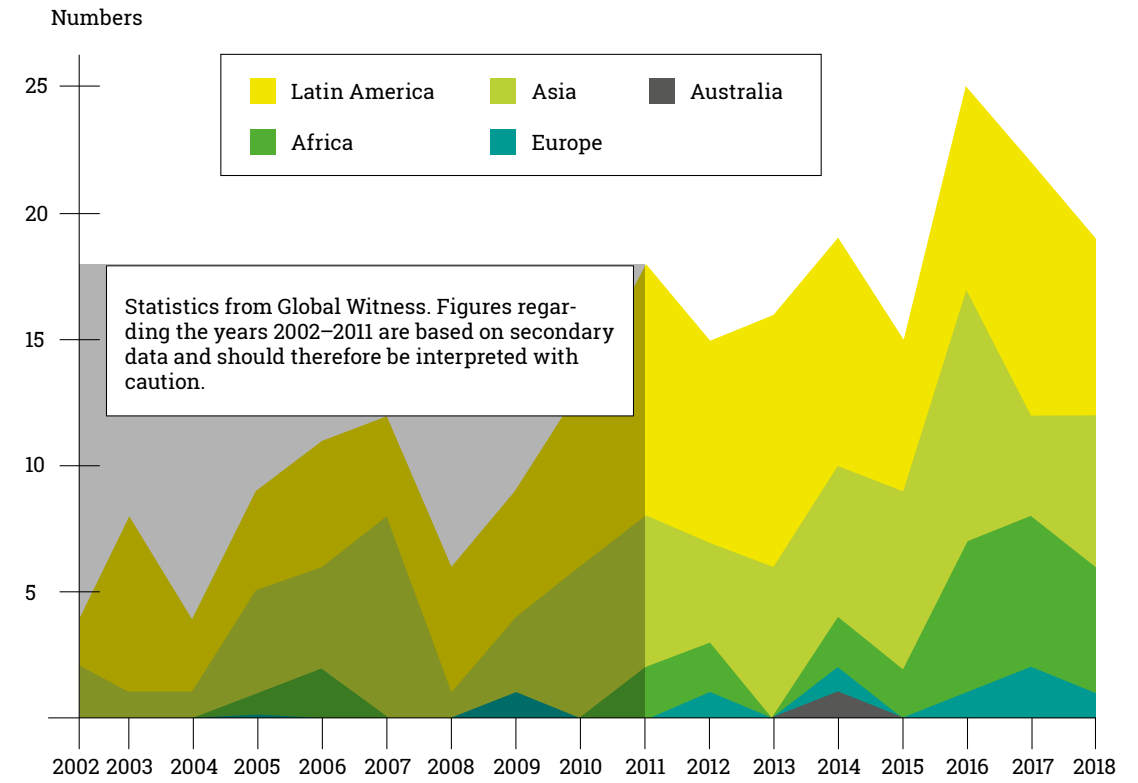
1. a large portion of murdered human rights defenders were environmental defenders, and
2. this portion increased throughout the period.³¹

The observation that environmental defenders are particularly at risk of violence is not new. In a 2017 UN report on the situation for human rights defenders, the UN Special Rapporteur on the Situation of Human Rights Defenders, Michel Forst, stated that: “Killings and physical attacks disproportionately affect those engaged in the defence and promotion of environmental rights.”³²

According to the latest annual report by Global Witness, more than three people were murdered each week in 2018.³³ Global Witness also reports that violence against environmental defenders in particular has increased in recent years and is also spreading geographically.

SSNC has compiled the organisation’s statistics on the countries where assassinations of environmental defenders have been reported. As indicated in the graph, there has been a significant increase during the period when this documentation has been carried out, in which 2016 was a year when reports of murders came in from no fewer than 25 countries (i.e. 13 per cent of all countries in the world).³⁴

Fig 7. Number of countries with environmental defender death cases, per continent 2002–2018.



31. As initially stated, it is important to stress that the concept of environmental defenders not only includes people working in an environmental organisation or activists with a passionate interest in the environment. An environmental defender may just as well be a farmer in a rural area, indigenous people living on and cultivating forests and land or guards working in national parks engaged in protecting animals. An environmental defender is defined as someone who, through peaceful means, has chosen to defend the environment.

32. Situation of Human Rights Defenders, United Nations General Assembly, A/72/170, 19 July 2017.
33. Enemies of the State? How Governments and Business Silence Land and Environmental Defenders, Global Witness, July 2019, p. 9.
34. Global Witness points out that its database, upon which its statistics are based, does not contain reliable information on the number of people killed before 2012, as a different methodology was used at that time.

4.5. Indigenous people are the most exposed

Since 2015, the organisation Business and Human Rights Resource Center (BHRC) has documented company-related attacks on *human rights defenders* (i.e., a category broader than those exclusively fighting to defend the environment) and has registered 1,486 cases in its database up to 2018.³⁵

As we can see, indigenous people are highly over-represented in the statistics. Indigenous people are estimated to only make up five per cent of the world population. At the same time, however, this group represents a quarter of those exposed to company-related attacks.³⁶ There are many reasons why indigenous peoples are particularly at risk. First, indigenous people often literally live and depend on the land that companies are interested in exploiting. For instance, indigenous people have the right of use to about 20 per cent of all land globally, and more than 60 million individuals belonging to different indigenous

groups are dependent on the rainforest for their survival. Oftentimes, the world's poorest live off the resources provided by the forest. They are also the ones hit the hardest when natural forests are cut down and converted into plantations (e.g., for the production of palm oil).

Indigenous people are often politically marginalised. They rarely belong to the economic or political elite and are often discriminated against on the basis of language, religion and/or culture. Furthermore, the land rights of indigenous peoples are rarely recognised, despite relatively strong protections in international conventions.

The fact that many companies and decision-makers do not, for instance, consult farmers who risk losing their land to soybean plantations, local communities relocated by force before dams are constructed or indigenous people forced to see the forests they have cultivated and lived on for generations being cut down frequently results in people organising in

resistance. They organise themselves in order to have a stronger voice and to have influence over processes with a direct impact on their lives. That is what has happened in the cases from Brazil and South Africa that we present in this report. And this is often what had happened to the vulnerable groups of people represented by the human rights lawyer Ben Ramos in the Philippines in the final case study we will present. He was eventually killed for his work.

Companies and governments often look at environmental defenders and local communities organising themselves as a threat to their activities, which, in turn, leads to conflicts. As we have seen, people are relocated by force and exposed to threats and violence. They are exposed to smear campaigns, arrested and, in worst-case scenarios, murdered. These confrontations do not typically involve the extractive companies directly, but rather contracted security companies, paramilitary groups or criminal gangs, which frequently operate in countries with weak rule of law.³⁸

As a way of trying to address potential conflicts in relation to the land areas of indigenous peoples, the UN has developed the principle of Free, Prior and Informed Consent (FPIC). The idea is that states and companies have a particular responsibility to consult and notify indigenous peoples “before adopting and implementing legislative or administrative measures that may affect them”, according to the UN declaration on the Rights of Indigenous Peoples.³⁹ The main purpose of FPIC is that indigenous people and local communities need to give their consent before a decision is made concerning exploitation and/or extraction projects affecting them.

