

# LAST LINE OF DEFENCE



The industries causing the climate crisis and attacks against land and environmental defenders

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## The industries causing the climate crisis and attacks against land and environmental defenders

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# SOUTH AFRICA: MY MOTHER'S STRUGGLE LIVES ON

**A lot of people thought my mum was crazy.**

**They thought she was crazy for her warnings about the illnesses the mine would cause. About the livestock it would kill. About the violence it would bring.**

**Today, it's obvious to everyone that she wasn't crazy. She was right.**

For years, my mum Fikile Ntshangase – Mama Ntshangase to me, and to so many others – was a leading force in the campaign against the Tendele Coal Mine, which borders the community of Somkhele.

That's where my mum lived, where she raised me. As a teacher, as a mother, as a leader, she began to see things happening in the community. She saw the cracks in the walls of people's homes and wondered if they were caused by the constant blasts from the mine. She saw the coal dust gathering in living rooms and wondered if it was also gathering in people's lungs. And she saw the tension the mine caused, the families it broke apart, the fear it spread.

When Tendele applied to extend its open cast operations, my mum became the mine's worst nightmare. She organised, she campaigned, and educated people about their rights. Many in the path of the extension agreed to leave. But not my mum. She stood firm, rejecting payouts, supporting the Mfolozi Community Environmental Justice Organisation's legal action against the mine.

Ultimately, I believe that's what cost my mother's life. One Thursday evening last October, my son Buyile was spending time at his grandmother's property, playing with the dogs in the yard. Three unknown men arrived, stopping to check with Buyile whether his grandmother was in. She was. They shot her dead in her living room.

People sometimes ask me what I'm going to do, whether I'm going to stay here and keep my mother's fight alive. I'm too proud of her to let it die. I know the dangers – we all know the dangers. But I've decided to stay. I'm going to join the fight.

Since my mother's death, things haven't been going well. South Africa's Supreme Court recently ruled in favour of the mine. The courts are yet to rule on the extension. To this day no arrests have been made in the



Fikile Ntshangase. Rob Symons/All Rise

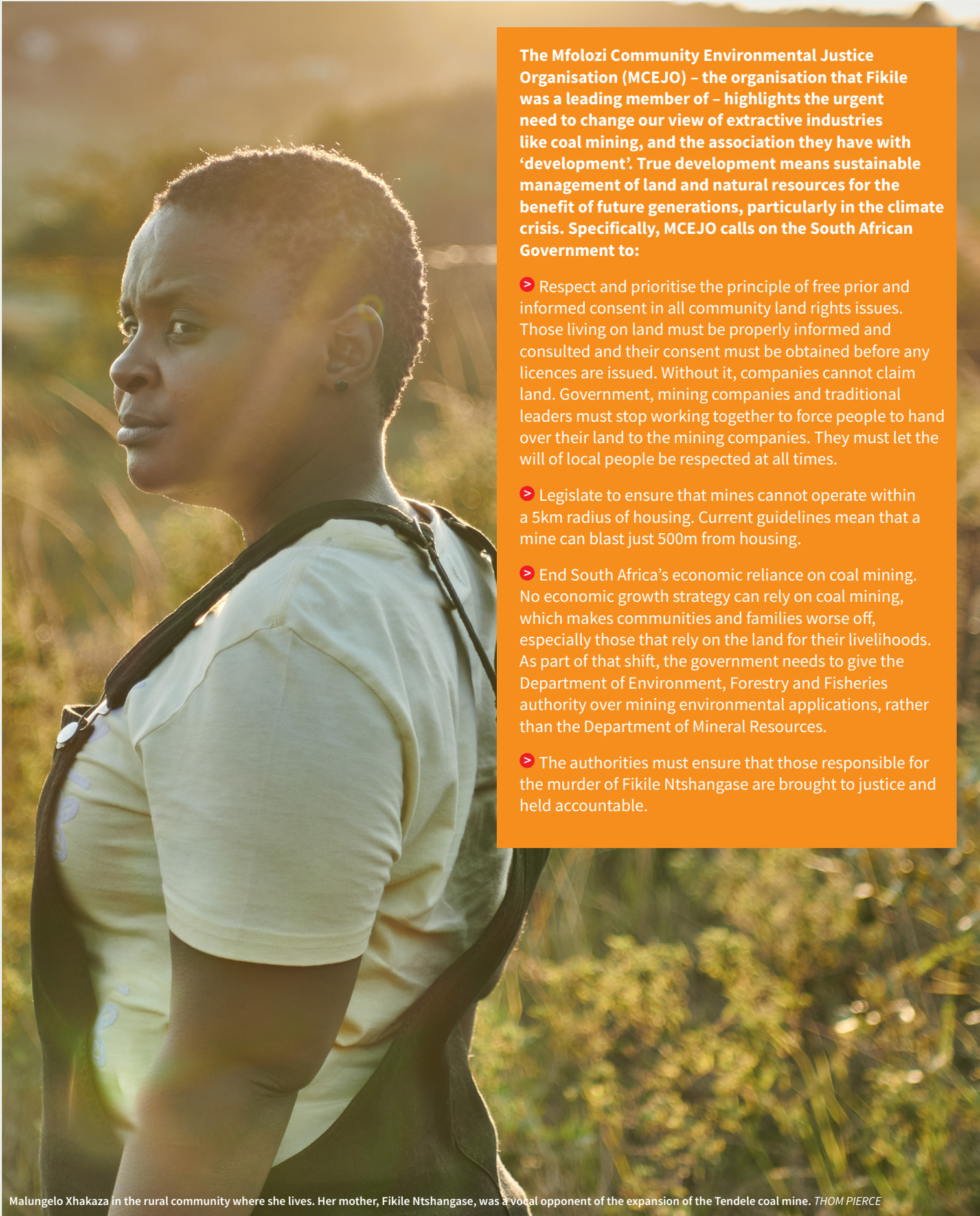
investigation into my mother's murder. There has been no accountability. It seems to me that someone wants this mine expansion and the extraction to go ahead, no matter the cost.

If I could say one thing to all those concerned, it would be this: it's not worth it. Whatever money you're getting from the land, it's not worth families being torn apart, or the blood and tears. Come to the table and listen. You're going to need to, because when Fikile gave her life for her people, she kickstarted a movement that will stand up for what's right. Her struggle lives on.

– **Malungelo Xhakaza**<sup>1</sup>

*Petmin Limited which owns the Somkhele mine through its subsidiary Tendele Coal Mining Ltd., acknowledges community tensions may have been a factor in Fikile's death. It 'strongly condemns any form of violence or intimidation' and has offered full co-operation to the police to ensure that the culprits face the full extent of the law.*

*Petmin Limited have said that investigations by independent third parties found reported house cracks to be due to poor workmanship rather than blasting; and that reports of respiratory illnesses were unfounded. They state that the mine conforms to legal standards regarding dust in the area.<sup>2</sup>*



**The Mfolozi Community Environmental Justice Organisation (MCEJO) – the organisation that Fikile was a leading member of – highlights the urgent need to change our view of extractive industries like coal mining, and the association they have with ‘development’. True development means sustainable management of land and natural resources for the benefit of future generations, particularly in the climate crisis. Specifically, MCEJO calls on the South African Government to:**

- Respect and prioritise the principle of free prior and informed consent in all community land rights issues. Those living on land must be properly informed and consulted and their consent must be obtained before any licences are issued. Without it, companies cannot claim land. Government, mining companies and traditional leaders must stop working together to force people to hand over their land to the mining companies. They must let the will of local people be respected at all times.
- Legislate to ensure that mines cannot operate within a 5km radius of housing. Current guidelines mean that a mine can blast just 500m from housing.
- End South Africa’s economic reliance on coal mining. No economic growth strategy can rely on coal mining, which makes communities and families worse off, especially those that rely on the land for their livelihoods. As part of that shift, the government needs to give the Department of Environment, Forestry and Fisheries authority over mining environmental applications, rather than the Department of Mineral Resources.
- The authorities must ensure that those responsible for the murder of Fikile Ntshangase are brought to justice and held accountable.

Malungelo Xhakaza in the rural community where she lives. Her mother, Fikile Ntshangase, was a vocal opponent of the expansion of the Tendele coal mine. THOM PIERCE



Et Chhai, 36, works on her 1.5 hectare sugarcane plantation in Chi Khor Loeu commune, Koh Kong Province, Cambodia. She lost 10 hectares of land as a result of the evictions by the Koh Kong sugar companies. *Andrew Ball/Panos/Global Witness*

## **'WE OWE THEM DEBTS THAT CAN'T BE REPAID'**

### **FOREWORD: BILL MCKIBBEN**

Each year this report hits me like a blow to the face. I've spent much of my life as an environmental activist and journalist, and so if I haven't met the people described in these pages, I've met hundreds exactly like them. Strong local people, attached to place and community, seeing their role in defending terrain or ancestral territory. Every person like this around the world is at risk.

And they are at risk, in the end, not just because of another local person who pulls the trigger or plunges the blade; they're at risk because they find themselves living on or near something that some corporation is demanding. That demand—the demand for the highest possible profit, the quickest possible timeline, the cheapest possible operation—seems to translate eventually into the understanding, somewhere, that the troublemaker must go. Accountability is rarely accepted by the C-suite. But corporations need to be more accountable and they need to take action. Especially since the people who inhabit these places never really share in the riches they produce: colonialism is still running strong, even if it's dressed up with corporate logos or hidden with offshore bank accounts.

