Understanding and responding to the environmental human rights defenders crisis: the case for conservation action

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Abstract page

Close to two thousand environmental human rights defenders have been killed in 57 countries since 2002, with about four losing their lives every week in 2019. Many of these defenders represent Indigenous Peoples and local communities protecting ecosystems from large-scale environmentally destructive projects. As the positive contributions of Indigenous and local communities to biodiversity conservation become better recognized, so should the losses and risks that they face. Despite major efforts at documenting abuses and protecting defenders, many blind spots and gaps remain. Here, we call for the conservation community to put the protection of defenders at the heart of its strategy to slow down and reverse the current onslaught on the environment. The conservation community can respond in a number of ways including reaching out to its constituencies, working together with the human rights community, and mobilizing its networks, field-offices and presence in remote areas to denounce abuses and counter isolation. In doing so the conservation community can advance the collective agenda bringing together conservation and environment-related human rights through the Post-2020 Global Biodiversity Framework.
Introduction

The murder of Homero Gómez González near the Monarch Butterfly Biosphere Reserve in January 2020 caused outrage among the conservation community (Böhm et al., 2020). Despite growing condemnation of such killings, the conservation community has yet to fully grasp the extent of violence against defenders and realize the potential for collective action. Environmental human rights defenders (EHRDs) have been defined as "individuals and groups who, in their personal or professional capacity and in a peaceful manner, strive to protect and promote human rights relating to the environment, including water, air, land, flora and fauna".

With 1922 reported killings in 57 countries between 2002 and 2019 (Global Witness, 2019), environmental human rights defenders are frequent victims of lethal violence. In 2019, EHRDs accounted for an estimated 40% of all human rights defenders killed (Front Line Defenders, 2020); in response, the United Nations Human Rights Council adopted a specific resolution for their protection noting that “defenders working in environmental matters, referred to as environmental human rights defenders, are among the human rights defenders most exposed and at risk” (UNGA/HRC, 2019a).

The killings represent only the tip of the iceberg of abuses and threats facing EHRDs a consequence reflecting that “[n]ature managed by Indigenous Peoples and local communities is under increasing pressure” (IPBES 2019, p. B6). Still, despite documentation of the positive impacts of indigenous and local community conservation efforts (Fa, 2020), the links between threats against EHRDs and risks to conservation objectives often go unrecognized or remain poorly documented. This is prompting a growing call for EHRDs to be at the heart of biodiversity conservation.

Building on efforts to bring the conservation and human rights communities together, including a “Geneva Road Map”1 workshop with UN Special Rapporteurs, researchers and EHRDs in February 2020, we outline the environmental defenders crisis, show the need for greater engagement by conservation organizations to address this crisis, and highlight policy recommendations for the conservation community and the Post-2020 Global Biodiversity Framework.

The environmental defenders crisis

The repression of defenders has been reported at an international scale by Global Witness, Front Line Defenders, the Business and Human Rights Resource Centre, the International Rangers Federation and others. Reported killings between 2002 and 2019 mostly took place in Latin American countries (80%, especially Brazil, Colombia, Honduras and Mexico) and South and Southeast Asia (19%, especially Philippines), with Indigenous Peoples representing a third of the total between 2015 and 2019 (Global Witness, 2020). Many blind spots exist due to incomplete documentation: killings only represent the ‘tip of the iceberg’

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1 For a summary of Geneva dialogue events, see https://environment-rights.org/towards-a-geneva-road-map/.
in terms of the forms of repression and violence associated with conservation, resource extraction and land dispossession (Butt et al., 2019). In 2018, John Knox, former Special Rapporteur on human rights and the environment, estimated that “for every 1 killed, there are 20 to 100 others harassed, unlawfully and lawfully arrested, and sued for defamation, amongst other intimidations (UNEP, 2020). Within a global sample of 2743 environmental conflicts, defenders face high rates of criminalization in 20% of cases, physical violence in 18%, and assassinations in 13%, with higher figures in indigenous areas (Scheidel et al., 2020).