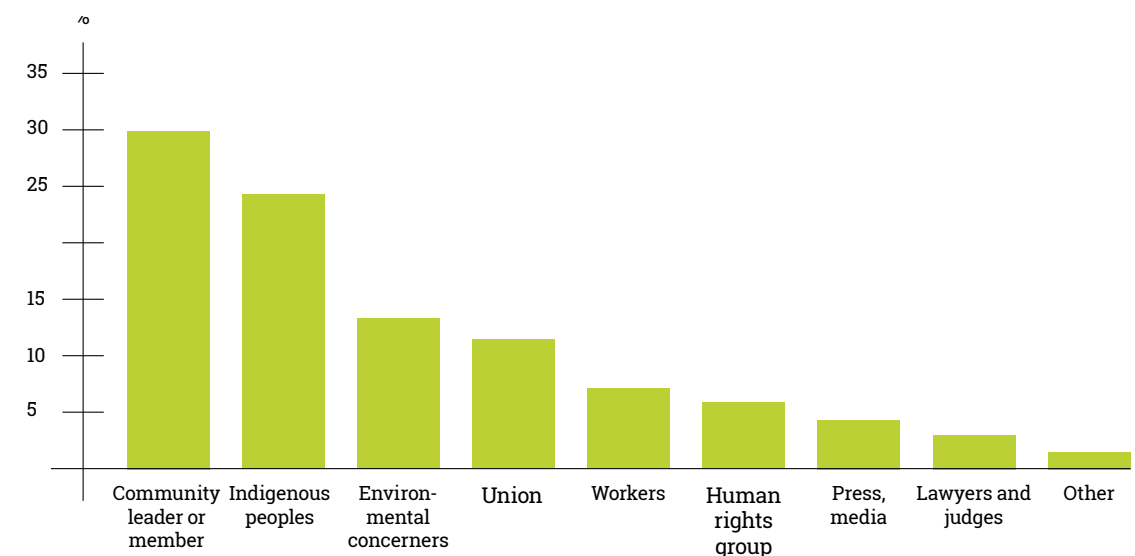
A number of studies have shown how states over the years have granted land and concession contracts for logging, soybean plantations or mining, in contravention of the UN principles and despite the fact that the land has been cultivated for a long time by indigenous people and local communities.⁴⁰ Nor does the situation seem to be improving at present. When the United Nations Special Rapporteur on the Rights of Indigenous Peoples, Victoria Tauli-Corpuz, recently gave a speech at the United Nations Permanent Forum on Indigenous Issues, she described a worrying global trend of increased harassment and “criminalisation” of indigenous people, linked to their use and defence of land areas and natural resources.⁴¹

4.6. Latin America – the region hit the hardest

One of the most famous environmental defenders of our time is Berta Cáceres. She was from Honduras and led the fight undertaken by the indigenous group Lenca against the construction of the large Agua Zarca dam. The dam project threatened to destroy villages and land areas utilised for centuries by the people in the area. There had been plans since 2006 to establish four dams along the Gualcarque River, seen as holy by the Lenca. The project was carried out by a Chinese company, the World Bank and the Honduran company DESA. The struggle of Berta Cáceres and the Lenca contributed to a prolonged legal process and construction delays. In 2015, she was awarded the prestigious Goldman Environmental Prize for her commitment.

In March 2016, Cáceres was shot to death in her home by unknown assailants after having received death threats for several

Fig 8. Groups experiencing attacks from business sector, 2015–2018



Over the entire period, 29% of the attacks have occurred against local community representatives, such as small holders. 23% have been targeting indigenous peoples. In third place, 12%, towards people associated with environmental organisations. The common denominator for these three most vulnerable groups is that they usually live off the land and natural resources they use, alternatively work to defend it. They are environmental defenders.

35. Read more on the BHRC website: <https://www.business-humanrights.org/search-human-rights-defenders>

37. For instance, the ILO Indigenous and Tribal Peoples Convention (169) and the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP).

38. At What Cost: Irresponsible business and the murder of land and environmental defenders in 2017, Global Witness, 2017, p. 13

39. UNDRIP, artikel 19

40. See, for instance, Silent Approval: The Role of Banks

Linked to the Crisis Faced by Borneo's Indigenous Peoples and Their Forests, Report #84, Arounsavath, F., Swedwatch, 2017 and Still Banking on Land Grabs: Australia's Big Four Banks and Land Grabs, Oxfam Australia, 2016.

years. The assassination gained international attention, spurred demands for independent investigations and put pressure on the Honduran police, which on unlawful grounds initially arrested an individual from the environmental organisation headed by Cáceres herself. In the following years, several investigations of the circumstances surrounding the murder were presented. There were allegations of bribery and corruption behind contracts signed in relation to the dam project, which had links all the way to the Honduran Energy Authority.⁴²

Finally, in November 2017, seven people were convicted of the murder. They were professional assassins who had been contracted by DESA, the company responsible for the dam, to murder Cáceres, who was seen as causing the company financial losses. The investigation showed that several of the men were linked to the Honduran military and intelligence services and had previously undergone military training in



41. "Indigenous Peoples Increasingly Criminalized, Harassed when Defending Rights, Land, Speakers Tell Permanent Forum, Urging Greater Access to Justice System", meetings coverage, <http://www.un.org>, HR/5433, 24 April 2019.
42. "MACCIH y UFEIC presenta nuevo caso de corrupción 'Fraude sobre el Gualcarque' que involucra a DESA", Medina, M., Radio Americana, 4 April 2019; see also Honduras: The Deadliest Place to Defend the Planet, Global Witness, 2017.
43. "Berta Cáceres Court Papers Show Murder Suspects' Links to US-Trained Elite Troops", Lakhani, N., The

United States, a close ally to Honduras.⁴³ A further investigation, conducted by independent international lawyers, claimed that during the project, there had been "deliberate negligence" by international financial institutions contributing to financing the criticised dam project. This applied to, among others, the Dutch development bank FMO and the Finnish development agency Finnfund.⁴⁴

The tragic murder of Berta Cáceres and the surrounding facts are spectacular but not unique. Latin America has long been the continent where the most environmental defenders are killed and where the largest numbers of company-related conflicts have arisen.⁴⁵ A full 60 per cent of all assassinations of environmental defenders worldwide are carried out in Latin America – a region whose population represents barely six per cent of the global population.

Several Latin American countries face social and economic inequality – many groups are marginalised and poverty is widespread. A large portion of indigenous peoples do not formally own the land they cultivate and live off. Many countries in the region have limited rule of law as well as political systems permeated by nepotism and corruption, and it is not uncommon that there are powerful elites with strong links to decision-makers and the private sector. In the report *Threats to Civic Space in Latin America and the Caribbean*, the organisation Civicus also highlights "extensive corruption networks that link business interests, public officials and elements of the security forces, particularly at the local level."⁴⁶ This is underlined by the

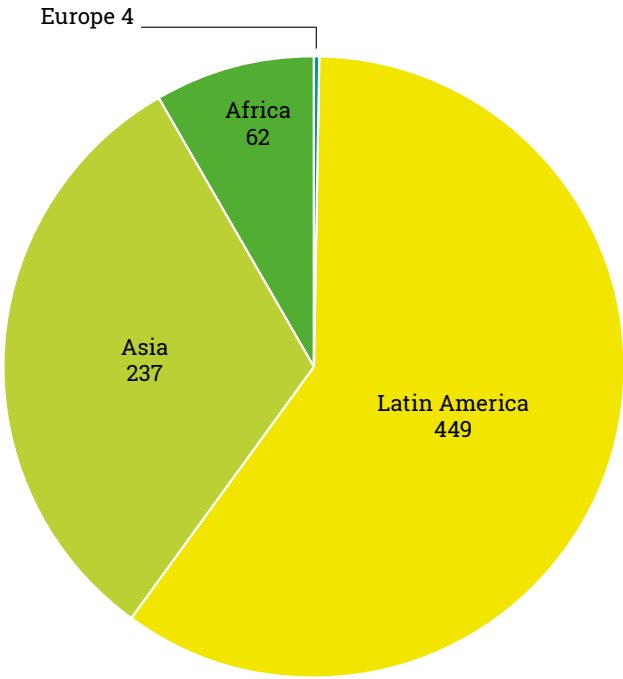
Guardian, 28 February 2017, and "Berta Cáceres: Seven Men Convicted of Murdering Honduran Environmentalist", Lakhani, N., The Guardian, 30 November 2018.
44. Dam Violence – The Plan that Killed Berta Cáceres, Grupo Asesor Internacional de Personas Expertas, November 2017.
45. In BHRC's database over Latin America during the period 2015–2018, Brazil is at the top of the statistics, followed by Colombia, Mexico, Guatemala and Honduras. In the Global Witness statistics on the same period, Brazil is followed by Colombia, Mexico, Guatemala, Honduras and Nicaragua.

recent report *Rainforest Mafias* by Human Rights Watch (HRW). Based on research and extensive interviews in the field, HRW claims that approximately 90 per cent of logging in the Amazon rainforest is illegal and carried out by organised criminal gangs capable of coordinating large-scale logging activities and processing and selling timber.⁴⁷

It is worth mentioning that Latin America is a continent with many natural resources and large supplies of minerals, coal, oil reserves and natural gas. Out of the ten countries with the highest biological diversity in the world, five are found in Latin America, which amounts to about 40 per cent of global biodiversity. Around 30 per cent of the world's rainforests are found in Brazil alone. These natural resources are invaluable for the survival of local communities and indigenous people.