Meanwhile, the rest of us need to realize that the people killed each year defending their local places are also defending our shared planet—in particular our climate. The activities that flood our atmosphere with carbon—fossil fuel extraction and deforestation—are at the heart of so many of these killings. When people stand up to block a pipeline, or an illegal mine, or a new plantation slated for an old forest, they are also standing in the way of the activities that threaten us all—they make life harder for the oil and mining companies and the timber barons, and in so doing safeguard all of us from incessant temperature increases. And as we try and head off that rise by moving to greener technologies, like solar panels and electric cars, we'll need to do so in ways that don't exacerbate the same kind of sad sagas—cobalt mining or lithium production are exploitative too. If we took seriously the stories told in this report, we surely would be able to better design these growing industries.

Great respect is due to those who are working to develop corporate codes of conduct, or industry-wide standards, or government regulations—those are the tools that can help rebalance power, so that people can stand up to exploiters with less fear of being killed. But since we live in a world where greenwashing is a constant threat, let's be clear: the worth of those codes and standards and regulations is not the words themselves, or the promises their sponsors proudly make. Their worth is measured entirely in outcomes - like reducing threats against land and environmental defenders.

What does progress on the climate crisis look like? One wants so badly to pick up this report some year and see that the answer to that question is: fewer killings - that violence is trending dramatically down, that the deaths have begun to fall. It would be as satisfying as watching covid-19 cases drop in the spring. Since there's no vaccine for the greed of the wealthy, it may be years before that happens. But we can speed the day because—to extend the metaphor—we are the antibodies capable of fighting this infection. You and I, armed with the stories contained herein, are capable of putting enough pressure on the culprits that they find it necessary to change.

None of that will bring back these lives. That we have to fight simply to get our leaders to pay attention to science is frustrating, but there's a big difference between fighting and dying: the names of these defenders should be on our lips and in our hearts. We owe them debts that can't be repaid—only paid forward.

**This report, and our campaign, is dedicated to all those individuals, communities and organisations that are bravely taking a stand to defend human rights, their land, and our environment. 227 of them were murdered last year for doing just that. We remember their names, and celebrate their activism.**

JUAN CARLOS GONZÁLEZ, ARGENTINA  
ANDERSON BARBOSA MONTEIRO, BRAZIL  
ANTÔNIO CORREIA DOS SANTOS, BRAZIL  
ARI URU-EU-WAU-WAU, BRAZIL  
CARLOS AUGUSTO GOMES, BRAZIL  
CELINO FERNANDES, BRAZIL  
CLAUDOMIR BEZERRA DE FREITAS, BRAZIL  
DAMIÃO CRISTINO DE CARVALHO JUNIOR, BRAZIL  
FERNANDO FERREIRA DA ROCHA, BRAZIL  
JOSIMAR MORAES LOPES, BRAZIL  
JOSIVAN MORAES LOPES, BRAZIL  
KWAXIPURU KAAPOR, BRAZIL  
MARCOS YANOMAMI, BRAZIL  
MATEUS CRISTIANO ARAÚJO, BRAZIL  
ORIGINAL YANOMAMI, BRAZIL  
RAIMUNDO NONATO BATISTA COSTA, BRAZIL  
RAIMUNDO PAULINO DA SILVA FILHO, BRAZIL  
VANDERLÂNIA DE SOUZA ARAÚJO, BRAZIL  
VIRGÍNIO TUPA RERO JEVY BENITES, BRAZIL  
WANDERSON DE JESUS RODRIGUES FERNANDES, BRAZIL  
ZEZICO RODRIGUES GUAJAJARA, BRAZIL  
REGAN RUSSELL, CANADA  
ABELARDO LIZ CUETIA, COLOMBIA  
ALBA ALEXANDRA PIZANDA CUESTAS, COLOMBIA  
ALBEIRO SILVA MOSQUERA, COLOMBIA  
ALBERTO RUIZ, COLOMBIA  
ALEJANDRO CARVAJAL, COLOMBIA  
ALEJANDRO LLINÁS, COLOMBIA  
ANA LUCÍA BISBICÚS, COLOMBIA  
ANUAR ROJAS ISARAMÁ, COLOMBIA  
ARAMIS ARENAS BAYONA, COLOMBIA  
CARLOS ANDRÉS SÁNCHEZ VILLA, COLOMBIA  
CARLOS NAVIA, COLOMBIA  
DEIRO ALEXANDER PÉREZ BISBICÚS, COLOMBIA  
DIDIAN ARLEY AGUDELO, COLOMBIA  
EDIS MANUEL CARÉ PÉREZ, COLOMBIA  
EFRÉN OSPINA VELÁSQUEZ, COLOMBIA  
EIDER ADÁN LOPERA, COLOMBIA  
ERNESTO AGUILAR BARRERAS, COLOMBIA  
FELIPE ANGUCHO YUNDA, COLOMBIA  
FLORO SAMBONÍ GÓMEZ, COLOMBIA  
FREDDY ANGARITA MARTÍNEZ, COLOMBIA  
GENARO ISABARE FORASTERO, COLOMBIA  
GENTIL HERNÁNDEZ JIMÉNEZ, COLOMBIA  
GLORIA OCAMPO, COLOMBIA  
HELADIO MORENO, COLOMBIA  
HERNANDO JOSÉ MOLINA VILLAMIZAR, COLOMBIA  
HUGO DE JESÚS GIRALDO LÓPEZ, COLOMBIA  
ISMAEL ANGUCHO YUNDA, COLOMBIA  
JAIME JOSÉ VANEGAS URUETA, COLOMBIA  
JAIME MONGE HAMMAN, COLOMBIA  
JAVIER FRANCISCO PARRA, COLOMBIA  
JAVIER GARCÍA GUAGUARABE, COLOMBIA  
JAVIER GIRÓN TRIVIÑO, COLOMBIA  
JAVIER URAGAMA CHAMORRO, COLOMBIA  
JOEL AGUABLANCA VILLAMIZAR, COLOMBIA  
JORGE ENRIQUE ORAMAS, COLOMBIA

JORGE LUIS QUINTERO VILLADA, COLOMBIA  
JORGE MACANA, COLOMBIA  
JOSÉ GUSTAVO ARCILA RIVERA, COLOMBIA  
JOSÉ NELSON TAPIA CAIZAMO, COLOMBIA  
JUAN PABLO PRADO BOLAÑOS, COLOMBIA  
JUANA PEREA PLATA, COLOMBIA  
JULIO CÉSAR HERNÁNDEZ SALCEDO, COLOMBIA  
JULIO CÉSAR SOGAMOSO, COLOMBIA  
LUIS GUILLERMO PIEDRAHITA, COLOMBIA  
LUIS HUGO SILVA MOSQUERA, COLOMBIA  
MARCOS RIVADENEIRA, COLOMBIA  
MARÍA NELLY CUETIA DAGUA, COLOMBIA  
MARIO CHILHUESO, COLOMBIA  
MARY LUZ PÉREZ CAMAÑO, COLOMBIA  
MAURICIO PÉREZ MARTÍNEZ, COLOMBIA  
MIGUEL TAPÍ RITO, COLOMBIA  
NELSON ENRIQUE MENESES QUILES, COLOMBIA  
NORBAY ANTONIO RIVERA, COLOMBIA  
ÓSCAR QUINTERO VALENCIA, COLOMBIA  
OSWALDO ROJAS, COLOMBIA  
PEDRO ÁNGEL MARÍA TRÓCHEZ MEDINA, COLOMBIA  
RODRIGO SALAZAR, COLOMBIA  
SIGIFREDO GUTIÉRREZ, COLOMBIA  
TEODOMIRO SOTELO ANACONA, COLOMBIA  
TULIO CÉSAR SANDOVAL CHIA, COLOMBIA  
UBERNEY MUÑOZ, COLOMBIA  
VIRGINIA SILVA, COLOMBIA  
WILDER GARCÍA, COLOMBIA  
WILLIAM RAMIRO MONTOYA, COLOMBIA  
YAMID ALONSO SILVA TORRES, COLOMBIA  
JHERY RIVERA, COSTA RICA  
AUGUSTIN MUGISHO KULONDWA,  
DEMOCRATIC REPUBLIC OF THE CONGO  
BAGURUBUMWE CHUHOZE DEOGENE,  
DEMOCRATIC REPUBLIC OF THE CONGO  
DJAMALI BADI MUKANDAMA,  
DEMOCRATIC REPUBLIC OF THE CONGO  
GERMAIN KAMBALE VYASAKI,  
DEMOCRATIC REPUBLIC OF THE CONGO  
HÉRITIER NDAGIJIMANA NDAHOBARI,  
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JEAN-LOUIS KAMBALE MUTSOMANI,  
DEMOCRATIC REPUBLIC OF THE CONGO  
JEANNOT MUHINDO ISEVIHANGO,  
DEMOCRATIC REPUBLIC OF THE CONGO  
JOSEPH KASOLE JANVIER,  
DEMOCRATIC REPUBLIC OF THE CONGO  
JULES KAMBALE TEREMUKA,  
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JUNIOR FAZILI JUSTIN,  
DEMOCRATIC REPUBLIC OF THE CONGO  
KADHAFI ABEDI IYALU,  
DEMOCRATIC REPUBLIC OF THE CONGO  
LUMUMBA ANUARI BIHIRA,  
DEMOCRATIC REPUBLIC OF THE CONGO  
MOISE PALUKU KALONDERO,  
DEMOCRATIC REPUBLIC OF THE CONGO  
RUPHIN MASUMBUKO MALEKANI,  
DEMOCRATIC REPUBLIC OF THE CONGO  
ABEL RAYMUNDO, GUATEMALA  
ABELARDO QUEJ IXIM, GUATEMALA



