



global witness



DEFENDERS OF THE EARTH

Global killings
of land and
environmental
defenders in 2016



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OUR INSPIRATION: THE NAMES OF THOSE MURDERED IN 2016

Global Witness documented the murder of 200 land and environmental defenders in 2016. This report is dedicated to their lives, and to all those around the world who stand up for land rights and the protection of the environment.

You are our inspiration.

Our message to those responsible for these murders is clear: **These defenders did not die – they multiplied.**

Anowarul Islam (Angur), Bangladesh
Mangal Mardi (Mongol Madri), Bangladesh
Mortuza Ali, Bangladesh
Ramesh Tudu, Bangladesh
Shyamal Hembrom (Shyamal Soren), Bangladesh
Zager Ahmed, Bangladesh
Zaker Hossain, Bangladesh
Alexsandro dos Santos Gomes, Brazil
Allysson Henrique Lopes (Bá), Brazil
Aponuyre Guajajara, Brazil
Assis Guajajara (Silvio Assis Guajajara), Brazil
Candide Zaraky Tenetehar/Guajajara, Brazil
Cleidiane Alves Teodoro, Brazil
Clodiودي Aquileu Rodrigues de Souza (Clodioude, Clodiode), Brazil
Edilene Mateus Porto, Brazil
Edmilson Alves da Silva, Brazil
Enilson Ribeiro dos Santos, Brazil
Fernando Gamela, Brazil
Francisca das Chagas Silva, Brazil
Genésio Guajajara, Brazil
Genivaldo Braz do Nascimento (Ninja), Brazil
Geraldo de Campos Bandeira, Brazil
Geraldo Lucas, Brazil
Iraúna Ka'apor, Brazil
Isaías Guajajara, Brazil
Isaque Dias Ferreira, Brazil
Ivanildo Francisco da Silva, Brazil
Jaison Caique Sampaio, Brazil
Jesser Batista Cordeiro, Brazil
João Luiz de Maria Pereira, Brazil
João Natalício Xukuru-Kariri, Brazil
João Pereira de Oliveira (João Bigode), Brazil
Joel Martins Gavião Krenyê, Brazil
José Bernardo da Silva (Zuza), Brazil
José Colírio Oliveira Guajajara, Brazil
José Dias de Oliveira Lopes Guajajara, Brazil
José Lisboa, Brazil
José Queiros Guajajara, Brazil
Leomar Bhorbak, Brazil
Luciano Ferreira de Andrade, Brazil
Luís Alberto Araújo, Brazil

Luis Antônio Bonfim, Brazil
Luís Carlos da Silva, Brazil
Luiz Jorge Araújo, Brazil
Luiz Viana Lima, Brazil
Marcus Vinicius de Oliveira (Marcus Matraga), Brazil
Nilce de Souza Magalhães (Nicinha), Brazil
Nivaldo Batista Cordeiro, Brazil
Ronair José de Lima, Brazil
Roni dos Santos Miranda (Rony), Brazil
Ruan Hildebran Aguiar, Brazil
Sebastião Pereira dos Santos, Brazil
Valdiro Chagas de Moura, Brazil
Valdomiro Lopes de Lorena, Brazil
Vilmar Bordim, Brazil
Zé Sapo, Brazil
Bruce Danny Ngongo, Cameroon
Lei Yang, China
Adrián Quintero, Colombia
Alberto Pascal García, Colombia
Amado Gómez, Colombia
Aníbal Coronado, Colombia
Anuar José Alvarez Armero, Colombia
Ariel Sotelo, Colombia
Camilo Roberto Taicus Bisbicusm, Colombia
Cecilia Coicue, Colombia
Cristian Anaconda Castro, Colombia
Didier Losada Barreto, Colombia
Diego Alfredo Chirán Nastacuas, Colombia
Erley Monroy Fierro, Colombia
Evaristo Dagua Troches, Colombia
Gersaín Cerón, Colombia
Gil de Jesús Silgado, Colombia
Henry Pérez, Colombia
Jesús Adilio Mosquera Palacios, Colombia
Jhon Jairo Rodriguez, Colombia
Joel Meneses, Colombia
Johan Alexis Vargas, Colombia
José Antonio Velasco Taquinas, Colombia
Luciano Pascal García, Colombia
Luís Carlos Tenorio, Colombia
Manuel Chimá Pérez, Colombia
Manuel Dolores Pino Perafán, Colombia

Marco Aurelio Díaz, Colombia
Maricela Tombé, Colombia
Nereo Meneses (Nero, Mereo), Colombia
Nestor Ivan Martinez, Colombia
Orlando Olave, Colombia
Ramiro Culma Carepa, Colombia
Víctor Andrés Flórez, Colombia
William Alexander Oimé Alarcón (Williar), Colombia
William Castillo Chima, Colombia
Willington Quibarecama Naquirucama, Colombia
Yaneth Alejandra Calvache Viveros, Colombia
Yimer Chávez Rivera, Colombia
Dieudonné Tsago Matikuli, DRC
Fidele Mulonga Mulegalega, DRC
Jules Kombi Kambale, DRC
Munganga Nzonga Jacques, DRC
Patrick Prince Muhayirwa, DRC
Richard Sungudikpio Ndingba, DRC
Rigobert Anigobe Bagale, DRC
Sebinyenzi Bavukirahe Yacinthe, DRC
Venant Mumbere Muvesevese, DRC
Vincent Machozi, DRC
Benedicto Gutiérrez, Guatemala
Daniel Choc Pop, Guatemala
Héctor Joel Saquil Choc, Guatemala
Jeremy Abraham Barrios Lima, Guatemala
Juan Mateo Pop Cholom, Guatemala
Walter Manfredo Méndez Barrios, Guatemala
Allan Reyneri Martínez Pérez, Honduras
Berta Cáceres, Honduras
Elvin Joel Palencia Fuentes, Honduras
Jairo Ramírez, Honduras
José Ángel Flores, Honduras
José Pantaleón Alvarenga Galdámez, Honduras
Lesbia Yaneth Urquia, Honduras
Manuel Milla, Honduras
Nahún Alberto Morazán Sagastume, Honduras
Nelson Noé García Laínez, Honduras
Roberto Carlos Palencia Fuentes, Honduras
Rufino Alexis Bulnes Mejía, Honduras
Santos Filander Matute, Honduras
Silmer Dionisio George, Honduras
Abhishek Roy, India
Abraham Munda, India
Adangu Gomango, India
Anjuma Khatun, India
Dadli Lazar, India
Dashrath Nayak, India
Fakhruddin, India
Jagdish Binjwar, India
Manda Katraka, India
Mehtab Ansari, India
Narendra Kumar Sharma, India
Pawan Kumar, India
Ram Lakhna Mahato, India
Ranjan Kumar Das, India
Sheik Baji Sahid, India
Sidheshwar Singh, India
Manouchehr Shojaei, Iran