As a result of increasing global demand for raw materials, the region has seen the emergence of a large mining industry during the last few decades. International investments from among others China have contributed to many "mega projects" being carried out, in the form of dams, major highways, expansions of rail networks and ports.⁴⁸ However, these economic developments have carried a price tag. The advances of the extractive industry have frequently been made out in areas where indigenous people have lived for a long time, utilising land and nature. The consequences, according to a study specifically focusing on Latin America and environmental defenders, have often been "social conflict, and in many cases, contamination, deforestation, land degradation, and health problems for the indigenous communities."⁴⁹

Fig 9. Number of environmental defenders killed per continent, 2015–2018.



46. Threats to Civic space in Latin America and the Caribbean, Civicus, Dec 2016
47. Forest Mafias: How Violence and Impunity Fuel Deforestation in Brazil's Amazon, Human Rights Watch, September 2019
48. Guaranteeing indigenous people's rights in Latin Ameri-

ca: Progress in the past decade and remaining challenges, United Nations Economic Commission for Latin America and the Caribbean (ECLAC), november 2014, Sección IIIB
49. A Deadly Shade of Green: Threats to Environmental Defenders in Latin America, Article 19, CIEL, Vermont Law School, 2016, p. 19



BRAZIL

"I refuse to sell my land to the people cutting it down".

The expansion of soybean farming has already eaten into the edges of the Amazon. Soybean plantations are now spreading deeper into the rainforest with the help of highway BR-163, paved by Brazilian president Jair Bolsonaro. This means that areas previously protected from soybean plantations are no longer safe.

– We woke up one day and all the trees were cut down, says 50-year-old Ana Assis. She is a smallholder herself and also chairs an association organising female smallholders in the village of Mojuí dos Campos in the state of Pará in the Amazon. The trees were cut down close to her farm.

– This is a new era. They do what they want, says Ana Assis.

By: Henrik Brandão Jönsson

Brazilian Ana Assis is a smallholder and president of an association that organizes female smallholders in the village of Mojuí dos Campos in the Amazon.

The hot sun has dried out the logs, which have been pulled up by their roots. The next step is to burn down the vegetation and then plant soybeans. Ana Assis' farm is just a few kilometres away.

– I'm terrified that the fire will spread, she says. Fifty years ago, her parents were given land through a government land reform carried out in order to populate the Amazon. The majority of families who took up the offer were landless farmers from arid north-eastern Brazil. In order to ensure that the

diversity of the rainforest would not be adversely affected, these families were only allowed to cultivate 20 per cent of the land they were given.

– We have followed the rules to the letter, says Ana Assis.

On an area smaller than one hectare, she grows cassavas, papayas, onions, sweet potatoes, tomatoes and beans without using pesticides. The vegetables grow all mixed up. – That is the best way of growing them, says Ana Assis.

The association for female smallholders in Mojuí dos Campos has 18 members struggling to keep the soybean farmers at bay. The women have on several occasions been pressured by landowners wanting to buy their land to grow soybeans, but no one has yet surrendered. What the women fear is that one day they will be threatened to sell.

– Those of us defending the environment lead a dangerous life. Unless we stick together, it will be even more dangerous to live here, says Ana Assis. The association is trying to reduce the destruction of the world's most important rainforest, mainly by identifying new logging operations and reporting these to IPAM, Instituto de Pesquisa Ambiental da Amazônia, one of the oldest and largest environmental organisations in the Amazon. Without the eyes of Ana Assis and her colleagues, the organisation would have a hard time getting an overview of how deforestation is spreading in their part of the Amazon.

The women's farms also serve as shields between the rainforest and soybean plantations. However, some of the families who were given land in the land reform but did not organise themselves are going to sell their land to large landowners.

– Even if the families receive tens of thousands of dollars for their land, it is not enough to buy a house in the city. Instead, these families have to live in shacks in the periphery and take low-wage jobs in order to buy food at the grocery store. It will result in nothing but misery, she argues. There will also be problems for her as she intends to remain on her land. The soybean farmers use genetically modified plants and massive quantities of pesticides, which may ruin her own farm.

– The rainforest is not designed for large-scale farming.

Ana Assis makes a livelihood selling vegetables to school canteens in the large city of Santarém along the Amazon River. The municipality buys these organic vegetables for regulated prices, which have been favourable for the women, but the conditions changed after Bolsonaro took over. Only Ana and one of her daughters have been able to keep their contracts. The other contracts have been terminated.

– Surviving in the Amazon is becoming increasingly difficult for us smallholders.





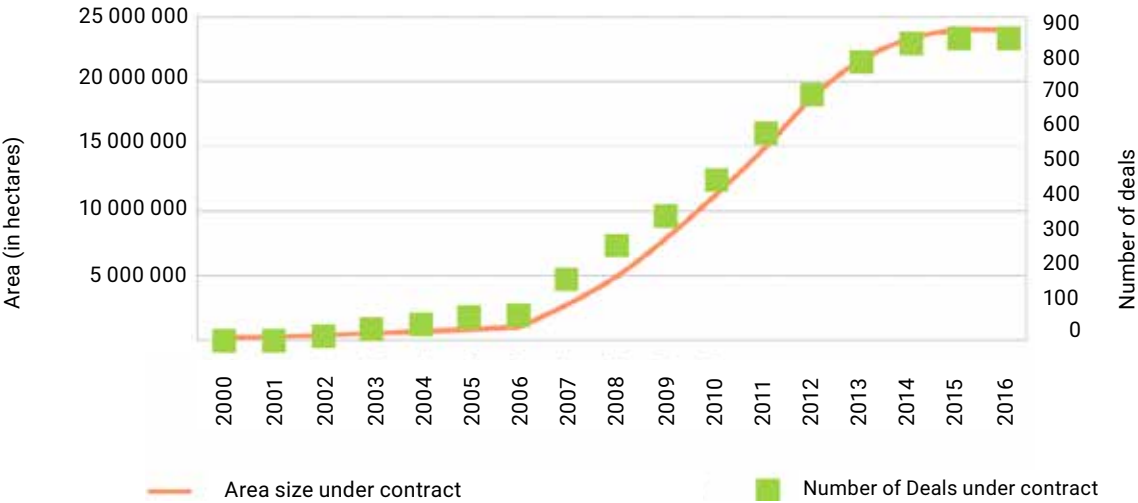
"The food on our plates, the rings on our fingers and the wooden furniture in our homes: all too often there is a violent reality behind household items we use every day."

Global Witness, Annual Report 2017

Humanity and the environment

5

Fig 10. Transnational agricultural deals with a concluded contract, 2000–2016.



Published in International Land Deals for Agriculture. Fresh insights from the Land Matrix: Analytical Report II, Nolte, K., Chamberlain, W., Giger, M., 2016

5.1. The violent downside of consumption

In “The Supply Chain of Violence”, a recently published article in *Nature Sustainability*, British and Australian researchers have analysed the murder rates for environmental defenders and looked at a number of variables in countries exposed to this kind of violence⁵⁰ The article concludes that three factors increase the risk of attacks:

- Strong incentives for governments and companies to exploit natural resources.
- Social exclusion of those who live off and utilise these natural resources.
- Weak rule of law in states where environmental defenders operate.

These observations are consistent with the situation in many of the Latin American countries studied in this report. They are also consistent with the arguments presented in sections 4.1 and 4.2 concerning the environmental movement and the par-

ticular risks it is facing related to shrinking civic space.

Meanwhile, there is another important dimension of this problem that is not related to specific factors in the countries where violence and oppression occur: the demand driving the exploitation of natural resources. Natural resources are now extracted three times faster than in 1970, while the world population has doubled in size. According to a recent study from the United Nations Environment Programme, the world’s material consumption increases by more than three per cent annually⁵¹

Since 2009, the global land monitoring initiative *Land Matrix* has compiled data on large-scale land acquisition projects in low-income and middle-income countries around the world.⁵² The trend is clear: over the last fifteen years, the number of land-related contracts entered by multinational corporations in low- and middle-income countries has increased significantly.

50. “The Supply Chain of Violence”, Butt, N., Lambrick, F., Menton, M., Renwick, A., *Nature Sustainability*, Vol. 2, August 2019.
51. Global material consumption is at a level of around 92 billion tonnes annually. It primarily consists of biomass (in the form of food), metals, fossil fuels and minerals. See Global

Resources Outlook 2019: Natural Resources for the Future We Want, United Nations Environment Programme, International Resource Panel, 2019.
52. For definitions and further reading, see www.landmatrix.org

This is this context in which we need to consider the risks facing environmental defenders. As an increasing number of areas are transformed from locally cultivated land into plantations, extraction areas or grassland, the number of conflicts involving affected people also increases. Countries such as the Philippines, Colombia, Brazil and India, which are all at the top of the list of murder rates for environmental defenders, are also rich in natural resources. Moreover, many of these resources are also exported.