ALBERTO CUCUL CHOC, GUATEMALA  
BENOÎT PIERRE AMADEE MARIA, GUATEMALA  
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CARLOS MUCÚ POP, GUATEMALA  
DOMINGA RAMOS SALOJ, GUATEMALA  
FIDEL LÓPEZ, GUATEMALA  
JONATHAN VILLAGRÁN, GUATEMALA  
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FRANCISCA ARACELY ZAVALA, HONDURAS  
GERARDO MIZAE L RÓCHEZ CÁLIX, HONDURAS  
IRIS ARGENTINA ÁLVAREZ, HONDURAS  
JOSÉ ANTONIO TERUEL, HONDURAS  
KARLA IGNACIA LÓPEZ MARTÍNEZ, HONDURAS  
LAURA CAROLINA VALENTÍN DOLMO, HONDURAS  
MARCO TULIO ZAVALA, HONDURAS  
MARVIN DAMIÁN CASTRO MOLINA, HONDURAS  
MILTON MARTÍNEZ ÁLVAREZ, HONDURAS  
SUAMI APARICIO MEJÍA GARCÍA, HONDURAS  
VICENTE ZAAVEDRA, HONDURAS  
ISRAVEL MOSES, INDIA  
PANKAJ KUMAR, INDIA  
RANJAN KUMAR DAS, INDIA  
SHUBHAM MANI TRIPATHI, INDIA  
HERMANUS BIN BISON, INDONESIA  
PUTRA BAKTI, INDONESIA  
AMAN SURYADI, INDONESIA  
RIHAM/REHAM YACOUN, IRAQ  
ERITARA AATI KAIERUA, KIRIBATI  
ADÁN VEZ LIRA, MEXICO  
AMALIA MORALES GUAPANGO, MEXICO  
ANTONIO MONTES ENRÍQUEZ, MEXICO  
DANIEL SOTELO, MEXICO  
ELIAS GALLEGOS CORIA, MEXICO  
ESTEBAN MARTÍNEZ PÉREZ, MEXICO  
EUGUI ROY MARTÍNEZ PÉREZ, MEXICO  
EUTIQUIO BAUTISTA PACHECO, MEXICO  
FREDY GALLEGOS, MEXICO  
GABINO ÁVILA MARTÍNEZ, MEXICO  
HOMERO GÓMEZ GONZÁLEZ, MEXICO  
ISAAC MEDARDO HERRERA AVILÉS, MEXICO  
ISMAEL CRUZ GARCÍA, MEXICO  
JESÚS MIGUEL JERÓNIMO, MEXICO  
JESÚS MIGUEL JUNIOR, MEXICO  
JOSÉ BENITO MIGUELEÑO, MEXICO  
JUAN AQUINO GONZÁLEZ, MEXICO  
JUAN ZAMARRIPA TORRES, MEXICO  
MARÍA AGUSTÍN CHINO, MEXICO  
MAURILIO HERNÁNDEZ MARTÍNEZ, MEXICO  
MIGUEL MIGUELEÑO, MEXICO  
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JUAN EMILIO DEVIS GUTIÉRREZ, NICARAGUA  
MARK RIVAS, NICARAGUA  
MICHAEL LÓPEZ RIVERA, NICARAGUA  
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ARBILDO MELÉNDEZ GRANDES, PERU  
GONZALO PÍO FLORES, PERU  
JORGE MUÑOZ SAAVEDRA, PERU  
LORENZO CAMINTI, PERU  
ROBERTO CARLOS PACHECO, PERU  
SANTIAGO VEGA CHOTA, PERU  
ARTILITO KATIPUNAN, PHILIPPINES  
BAE MERLIN ANSABU CELIS, PHILIPPINES  
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GLENN BUNDA, PHILIPPINES  
HAROLD TABLAZON, PHILIPPINES  
JAY-AR MERCADO, PHILIPPINES  
JENNIFER TONAG, PHILIPPINES  
JESSIE GOLONDRINA, PHILIPPINES  
JOBERT BERCASIO, PHILIPPINES  
JOHN FAROCHILIN, PHILIPPINES  
JOMAR VIDAL, PHILIPPINES  
JORY PORQUIA, PHILIPPINES  
LORENZO PAÑA, PHILIPPINES  
LOUIE TAGAPIA, PHILIPPINES  
MARIO AGUIRRE, PHILIPPINES  
MARLON MALDOS, PHILIPPINES  
MAURITO DIAZ, PHILIPPINES  
NORA APIQUE, PHILIPPINES  
PABLO MATINONG JR., PHILIPPINES  
RANDY ECHANIS, PHILIPPINES  
REYNALDO KATIPUNAN, PHILIPPINES  
ROLANDO DIAZ, PHILIPPINES  
ROMY CANDOR, PHILIPPINES  
RONNIE VILLAMOR, PHILIPPINES  
ROY GIGANTO, PHILIPPINES  
ZARA ALVAREZ, PHILIPPINES  
ABDUL RAHIM AHMAD MAHMOUD AL-HWAITI, SAUDI ARABIA  
FIKILE NTSHANGASE, SOUTH AFRICA  
LEROY BRUWER, SOUTH AFRICA  
SENADEERA PRADEEP BANDARA, SRI LANKA  
KANNIKA WONGSIRI, THAILAND  
KHUAN CHAIPRASERT, THAILAND  
EMMANUEL MATSIPA, UGANDA

# A GLOBAL ANALYSIS

## ATTACKS ON THE RISE FOR ANOTHER YEAR

In 2020, Global Witness recorded 227 murdered land and environmental defenders – making it once again the most dangerous year on record for people defending their homes, land and livelihoods, and the ecosystems vital for biodiversity and the climate.\*

However, our data on killings does not capture the true scale of the problem. In some countries, the situation facing defenders is hard to gauge – restrictions on a free press, or where the independent monitoring of attacks on defenders is not taking place, can lead to underreporting. Land disputes and environmental damage, two of the prominent underlying causes behind communities' activism, can also be difficult to monitor in parts of the world affected by conflict. We know that beyond killings, many defenders and communities also experience attempts to silence them, with tactics like death threats, surveillance, sexual violence, or criminalisation – and that these kinds of attacks are even less well reported.

These challenges, coupled with the requirement to meet strict verification criteria for recording killings, mean that our figures are almost certainly an underestimate. You can find more information on our verification criteria and methodology on page 27.

## HIGHEST COUNTRIES PER CAPITA

1. Nicaragua
2. Honduras
3. Colombia
4. Guatemala
5. Philippines

\* We define land and environmental defenders as people who take a stand and peaceful action against the unjust, discriminatory, corrupt or damaging exploitation of natural resources or the environment. For more detail, see our methodology on page 27.



Aerial view of a deforested area in the municipality of Melgaço, Pará State, Brazil, on July 30, 2020. TARSO SARRAF/AFP via Getty Images

## TOTAL NUMBER OF DOCUMENTED KILLINGS PER COUNTRY

Colombia 65	Brazil 20	Honduras 17		
Mexico 30	Democratic Republic Congo 15	Guatemala 13		
	Nicaragua 12	India 4	Indonesia 3	
Philippines 29	Peru 6	South Africa 2	Thailand 2	Costa Rica 1
		Nepal 1	Kiribati 1	Uganda 1
		Saudi Arabia 1	Iraq 1	Sri Lanka 1
		Argentina 1	Canada 1	

## NUMBER OF DOCUMENTED KILLINGS BY SECTOR<sup>3</sup>

Logging 23	Land reform 12	Poaching 6	Road 2	Fishing 1
Water & Dams 20	Sector could not be confirmed 112**			
Mining & Extractives 17				
Illegal crop substitution 17				
Agribusiness 17				

\*\* Land is a key driver of the attacks against defenders, however in many cases the economic motives behind land-related violence are not reported on. This figure is higher for 2020 which could reflect the difficulty of investigating and reporting on these events (often in remote areas) during the COVID-19 pandemic.

# TOP FINDINGS

➤ Global Witness recorded 227 land and environmental defenders killed in 2020 – an average of **more than four people a week**. As ever, these lethal attacks are taking place in the context of a wider range of threats against defenders – including arrests, smear campaigns and non-lethal attacks.<sup>4</sup>

➤ **Colombia was once again the country with the highest recorded attacks**, with 65 defenders killed in 2020.\* A third of these attacks targeted indigenous and afro-descendant people, and almost half were against small-scale farmers.

➤ **Nicaragua** saw 12 killings – rising from 5 in 2019, making it the most dangerous country **per capita** for land and environmental defenders in 2020.

➤ Where reports indicate that defenders were attacked for **protecting particular ecosystems**, the majority – 71% - were working to defend the world’s forests (earth’s natural carbon sinks) from deforestation and industrial development – vital to efforts to curb the climate crisis. Others died for their work protecting rivers, coastal areas and the oceans.