Mohammad Dehghani, Iran
Parviz Hormozi, Iran
Michael McCoy, Ireland
Bill Kayong, Malaysia
Alejandro Nolasco Orta, Mexico
Baldomero Enríquez Santiago, Mexico
Salvador Olmos García, Mexico
Naw Chit Pandaing, Myanmar
Soe Moe Tun, Myanmar
Ángel Flores, Nicaragua
Balerio Meregildo, Nicaragua
Bernicia Dixon Peralta, Nicaragua
Den Silwa, Nicaragua
Francisco Benlis Flores, Nicaragua
Francisco Benlis Peralta, Nicaragua
Francisco Joseph, Nicaragua
Gerardo Chale Allen, Nicaragua
Nelin Pedro Parista, Nicaragua
Rey Müller, Nicaragua
Rudy Manuel Centeno Solís, Nicaragua
Zafar Lund, Pakistan
Pedro Valle Sandoval, Peru
Quintino Cerceda, Peru
Alibando Tingkas, Philippines
Ariel Diaz, Philippines
Arnel Figueroa, Philippines
Baby Mercado, Philippines
Benjie Sustento, Philippines
Christopher Matibay, Philippines
Datu Mansulbadan Lalinan, Philippines
Edjan Talian, Philippines
Eligio Barbado, Philippines
Gaudencio Bagalay, Philippines
Gloria Capitan, Philippines
Hermie Alegre, Philippines
Jennifer Albacite, Philippines
Jerry 'Dandan' Layola, Philippines
Jimmy Mapinsahan Barosa, Philippines
Jimmy Saypan, Philippines
Joselito "Anoy" Pasaporte, Philippines
Jover Lumisod, Philippines
Makinit Gayoran, Philippines
Michael Sib-ot, Philippines
Remar Mayantao, Philippines
Ricky Peñaranda, Philippines
Rogen Suminao, Philippines
Rolan Lonin Casiano, Philippines
Ronel Paas, Philippines
Senon Nacaytuna, Philippines
Teresita Navacilla, Philippines
Violeta Mercado, Philippines
Sikhosiphi "Bazooka" Rhadebe, South Africa
Wizani Baloyi, South Africa
Roger Gower, Tanzania
Den Khamlae, Thailand
Anthony Twesigye, Uganda
Le Dinh Tue, Vietnam
Kennedy Zvavahera, Zimbabwe

EXECUTIVE SUMMARY

“They threaten you so you shut up. I can’t shut up. I can’t stay silent faced with all that is happening to my people. We are fighting for our lands, for our water, for our lives.”¹

Colombian Defender Jakeline Romero

Earlier this year, US legislators in North Dakota debated a proposed bill that would allow drivers to run over and kill an environmental protester without facing jail.² The bill was the latest chilling indication of a worldwide phenomenon which Global Witness is determined to help end: the increasing suppression of environmental and land rights activism which, in many countries, means the murder of those brave enough to raise their voice.

The data, analysis and human stories in this report demonstrate that the world is now more dangerous than ever for a group of people we should celebrate: those community activists, NGO staff and indigenous leaders on the front line of the struggle for our planet’s future.

In 2016, **at least 200 land and environmental defenders were murdered** – the deadliest year on record. Not only is this trend growing, it’s spreading – killings were dispersed across 24 countries, compared to 16 in 2015. With many killings unreported, and even less investigated, it is likely that the true number is actually far higher.

This tide of violence is driven by an intensifying fight for land and natural resources, as mining, logging, hydro-electric and agricultural companies trample on people and the environment in their pursuit of profit.

As more and more extractive projects were imposed on communities, many of those who dared to speak out and defend their rights were brutally silenced.

This report tells the stories of these activists and the threats they’ve faced. It highlights the courage of their communities as they stand up to the might of multinationals, paramilitaries and even their own governments in the most dangerous countries on Earth to be a defender.

The ruthless scramble for the Amazon’s natural wealth makes **Brazil**, once again, the world’s deadliest country in terms of sheer numbers killed, though **Honduras** remains the most dangerous country *per capita* over the past decade.

Nicaragua is beginning to rival that dubious record. An inter-oceanic canal is set to slice the country in two, threatening mass displacement, social unrest and the violent suppression of those who stand against it. Meanwhile a voracious mining industry makes the **Philippines** stand out for killings in Asia.

In **Colombia**, killings hit an all-time high, despite – or perhaps because – of the recently signed peace deal between the government and the guerrilla group, the FARC.³ Areas previously under guerrilla control are now eyed enviously by extractive companies and paramilitaries, while returning communities are attacked for reclaiming land stolen from them during half a century of conflict.

India has seen killings spike against a backdrop of heavy-handed policing and the repression of peaceful protests and civic activism.

Defending national parks is now riskier than ever, particularly in Africa where large numbers of rangers are being killed, especially in the **Democratic Republic of Congo**.

And this isn’t a problem confined to any one corner of the planet. Developed countries are ramping up other methods to suppress activists, notably in **the US**, where environmental defenders are being given every reason to protest by the Trump administration.

It is increasingly clear that, globally, **governments** and **companies** are failing in their duty to protect activists at risk. They are permitting a level of impunity that allows the vast majority of perpetrators to walk free, emboldening would-be assassins.

Incredibly, it is the activists themselves who are painted as criminals, facing trumped-up criminal charges and aggressive civil cases brought by governments and companies seeking to silence them. This **criminalisation** is used to intimidate defenders, tarnish their reputations and lock them into costly legal battles.ⁱ

Investors, too, are fuelling the violence by backing projects that trash the environment and trample human

rights. Even development banks tasked with promoting sustainable development are implicated.

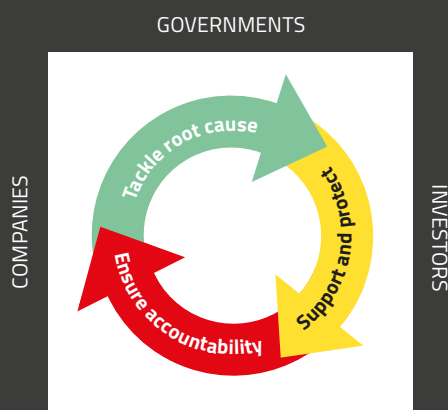
Governments and business are failing to tackle the main **root cause** of the attacks: the imposition of projects on communities without their free, prior and informed consent. Protest is often the only recourse left to communities exercising their right to have a say about the use of their land and natural resources, putting them on a collision course with those seeking profit at any cost.