According to a study from Chalmers University of Technology in Gothenburg, a quarter of the Brazilian deforestation is linked to exports. Forests are cut down in order to provide space for large-scale soybean farms or to create pastures for cattle. Every year, Swedish consumption alone results in the deforestation of more than 1,000 hectares in Brazil, which, in turn, leads to loss of biodiversity and carbon emissions of almost half a million tonnes.⁵³ The two sectors in Brazil linked to the highest number of deaths are the forest industry and the agricultural sector.

Forty per cent of the total beef imports to the EU came from Brazil in 2016 (141,000 tonnes). It is difficult to determine the exact amount sold on the Swedish market, as Brazilian goods entering other EU countries before they are transported to Sweden are not visible as Brazilian imports in Swedish trade statistics.

In addition to domestic consumption being linked to and deforestation and subsequent conflicts, researchers at the Stockholm Resilience Center have shown that Swedish banks and the government-run pension funds (the so-called AP

funds) have for a long time invested in companies contributing to deforestation in the Amazon.⁵⁴ One of these companies, soybean producer Bunge, was last year sentenced to pay an SEK 66 million fine for its involvement in illegal logging.

In other words, Swedish consumption and the Swedish pension funds exacerbate this negative development, not only through the demand that creates incentives for the exploitation of land but also due to large amounts of capital flowing into companies operating in the region.⁵⁵

5.2. Traditional knowledge for people and the environment

On the other side of the spectrum, often far from the consumers typically found in middle- and high-income countries, there are local communities and indigenous people that for generations have managed and cultivated the land that is now being turned into large-scale agricultural land, plantations and mines.

The consequences for the often marginalised communities adversely affected when states and companies exploit land often include uprooting and fragmentation. This frequently leads to human rights being violated and is often a human tragedy for the ones directly affected.

This large-scale land exploitation is problematic from a number of perspectives. Today large-scale agriculture is one of the major drivers behind the global loss of biodiversity, which has resulted in the advent of what researchers refer to as “the sixth mass extinction” of species on earth. The transformation of ecosystems into monocultures in the form of large-scale farms also means that we lose important carbon

53. “Agricultural and forestry trade drives large share of tropical deforestation emissions”, i *Global Environmental Change* vol. 56, Pendrill, F., Person, M. U., Godar, J., Kastner, T., Moran D., Schmidt, S., Wood, R., 2019
54. “Finance and the Earth system – Exploring the links between financial actors and non-linear changes in the

climate system”, i *Global Environmental Change*, Galaz, V., Crona B., Dauriach, A., Scholtens, B., Steffen, W., vol. 53, Nov. 2018
55. See also *The Human and Environmental Cost of Land Business*, FIAN, Rede Social de Justiça e Direitos Humanos, CPT, 2018

sinks that help combat climate change. Research also shows that indigenous people and local communities utilise well-adapted forms of managing and using land, which helps preserve natural habitats. The recently published study from the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES) states that “nature is generally declining less rapidly in indigenous peoples’ land than in other lands.”⁵⁶

The reason is found in what is often referred to as “traditional knowledge”. The term refers to knowledge systems, traditions and sometimes intangible forms of cultural heritage found in many indigenous peoples and local communities.⁵⁷ Traditional knowledge has been developed and adapted for centuries by communities in their local contexts in which interaction with the local environment is at the very core. This knowledge includes agricultural practices, hunting and fishing, developing and improving plant species, animal husbandry, etc. It is also manifested in the form of rituals, stories, sayings, songs, dance and other important cultural expressions.⁵⁹

This traditional knowledge as a way of life and method for managing resources has been recognised in the Convention on Biological Diversity (CBD) and in the work of the UN climate panel. For example, the recently published IPCC report *Climate Change and Land* states that the contribution of indigenous peoples and their know-

ledge will be crucial in order to reach the climate target agreed upon by world leaders.

The link between human rights and the environment is becoming increasingly obvious, not only in research but also from a decision-making point of view. In March 2018, for instance, the UN Special Rapporteur on Human Rights and the Environment, John Knox (who has since been replaced), presented the results of his five-year project *Framework Principles on Human Rights and the Environment*.⁶⁰ The initiative is a framework based on 16 principles focusing on “the basic obligations of States under human rights law as they relate to the enjoyment of a safe, clean, healthy and sustainable environment.”⁶¹ Five of these principles have significant bearing on indigenous peoples and local communities, and it is stated in Principle 15 that states must be “respecting and protecting their traditional knowledge and practices in relation to the conservation and sustainable use of their lands, territories and resources.”

Consequently, the people currently suffering from increasing pressure driven by our consumption are the same people whose cultivation methods and practices are considered part of the solution for reversing the ongoing destruction of the environment.

56. Media Release: Nature’s Dangerous Decline ‘Unprecedented’; Species Extinction Rates ‘Accelerating’, Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES), April 2019

57. See for instance, Indigenous peoples and climate change Emerging Research on Traditional Knowledge and Livelihoods, International Labour Organisation, 2019

58. Glossary of key terms related to intellectual property and genetic resources, traditional knowledge and traditional cultural expressions, WIPO/GRTKF/IC/22/INF/8, Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore, World Intellectual Property Organization (WIPO), 2012, p. 42

59. Climate Change and Land: An IPCC Special Report on climate change, desertification, land degradation, sustainable land management, food security, and greenhouse gas fluxes in terrestrial ecosystems, Intergovernmental Panel on Climate Change (IPCC), August 2019

60. Framework Principles on Human Rights and the Environment: The main human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment, United Nations Human Rights Special Procedures, Knox, J.H., 2018

61. Ibid, p. 3



The Karen people found in Burma and northern Thailand feed on rice crops to a large extent in the mountainous areas they inhabit.



"Generally, after the Maidan Revolution of 2014 civil society's space in Ukraine dramatically expanded. In 2014–2015 representatives of CSOs and independent experts became key players in national policy-making."

Environmental defender, Ukraine

Rays of hope

6



The previous chapters have shown that environmental defenders and the environmental movement are increasingly at risk. We have seen many examples from SSNC partner organisations and other actors in the environmental movement indicating that in many parts of the world, things are heading in the wrong direction.

Nevertheless, there are also places where developments have instead turned in a positive direction, where people's resistance and joint fight for justice have yielded results. This offers hope and shows that the global trends we observe today are not permanent.

One of these countries is **Ethiopia**, where several SSNC partner organisations operate. In the wake of the popular protests in 2017, the government led by the new prime minister Abiy Ahmed has opened up for a dialogue with civil society as part of the reform processes currently in progress. In February 2019, a new law regulating civil society was approved that not only facilitates administrative processes but also enables CSOs to carry out advocacy work, which used to be illegal.⁶²

In **Ukraine**, a partner organisation reports that Civic space grew significantly after the so-called Euromaidan Revolution in 2014.⁶³ During 2014–2015, this space opened up to the extent that representatives of various CSOs and independent experts were given the opportunity to play key roles in different reform processes. They were thus given a direct influence over the political agenda and contributed to legislative processes. Several former activists became involved in political parties and were

subsequently elected to parliament. The organisation describing this development stresses that these changes clearly do not mean that the government always takes the suggestions of NGOs into consideration. Nonetheless, the processes have become much more transparent and inclusive.

In **Senegal**, another organisation reports that Civic space is growing. They consider the state an ally in their environmental work and report that they enjoy the right and freedom to carry out their activities as they see fit. They have furthermore not been subjected to any kind of confrontations or threats as a result of their commitment to the environment.

These particular examples are clearly anecdotal but nevertheless point toward a trend detected by several observers. For example, in its latest annual report, civil society network Civicus writes that "2018 was a year when all around the world, people from communities denied power rose up to challenge their exclusion."⁶⁴ Amnesty International presents a similar line of argument in its latest annual report.

Similarly, the issue of shrinking Civic space and threats against human rights and environmental defenders has been placed higher on the global political agenda. A number of networks, including the *Vuka! Coalition for civic Action* and *Defend the Land and Environmental Defenders Coalition* have been formed and an increasing number of organisations are now actively carrying out advocacy work in a variety of forums. This has started to show results in the UN system and has led to individual states taking action. For example,

the UN Environment Programme (UNEP), together with a number of CSOs, has launched the resource portal www.environment-rights.org, which supports environmental defenders at risk.