➤ Almost 3 in 4 of the attacks recorded took place in the **Americas** – with 7 out of the 10 highest countries located in Latin America. In Brazil and Peru, nearly three quarters of recorded attacks took place in the Amazon region of each country.\*\*

➤ Global Witness documented 18 killings across **Africa** in 2020, compared to 7 in 2019. Most of these took place in the Democratic Republic of Congo (DRC), with two in South Africa and one in Uganda. In the DRC, 12 park rangers and a driver were killed in an attack by militia groups in the Virunga National Park. Verifying cases from across the continent continues to be difficult and it is possible cases are widely unreported.

➤ Over a third of the attacks were reportedly linked to **resource exploitation** – logging, mining, and large-scale agribusiness – and hydroelectric dams and other infrastructure. However, this figure is likely to be higher as the reasons behind these attacks are often not properly investigated nor reported on.

➤ **Logging** was the sector linked to the most murders with 23 cases – with attacks in Brazil, Nicaragua, Peru and the Philippines. Mexico saw a large rise in logging and deforestation related killings, with 9 in 2020.

➤ **Agribusiness and mining** were each linked to 17 attacks in 2020. Since 2015 these two sectors alone have been linked to over 30% of all the killings that Global Witness has documented against land and environmental defenders.

➤ In 2020 the disproportionate number of attacks against **indigenous peoples** continued once again – with over a third of all fatal attacks targeting indigenous people despite only making up 5% of the world’s population. These were documented across Mexico, Central and South America and the Philippines. This year we also recorded attacks against indigenous people in Saudi Arabia and Indonesia.<sup>5</sup>

➤ **Indigenous peoples** were the target of 5 of the 7 mass killings recorded in 2020. In the most shocking of these, 9 Tumandok indigenous people were killed and a further 17 arrested in raids by the military and police on the 30th of December on the island of Panay in the Philippines. Numerous reports state that these communities were targeted for their opposition to a mega-dam project on the Jalaur river.<sup>6</sup>

➤ 28 of the victims killed in 2020 were **state officials or park rangers**, attacked whilst working to protect the environment. Attacks were documented across eight countries: Brazil, Colombia, the Democratic Republic of Congo, Guatemala, the Philippines, Sri Lanka, Thailand and Uganda.<sup>†</sup>

➤ Over 1 in 10 of the defenders killed in 2020 were **women**. Whilst the recorded killings against women appear lower, those who act and speak out may also face gender-specific threats, including sexual violence. Women often have a twin challenge: the public struggle to protect their land, water and our planet, and the often-invisible struggle to defend their right to speak within their communities and families. In many parts of the world, women are still excluded from land ownership and discussions about the use of natural resources.<sup>7</sup>

\* Global Witness recorded 25 attacks in both 2017 and 2018, rising to 64 in 2019.

\*\* Global Witness’ source of data from Brazil is the Pastoral Land Commission (CPT). Each organisation uses its own methodology for documenting killings and, as a result, our numbers are different to CPT’s. While Global Witness tracks the murder of ‘land and environmental defenders’, the CPT monitors rural conflicts affecting small-scale farmers, landless communities, indigenous peoples and traditional communities, as well as rural trade unionists. Since 1975, the CPT has been striving to give visibility to the struggle of these people for land, water, and their rights, and for that reason makes use of the social identities that these groups have determined for themselves.

† See methodology on page 27 for more details on how we include park rangers in our data. Attacks against state officials and park rangers in 2020 were linked to militia groups and poachers, as well as to logging and mining interests.



Women hold up a sign during a protest for the signing of the Escazú deal on September 24, 2020 in San Salvador, El Salvador. Camilo Freedman/APHOTOGRAFIA/Getty Images

In a promising development, on the 5th November Mexico became the 11th country to ratify the landmark Escazú Agreement for Latin America and the Caribbean – meaning it has now come into effect. The regional treaty sets out commitments for public participation in environmental management and standards for access to information and decision-making on environmental matters. Crucially, for the worst affected region it establishes legally binding commitments for protecting environmental defenders – the first time this has been included in an agreement of this kind.

Under the agreement, states must ensure a safe and enabling environment for defenders and take action to prevent, investigate and bring to justice attacks against them. It also recognises the right of current and future generations to live in a healthy environment. However, several countries are yet to sign the agreement, including Honduras. Of the 24 countries that have signed, only 12 had ratified it by early 2021 – with the countries lagging behind including those with high levels of attacks against defenders such as Colombia and Brazil.<sup>8</sup>

# OVER HALF OF THE ATTACKS: COLOMBIA, MEXICO, AND THE PHILIPPINES

For the second year in a row, **Colombia** saw the highest number of killings in 2020 with 65 land and environmental defenders murdered. These took place in the context of widespread attacks on human rights defenders and community leaders across the country – which the United Nations have classified as endemic violence, despite the hopes of the 2016 Peace Agreement. Colombian civil society points to a woeful implementation of this agreement by the government. In many of the most remote areas, paramilitary and criminal groups have increased their control through violence against rural communities and a lack of state action to protect them.<sup>9</sup>

Those seeking to protect their land and environment are increasingly being caught up in the crosshairs of this violence – with those protecting indigenous land particularly at risk. The COVID pandemic only served to worsen the situation across the country – official lockdowns led to defenders being targeted in their homes, and government protection measures were cut. One of the key aspects of the Peace Agreement, coca crop substitution programmes to support farmers to move to legal crops, were linked to 17 lethal attacks in 2020. These programmes have resulted in increased threats from criminal organisations and paramilitaries targeting rural communities for their support or participation in illegal crop substitution programs. Colombia's Somos Defensores Programme has documented 75 such attacks against human rights defenders between 2016 and mid-2020.<sup>10</sup>

In **Mexico**, we documented 30 lethal attacks against land and environmental defenders in 2020, a 67% increase from 2019. Logging was linked to almost a third of these attacks, and half of all the attacks in the country were directed against indigenous communities. Impunity for crimes against defenders remains shockingly high – recent research ranking countries on access to justice placed Mexico at 60 out of the 69 assessed countries. Up to 95% of murders do not result in any prosecution.<sup>11</sup>

Miskitu indigenous women sit next to a wall with graffiti reading 'Settlers Out', 'Our community demands respect for our lands' and 'There is no land for settlers', in the community of Sangnilaya, North Caribbean Coast Autonomous Region of Nicaragua. INTI OCON/AFP via Getty Images

In the **Philippines**, the deteriorating human rights situation has received increasing condemnation from international actors – including the United Nations, European Union and the US government. A UN report released in June detailed systematic human rights violations. The report highlights the dangerous rhetoric from the government – including calls for the bombing of indigenous peoples. In the Philippines, opposition to damaging industries is often met with violent crackdowns from the police and military. In our data over half of the lethal attacks were directly linked to defenders' opposition to mining, logging, and dam projects.<sup>12</sup>

President Duterte used the COVID pandemic to further crackdown on dissent – implementing one of the strictest lockdowns enforced by the police and the military. The government also took advantage of the pandemic to rush through the Anti-Terrorism law, which came into effect in June. Critics argue that this will accelerate 'red-tagging' – labelling activists and social leaders as communist rebels – and will lead to an increase in violence against environmental and indigenous defenders. The President has prioritised mining for economic recovery from the pandemic – allowing the industry to operate throughout 2020, as well as recently reversing a ban on open pit mining.<sup>13</sup>

In **Nicaragua** – with the most documented attacks per capita in 2020 – violence against indigenous and afro-descendent communities in the north-east and Caribbean coast regions of the country has accelerated in recent years. Research from the Oakland Institute documents community experiences of violence linked to settlers in indigenous territories and the expansion of cattle ranching, gold mining and logging. Despite having legal protections in place, successive governments have undermined indigenous land rights and allowed the attacks to carry on with impunity. In one attack, four leaders of a Mayangna indigenous community in the Bosawás Biosphere Reserve were killed in an attack by dozens of armed settlers.<sup>14</sup>





Machinery operating in the annex pit at the Cerrejon Coal Mine in Barrancas, La Guajira, Colombia. *Nicolo Filippo Rosso/Bloomberg via Getty Images*

## WHAT DO THESE ATTACKS TELL US?

We tend to associate the climate crisis with its environmental impacts – unbearable heat, air pollution, rising seas, burning forests, or super-storms. Yet the data on attacks against land and environmental defenders, which Global Witness has been recording since 2012, show that the unaccountable exploitation and greed driving the climate crisis is also having an increasingly violent impact on people.

This is a crisis against humanity. We all depend on the natural world, and when we set about its systematic destruction, people get killed. It may sound simplistic, but it's a fact worth considering - the process of climate breakdown is violent, and it manifests not just in violence against the natural world, but against people as well.

Each killing is a complex and deeply personal tragedy, rooted in a predatory economic model driven by greed. It might feel morbid to record and analyse each death of a land and environmental defender. But it's important

to understand what connects these seemingly disparate cases – the water defenders murdered in northern Mexico, to the South African grandmother shot dead outside her home seemingly for rejecting the expansion of a nearby coal mine. Analysing the whole dataset helps us understand the overlap between the causes of these attacks, what they represent, what's at stake and the actions that governments and companies must take to prevent them.