Rhetoric on sustainable development and climate change will prove empty if those defending their land and the environment continue to risk their lives in doing so. Governments, companies and investors, therefore, must take a stand and guarantee that local communities and defenders are consulted rather than killed.

WHO NEEDS TO DO WHAT?

States have the primary duty, under international law, to guarantee that human rights defenders can carry out their activism safely. However, land and environmental defenders face specific and heightened risks because they challenge business interests. Therefore, to keep them safe, action is needed from:

- > **Governments**
- > **Companies**
- > **Investors**
- > **Bilateral aid and trade partners**



BILATERAL AID AND TRADE PARTNERS

These actors must take steps to:

- > **Tackle the root causes of risk** – Guaranteeing communities can make free and informed choices about whether and how their land and resources are used
- > **Support and protect defenders** – Through specific laws, policies and practises
- > **Ensure accountability for abuses** – This goes beyond the prosecution of those responsible for ordering or carrying out an attack, and extends to ensuring that those actors who failed to support and protect defenders face consequences for their inaction

[Read our full set of recommendations on pp.39-41](#)

10 KEY FINDINGS

- > At least 200 defenders were murdered in 2016 – the **deadliest year** on record
- > The phenomenon isn't just growing, it's **spreading**. Global Witness documented murders in 24 countries, compared to 16 in 2015
- > Mining remains the **most dangerous sector** – with 33 defenders killed after having opposed mining and oil projects – though the number of murders associated with logging are on the rise
- > Almost 40% of victims are indigenous, one of the **most vulnerable groups** of defenders⁴
- > 60% of those murdered in 2016 were from **Latin America**. Brazil remained the deadliest country in terms of sheer numbers, with Nicaragua the worst place *per capita* last year. Honduras retains its status as the most dangerous place *per capita* over the past decade⁵
- > Colombia has seen a **spike in murders** despite the signing of the peace accords, while killings in India increased threefold
- > **Park rangers** and forest guards face heightened risks, with at least 20 murdered last year
- > Governments and business are failing to tackle the **root cause** of the attacks: the imposition of extractive projects on communities without their free, prior and informed consent
- > **Investors**, including development banks, are actually fuelling the violence by financing abusive projects and sectors, and failing to support threatened local activists
- > **Criminalisation** and aggressive civil cases are being used to stifle environmental activism and land rights defence right across the world, including in 'developed' countries like the US

2016: MORE DEATHS IN MORE COUNTRIES

THE TIP OF THE ICEBERG

Our data on killings is likely to be an underestimate, given that many murders go unreported, particularly in rural areas. Our methodology requires cases to be verified according to a strict set of criteria (see Methodology), which can't always be met by a review of public information or through local contacts. Shrinking space for free speech and civic organisation in many countries means that there are almost certainly more defenders murdered than anybody is able to document.

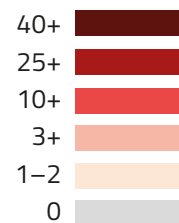
A SPREADING PHENOMENON

Global Witness documented that a shocking 200 land and environmental defenders were killed in 2016 – almost 10% more than 2015, previously the deadliest year on record. Far more places are now affected, with killings across 24 countries in 2016, compared with 16 the previous year.

Almost 1000 murders have been recorded by Global Witness since 2010, with many more facing threats, attacks, harassment, stigmatisation, surveillance and arrest.⁶ Clearly governments are failing to protect activists, while a lack of accountability leaves the door open to further attacks. By backing extractive and infrastructure projects imposed on local communities without their consent, governments, companies and investors are complicit in this crisis.

In 2016, Latin America accounted for more than 60% of killings. Brazil was the worst country in terms of absolute numbers, with many murders perpetrated by loggers and landowners in the Amazon. Nicaragua had the most killings *per capita*, as indigenous communities suffered violence at the hands of agricultural settlers. However the rise in murders in Honduras last year means the country is still, consistently over the past decade, the deadliest