In March 2018, the so-called Escazú Agreement was adopted by 16 states in Latin America and the Caribbean. This agreement seeks to strengthen the rights of citizens linked to environmental issues and it contains special sections on environmental defenders. In March 2019, the government of Norway pushed through an important resolution concerning environmental defenders in the UN Human Rights Council.⁶⁵ Read more about both of these documents in the section below on The rights of environmental defenders in international conventions.

Finally, Greta Thunberg and the movement she has contributed to naturally deserve mention. This 16-year-old climate activist whose Friday demonstrations outside the Swedish parliament have resulted in a global movement of young people involved in the climate issue. Under the slogans of *Fridays For Future* and *Global Strike For Future*, young people in over a hundred countries organised climate strikes in 2019. How this movement will develop is still uncertain. In all likelihood, however, we are witnessing the beginning of a broad global youth movement for climate, whose progress will hopefully also have a positive impact on the risks that the environmental movement is currently facing.



Boats with vegetables arrive at the fishing village of Ganvie in Benin, West Africa.

62. "Ethiopia's New Civil Society Law", Townsend, D., INCLUDE – Knowledge Platform on Inclusive Development Policies, 11 March 2019.

63. The Euromaidan Revolution consisted of political protests initiated in the Ukrainian capital Kiev in November 2013 that then spread to several other Ukrainian cities. At

the beginning of 2014, these protests led to a rebellion against the government, and after hard clashes in Kiev where many people were killed, president Viktor Yanukovich was on 22 February removed from office by the Ukrainian parliament.

64. State of Civil Society Report 2019, Part 2: Challenging Exclusion and Claiming Rights, Civicus, 2019, p. 62.

65. "Council Unanimously Recognises Vital Role of Environmental Human Rights Defenders", Ineichen, M., International Service for Human Rights, 21 March 2019.



THE PHILIPPINES

Her husband was murdered – she carries on his struggle

“Last year was difficult. We are trying to get by in a situation that is new for the entire family, where grief is ever-present”, says Clarisa Ramos from the Philippines, widow and mother of three. A late night in November last year, her husband, Ben Ramos, was gunned down outside his job by two masked men on a motorcycle. He was killed for standing up for justice, democracy and the environment. Clarisa now continues the work that her husband initiated.

By: Markus Håkansson

Ben Ramos was well known in the Philippines as a lawyer fighting corrupt decision-makers and the exploitation of natural resources by large corporations. He was involved in defending the rights of vulnerable groups – farmers, fishermen and environmental defenders. He served as the executive director of Paghidaet Sa Kauswagan Development Group (PDG), a civil society organisation assisting farmers in the province of Negros on the island of Mindanao in the south of the country. He was also involved in the farmers' organisation Masipag, which has been an SSNC partner organisation for two decades.

Ben Ramos was working late on 6 November 2018. As he left for the day just after 10 p.m., two masked men on a motorcycle drove up beside him. Three shots were fired and Ramos fell to the ground. It was not possible to save his life. At the funeral a few days later, unknown men on motorcycles once

again appeared. They kept themselves at a distance but sent a clear message to Ramos' loved ones by visibly displaying their automatic weapons. The police were called to the scene and the two men, who were later found to belong to the national military, were arrested. They were released on bail the very next day. Ben Ramos lived to be 56 years old. Grief has become a part of life for the Ramos family. It is always present. Sometimes manageable. Sometimes not. His two daughters study at university but find it difficult to take the short journey back home – the memories still hurt too much. His son is still in primary school and lives at home with Clarisa. But in the midst of the grief, there is also anger. Frustration. Ben is gone forever, but his killers are still at large. Both the police and the responsible authorities have either shut down their investigations or simply ignored the case. Witnesses are afraid to come forward in case they too become targets.



The entire Ramos family on an excursion in the Philippine mountains.

– Holding the perpetrators accountable by pushing the issue towards the government or authorities would be pointless – they have created the structures that got Ben killed, says Clarisa Ramos and continues:

– The situation for environmental defenders is only getting worse. More and more voices go silent. More and more people are killed. The democratic space in which civil society could previously operate is vanishing. It is now open season for companies and individuals who do not care one bit about the environment to ravage the natural wealth of the Philippines.

She has now taken over the position of executive director of the organisation PDG – the position once held by her husband. It is a vulnerable position. Both Clarisa Ramos and her colleagues have to put up with intimidation and death threats – mostly from individuals and organisations linked to the military. The organisation PDG has been referred to as an enemy of the state. Clarisa herself is under surveillance and her name is on lists of prioritised targets. Just days after Ben Ramos was murdered, PDG employees Felipe Levy N. Gelle and Enrita Caniendo received death threats. The letters said “Your time will come. One by one. You’re next.” The letter included an illustration depicting the faces of Felipe and Enrita in open coffins.

The Philippines has become the most dangerous country in the world for environmental defenders and there are few or no signs that this trend is turning. President Rodrigo Duterte has singled out “obstructive” lawyers as legitimate targets for

the police and the military. Thirty environmental defenders were murdered in 2018 alone, but the number of unrecorded cases is large and the true figure is probably even higher.

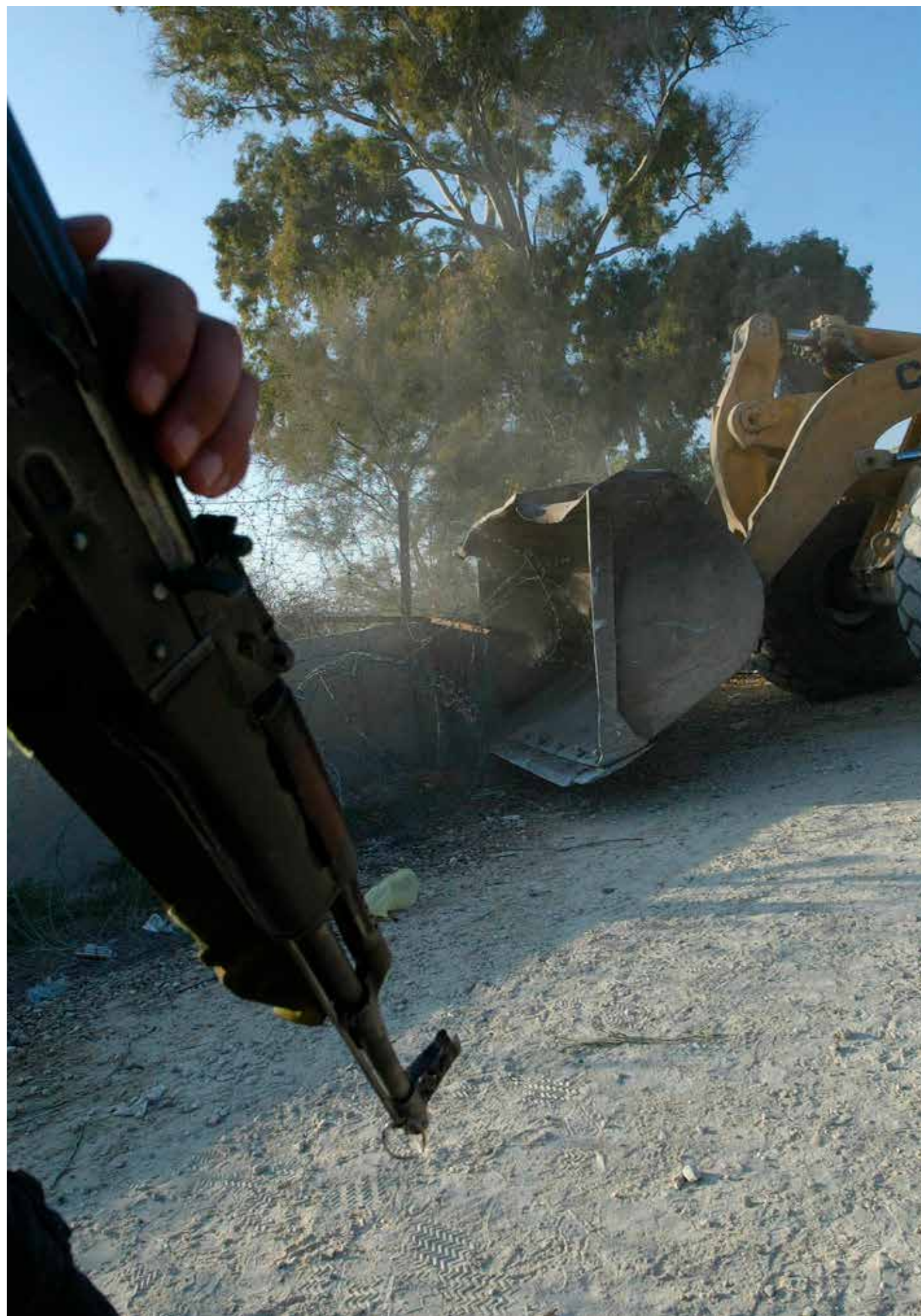
– We will continue our fight to hold the true culprits in Duterte’s administration accountable and to put an end to the death squads operating on behalf of the state. We need to stand up to threats and violence and continue our work for human rights and our remaining natural resources. We don’t have any other choice, says Clarisa Ramos.