### **Defenders are canaries in the proverbial and sometimes literal coalmine.**

Between 2001 and 2015, over 300 million hectares of tree cover was lost: nearly the size of India. 2020 saw the worst ever North Atlantic hurricane season. It was also the hottest year on record, tied with 2016, with the International Panel on Climate Change stating that historical and current emissions mean the world is already on track to reach the destructive 1.5C rise within the next twenty years. As the climate crisis intensifies, so too does its impact on people, including on land and

environmental defenders. This data on lethal attacks can be understood as another climate metric, in step with these other more familiar datasets – 2020 so far being the worst year on record for land and environmental defenders, with a record 227 lethal attacks reported.<sup>15</sup>

Global Witness believes that this dataset is almost certainly an underestimate. But looking at the trends over time, we have documented a consecutive rise in the number of killings globally since 2018, rising to well over 200 defenders murdered in 2019 and 2020 – over double the numbers we recorded in 2013. Unfortunately, without significant change this situation is only likely to get worse – as more land is grabbed, more forests felled in the interest of short-term profits, both the climate crisis and attacks against defenders will continue to worsen.<sup>16</sup>

The core truths about violence against land and environmental defenders mirror what we know about the climate crisis itself:

1. Its impacts are unequal
2. Business is responsible
3. Governments are both causing and failing to prevent it

## ITS IMPACTS ARE UNEQUAL

While climate breakdown is global and affecting every nation on earth, its impacts are disproportionately felt by countries in the Global South. The Global North has extracted natural resources in far greater quantity – yet it is the far more populous Global South that is suffering the most immediate consequences of global warming on all fronts. Violence against land and environmental defenders is yet more unequal and is overwhelmingly concentrated in countries in the Global South. In 2020, all but one of the 227 killings of defenders that Global Witness recorded took place in the Global South. In the period since Global Witness began collecting data, less than 1% of all recorded lethal attacks were documented in the Global North.<sup>17</sup>

This disparity also cuts across demographic divides. Between 2015 and 2019 over a third of all fatal attacks have targeted indigenous people – even though indigenous communities make up only 5% of the world's population. They are some of the most at-risk communities, living across 90 countries and occupying more than a third of Earth's protected land. Their residence across these territories preserves an astonishing 80 percent of the world's remaining biodiversity. Yet in 2020, some 37% of recorded lethal attacks were against indigenous people – the agents of climate conservation. Indigenous peoples have been

making the link between preventing climate destructive practices and preserving indigenous rights over several decades.<sup>18</sup>

That same disparity is reflected in many other climate metrics. As of 2015, the United States alone bore responsibility 'for 40% of excess global CO2 emissions', emissions beyond the acceptable limit of 350 parts per million in the atmosphere, according to analysis by anthropologist Jason Hickel. The Global North is responsible for 92% of those emissions. In contrast, the Global South is responsible for just 8% of excess global carbon dioxide emissions. Christian Aid's *Climate and Food Vulnerability Index* found that the 10 most food-insecure countries in the world generate less than half a ton of CO2 per person, or just 0.08% of the global total.<sup>19</sup>

Like most inequities, the pandemic has made it worse. Marginalised communities, including indigenous peoples, are particularly exposed to the health and economic effects of the pandemic. But repressive governments also used the pandemic as an opportunity to clamp down on civil society, as companies pushed ahead with destructive projects.<sup>20</sup>

The violence against land and environmental defenders and the climate crisis are intimately connected, and we will not solve one without the other. The health of our planet and of our societies are fundamentally linked.

## BUSINESS IS RESPONSIBLE

Many threats and attacks against land and environmental defenders occur after communities voice their concerns about companies and their projects affecting their rights, including to their land. In their pursuit of profit, decades of research by human rights organisations document how companies and financial institutions have failed to respect communities and defenders impacted by their value and investment chains. Worse still, some global companies have been known to dupe well-meaning and conscientious consumers with misleading sustainability brochures, neglecting to mention corporate human rights abuses linked to their global operations.<sup>21</sup>

In too many countries, rich in natural resources and climate critical biodiversity, corporations are operating with almost complete impunity. Entire villages are levelled, waste is dumped into rivers, and shareholders continue to profit without paying the price for this pursuit of unsustainable economic growth. It is business - often enabled or encouraged by negligent governments – that is commonly responsible for the toxic waste, air pollution and mass deforestation destroying our planet and hurting communities across the world. This devastation is wrought in pursuit of one thing – profit, soaked up almost



entirely by the richest 1%, who are today twice as wealthy as 6.9 billion people.<sup>22</sup>

Because the balance of power is stacked in the favour of corporations, and against communities and individuals, these companies are seldom held to account for the consequences of their commercial activities. It's rare that anyone is arrested or brought to court for killing defenders. When they are it's usually the trigger-men - the ones holding the guns, not those who might be otherwise implicated, directly or indirectly, in the crime. In many cases, access to information, often held by the company, makes it difficult to find those responsible. At a local level, corruption often prevents any effective investigation by state law enforcement.<sup>23</sup>

Companies have devolved their operations to include global supply and value chains that are unnecessarily opaque and complex. Where resource extraction and exploitation occurs in countries with weaker governance systems, they are able to benefit from the accountability gap that exists between countries. In the words of Christiana Ochoa, "globalization has produced a disjuncture between business-related activities and the development of capabilities to govern those activities. These 'governance gaps' create an environment in which

business-related human rights abuses can occur with relative impunity".<sup>24</sup>

When looking at the dataset on attacks in totality, it's clear that many companies engage in an extractive economic model that overwhelmingly prioritises profit over human and environmental harm. This unaccountable corporate power is the underlying force that has not only driven the climate crisis to the brink, but which has continued to perpetuate the killing of defenders.

## GOVERNMENTS ARE BOTH CAUSING AND FAILING TO PREVENT IT

Governments have been all too willing to turn a blind eye and fail in providing their core mandate of upholding and protecting human rights. They are failing to protect defenders - in many cases directly perpetrating violence against them, and in others arguably complicit with business.<sup>25</sup>

States around the world - from Liberia and Sri Lanka to the Philippines - used the COVID pandemic to strengthen draconian measures to control citizens and close civic

Juana Zúñiga sits at Guapinol River located in the valley of Bajo Aguán in the north of Honduras. Juana is a member of the Municipal Committee of Tocoa, Colón. In 2014, these rivers and the people who depend on them were endangered when the state allowed mining exploration in the Carlos Escaleras National Park where the rivers run. The people of Guapinol have organised and protested against this but have found themselves criminalized - many community members are behind bars to this day. *Global Witness/María Aguilar/Iolany Pérez*



space. With journalists, activists, campaigners, and academics confined to their homes, and the freedom of press under renewed attack, the scant pre-pandemic protections that defenders had are under increasing strain.<sup>26</sup>

An October 2020 Freedom House report found restrictions on the news media as part of the response to COVID-19 occurred in at least 91 countries. Governments enacted new laws against spreading “fake news” – Hungary, for example, passed legislation that criminalises anyone spreading misinformation about the pandemic, which critics say has been misused to further erode democracy in the country. Many civil society actors claim these laws aimed at stopping “fake news” have been used by governments to limit independent questioning at press conferences, enable the suspension of printing of newspapers, and to block the use of legitimate websites.<sup>27</sup>

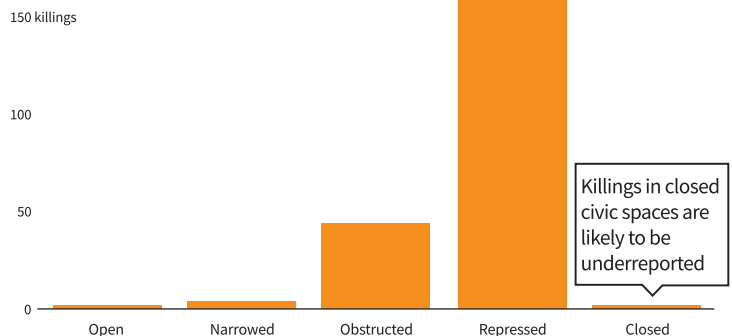
According to the International Land Coalition, throughout 2020 activism was limited in many countries “at a crucial time, with protests and demonstrations often banned even though controversial activities, including evictions, demolitions, and extractive projects such as mining”, were allowed to continue. The Freedom House report found that 158 countries have placed new restrictions on demonstrations due to the pandemic. This is despite the UN Special Rapporteur on the right to peaceful assembly and association calling on countries not to use COVID-19 state of emergency declarations to “impose wholesale restrictions on freedom of peaceful assembly and association”.<sup>28</sup>

But if the state steps in to ensure the protection of land and environmental defenders’ human and environmental rights, including through regulation that holds offending companies to account for their global operations, change is possible. There is a correlation between civic space and attacks against defenders – the most open and tolerant societies see very few attacks, whereas in restricted societies, attacks are much more frequent. Governments can turn the tide on the climate crisis and protect human rights by protecting civil society, and through passing legislation to hold corporations to account for their actions and profits.<sup>29</sup>

There are positive signs of change. Since 2012, Magnitsky legislation, laws providing for governmental sanctions against foreign individuals who have committed human rights abuses, has been passed in the United States, the UK, Canada, as well as in some EU jurisdictions. These are aimed at deterring human rights abuses, but governments need to go further and target corporate supply chains, which are the root cause of many environmental and human rights abuses against land and environmental defenders around the world.<sup>30</sup>