KILLINGS BY COUNTRY 2016

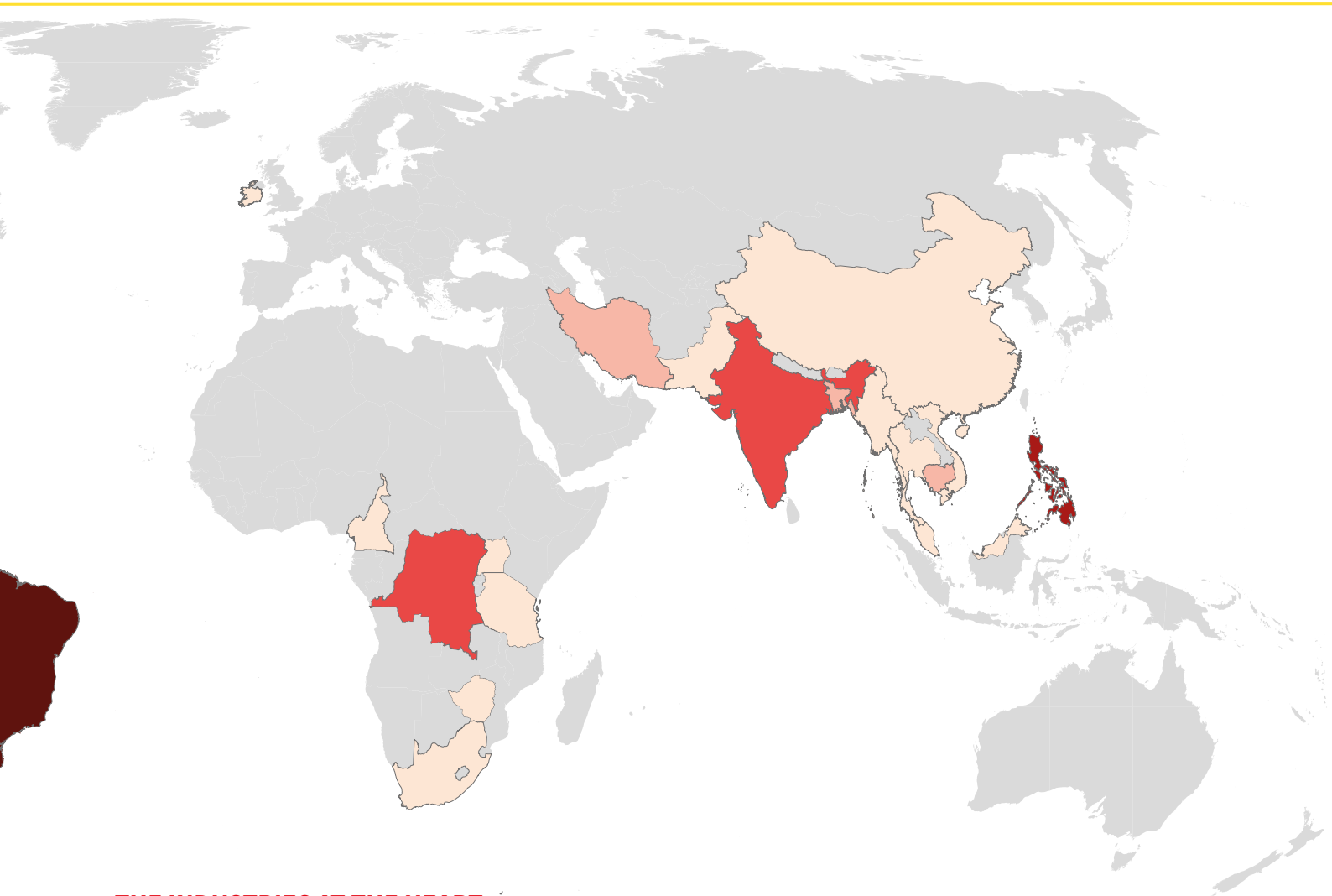


country to be a defender.⁷ Colombia saw 37 defenders murdered in 2016 – a paradoxical 40% rise in killings over a year in which the country's peace process progressed.

Asia saw an 18% increase in murders of activists in 2016. The Philippines is consistently one of the deadliest places to defend the environment, with 28 killings in 2016; most linked to struggles against mining. The number of killings in India tripled to 16 in 2016 – police are the suspected perpetrators, shooting protestors in the majority of cases. Violence also soared in Bangladesh, where seven activists were murdered compared to none in 2015.

Defending national parks is now riskier than ever, particularly in Africa where the Democratic Republic of Congo again tops the list. All told, at least 20 park rangers and forest guards were murdered in 2016. Global Witness documented fewer killings in Peru and Indonesia than in previous years, though defenders in both countries continued to be threatened, attacked and criminalised.

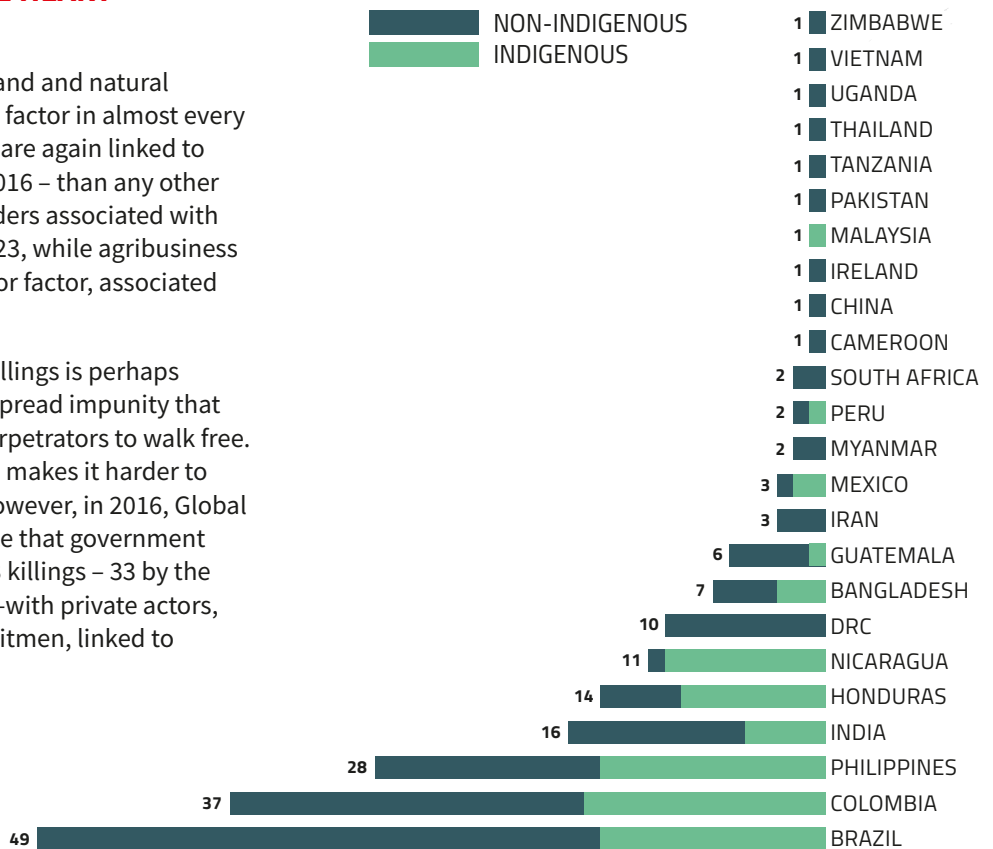
As in 2015, almost 40% of victims in 2016 were indigenous people. And although nine out of every 10 murdered activists were male, women defenders faced gender-specific threats including sexual violence, harassment of their children, and discrimination in their communities.



THE INDUSTRIES AT THE HEART OF THE VIOLENCE

Conflicts over the control of land and natural resources were an underlying factor in almost every killing in 2016. Mining and oil are again linked to more murders – 33 cases in 2016 – than any other industry. The number of murders associated with logging increased from 15 to 23, while agribusiness continued to represent a major factor, associated with 23 killings in 2016.

The upward curve in global killings is perhaps unsurprising, given the widespread impunity that allows the vast majority of perpetrators to walk free. This lack of prosecutions also makes it harder to identify those responsible. However, in 2016, Global Witness found strong evidence that government forces were behind at least 43 killings – 33 by the police and 10 by the military –with private actors, such as security guards and hitmen, linked to 52 deaths.



KEY QUESTIONS

WHO IS AT RISK?

Land and environmental defenders are people who take peaceful action, either voluntarily or professionally, to protect environmental or land rights. They are often ordinary people who may well not define themselves as ‘defenders’. Some are indigenous or peasant leaders living in remote mountains or isolated forests, protecting their ancestral lands and traditional livelihoods from mining projects, dams and luxury hotels. Others are park rangers tackling poaching and illegal logging. They could be lawyers, journalists or NGO staff working to expose environmental abuse and land grabbing.

Land and environmental defenders often clash with political, business and criminal interests, who collude to steal their natural resources.

These powerful forces marginalise defenders, branding their actions ‘anti-development’. Many defenders face years of death threats, criminalisation, intimidation and harassment, but receive little or no protection from authorities.

These activists defend internationally recognised human rights, such as the right to a healthy environment, the right to participate in public life, the right to protest and the right to life. As such, they are a subset of human rights defenders, meaning that governments are obliged to protect them as set out in the UN Declaration on Human Rights Defenders,⁸ whilst business should respect their rights as per the UN Guiding Principles on Business and Human Rights.⁹



WHAT'S DRIVING THE ATTACKS?