10 december #Light4Defenders

On 10 December each year, on the International Human Rights Day, SSNC highlights all the environmental defenders around the world. This is done under the hashtag #Light4Defenders.

On 10 December 2018, seventy years after the UN Declaration of Human Rights was adopted by its member states, SSNC arranged the first manifestation – this time with the hashtag #Light4Ramos. In Stockholm and at the climate conference COP24 in Katowice, Poland, 217 candles were lit – one for each individual who, just like Benjamin Ramos, had been killed for standing up for human rights and the environment during 2018.





"Conflicts are the results caused by the government and the private sector who are exploiting the lands, forests and resources of indigenous communities."

Environmental defender, South-East Asia

Conclusions: Dual pressure

7

Civil society has suffered under the global backlash against democracy and human rights. In this report, we have given examples of the risks that many organisations in the environmental movement around the world face. We have demonstrated that the overwhelming majority of our partner organisations find it increasingly difficult to carry out their planned activities as a result of the violations they are encountering. Surveillance, slander, threats and a troubling frequency of attacks are common, directed both towards the organisations themselves and their target groups.

We have also shown that a large portion of the organisations participating in the questionnaire have experienced or are aware of confrontations with companies. Through our review of company-related conflicts globally in the BHRC database, we have seen that the majority of those attacked represent local communities, indigenous people and people working in environmental organisations – what we refer to as environmental defenders. When compiling the Global Witness statistics, we also see that the majority of recorded deaths are linked to the mining, agricultural and forestry sectors.

This report has also analysed why conflicts arise and escalate, arguing that they are partially the result of many companies failing to respect human rights and not engaging in proper dialogues with the communities affected by exploitation. At the same time, however, companies do not operate in a vacuum. Harassment, violence and murder are illegal in all societies everywhere and would not be possible if governments took more responsibility for their citizens. According to Global Witness, nearly half of the environmental defenders that have been murdered reported that they had been subjected to threats and harassment before they were killed. Few murder cases are solved. When violence affects marginalised groups or people who are seen as posing a threat to the govern-

ment or business interests, the police and judiciary in these countries often turn out to be reluctant to protect the victims or prosecute the perpetrators.

In Latin America, we also see how the link between weak/corrupt states, vulnerable groups (often indigenous people), abundant natural wealth and the exploitation of natural resources by companies puts the continent at the top of the list when it comes to the number of killed environmental defenders.

There are also examples of how the trend of authoritarian leadership may contribute to the increased exploitation faced by the environmental movement. For instance, it is no coincidence that Brazil and the Philippines are at the top of the global list of countries with the highest numbers of reported deaths of environmental defenders. Both of these countries are run by presidents (Bolsonaro in Brazil and Duterte in the Philippines) who have used rhetoric severely criticising civil society and depicted the environmental movement in particular as a threat to the development of their countries. In both countries, there is also a large number of international corporations and investors competing over access to valuable land.

The realisation that the extractive industries and land industries are responsible for a large portion of the violence facing environmental defenders leaves a bitter aftertaste for wealthy consumers in high-income countries. In the words of Global Witness:

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

66. At What Cost? Irresponsible Business and the Murder of Land and Environmental Defenders in 2017, Global Witness, 2018, p. 7.

*on the land for generations are often the losers in this quest for natural resources.*⁶⁶

The picture presented above thus shows that the environmental movement and environmental defenders face a form of dual pressure. On the one hand, environmental organisations, just like other organisations, experience pressure from states that are reducing Civic space. On the other hand, a growing number of conflicts with companies arise as a result of an increasing exploitation of natural resources, resulting in more environmental defenders being killed annually. There needs to be more focus on this dual pressure in the ongoing debate about shrinking Civic space and the measures required for addressing it.

Meanwhile, the fact that the global environmental movement and environmental defenders around the world are threatened is not just a problem from a democratic and human rights perspective. As stated earlier in this report, humanity is in all likelihood facing the most difficult task it has ever faced. Earth as an ecosystem is currently changing at an alarming rate. The continuing increase in greenhouse gas emissions and the ongoing and ac-

celerating extinction of species will over the coming centuries fundamentally alter the conditions for our societies unless drastic measures are taken.

Local communities and indigenous people possess the knowledge and cultivation methods needed to combat this ongoing destruction of the environment. The dual gain of including local communities and indigenous people in, for instance, local management plans and dialogues on extraction projects should thus be clear: it reduces the risk of conflicts turning violent while also increasing the chances of nature being stewarded in a responsible manner in the future.

In order to avoid a global environmental catastrophe, decision-makers must unite to take bold steps. The private sector must moreover take sustainability more seriously than they are currently doing. This requires a strong environmental movement capable of mobilising, influencing, demanding accountability and implementing the changes required. Environmental defenders who are now under attack must be seen as our allies. The world needs to stand up for their right to defend our common future.



Lumber workers loading felled tree trunks onto truck from rainforest in Sumatra, Indonesia.

The rights of environmental defenders in international conventions

States

According to international law, states are responsible for their own territory and the safety of the people within it. The threats against civil society organisations and the abuses described in the report are not only crimes against the national laws of these individual countries but also against a number of international conventions and declarations.

The *United Nations Universal Declaration of Human Rights* from 1948 regulates the relationship between states and individuals. In this declaration as well as through the two United Nations conventions of 1966,⁶⁷ the individual is granted a long list of rights and fundamental freedoms, including the right to be protected from abuse. These conventions also set out the state's *obligations* (acted out through their governments) to uphold these rights and to protect individuals from having their rights violated.

The Universal Declaration of Human Rights guarantees every individual “the right to freedom of peaceful assembly and association” (Article 20), which has been repeated in a number of conventions and resolutions adopted by the United Nations over the years. This applies not only to citizens’ rights to organise themselves but also addresses the right of NGOs to seek and obtain financial resources, including receiving funds from foreign donors.⁶⁸

United Nations

In 1998, the United Nations General Assembly adopted the *UN Declaration on Human Rights Defenders*. This was the first international resolution to explicitly recognise the right to stand up for and defend human rights, as well as the obligation of states to ensure this right.⁶⁹ Shortly after, the UN also created the position of special

rapporteur on human rights defenders, who since then has acted as an expert and provided the UN with information on the threats faced by human rights defenders as well as recommendations on how to better protect them.

The United Nations Human Rights Council (UNHRC) has also adopted a number of important resolutions related to this issue. In 2016, a resolution was adopted assigning human rights defenders and civil society a key role in efforts to protect human rights. The resolution also calls upon states to recognise the unique role of human rights defenders while also stressing the responsibility of companies to “respect human rights, including the rights to life, liberty and security of person of human rights defenders” in their business operations.⁷⁰ In March 2019, UNHRC also adopted the first resolution specifically focusing on environmental defenders.

The United Nations Environment Programme (UNEP) has also increased its focus on environmental defenders; for instance, through the policy *Promoting Greater Protection for Environmental Defenders*.⁷¹ One of the strengths of this policy is that it not only confirms the obligation of states to protect their citizens, it also highlights the need for companies to take more responsibility in order to protect environmental defenders.

As mentioned above, indigenous people are particularly at risk, as they often inhabit areas of interest to the forestry, mining and agricultural sectors. Meanwhile, indigenous people have special rights under international law, according to which their participation is key when projects are implemented on the land they are entitled to use. This principle is referred to as Free, Prior and Informed Consent (FPIC). FPIC is

Assembly, A/HRC/23/39, 2013. During the last year, the question of external funding has become an increasingly noticeable way for states receiving development assistance (so-called DAC countries) to control and limit the ability of civil society to operate, often under the pretext of combating terrorism. This has been recognised and criticised by the

based on and incorporated in the *United Nations Declaration on the Rights of Indigenous Peoples* (UNDRIP), the *United Nations Convention on Biological Diversity* (CBD) and the *Indigenous and Tribal Peoples Convention* (ILO convention 169). Together, these three conventions represent the most powerful and comprehensive international instruments in relation the special rights of indigenous people linked to the responsibility of states and companies.