### The majority of killings took place in states with limited civic freedoms

Data on civic freedoms via CIVICUS Monitor\*



\* See: <https://monitor.civicus.org/>

The United Nations Guiding Principles on Business and Human Rights and the OECD Guidelines on Multinational Enterprises, and related sectoral supply chain guidelines, clearly set out responsibilities and expectations for global business on human rights and environmental protection. However, ten years after the former was officially adopted by the UN, evidence suggests that little has changed. States have relied too much on corporate self-reporting and voluntary corporate mechanisms. As a result, companies continue to cause, contribute to, and benefit from, human rights abuses and environmental harms. Efforts to regulate international business for harm linked to their global operations have not yet matched the scale of the problem. Progress towards a Binding Treaty on Business and Human Rights at the United Nations is underway but slow. Corporate human rights regulation has started to emerge in key jurisdictions, such as France and Norway.<sup>31</sup>

Two initiatives in the European Union have the potential to significantly advance corporate accountability. The EU has committed to introducing Sustainable Corporate Governance legislation requiring companies to conduct mandatory human rights and environmental due diligence on their supply chains. This will require companies to identify, assess, prevent, and mitigate their negative human rights, environmental and governance risks and impacts in their operations and value chains. The second proposed piece of legislation will regulate forest-risk commodities – aiming to exclude deforestation, and hopefully human and land rights violations in producer countries from EU markets. This is vital given that the EU is second only to China in importing commodities linked to deforestation.<sup>32</sup>

These advances, if enacted effectively, will begin to tackle the root causes behind the attacks against land and environmental defenders.\* Other countries need to follow suit and pass legislation to hold companies accountable for their impact on people and planet.

\* See Recommendations section on page 25 for further details.

## MEXICO: I HOPE THAT SOMEONE FOLLOWS IN HIS FOOTSTEPS

“I’m indigenous. I’m Kumiai, from Neji”

That’s how my son, Óscar Eyraud Adams introduced himself no matter where he was. Óscar always wanted to live here on the ranch, to live close to his people.

“Here, we’re going to sow and harvest. We’re going to get through it, mum” he used to tell me. Yet he soon realised how severe the drought was because when he sowed, the water shortages meant he couldn’t harvest his crops.

That’s how he started defending water and the Kumiai territory. “There’s not much we can do without water” he told me, and the rest of the community supported him because they trusted him.



Norma Adams Cuero, Óscar Eyraud’s mother. Felipe Luna/Global Witness



Óscar Eyraud Adams holds a sign calling for respect for the indigenous communities of Baja California. Mexicali Resiste

Even as he studied to become an engineer, he was still able to quote legal articles and the constitution. Once, he protected us from a lawyer who tried to sell us a project that would profit at the expense of our land. “Those outsiders cannot come and command us”.

It hasn’t rained much for the last couple of years. That has left our water wells empty, and we had to ask for permission from the authorities to dig new wells. They rarely granted us that right. Óscar’s vision was that the whole community would have access to water. Yet he witnessed the repeated invasions from outsiders.

“Big companies have much easier access to the water. That’s not fair – we need the water to survive,” he said, and encouraged us to come together to demand access: “If you come together, if you organize, there’s no way they can beat us down”.

He frequently travelled to Mexicali, meeting other defenders and with the authorities, trying to get our permits back. He would invite journalists and activists to visit our Kumiai territory and see how it was being parched.



La Rumorosa, the highway that connects Tijuana to Mexicali that runs past Tecate where Óscar lived. *Felipe Luna/Global Witness*

With all the challenges he took on, I was afraid that something might happen to him. However, the idea of somebody killing my son never crossed my mind. I thought people might beat or kidnap him, but I never imagined they would go as far as they did.

My 34-year-old son was murdered in Tecate on the 24th of September, in 2020. He couldn't defend himself.

I felt obliged to bring him back home, so he could rest near his community.

Even now that he's gone, people speak very highly of him. "I hope somebody follows in the footsteps of the Kumiai activist". I am proud that he left a great legacy. Yet I also feel sad because he is dead, and he had so much more to give.

Óscar was doing his job; the killers had no justification for taking his life. I will continue to seek justice for him. We need it soon, to prevent the next killing.

– **Norma Adams** <sup>33</sup>

**Centro Mexicano de Derecho Ambiental (CEMDA) calls on the Mexican Government to:**

- Suspend development projects where violence against women and men who defend the environment has occurred until a full investigation is completed.
- Design, implement and oversee mechanisms that guarantee the right to consent and consultation, incorporating the principles of self-determination and autonomy of indigenous peoples and comparable communities.
- Comply with its obligations to investigate, prosecute, and punish human rights violations against land and environmental defenders.
- Implement the obligations arising from the Escazú Agreement, including the provision of adequate funds to guarantee proper functioning of protection mechanisms for land and environmental defenders.
- Develop legal regulations that effectively guarantee respect and protection of the self-determination and autonomy of indigenous peoples and comparable communities over their territories and cultural heritage.

# VICTORIES FOR PEOPLE – AND THE PLANET

In a year where the world’s attention was consumed by the pandemic, communities across the globe continued to fight for their rights to land and a healthy environment. We stand in solidarity with the ongoing strength and determination of communities standing up to powerful actors and achieving amazing things.

Thanks to their long-term commitment and persistence, communities celebrated a number of wins in 2020. Below we outline some of these in relation to standing up to fossil fuel projects, damaging industrial developments and securing land rights. These are often won after long legal battles, coupled with sustained community-led campaigning and they offer grounds for hope for communities facing similar challenges around the world.

## WINS AGAINST FOSSIL FUEL PROJECTS:

- The Zimbabwe Environmental Law Association (ZELA) took the government and two companies to court over proposed coal mining in the Hwange national park – the country’s largest protected area, home to a large population of elephants and the endangered black rhino. Two Chinese companies had been awarded a licence to explore for coal in the park in partnership with the state-owned Zimbabwe Mining Development Corporation. ZELA won the case, leading to the government announcing a ban on coal mining in national parks across the country.<sup>34</sup>
- In North America, indigenous and climate campaigners secured a number of vital wins to protect the environment against oil extraction and transportation. In January the last of the major US banks committed to stop all financing of fossil fuel exploration in the Arctic. In February Canadian mining major Teck Resources pulled out of a US\$15.7 billion tar sands mine that would have produced 260,000 barrels of crude oil bitumen per day at full capacity, citing climate change as one of the unresolved issues which meant that the project could not proceed. And in July a number of key decisions threw the future of four major oil pipeline projects in the US into further

Indigenous environmental activists dance in a circle outside the White House to protest against oil pipelines. Organized by the Indigenous Environmental Network, the demonstrators called on President Joe Biden to ‘Build Back Fossil Free’ by stopping the Dakota Access and Line 3 pipelines. *Chip Somodevilla/Getty Images*





Indigenous Naso campaigners stand chained to each other during a protest outside the Presidential Palace in Panama City in 2009. The Naso have been calling for formal land rights recognition for decades. *ELMER MARTINEZ/AFP via Getty Images*

doubt – including the Keystone XL pipeline. However, indigenous communities and climate campaigners have continued to face criminalisation and police violence for their protests against the Enbridge 3 pipeline.<sup>35</sup>

➤ In November, the South African High Court cancelled the environmental approval for a planned coal-fired power station in Limpopo province in the north of the country. According to the Centre for Environmental Rights, the project would have been one of the most emission intensive power plants in the world. This a huge victory for the anti-coal movement in South Africa, with a coalition of organisations working tirelessly since the project was announced in 2015.<sup>36</sup>

## WINS AGAINST INDUSTRIES DRIVING DEFORESTATION, ENVIRONMENTAL DAMAGE AND HUMAN RIGHTS ABUSES

➤ The Wagina Island community in the Pacific nation of the Solomon Islands secured a significant victory against bauxite mining, with the country’s Minister of Environment rejecting an appeal by a company owned by two Hong Kong listed businesses. This followed a long campaign by the islanders, who argued that they did not give their consent to the project. The proposed mine would have taken over 60% of the island, decimated virgin forest, and caused significant environmental damage to the land and ocean that the residents rely on for their livelihoods.<sup>37</sup>

➤ In April, the Ashaninka indigenous community in the Brazilian state of Acre agreed a settlement following a legal battle spanning over two decades for compensation for deforestation in their territory. The company in question was accused of illegally cutting thousands of hardwood trees to supply the European furniture market in the 1980s. The settlement included almost US\$ 3 million in

compensation, an official apology and recognition of the Ashaninka as important guardians of the Amazon – and will hopefully set an important precedent for other environmental crimes in the country.<sup>38</sup>

➤ In Canada, the Supreme Court issued a landmark ruling that allowed victims of alleged human rights abuses by Vancouver-based mining company Nevsun Resources to pursue legal proceedings in British Columbia. The company had argued that the case should be heard in Eritrea where the mine was built. This ruling on jurisdiction sets another important legal precedent that companies can be held accountable for human rights abuses committed overseas. This claim ultimately resulted in an out-of-court settlement, the terms of which are confidential.<sup>39</sup>

## LAND RIGHTS WINS

The struggle for recognition of land rights, and in particular for indigenous communities, is key to addressing the climate crisis. The importance of this cannot be overstated – recent estimates suggest that land conserved by indigenous and local communities (ICCs) covers over a fifth of the world, equivalent to the size of Africa. However, without formal recognition of their land rights, the same research found that at least 16% of this area faces high risk of degradation from agribusiness and extractive industries.<sup>40</sup>