Struggles between governments, companies and local communities over the use of land and natural resources underpinned most of the killings documented by Global Witness. In some cases we could identify the specific sectors defenders had questioned or opposed prior to their murder.

Sector	Total
Mining & oil	33
Logging	23
Agribusiness	23
Poaching	18
Water & Dams	7
Other	4

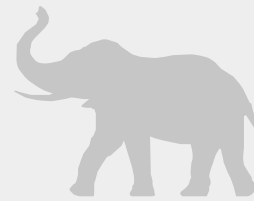


WHO IS RESPONSIBLE?

With perpetrators rarely prosecuted, it is difficult to know who is attacking defenders or who is ordering those attacks. However, there were cases in which we could identify the following suspected perpetrators:

We identified potential **paramilitary** involvement in 35 cases, predominantly in Colombia and the Philippines. The **police** were the suspected perpetrators of 33 murders worldwide, while **landowners** appeared to be behind 26 attacks.

Private security guards seem to have been involved in 14 cases. **Poachers** were accused of being behind 13 murders, predominantly in Africa. Other actors associated with murders of defenders were the **military, settlers, loggers, hired gunmen** and **business representatives**.



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WHAT OTHER THREATS ARE FACING DEFENDERS?

Murders represent the sharp end of a range of threats and restrictions facing defenders. According to a recent UN report on the situation of environmental defenders,¹⁰ others include:

- Judicial harassment
- Travel Bans
- Enforced disappearanceⁱⁱ
- Sexual harassment
- Illegal surveillance
- Threats and attacks on family
- Blackmail
- Death threats
- Use of force in peaceful protests

ii See explanatory note on page 45

— WHERE THE SITUATION HAS WORSENERD

In this section we highlight the situation in three countries that stand out.

Colombia had its worst year on record, in spite – or perhaps because – of the recently signed peace deal.

India has seen killings spike against a backdrop of criminalised civic action and heavy-handed policing.

And the **Democratic Republic of Congo**, the bloodiest country in Africa for environmental defence, in a continent where park rangers are threatened by poachers as much as by industry.

COLOMBIA: PROFIT OVER PEACE

- 37 land and environmental defenders killed in 2016 – by far the worst year on record
- Paramilitaries were the suspected perpetrators in 22 murders
- Following the peace process, returning community members are being attacked for reclaiming land stolen during the conflict, while increased investment intensifies the struggle for natural resources



Jakeline Romero has faced threats and intimidation after speaking out against abuses of powerful corporations in Colombia.
© Christian McLaughlin

Jakeline Romero, a Wayúu indigenous and women's rights activist, received this text message in December 2016: "Don't focus on what doesn't concern you [if] you want to avoid problems. Your daughters are very lovely, so stop stirring other people's pots [...] Bitch, avoid problems because even your mother could be disappeared if you keep talking."¹¹

Jakeline has faced threats and intimidation after speaking out against abuses committed by paramilitaries and powerful corporations in La Guajira, in Colombia's north-eastern peninsula.¹² As a teacher travelling her region since the age of 18, she had been horrified at the damage being wreaked by the internationally financed Cerrejón coal mine¹³ upon the local environment.¹⁴ She was brave enough to take a stand.

"For the Wayúu people we are paying with our lives. We are paying with our culture. We are paying with the threat of being extinguished... Simply because we defend this small piece of land that used to give us enough to eat."¹⁵ Jakeline Romero

One day in 2014, it became clear just what this would mean for her family, when her teenage daughter got out of school and received a call from an unknown number. A voice said: "Tell your family to take care of themselves and of you – because we are going to kill you".¹⁶

Jakeline is one of many indigenous leaders under threat in Colombia – Global Witness data shows that in 2016 it was the second most dangerous country for communities defending their land or the environment. A staggering 37 activists lost their lives last year, a trend continuing into 2017.¹⁷

On the surface, it seems strange that this should be happening now. In November 2016, the Colombian government signed an historic peace agreement with the armed guerrilla movement, the FARC, formally bringing an end to half a century of civil war.

So why is violence against land and environmental defenders actually escalating? The answer comes down to a complex struggle for land.

As the FARC demobilises, a dangerous web of militias and paramilitary groups are jostling to control the territories it leaves behind. This brings them into conflict with indigenous and Afro-Colombian communities, who are seeking to reclaim ancestral lands taken from them during the civil war.¹⁸

At the same time, with the peace deal signed, the government is pushing for increased foreign investment,¹⁹ which has historically put more pressure on indigenous lands from large-scale developments.²⁰ During the civil war, the multinationals behind such developments were frequently accused of complicity with paramilitary forces guilty of gross human rights violations.²¹

THE ROLE OF MULTINATIONALS

The case of Jakeline and her organisation, the Fuerza de Mujeres Wayúu, is emblematic of an increasingly familiar pattern across Colombia. They had to take a stand against the devastating impact of vast coal mines on their lands because their construction was allegedly imposed on the community without their consent.

El Cerrejón, owned by London-listed companies Glencore, BHP Billiton and Anglo-American, is Latin America's largest open-pit mine. Over the past three decades, Cerrejón's expanding operations have displaced numerous indigenous and Afro-Colombian communities and, the Wayúu allege, depleted and polluted the region's precious water resources, resulting in severe droughts.²²

The Wayúu claim that they were never properly informed or consulted before the mine's imposition and expansion.²³ Those guilty of threatening Jakeline and her family have not been brought to justice.²⁴ Against this background, community leaders like Jakeline feel that protesting is the only way to be heard and their only chance of winning justice.

The crisis escalated in 2014 when Cerrejón sought licences to reroute part of the Ranchería River, the main water source and lifeline of the Wayúu.²⁵ As Jakeline spoke out against the company's plans, the harassment and threats escalated:

"We were opposing the diversion of the river and calling for a meaningful consultation for the affected Wayúu communities. That made us more visible, which is when the situation got more complicated for us. We felt that we were watched. People were asking 'what are these women doing? Who is coordinating things? Who is this Jakeline Romero?'"²⁶

A recent ruling by the Colombian Constitutional Court ordered the mine to repair environmental damages to one of the nearby communities.²⁷ Cerrejón had previously denied to the Guardian newspaper that it was generating toxic waste or substances harmful to the local community, and insisted it had taken steps to ensure compliance with Colombian law on air quality.²⁸ They also condemned

WHERE THE SITUATION HAS WORSENERD

the threats suffered by Wayúu activists in La Guajira and stated they are committed to exemplary ethical behaviour.²⁹

However, with community complaints continuing and spokespeople like Jakeline facing threats, it seems more drastic measures are required to end the conflict. As Jakeline says, “The company must freeze operations and start serious discussions with us about whether any of us want this project, how they will remedy the abuses that have taken place, and how our water and our environment can be protected. Especially given their global commitments on climate change.”³⁰

FAILING TO RECOGNISE, FAILING TO PROTECT

It is not just companies who are failing to protect these environmental and land activists – it is their own public officials. A government programme is in place to protect human rights defenders in Colombia, but according to civil society watchdog Somos Defensores, it is massively under-resourced and failing to do the job.³¹ Jakeline is officially ‘protected’ by the programme, but told us that the support offered was long delayed and completely inadequate.