What is known about the underlying drivers? Repression and violations of citizen rights to speak out and take action are widespread. According to CIVICUS (2020), just three percent of the global population lives in countries that fully respect citizens' fundamental rights, while 67% live in countries ranked as repressed or closed. In the wake of growing movements of anti-racism and redress, recognizing pressures on defenders is also about recognizing deep-running legacies of racial discrimination and violence in the conservation arena. Violence against defenders is part of a long history of colonization, dispossession of local communities, as well as resource exploitation, illegal economies and corruption (Butt et al., 2019; Lynch et al., 2018). Propelled by economic disparities, inequitable land tenure systems, racial and socio-economic hierarchies (Virdee, 2019), resource exploitation accelerated after the onset of the Second World War (Krausman et al., 2009). The globalization of mass consumption and rise of Asian economies further increased demand for land and natural resources, extending extraction frontiers and exacerbating conditions for socio-environmental conflicts, especially in resource-rich countries with populations resisting the burdens of pollution, displacement, cultural and livelihood loss, and social inequalities (Muradian et al., 2012).

In this context, many Indigenous Peoples and local communities have had to assert and defend their rights in the face of powerful political and commercial alliances between government authorities, local economic elites, and primary commodity companies (Temper et al., 2015). The frequent absence of effective conflict prevention and resolution processes, the lack of recognition for underlying rights such as the right to the self-determination of Indigenous Peoples, and the use of deceptive and coercive tactics by extractivist actors often lead to further resistance and conflict escalation (Conde & Le Billon, 2017). In some cases, narratives of polarization tend to marginalize – and individualize - environmental defense as being against public interest.

Scientific literature suggests the likelihood of killings as particularly acute in middle-income countries with semi-authoritarian regimes, a recent history of armed conflicts and/or high homicides rates, and a high prevalence of conflicts around resource exploitation projects, as seen in Latin America (Jeffords & Thompson, 2016; Middeldorp & Le Billon, 2019; Temper et al., 2015). Butt et al. (2019) have statistically confirmed that a high level of corruption and weak rule of law increase the risk of defenders being killed. Killings and other attacks are in part facilitated by patterns of impunity for perpetrators, the lack of an independent and effective judiciary and media reporting, networks between political, economic and military elites, social 'habitation' to homicides on the part of authorities - including as a result of recent armed conflicts, and state tolerated/encouraged vigilante activity (Cruz, 2011). With government authorities and corporations frequently unwilling to settle conflicts through fair community consultation and negotiations, according to international standards, some defenders in turn refuse to back down on the premise that sustained contestation will further erode abuses of power, even if at the cost of deadly
repression. As a communication revolution and international advocacy have enabled many
defenders to become more connected and their struggles more visible, the perceived need
of resource extraction proponents to ‘silence’ defenders and deter their supporters can
increase, but so can the potential for backlash and even greater mobilization (Aytaç et al.,
2018). The challenges are multi-faceted yet systemic and patterned, raising important
questions about how to address the underlying drivers and respond in an effective
manner.

Effective protection to address the underlying drivers

Environmental defender protection ranges from local support and national protection
measures to offer immediate support as well as international condemnation, alliance
building and the mobilization of human rights mechanisms and other measures to address
underlying factors. Domestic documentation and protection measures play a critical role in
the ecosystem of responses as well as long-term policy reform. In Latin America, for
example, civil society actors and the human rights movements have long sought to
document threats, provide legal assistance and make use of national, regional, and
international mechanisms, including the Inter-American Human Rights system and UN
treaty bodies.

Several countries, such as Colombia, Brazil or Mexico have long had protection
mechanisms in place, while others recently have passed new laws and established
specialized institutions that seek to prosecute those responsible for violence and
persecution. Burkina Faso, Côte d’Ivoire and Mali have enacted laws to safeguard human
rights defenders, including EHRDs. In Honduras, the Office of the Special Prosecutor for
the Protection of Human Rights Defenders, Journalists, Media Professionals and Justice
Officials was established in 2018 with six prosecutors, four assistant prosecutors, and 10
investigators (UNGA/HRC, 2019b). In Peru, the National Human Rights Plan for 2018–
2021 highlights the vital work of human rights defenders, and in 2019 the Ministry of
Justice drafted a protocol guaranteeing the protection of human rights defenders with the
objectives of taking specific protection measures for those at risk, implementing preventive
measures, and ensuring prompt and effective investigation of threats against defenders. In
the first case of its kind, Peruvian prosecutors are seeking a 35-year jail sentence for two
businessmen and three loggers implicated in the murder of four Indigenous EHRDs.