➤ In October, Panama’s Supreme Court of Justice issued a ruling that led to the creation of a protected territory for the Naso indigenous group. This followed decades of campaigning for formal land rights recognition and a legal battle lasting over two years. The court explicitly recognised indigenous peoples’ role in protecting the environment and maintaining biodiversity. The Naso have been defending their land from hydroelectric dam projects, making this ruling a significant win for protecting their way of life and the tropical forest and river that is central to this.<sup>41</sup>

➤ In June the national assembly of the Democratic Republic of Congo voted to adopt a bill that safeguards the rights of indigenous peoples. This is a significant advance in a country where the indigenous Baka, Mbuti and Batwa peoples have been discriminated against.<sup>42</sup>

➤ In April, communities in Zambia’s Central Province who were forced off their traditional land seven years ago won their case in the country’s High Court. In 2013 the communities were forcibly evicted, and their homes bulldozed to make way for commercial agriculture. The court ordered the government and one of the companies involved to provide alternative land and compensation for the rights violations.<sup>43</sup>



Noch Min, 40, and her husband Et Tam, 39, farm their 1.5 hectares of land given to them as compensation. *Andrew Ball/Panos/Global Witness*

## CAMBODIA: OUR LAND WAS STOLEN BY A FOREIGN COMPANY. WE WON'T GIVE UP THE FIGHT

The company that stole our land didn't make any pretence of taking it legitimately. That much was clear as soon as the tractors arrived. They cleared our rice fields, they felled our jackfruit and mango trees, and burned our cottages and our houses to the ground.

They were telling us, very clearly, that our land belonged to the sugar plantation now, that this land that our families lived and farmed on for generations was theirs.

The company had been given the land concession by the government. There had been no preliminary assessment, no consultation with the people who lived here. The communities of Chhouk, Chikhor and Trapeng Kendal were all stunned. We gathered and tried as best we could to stop the tractors.

But they were taking our land, even if we resisted, even if it meant using brute force. The police who accompanied the tractors fired shots, injuring two people from our community.

The company, a powerful Thai group called KSL, cleared us out to grow sugar. Some of that sugar ended up with a foreign buyer called Tate & Lyle Sugars. Many Europeans know that brand. You might have a bag of the sugar they grew on our land in your cupboard.

We had lived in peace before they arrived. Our corner of Koh Kong was everything, and we lived off the land, growing what we ate and selling the excess. The land was good to us – we fished, grew rice, fruit & vegetables, and raised cows and buffalo. We were self-sufficient.

So when the land was taken from us, we had no choice but to fight for it. We filed complaints to the authorities. No one responded. So, we walked over 150 km to Phnom Penh. Even then, we were met with a wall of silence.

In that moment, those tractors destroyed our livelihoods. Across three villages, we are nearly 200 families, and between us we have almost no income now. Our children are in debt. Many have been forced to migrate abroad. These are the unseen impacts of land grabbing.

If our cows or buffaloes strayed onto the stolen land, the fields they used to roam, the company men just shot them. Or kept the animals and demanded payment for them. Some families don't have any animals left.

This has happened to many other communities, as far afield as Oddar Meanchey in the northwest. Altogether, we think multiple companies have taken around 100,000 hectares across three provinces, and they took it from people who need land like a fish needs water.

It seems the authorities would rather give the land to foreign companies in the name of development, rather than prioritise the rights of local people. But we had hoped Tate & Lyle Sugars might respect our rights once they became aware of the situation. But after years of negotiations, they've given up the pretence. Last year, they told us that despite profiting from our land, they wouldn't pay anyone a riel.

Our basic rights have been violated. The theft of land is like a death sentence. It's been 15 years now, and we are still here. We'll keep on fighting, even when everyone else



Sen Norn, 55, poses for a portrait on her 1.5 hectares of land. After she was evicted from her farmland by the Koh Kong sugar companies she worked on the sugar cane plantations for 5 years as it was the only way for her to earn an income. Andrew Ball/Panos/Global Witness

has moved on. What other choice do we have? We want our land back. And we want the companies held responsible. We won't give up the fight.

**– Teng Kao, representative of Chhouk village, Cambodia**

*Tate & Lyle Sugars has said that it acquired the sugar division of Tate & Lyle PLC in 2010 and it subsequently refined only two small shipments of sugar from KSL in 2011 and 2012. The company has said it takes ethical and environmental issues in its supply chain extremely seriously and it is committed to working with stakeholders to find a solution. It says it placed pressure on its supplier over seven years through various meetings with interested parties, including the Cambodian government, and it will continue to use its leverage to ensure its ex-supplier KSL compensates the villagers for the damage they have suffered.*

*In their submissions to the National Human Rights Commission of Thailand, Khon Kaen Sugar Limited (KSL) claimed that any use of violence occurred before the company received its land concession, and that it does not support any actions that violate human rights. It further stated that it has never killed or confiscated livestock. It has reportedly returned 1.5 hectares of land per family to the community.*

*In its 2015 report, the National Human Rights Commission of Thailand (NHRCT) found that 'Land concessions given to the sugar industry resulted in serious human rights violations, including the use of violence to evict villagers from their place of residence, impediments against the use of natural resources which is fundamental to community subsistence. The impacts of these human rights violations are a direct responsibility of Khon Kaen Sugar Industry Public Company Limited, due to the company's decision to receive and benefit from the land concessions which caused human rights violations, regardless of the fact that the company did not itself commit the act of human rights violation.'<sup>44</sup>*

## CONCLUSION

For another year, we are forced to report a rise in attacks against the people on the frontlines of the climate crisis. Land and environmental defenders that have stood up to powerful interests have paid a heavy price – with their freedom, livelihoods and even their lives. What is absolutely clear is that businesses have profited from human rights abuses and environmental damage with relative impunity for far too long. At the same time, global businesses are overwhelmingly responsible for runaway climate change – with research showing that just 100 companies have produced 71% of all greenhouse gas emissions since 1988.<sup>45</sup>

The truth is that companies have been acting irresponsibly for decades, contributing to, and benefiting from, attacks on land and environmental defenders. Strong legal accountability for corporate actors is urgently needed. As the United Nations notes,

*"The persistence of business-related human rights abuses should be a matter of urgent priority attention by States and business, as rights-holders continue to experience harm and remain at risk. The last decade has underscored the point made in the UNGPs: voluntary approaches alone are not enough. The rise of mandatory measures will undoubtedly accelerate both uptake and progress."<sup>46</sup>*

Looking forward, as the pandemic and debates on how to 'build back better' continue, we urgently need to change how the world does business. In 2022 Global Witness will publish the 10th annual report detailing attacks against defenders – over the past decade we have seen these attacks steadily rise. It is far beyond time to turn the tide on this trend.

Defenders are our last line of defence against climate breakdown, and we can take heart from the fact that even after decades of violence, people continue to stand up for their land, for our planet. In every story of defiance against corporate theft and land grabbing, against deadly pollution and against environmental disaster, is hope that we can turn the tide on this crisis and learn to live in harmony with the natural world. Until we do, the violence will continue.



# RECOMMENDATIONS

Companies and governments need to be held to account for violence against land and environmental defenders, who are often standing on the frontline of the climate crisis. Urgent actions are needed at international, regional, and national levels to end the violence and other injustices that they face.

At the global level, the **United Nations**, through its member states should:

- Formally recognise the human right to a safe, healthy and sustainable environment, as called for by the UN Special Rapporteur on Human Rights and the Environment, which would fill ‘a glaring gap in the architecture of international human rights’.<sup>47</sup>
- Ensure State commitments made at COP26 to implement the Paris Agreement align with existing international human rights obligations and standards applicable to business operations, defenders, and indigenous and other communities.
- Explore all avenues within the UN system to support the recommendations of the Special Rapporteur on the situation of human rights defenders, as well as UN Working Group on Business and Human Rights.

At the national level, **Governments** should:

- Protect land and environmental defenders in the context of business by ensuring effective and robust regulatory protection of the environment, labour rights, land rights, indigenous peoples’ rights, livelihoods and cultures, including to free, prior and informed consent. Any legislation used to criminalise defenders should be declared null and void.
- Require domiciled companies and financial institutions to carry out mandatory due diligence, that provides

accountability for violence and other harm to land and environmental defenders, throughout their global operations, including supply chains and business relationships.

- Ensure access to justice and due process by investigating and pursuing prosecutions of all relevant actors, including implicated corporate actors, for violence committed against land and environmental defenders. Any decision to not prosecute these actors should be made publicly available.

**Businesses:** To ensure they are not contributing to or profiting from human rights and land rights harms across their supply chains and operations, companies and investors must:

- Publish and implement robust due diligence procedures that seek to prevent, identify, mitigate and account for human rights and environmental harms in their global operations, including supply chains and business relationships. Explicit reference to respecting the rights of land and environmental defenders should be included. At a minimum, these policies should include meaningful details including who at the senior level is responsible for its overall oversight, as well as how it will be implemented and monitored, and clear redlines for suspension or termination of contracts for suppliers who continue to perpetuate environmental, human rights, and land rights harms.
- Adopt and implement a zero-tolerance stance on reprisals and attacks on land and environmental defenders in their global operations, supply chains and business relationships, illegal land acquisition and violations of the right of free, prior and informed consent (FPIC) for affected communities.
- Provide for and facilitate effective remedy processes when adverse human rights and environmental impacts and harms occur.\*\*

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<sup>47</sup> For more detailed recommendations for companies and investors, please see our report: ‘Responsible sourcing: the business case for protecting land and environmental defenders and indigenous communities’ rights to land and resources’ available here: <https://www.globalwitness.org/en/campaigns/environmental-activists/responsible-sourcing/>

## RECOMMENDATIONS TO THE EUROPEAN UNION

As a major trading bloc with a global footprint, the European Union has the responsibility and opportunity to lead the way on holding companies to account. It is legally obliged to contribute to the protection of human rights and the environment, including in its actions affecting the union's international interactions, which must be conducted in accordance with its founding principle of the universality and indivisibility of human rights.