“To me it seems that this failure to protect, it’s a strategy of the state. They threaten you so you will shut up. As a woman and as a Wayúu, I can’t shut up. I can’t stay silent faced with all that is happening to my people. We are fighting for our lands, for our water, for our lives. This is not peace. There is no peace in Colombia whilst our natural resources are sold like this.”³²

The government’s failure to protect defenders is potentially undermining its own drive for peace, as many of these activists are leading the process of reconciliation in their communities. Emilsen Manyoma - leader of the organisation CONPAZ -³³ was just such an activist, working to create spaces free from armed groups in her community, and speaking out against right-wing paramilitary groups and the displacement of locals from their land by international mining and agribusiness interests.³⁴ She was killed, along with her husband, on 17 January 2017. Their bodies were found with stab and gunshot wounds.³⁵

Paramilitaries are thought to be behind 22 murders in 2016,³⁶ but the government refuses to denounce them, claiming they no longer exist in Colombia since the end of the war.³⁷ Police and local authorities also seek to blame murders committed by paramilitary forces on “local causes”.³⁸

There is a blanket denial at the highest level of the government that the killings of indigenous leaders and

environmental defenders are systematic. In an interview with the BBC earlier this year, Defence Minister Luis Carlos Villegas proclaimed:

“When a [...] member of a social organisation is murdered, what can’t be automatic is to generate a link between that person and the defence of human rights or social leadership, which leads to the argument that [these killings] are systematic. [...] In these cases, no systematic links have been documented.”³⁹

The Colombian government must do more to recognise and protect these defenders who are on the front line of the peace process: prosecuting those responsible for ordering and carrying out attacks against them, and prioritising the effective implementation of the country’s protection programme. It must also be wary of pushing for large-scale foreign investment in risky sectors and historically violent regions without ensuring human rights are protected. Foreign companies and investors, meanwhile, must not add to the death toll by seeking profit over peace.

37 land and environmental activists in Colombia were killed in 2016 – the deadliest year on record. © Rafael Ríos



INDIA: STAMPING DOWN ON PROTEST

- 16 land and environmental defenders killed in 2016 – the worst year on record
- Police were the suspected perpetrators in 10 cases, while logging and mining were the main industries linked to murders
- State repression is on the rise with civil society and human rights defenders subjected to increased criminalisation

In February 2016, Manda Katraka, a 21-year-old Dongria Kondh tribesman, was ambushed by local police and shot dead.⁴⁰ Manda was attacked when collecting natural liquor from the forest with his friend Dambaru Sikaka for a local celebration.⁴¹ Dambaru heard gunfire and saw security forces carrying Manda's body away. Local leaders of the Dongria Kondh claim the state has declared war against them to safeguard mining interests.⁴²

Murders of environmental and land defenders have shot up dramatically in India. Global Witness recorded six murders in 2015. A year later, in 2016, India had become the fourth deadliest country in the world, with 16 killings. It is a sign of rising state repression and the criminalisation of civil society.

When the Dongria Kondh filed complaints with the police and staged protests demanding that Manda's killers be charged, the security forces dismissed them and labelled Manda a Maoist insurgent. Prafulla Samantara, a social activist and winner of this year's Goldman Prize for environmental defenders,⁴³ told us:

"In India, they say we are Maoists and extreme leftists. But we are democratic, we are non-violent. [...] I am branded as anti-development by the corporates, by the ruling class and by the police who say we are a threat to law and order."⁴⁴

For over a decade, the Dongria Kondh have protested against mining in their sacred Niyamgiri Hills. In 2004, UK-based mining company Vedanta Resources launched a US\$2 billion project in partnership with Odisha State

to build a massive open-pit mine to extract bauxite, an ore used to make aluminium. It was feared the mine would destroy large areas of forest, pollute vital water sources and force members of the Dongria Kondh tribe to leave their lands.

Prafulla knew that the Dongria Kondh were in the dark regarding the proposed mine; the only public hearing was held far from the planned site and in a language the Dongria Kondh do not speak. He travelled from village to village to warn the tribe of the coming threat, and helped it organise peaceful protests.



Prafulla Samantara was physically assaulted and intimidated during his campaign to ensure the respect of tribal people's rights in north-eastern India. © Goldman Prize

"They say I am against the nation's development, but I am doing my duty as a citizen of India. Our constitution says that we have a responsibility to preserve and to protect our resources and also the rights of the people." Prafulla Samantara

Prafulla filed a petition with India's Supreme Court, which made an historic ruling in favour of the Dongria Kondh's right to vote on the Vedanta mine. By August 2013, all 12 tribal village councils had unanimously voted against it. In August 2015, in a major victory for the Dongria Kondh, Vedanta announced the closure of an aluminium refinery it had built in anticipation of the mine's opening.⁴⁵

However, Prafulla says that police violence against the indigenous people who opposed the mine has only

WHERE THE SITUATION HAS WORSENERD

increased since the court ruling.⁴⁶ He too has been physically attacked and intimidated by “hired goons” he believes are connected to the company. Meanwhile Vedanta are eyeing up new mining investments in Odisha and the neighboring state of Chhattisgarh.⁴⁷

In response to the abuse suffered by the Dongria Kondh, the Church of England did the right thing and divested its shares in Vedanta, which totalled £3.8 million,⁴⁸ as did the Norwegian pension fund. It told the company “There continues to be an unacceptable risk that your company will cause or contribute to severe environmental damage and serious or systematic human rights violations.”⁴⁹ The World Bank Group’s private arm, the International Finance Corporation, supported Vedanta indirectly via its financial intermediary investments in Axis Bank⁵⁰ and YES Bank.⁵¹

Whilst Vedanta accepts it did not engage effectively with local people prior to the unanimous vote against the mine, it points out that it relinquished rights in the Niyamgiri Hills in 2015 without mining commencing and says that there were never any displacements, relocations or human rights abuses resulting from its activities there. Vedanta also told Global Witness it played no part in any intimidation suffered by Prafulla, whilst expressing sympathy, emphasising that rigorous adherence to ethical business practice is expected of its employees and suppliers who work under codes which address such issues. The company is committed to sustainability and local development initiatives, it says.