At the international level, the 2019 Human Rights Council Resolution on “recognizing the
contribution of environmental human rights defenders” built on previous efforts, including
UN Environment’s policy on “Promoting Greater Protection for Environmental
Defenders.” Regionally, the Inter-American Commission on Human Rights has repeatedly
called on states, companies and investors to act against growing forms of aggression,
criminalization, surveillance and impunity against defenders in the context of business
activities. The Escazú Agreement on Access to Information, Public Participation and
Justice in Environmental Matters in Latin America and the Caribbean was adopted in 2018
and requires governments to take action regarding human rights defenders in environmental
matters. Signed by 22 States and ratified by 9 States as of August 2020, it requires just two
more ratifications to enter into effect. Similarly, a proposal is being advanced under the
framework of the Aarhus Convention on Access to Information, Public Participation in
Decision-making and Access to Justice in Environmental Matters to create a rapid response
mechanism to provide protection for environmental human rights defenders. The Aarhus
Convention has 46 State Parties from across Europe and Asia, plus the European Union, although countries in any region are welcome.

Civil society organizations networks and and defender networks may pool documentation, protection efforts and lobbying for strengthened standards and governmental action\(^2\). The Zero Tolerance initiative, for example, commits participating companies and investors to human rights due diligence procedures rejecting all abuses of rights of EHRDs.\(^3\)

Although documentation and preventive measures are on the increase, many incidents continue to fall below the public radar, notably in remote rural areas and Indigenous territories. Continued abuses point to the inadequacy of certain government-run protection programs for human rights defenders, and the limitations of approaches centered on individuals.

Indeed, many EHRDs do not wish to be singled out as champions, nor is public attention always beneficial. Defenders may prefer anonymity and consider their struggles as collective. This is leading to growing recognition of collective approaches to security as well as more holistic approaches linking safety, wellbeing and mental health. One initiative, by Not1More, seeks to address security issues but also combat isolation by helping EHRDs share knowledge of successful measures, practical support, and feel connected.

The conservation community is only starting to engage with the substantive body of experiences and guidance for individual and collective protection approaches built up by the human rights community. The first generation of analysis of human rights in conservation dealt with a wide range of rights issues in conservation such as protected area management, and forest conservation (Campese et al., 2009), yet also framed environmental defenders as a human rights concern (Knox, 2017). Still, much remains to be done in terms of more systematically adopting rights-based approaches and stepping up rights-based action for defenders. On the one hand, outreach experiences by IUCN Netherlands in countries such as Colombia, Peru, DR Congo, Indonesia and the Philippines reveal the potential for scaling-up local partnerships, human rights and safety training as well as the usefulness of emergency funds for people at risk\(^4\). On the other hand, the conservation community also needs to address its own role in human rights violations, militarization and violence carried out in the name of conservation (Duffy et al, 2019). Both arguably need to be seen together to couple orientation to safe conservation spaces with more systematic attention to human rights implications of conservation as a such.

Still, many conservationists have limited knowledge of risks and effective responses to the kinds of attacks EHRDs experience as well recognizing their own role. Greater awareness programs are needed for conservationists and their partners to improve personal safety, via digital and physical security measures, risk evaluations and management, and conflict de-escalation as part of embracing human rights more systematically. Support for services such as emergency grants to increase security measures or temporary respite during high-risk periods (e.g. active death threats), have proven their effectiveness, and should also be made more accessible, yet need to form part of proactively addressing the full range of human rights standards in conservation work (Newing & Peram, 2019).

\(^{2}\) For example, https://www.elaw.org/defenderscoalition
\(^{3}\) https://www.zerotoleranceinitiative.org/
Global conservation goals and agendas constitute a priority for the conservation community, notably in the context of the Convention on Biological Diversity and follow-up to the Aichi targets. Negotiations of the zero-draft of the Post-2020 Global Biodiversity Framework have included recommendations for a new target to protect individuals and groups at risk (CBD, 2020). Such targets are today needed across all environmental fields and need to be complemented by scaled-up protection measures and concerted action by the conservation community to ground state commitments.

### Wider policy implications

Advancing biodiversity targets on paper belies the considerable challenge of protecting environmental defenders. What might a global conservation perspective for environmental defenders (Ghazoul & Kleinschroth, 2018) called for look like? As the upcoming IUCN World Conservation Congress in January 2021 tables a new resolution on environmental defenders, the underlying question is whether the conservation community can shift from a fire-fighting mode towards a more systematic policy approach grounded in prevention and collective action.

A quantum leap is needed to recognize the centrality of environmental defender concerns as a shared policy priority, respond to blind spots and build stronger bridges between the environmental and human rights communities so as to afford effective and equitable protection. Will the upcoming CBD Conference of Parties in Kunming, China in 2021 adopt strong language in the Post-2020 Global Biodiversity Framework and incentives for states to act?