Regional mechanisms

The Aarhus Convention⁷² was signed in June 1998 by the EU (EC at the time) and all its member states. The convention regulates the right of citizens to access information, participate in decision-making processes and have access to justice in environmental matters. This convention is not designed with the problems facing environmental defenders specifically in mind. Nonetheless, it links environmental issues and human rights and has been described as the most advanced international regulatory framework for the right to participation with regard to environmental issues. The convention has been signed by 47 parties from Europe and Central Asia.

The regional Escazú Agreement is strongly influenced by the Aarhus Convention and was signed by twelve countries in Latin America and the Caribbean in March 2018 in Escazú, Costa Rica. Just like the Aarhus Convention, this agreement seeks to strengthen the rights of the public in terms of access to information and participation in relation to environmental processes. The Escazú Agreement obliges signatories to specifically protect environmental defenders from threats and/or attacks and to investigate and bring perpetrators to justice. To date, the agreement has been signed by seventeen countries and ratified by five.

The private sector

The private sector has a responsibility to respect and support human rights, including drawing attention to and combating human rights abuses. The basis for corporate responsibility is found in the 2011 *United Nations Guiding Principles on Business and Human Rights*. These guidelines apply to “all states and to all business enterprises, both transnational and others, regardless of their size, sector, location, ownership and structure.”⁷³ These principles address the responsibilities of both states and companies. As part of the responsibility of states, it is stressed that they are obliged to prevent, punish and address violations of human rights carried out by companies. Companies must, regardless of the behaviour of the state, act in a way that not only respects human rights but also actively seeks to prevent negative consequences from arising as a result of their activities.

A key element of the UN principles is the section on so-called Human Rights Due Diligence (HRDD). This process includes an analysis of how business operations may affect those concerned. It also includes integrating and acting on the results of the analysis, monitoring and evaluating the steps that have been taken and, finally, communicating how the company has acted and handled the situation during the course of its operations.

There are a number of international guidelines for the private sector, including the *OECD Guidelines for Multinational Enterprises* and the United Nations Global Compact (a voluntary initiative aimed at the private sector). Right now, the United Nations Working Group on Business and Human Rights is developing specific guidelines for states and companies on actions to support and protect human rights defenders (which includes environmental defenders). These guidelines are expected to be completed in 2019.⁷⁴

67. The International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights.

68. For an overview, see Report of the Special Rapporteur on the Right to Freedom of Peaceful Assembly of Association, Maina Kiai, Human Rights Council, United Nations General

Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association. See the above report.

69. General Assembly Resolution A/RES/53/144.

70. Protecting Human Rights Defenders, whether Individuals, Groups or Organs of Society, Addressing Economic,

Social and Cultural Rights, Human Rights Council Resolution 31/32, 24 March 2016, Article 18.

71. Promoting Greater Protection for Environmental Defenders, Policy, United Nations Environment Programme, 2018, p. 1.



Demands from the Swedish Society for Nature Conservation

As we have seen in this report, the risks facing environmental defenders are linked to a number of different but often interacting factors. It is essentially about states not complying with international commitments or taking responsibility for the basic security of their citizens. The problem is however also part of a global trend and, as we have seen, there are strong links to companies that do not take responsibility for the consequences of the accelerating exploitation of natural resources driven by their operations. Considering the complexity of these problems and the dual pressure facing environmental defenders, SSNC here presents its requirements to a number of actors.

Demands to the United Nations

- **Protect the right of civil society to participation and influence.** The UN needs to counter the ongoing trend of shrinking Civic space, which is restricting the ability of civil society to participate in decision-making at the international level.⁷⁵ Any attempt by a member state to restrict the involvement of civil society in UN-led processes must be called out immediately and addressed in words and in deeds by the relevant UN body.
- **Ensure long-term funding of UN human rights mechanisms and processes.** The cut-backs affecting key UN human rights mechanisms need to be reversed. The issue must be addressed at the highest political level of the UN system. UN member states must guarantee long-term funding for UN human rights mechanisms.⁷⁶
- **Strengthen the link between the environment and human rights in international regulations.** Apart from a number of non-binding Treaties, there is no global instrument recognising the *right* to a healthy environment. The 16 Framework Principles presented by the UN Special Rapporteur on Human Rights and the Environment should serve as a point of departure for e.g. the UN General Assembly to adopt such a resolution.⁷⁷

Demands to the European Union

- **Establish a European civil society coordinator.** The trend of shrinking Civic space also concerns Europe. The European Commission should immediately develop a strategy for safeguarding civil society, including guidelines on how it should be implemented by EU member states. This strategy should include the establishment of an EU civil society coordinator, responsible for monitoring the situation for civil society in the EU and act as a point of contact for organisations reporting abuses against and restrictions of their work.⁷⁸
- **Strengthen the position of the Aarhus Convention in the EU.** The compliance committee of the Aarhus Convention has noted that on several occasions, the EU has not complied with the provisions of the convention regarding access to justice. SSNC is of the opinion that at the next meeting of signatories in 2021, the EU needs to accept and act upon the conclusions of the Compliance Committee. The European Commission should also draft the required legislation so that citizens and environmental organisations in the EU may actually enjoy the rights stipulated in the Aarhus Convention.
- **Introduce human rights due diligence requirements at the EU level.** Introduce EU legislation on HRDD. A harmonised framework for every company in Europe would create clarity for the private sector and represent an important step to reduce the abuse of human rights- and environmental defenders.⁷⁹ This would also be in line with the recommendations already presented by the European Parliament.

75. The Backlash against Civil Society Access and Participation at the UN, International Service for Human Rights, Foreign & Commonwealth Office, 2018.

76. See also the appeal "Open NGO Letter Regarding the Critical Funding Gap Affecting UN Human Rights Mechanisms and the Office of the High Commissioner for Human Rights".

77. See UN Expert Calls for Global Recognition of the Right to Safe and Healthy Environment, United Nations Human Rights Office of the High Commissioner, 5 March 2018.

78. See Governance, Coherence and Rule of Law (Paper II

– Expanded Version) – Recommendations to the European Commission by the Subgroup on "GOVERNANCE, COHERENCE AND RULE OF LAW", Multi-Stakeholder Platform on the Implementation of the Sustainable Development Goals in the EU, European Commission, 26 April 2019.

79. See further Access to Legal Remedies for Victims of Corporate Human Rights Abuses in Third Countries, Policy Department for External Relations Directorate General for External Policies of the Union, PE 603.475, February 2019, Section 6.2.

Demands to states

- **Prevent conflicts and address their causes.** Governments need to actively seek to ensure that extractive projects are transparent, free of corruption and, in particular, carried out in dialogue with affected communities. Companies must be required to carry out rigorous HRDD processes. Communities affected by land and environmental exploitation must be informed at an early stage and given the opportunity to exert influence. The principle of Free, Prior and Informed Consent (FPIC) must always apply to areas where indigenous people live and cultivate their land.
- **Stand up for civil society and environmental defenders.** An active civil society is at the heart of every functioning democracy and legislation must be drafted to facilitate the ability of organisations to carry out their activities. *The United Nations Declaration on Human Rights Defenders* must be promoted and should be implemented nationally by means of suitable legislation. Specific public authorities should be given the task of monitoring and actively addressing the risks facing both civil society and environmental defenders.
- **Develop National Action Plans.** The United Nations Working Group on Business and Human Rights calls upon all states to develop and adopt *National Action Plans on business and human rights* (so-called NAPs) and has also developed guidelines on how to implement them.⁸⁰ As part of this process, states should consult human rights defenders and address how they intend to guarantee their rights.