RISING TIDE OF POLICE BRUTALITY

The murder of Manda and the repression of the Dongria Kondh is part of a disturbing trend of increasing

Social activist Rinchin has been supporting local communities in their struggle against coal companies grabbing their land and causing pollution.
© Ravi Mishra/Global Witness



police brutality in India, with the Modi administration determined to stifle opposition to ‘development’ policies by any means necessary. Nearly half of the defenders Global Witness recorded were killed when engaging in public protests and demonstrations.

Elsewhere, the Adivasi tribespeople too have been brutally repressed for opposing large-scale mining in Chhattisgarh. They’ve been subjected to a crushing combination of alleged land grabs, intimidation and criminalisation by government and legislative representatives. They’ve been threatened and attacked for resisting eviction, and protestors have been detained.⁵²

Writer and social activist Rinchin has been working alongside the Dalit Adivasi Mazdoor Sangathan, who are part of the wider ‘save Chhattisgarh’ movement, known as Chhattisgarh Bachao Andolan for the last six years.

“There is a complete breakdown of the law. Large numbers of the Adivasi population are illegally losing their land to corporations, through land grabs.”⁵³
Rinchin

Tamnar Block in Raigarh district of Chhattisgarh is the site of one of the struggles. The previous owner, Jindal Power Ltd, is accused of duping villagers out of their land, and the current operator South Eastern Coalfields Limited (SECL), has refused to take responsibility for displacing people and causing pollution. Out of desperation, the Adivasi began to blockade the coal mines.

Rinchin says: “In July there were women standing in pouring rain for seven days, eating and sitting in coal dust in front of the mine. The sub-divisional magistrate (SDM) came and there was an agreement that [positive action would be taken by the companies and the government] these things would be done. But when this never happened, in November around 500 people executed the blockade, listing the demands again, including a demand for jobs. This time government was harsher.

“When people stood their ground and would not leave, the SDM came and started shouting that he would penalise anyone he found on that spot and every outsider who was there... would be dug into the ground. Under massive pressure we had to take back our coal blockade with the promise that next day most of the demands would be met.⁵⁴

Mine operator Jindal denies that any land it mines in Chhattisgarh was acquired other than by due process of the law and that any displaced persons had the



Under Indian law, indigenous communities must be consulted before any development project takes place. In practice, these rights are often cast aside.
© Ravi Mishra/Global Witness

opportunity to make representations and received the compensation prescribed by Indian law. Additionally Jindal makes significant investments in local communities and infrastructure, it says.

SECL has said that it took on operations from Jindal in 2015, being satisfied that Jindal had acquired lawful rights for the mining and had paid appropriate compensation. SECL has continued to employ many displaced by the mining and undertaken a variety of initiatives to improve the local environment, education and facilities, it says.

“None of the demands have been met by the government or the company.” Rinchin

CLAMPDOWN ON CIVIL SOCIETY

National legislation giving communities the right to be consulted is often ignored.⁵⁵ The government is even manipulating the law to clamp down on NGOs that support indigenous tribes in defending their rights in the context of large-scale mining and dams.

In April 2015, the government revoked Greenpeace India's registration under the Foreign Contribution Regulation

Act, preventing it from receiving overseas financial backing in an effort to halt its operations. In November 2016, a further 25 NGOs, most of them human rights organisations, also had their licenses revoked under the Act. Media reports quoted unnamed officials from the Ministry of Home Affairs as saying that the NGOs were denied licenses because their activities were “not conducive to the national interest”.⁵⁶ UN experts say these revocations are illegal under international law.⁵⁷

The Modi administration's shrinking of civil society space is particularly disturbing when viewed in parallel to the government's aggressive pursuing of foreign investment for large-scale infrastructure, power and mining projects, and apparent disregard of local, particularly indigenous, voices. Under Indian law, these communities must be consulted before any development project takes place. In practice, these rights are often cast aside.

The Indian government should embrace the mobilisation of local communities, harnessing their knowledge to bring about sustainable and mutually beneficial development, rather than continuing the collision course which has seen a surge in the murder of activists, often at the hands of state forces.

WHERE THE SITUATION HAS WORSENERD

DRC: PARK RANGERS UNDER ATTACK

- 10 defenders killed in the DRC in 2016 – the highest number in Africa
- 9 of those killed were park rangers
- The DRC government is threatening those campaigning against abuses in the natural resource sector

Natural predators are the least of Rodrigue Katembo's worries as chief warden of Upemba National Park. This 10,000km area of outstanding natural beauty and rich biodiversity in south-eastern Democratic Republic of Congo (DRC) is also home to armed groups and criminal gangs.⁵⁸

When Global Witness spoke to Rodrigue about the job's challenges, he told us: "My predecessor was ambushed and decapitated by Mai Mai rebels. Upemba is very risky. The ranger team has no social support, no material support, no food. They're unable to even take their kids to school."⁵⁹

Well-armed poachers have also killed park rangers. These violent murders are part of a disturbing trend across Africa. In the past year, Global Witness has documented similar killings in South Africa, Cameroon, Uganda and Zimbabwe.⁶⁰

The threat of violence forced Rodrigue to abandon his previous post at Virunga National Park – a UNESCO World Heritage Site and home to some of the world's last remaining mountain gorillas.⁶¹ Half of DRC's murdered park rangers in 2016 worked in Virunga, where exploration by extractive companies has multiplied the risks for rangers, who are already at threat from the poachers operating in the park.


In 2007, the DRC government granted companies rights to explore for oil over 85% of Virunga's territory.⁶² Aware of the devastation that oil drilling could wreak, Rodrigue made an extraordinarily courageous decision. He went



Park ranger Rodrigue Katembo risked his life to uncover shady dealings that threatened Africa's oldest national park. © Goldman Prize

"When you look at what has been happening around the mining exploration, when you look at the ambush against the park director [...] when you look at all these incidents, there is no investigation, there is nothing, there are no steps that have been taken to look into these crimes."⁷⁷

Rodrigue Katembo



undercover with a film crew to expose the corruption and private interests behind the park's exploitation; a move which was likely to put his life in grave danger.