The European Commission is currently preparing two pieces of binding due diligence legislation pertinent to the protection of human rights and the environment through the global reach of the corporate supply and value chains that the EU relies on. These include an initiative on Sustainable Corporate Governance, and a Regulation on forest-risk commodities, both of which are due to be debated by EU law makers in 2022.

It is critical the EU demonstrates global leadership by ensuring both laws effectively build on the UN Guiding Principles on Business and Human Rights (UNGPs) and OECD Guidelines and related business and human rights standards to introduce enforceable and meaningful EU and member state law, including the principle of free and prior informed consent (FPIC) of communities affected by corporate activities.

Specifically, the EU should ensure the Sustainable

Corporate Governance initiative:

- requires all companies doing business in the EU, including financial institutions, to undertake steps to prevent, identify, address and account for human rights and environmental harms along their value chains as part of their due diligence – including by consulting with, and obtaining the FPIC of, affected indigenous and local communities and land and environmental defenders;

- includes a strong enforcement mechanism with robust administrative, civil, and criminal liability regimes and penalties to hold companies accountable for contributing to, failing to prevent, or benefiting from harms, or violations of due diligence requirements, and allowing people negatively impacted by corporate operations to access EU courts to seek remedy.\*

The EU must ensure that the proposed due diligence Regulation on Forest-risk Commodities:

- explicitly requires companies and financiers doing business in the EU to only source from or finance operations that have obtained the Free, Prior and Informed Consent (FPIC) of indigenous peoples and local communities, in line with rights and principles articulated in international law. These provisions should be included in other laws on forest-risk commodities developed in non-EU European countries, such as the UK's Environment Bill.<sup>48</sup>

\* See our policy brief for detailed recommendations on what the proposed directive should contain in order to be effective, *Holding Companies to Account: A Blueprint for European Legislation*: <https://www.globalwitness.org/en/campaigns/holding-corporates-account/holding-companies-to-account-a-blueprint-for-european-legislation/>



A peat land fire is seen at Rumbai Pesisir village in Sumatra, Indonesia. During Indonesia's annual dry season, hundreds of fires are often illegally ignited to clear forests on the islands of Sumatra and Kalimantan, where large forest concessions are used by paper and palm oil companies. AFRIANTOSILALAH/Barcroft Media via Getty Images

# METHODOLOGY

The Global Witness Land and Environmental Defenders Campaign aims to stop the broad range of threats and attacks that land and environmental defenders and their communities face. It strives to raise awareness of these abuses and to amplify the voices of defenders in support of their work and that of their networks.

We define land and environmental defenders as people who take a stand and carry out peaceful action against the unjust, discriminatory, corrupt or damaging exploitation of natural resources or the environment. Land and environmental defenders are a specific type of human rights defender – and are often the most targeted for their work.<sup>†</sup>

Our definition covers a broad range of people. Defenders often live in communities whose land, health and livelihoods are threatened by the operations of mining, logging, agribusiness companies or other industries. Others will be defending our biodiverse environment. Others will be supporting such efforts through their work – as human rights or environmental lawyers, politicians, park rangers, journalists, or members of campaigns or civil society organisations, for instance.

Global Witness has produced a yearly account of murdered land and environmental defenders since 2012. We maintain a database of these killings so that there is a record of these tragic events and we can track trends and highlight the key issues behind them.

## **Research into the killings and enforced disappearances of land and environmental defenders between 1 January 2020 and 31 December 2020:**

Global Witness identifies cases of killings by searching and reviewing reliable sources of publicly available online information, through the following process:

- We identify datasets from international and national sources with details of named human rights defenders killed, such as the Frontline Defenders annual report and the Programa Somos Defensores annual report on Colombia, and then research each case.
- We set up search-engine alerts using keywords and conduct other searches online to identify relevant cases across the world.
- Where possible or necessary, we check with in-country or regional partners to gather further information on the cases. We work with approximately 30 different local,

national and regional organisations across over 20 countries to do this.

To meet our criteria, a case must be supported by the following available information:

- Credible, published and current online sources of information.
- Details about the type of act and method of violence, including the date and location.
- Name and biographical information about the victim.
- Clear, proximate and documented connections to an environmental or land issue.

Sometimes we will include a case that does not meet the criteria outlined above, where a respected local organisation provides us with compelling evidence that is not available online, based on their own investigations.

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

Our data on killings is likely to be an underestimate, given that many murders go unreported, particularly in rural areas and in particular countries. Our set of criteria can't always be met by a review of public information like newspaper reports or legal documents, nor through local contacts - having this strict methodology therefore means our figures do not represent the scale of the problem, and we are constantly working to improve this.

In summary, the figures presented in this report should be considered as only a partial picture of the extent of killings of land and environmental defenders across the world in 2020. We identified relevant cases in 22 countries in 2020, but it is likely that attacks affecting land and environmental defenders also occurred in other countries where human rights violations are widespread. Reasons why we may not have been able to document such cases in line with our methodology and criteria include:

- Limited presence of civil society organisations, NGOs and other groups monitoring the situation.
- Government suppression of the media and other information outlets.
- Wider conflicts and/or political violence, including between communities, that make it difficult to identify specific cases.

<sup>†</sup> For example, Frontline Defenders identified 331 killings of human rights defenders in 2020, with 69% classified as land, indigenous peoples, and environmental rights defenders: [https://www.frontlinedefenders.org/sites/default/files/flid\\_global\\_analysis\\_2020.pdf](https://www.frontlinedefenders.org/sites/default/files/flid_global_analysis_2020.pdf)

We conducted searches in English, Spanish and Portuguese. Due to the large number of countries and potential sources, we concentrated our searches on those countries where initial alerts indicated that there were potentially relevant cases to investigate. Due to the manner in which this work has evolved over the years, Global Witness has well-established links in some countries but lacks them in others.

Our data may also differ from that being gathered by other NGOs due to variations in methodologies and verification techniques. Some NGOs document attacks against all human rights defenders, while Global Witness data only covers defenders working on land or environmental issues.

## **PARK RANGERS AND GOVERNMENT OFFICIALS**

Our statistics reveal that a significant number of murdered land and environmental defenders belong to indigenous communities, whose land and water management skills are crucial to combat the climate crisis and biodiversity loss. In some areas of the world, indigenous peoples have been, and continue to be, expelled from their land for the creation or maintenance of conservation reserves. Global Witness clearly does not endorse this approach to environmental protection. We do not include deaths where the victim was reportedly linked to violence against indigenous or local communities.

We do, however, include cases of government officials and park rangers who have been specifically threatened or targeted while trying to protect forestland and biodiversity, where there is no known conflict with indigenous or local communities.

To document the defender stories across Mexico, Cambodia and South Africa in this report we have worked directly with national and local organisations, as well as journalists, in each country. This included sourcing additional information. We also ensured that relevant individuals and organisations checked these case studies for accuracy. Accompanying each case study are a set of defender-led recommendations that aim to amplify the voices of those with whom we work. These are either from long-standing partners or those contacted specifically for their involvement or connection to the specific issue involved.

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ALL RISE, South Africa

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Amnesty International

Bufete Jurídico Justicia para los pueblos, Mexico

Business and Human Rights Resource Centre

Centro de Asistencia Legal a Pueblos Indígenas (CALPI), Nicaragua

Centro Mexicano de Derecho Ambiental (CEMDA), Mexico

Centro por la Justicia y Derechos Humanos de la Costa Atlántica Norte de Nicaragua (CEJUDHCAN)

Comissão Pastoral da Terra (CPT), Brazil

Comité Cerezo, Mexico

Comité Municipal de Defensa de los Bienes Comunes y Públicos de Tocoa, Colón, Honduras

Conectas, Brazil

Coordinadora Nacional de Derechos Humanos, Peru

Crude Accountability

Defenders Protection Initiative, Uganda

Diakonia, Honduras

Front Line Defenders

Human Rights Watch

Instituto Nacional de Derechos Humanos, Chile

Kalikasan PNE, Philippines

Karapatan, Philippines

Lembaga Studi dan Advokasi Masyarakat (ELSAM), Indonesia

Mexicali Resiste, Mexico

Mfoloji Community Environmental Justice Organisation (MCEJO), South Africa

Office of the United Nations High Commissioner for Human Rights, Colombia

Peace Brigades International (PBI)

People's Watch, India

Proética, Peru

Programa Somos Defensores, Colombia

Protection International, Indonesia

Protection International, Thailand

Radio Progreso & Equipo de Reflexión, Investigación y Comunicación (ERIC-SJ), Honduras

Southern Africa Human Rights Defenders, South Africa

Unidad de Protección a Defensoras y Defensores de Derechos Humanos (UDEFEQUA), Guatemala

Virunga National Park, Democratic Republic of Congo

WALHI Sulawesi Selatan, Indonesia

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