The Geneva Road Map developed in February 2020 includes four main action goals with policy relevance for the Post-2020 Biodiversity Framework. The table presents the goals together with examples of existing action and examples of policy recommendations.

### Table: Geneva Road Map Goals and policy recommendations

<table>
<thead>
<tr>
<th>Geneva Road Map goals</th>
<th>Examples of existing action</th>
<th>Policy recommendations for post-2020 Biodiversity Framework</th>
</tr>
</thead>
<tbody>
<tr>
<td>Reverse the tide of marginalization of and attacks against environmental actors</td>
<td>Adoption of national laws and regulatory measures for human rights defenders (UNGA/HRC, 2019b).</td>
<td>Global conservation policy recognition, defender protection targets and policy incentives for country-level collective action</td>
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<td>---------------------------------------------------------------</td>
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</tr>
<tr>
<td>Bridge initiatives and enhance cooperation</td>
<td>Emerging efforts to link conservation and human rights demonstrate the potential for cross-sectoral synergies (<a href="http://www.thecihr.org/">http://www.thecihr.org/</a>)</td>
<td>Promote EHDR initiatives in the conservation sector.</td>
</tr>
<tr>
<td>Break isolation and facilitate effective access to protection</td>
<td>Capacity building of conservation organizations can reduce risks of violence (IUCN Netherlands).</td>
<td>Comprehensive outreach programmes for conservation actors including scientists, organizations and partner communities at risk</td>
</tr>
</tbody>
</table>

Reversing the tide starts from the recognition that halting attacks against environmental defenders is an urgent priority. Differences between activist critique and mainstream cooperation among conservationists should not stand in the way for concerted action in solidarity with those most at risk. Mobilizing the wider conservation community is necessary to move the collective agenda forward and counter the negative spiral of individualization and isolation.

If certain corporate and state narratives pitch environmental defense as being against public development interest, conservation counter-narratives of civic engagement, solidarity and collaboration are now more important than ever. Professional societies, conservation networks and collective conservation platforms such as the World Conservation Congress and the Conference of Parties to the CBD are critical in this respect.

Environmental defenders do not simply “deserve” effective protection (Böhm et al., 2020), it is a matter of human rights and addressing the root causes of social-environmental conflict. Efforts to promote equity and rights-based approaches in conservation urgently need to expand into defender-oriented policy guidance.

Whereas biodiversity policy promotes equitable management in the Aichi target 11 (Dawson et al., 2018), this policy brief suggests reinforcing the structural enablers - environmental rights, enabling civic spaces and mechanisms of accountability. This goes beyond the adequacy of conservation tools at global and national levels (Butchart et al.,
An effective tool for saving biodiversity and the environment should not only target the protection of habitats but also include measures to ensure the well-being of the communities that depend on these ecosystems for their livelihoods. This means that conservation efforts should be complemented by social protection and human rights measures, as outlined in 2015, and prompts the need for complimentary social protection and human rights measures for any tool to be effective. Saving biodiversity is also about saving spaces for civic engagement and conservation.

Conservation responses may allow for more engagement with defenders and their networks in shaping effective responses. This includes new laws, independent institutions, community-led protection and capacity building for communities most at risk. Conservation scientists, organizations and their partners can themselves adopt protocols of action and prevention. Despite analysis noting that secure property rights of indigenous peoples are critical to halt deforestation in countries like Brazil (Baragwanath & Bayi, 2020), defenders in such areas face historic levels of violence prompting the need for a global effort to mitigate and put an end to these forms of violence against people and the environment.

If evidence demonstrates the magnitude of challenges faced by defenders, emerging lessons also reveal the potential role of globally connected conservation networks in counteracting the isolation suffered by at-risk EHRDs. For one, the conservation community needs to place environmental defender rights at the heart of the Post-2020 Global Biodiversity Framework and targets, without which aspirations for effective and equitable conservation regimes are unlikely to succeed. Secondly, the conservation community can boost efforts of solidarity, identify vulnerable partners and members and strengthen prevention, awareness and safety nets throughout its networks and field-offices. Third, conservation actors need to undertake more systematic documentation of risks encountered, lobby governments for the adoption of relevant policies including the ratification of relevant international instruments in response to the structural drivers. If defenders fail in their ambitious efforts, we all fail, and the vision of a just and sustainable future will go unfulfilled. Conservation professionals and networks are not only at risk themselves, they are part of the collective solution necessary to counter current spirals of violence and realize equitable conservation.

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