Demands to the government of Sweden

- **Show courage in the international community.** Sweden enjoys a good reputation internationally, which is why the Swedish government is able to influence other countries. The government needs to build alliances of progressive states and cooperate with the UN special rapporteurs. Sweden also needs to draw attention to the issues and start bilateral dialogues with states that are actively contributing to the trend of shrinking Civic space. In relevant contexts, Sweden should advocate for binding HRDD rules for companies.
- **Create a Development policy promoting civil society – beyond Development Cooperation.** International development cooperation needs to be more flexible. Swedish embassies may serve as “safe spaces” for vulnerable CSOs, human rights and environmental defenders who need to get together and discuss strategies. In its International Relations, Sweden should highlight civil society in both words and deeds. For instance, civil society representatives may be included in Swedish trade delegations, conference delegations and ministerial visits.
- **Phase out unsustainable investments.** Sweden needs to take stronger action by phasing out investments and export credits that, by their very nature, are incompatible with sustainable development (e.g., fossil fuel activities). In addition to phasing out operations that are harmful to the environment, Sweden must ensure that investments do not contribute to human rights being curtailed. One way of controlling investments and guiding Swedish companies would be the introduction of a risk analysis system operating across governmental agencies. Such a system would provide a thorough analysis of whether a particular area and/or sector is suitable to invest in.

80.Guidance on National Action Plans on Business and Human Rights, UN Working Group on Business and Human Rights, Geneva, November 2016
81. There are several good guides available for companies

regarding both HRDD and FPIC. One example is the detailed Shared Space Under Pressure: Business Support for Civic Freedoms and Human Rights Defenders, Business & Human Rights Resource Center, International Service for Human Rights, August 2018.

Demands to the private sector

- **Stand up for human rights.** Companies need to go from words to action and support the demands from civil society on binding HRDD. They need to incorporate sustainability into their operations in accordance with the UN Sustainable Development Goals and get involved in well-informed efforts to strengthen human rights.
- **Always perform consultations and risk analyses in relation to sensitive projects.** The fact that people organise themselves to protect their land or their environment should not be seen as a threat. Rather, it is often a natural consequence of changes in people’s local surroundings. Companies that extract or use raw materials from conflict-related sectors should, regardless of national legislation, carry out HRDD.⁸¹ Affected local communities must be included in consultation processes. If projects concern indigenous people, the principle of FPIC – Free, Prior and Informed Consent – should apply in accordance with the ILO Convention 169.⁸²
- **Invite civil society.** In order to get a first impression of the situation in the region and sector, as well as of how to carry out initial contacts and regular consultations with stakeholders, there is no better way than turning to well-informed CSOs. Civil society has its finger on the pulse, works with local target groups and performs regular analyses of the situation in the areas in which they operate. Strategic consultations with civil society need to become an integral part of the regular operations of multinational corporations.

Demands to civil society

- **Build broad alliances in civil society.** At a time when the very foundations of civil society are challenged, broad alliances are necessary to combat this trend. The trade union movement, the women’s movement, human rights organisations, the environmental movement and other related movements all need to strengthen their collaboration and discuss the problems they face as well as strategies to address them. Initiatives such as the *VUKA! Coalition for Civic Action*, the *Belgrade Call to Action* and the *European Civic Forum* are all examples of platforms that may serve as points of departure for collaborations.
- **Demonstrate the importance of an active civil society.** Civil society needs to get better at not only standing up for their right to operate but also demonstrating the added value of an active civil society to states and companies, in terms of addressing the challenges facing the world. For example, in its report *Development Needs Civil Society*, ACT Alliance⁸³ demonstrates how contributions from civil society are a prerequisite if the world is to achieve the 17 Sustainable Development Goals within the framework of the 2030 Agenda.⁸⁴
- **Support human rights defenders and movements – not just organisations.** The global trend over the last few decades has moved towards formalising and bureaucratising international development cooperation. As the conditions for civil society are deteriorating in many countries, donor organisations need to adapt their methods and demonstrate a higher level of flexibility. Funds must be earmarked to strengthen the internal security efforts of partner organisations. The ability to quickly reprioritise activities within projects needs to increase, as well as the ability to support not yet formalised initiatives and alliances contributing to a stronger civil society.

82. See, for instance, Extractive Industries and Free, Prior and Informed Consent of Indigenous Peoples, Asia Indigenous Peoples Pact’s Handbook, AIPP, 2019.
83. ACT Alliance is the largest coalition of Protestant and Orthodox churches and church-related organisations wor-

king with both humanitarian and development aid globally, consisting of 155 members in over 140 countries.
84. Development Needs Civil Society – The Implications of Civic Space for the Sustainable Development Goals, Synthesis report for ACT Alliance, April 2019.



Support to environmental defenders

A number of institutions and organisations work specifically with the issue of civic space and the risks facing human rights and environmental defenders. Here is just a sample for further reading:



Since 2018, SSNC is collaborating with **Friends of the Earth International** on the protection of environmental defenders and the development of a platform called the Internationalist Solidarity System (ISS). The ISS is a way to build capacity in the movement to prevent systematic attacks, protect and support environmental defenders and communities at risk and together with likeminded organisations take action against the root causes of the current situation for environmental defenders.

<http://virtual.foei.org/ehrd/>



ProtectDefenders.eu is the European Union programme for protecting human rights defenders. It was launched with the aim of assisting individuals and local organisations in urgent need of protection. The programme is run by a consortium of twelve civil society organisations active in the field of human rights. Individuals in danger may at any time contact ProtectDefenders via their hotline or apply for financial support.

<https://protectdefenders.eu>



Civicus is a global alliance of civil society organisations and activists working to strengthen civil society around the world as well as the right of citizens to organise themselves. Civicus has more than 4,000 members in 175 countries. The Johannesburg-based organisation monitors the situation for civil society worldwide through its Civicus Monitor. It also offers a substantial list of resources with tools that may be used by civil society organisations in order to strengthen their capacity.

<https://www.civicus.org/>

UNITED NATIONS SPECIAL RAPPORTEUR ON THE SITUATION OF HUMAN RIGHTS DEFENDERS

Website of the **United Nations Special Rapporteur on the Situation of Human Rights Defenders**. This position is currently held by Michel Forst of France. The role of special rapporteur was established in 2000 by the UN Commission on Human Rights established with the purpose to support the 1988 *UN Declaration on Human Rights Defenders*. The special rapporteur acts completely independently in his role and regularly reports to the United Nations on the global situation for human rights defenders. The e-mail address unenvironment-defenders@un.org may be used by communities or individuals fearing or experiencing threats linked to environmental issues.

<https://www.protecting-defenders.org/>



The London-based organisation **Global Witness** works on monitoring abuses and murders of environmental defenders worldwide, which is then reported in annual reports. The organisation seeks to combat the exploitation of natural resources and corruption in the global economic and political system through campaigns and advocacy work.

<https://www.globalwitness.org/sv/>

Defending Land and Environmental Defenders Coalition

The **DD Coalition** consists of a number of organisations having joined together to share resources, develop strategies, take collective action and strengthen efforts in relation to protecting environment defenders worldwide. The coalition works with 1) joint advocacy work to influence states, companies and investors to protect environmental defenders, 2) strengthen knowledge and skills among environmental defenders and increase their access to support, and 3) strengthen communication and collaboration within the coalition. Presently, the DD Coalition gathers around 40 organisations under its umbrella. The steering committee includes World Resources Institute (WRI), Global Witness, Transparency International, Environmental Law Alliance Worldwide (ELAW) and HIVOS.

<https://www.environment-rights.org/defend-the-defenders-coalition>

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At least three environmental defenders are killed each week across the world. The situation for environmental defenders, people involved in protecting environmental and/or land rights, is getting worse. This is part of an ongoing trend where the democratic space for civil society is deteriorating. This report presents the results of a comprehensive study carried out by the Swedish Society for Nature Conservation. In the study, 25 environmental organisations around the world that we collaborate with describe their situation.

The results are troubling:

- 88% of participating organizations state that the situation for civil society in their respective countries has deteriorated in recent years.
- 80 per cent say that they find it difficult to carry out their activities as planned. The most common forms of risks are said to be surveillance (physical and digital), smear campaigns and death threats.
- 24 per cent say that employees or individuals belonging to the organization's target group have been killed as a result of their environmental work.
- 52 per cent present examples of when they themselves or their target groups have been harassed or threatened by private actors.
- 68 per cent say that decision-makers in the country in which the organization operates seem to look upon the environmental movement as a threat.

The Swedish Society for Nature Conservation calls upon the Swedish government, the UN, the EU and the business sector to take decisive action with regard to the risks facing civil society and environmental defenders. The world needs to stand up for the right of environmental defenders to defend our common future.

The Swedish Society for Nature Conservation is an environmental organisation with power to bring about change. We spread knowledge, map environmental threats, create solutions, and influence politicians and public authorities, at both national and international levels. Moreover, we are behind one of the world's most challenging ecolabellings, "Bra Miljöval" (Good Environmental Choice). Climate, the oceans, forests, environmental toxins, and agriculture are our main areas of involvement.

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