REVEALED: THE SHADY TRUTH

The resulting documentary, the Oscar-nominated *Virunga*, was released in 2014. It provides compelling evidence that British oil company Soco International benefited from the 'climate of violence' in and around the park in its pursuit of Virunga's oil.⁶³

It includes undercover footage of Rodrigue being offered thousands of dollars to spy on the park's director, Emmanuel de Mérode, and report back to Major Burimba Feruzi, a Congolese intelligence officer regularly paid by Soco. De Mérode was subsequently shot and wounded in April 2014, in an apparent assassination attempt as he returned to the park having reportedly delivered evidence of suspected corruption for the public prosecutor.⁶⁴ There is no evidence that Soco were connected with the attack.⁶⁵ The film also captured a Soco official and one of the company's contractors appearing to admit that Soco paid off armed rebels who operated in the park and might encroach on the search for oil.

Further evidence released by Global Witness in June 2015 showed that the same Congolese intelligence officer who tried to bribe Rodrigue received US\$42,250 (equivalent to over 30 years' salary for a Congolese army Major) from Soco in spring 2014.⁶⁶ There is also evidence that Soco paid a local MP, at the time a government minister, to campaign on its behalf.⁶⁷ The MP helped organise payments to local organisations to hold a pro-oil demonstration in the park.

Soco has stated that it never employed any Congolese soldiers, and that any financial arrangements were "above board" and agreed with the Congolese government.⁶⁸ It said that it treats any allegations of this nature with the "utmost seriousness" and that the company is "committed to operating under the best business practices".⁶⁹ In a 2014 letter to Global Witness, Soco denied breaching UK bribery laws and condemned the use of violence and intimidation.⁷⁰

Virunga exposed Soco's *modus operandi* to the world. It prompted the Church of England to divest its total holdings of £1.6 million in the company in July 2015,⁷¹ and the EU Parliament to adopt a resolution seeking to prevent oil exploration in the park and neighbouring areas in December of the same year.⁷² The EU parliament also called on the UK's Serious Fraud Office to investigate

all bribery and corruption allegations relating to Soco International.

FEARS FOR THE FUTURE

There is no guarantee this story will have a happy ending, as Soco's oil exploration may increase pressure for Virunga to be opened up.⁷³ The Congolese government may yet hand the oil licence to another company. Web news service *Africa Intelligence* ran an article in May this year on how the state-run exploration company Cohydro has been in talks with a little-known firm Quest Oil International, which is reportedly linked to Soco, over the transfer of drilling permits in the park.⁷⁴

And, every day, Virunga's rangers continue to risk their lives to protect Congo's wildlife. Rodrigue has fought off numerous armed attacks and suffered death threats.⁷⁵ In September 2013, he was arrested on spurious charges and tortured for 17 days.⁷⁶

Rodrigue told us that the government provides no protection to the rangers, or compensation to the families of those who have died.⁷⁸

"The only thing keeping me motivated to stay in Upemba is that the guards trust me and want me to stay. If I were to leave, all the other guards would desert and the poaching would start again. Then you would have a park with no wildlife. I am staying there for them."⁷⁹

A CONTROVERSIAL HISTORY

Conservation efforts in the DRC have a controversial history. The creation of national parks has impacted local communities, leading to human rights abuses, loss of livelihoods and even conflict between park rangers and local people.⁸⁰ These communities are not always consulted before national parks are created, and face restricted access to their lands and resources, upon which their lives depend.⁸¹

What is more, the DRC is an increasingly unsafe space for civil society to operate, with more and more national and international activists facing trumped-up legal charges because of their work.⁸² Indeed, Global Witness staff were thrown out of the country last year.⁸³ The febrile political climate in the DRC has exacerbated this problem.

THE CONTEXT FOR KILLINGS

Defenders need protecting from the threats they face. But the only way for these threats to be prevented in the first place, is if their **root causes** – such as land disputes, state and corporate corruption, and impunity for crimes against activists – can be addressed and eliminated.

In the cases Global Witness has come across the world over, there is one root cause of violence against defenders that stands out above all others: **denying communities the right to take informed decisions about the use of their land and resources.**

This section looks at how this key root cause might be tackled.

It also examines the shared **responsibility** for protecting defenders, analysing the role of **development banks and other investors.** Finally, recognising that murder is just the sharpest end of the range of threats facing defenders, we look at how those protecting their land and the environment are being **criminalised** around the world.

Excluding communities from decision making on their land and natural resources leads to conflict and violence against activists. © Goldman Prize



THE ROOT CAUSE: A LACK OF COMMUNITY CONSULTATION AND CONSENT

Imagine waking up one day to discover that the land your family has lived on for generations has been leased to developers. You have to be out by the time the bulldozers arrive. You can't see the documents behind the deal, you won't get any compensation. And if you don't go quietly, armed men will make you wish you had.

This kind of 'land grab' is happening more and more often, as investors scramble to acquire cheap land for everything from pineapple plantations, to logging and mining. It is this lack of community consultation and consent that sparks many of the conflicts and ultimately the murders documented by Global Witness.

WHEN THE BATTLE LINES ARE DRAWN

When communities have their land, forests and rivers taken from them without their permission or even knowledge, they are given little choice but to take a stand. They become defenders.

At the same time, the companies and investors that are taking the land, forest or river harden their position. Their project has already been approved, they have invested resources, so they have more to lose. They no longer hope to make money, they expect to. The stakes are higher, and so are the incentives to silence dissent. The battle lines have been drawn.

Time and again, this dynamic and its deadly consequences are played out globally. When communities are excluded from the beginning, they are more vulnerable to attacks later.

In Ethiopia's Omo Valley, a US\$1.8 billion hydro-electric project has recently been completed.⁸⁵ With impacts upon the local lake, river and soil, the project threatens the livelihoods of thousands of people who depend on fishing, cattle grazing and planting crops to survive.⁸⁶ It also risks damaging the environment on both sides of the border with Kenya.⁸⁷ Proper plans weren't published; the communities weren't freely consulted.⁸⁸ They were forced to protest.

In the ensuing conflict, those demanding their rights have faced violence, harassment and arrest.⁸⁹

"If communities and environmental defenders were active partners in the design of [business] projects from the very beginning, it would make them less vulnerable to attacks later"⁸⁴ – UN Special Rapporteur on human rights defenders

THE LEGAL AND BUSINESS CASE FOR CONSULTATION

International law (see page 23) sets out communities' rights to participate in decisions about how their land and natural resources are used.

There is also a strong business case for proper consultation: excluding communities from decision-making tends to lead to social conflict, stalled projects and legal disputes, which all come with severe financial and reputational risks. Consulting communities tends to lead to more collaboration, contributing to a stable operating environment and helping businesses overcome local obstacles.⁹⁰

Projects should never begin or evolve without the free, prior and informed consent of affected communities. Local residents have the right to say no. They should be able to participate in critical processes such as human rights, environmental and social impact assessments for projects like mines, dams or highways. When governments fail to guarantee these rights, companies and investors have a duty to uphold them before pushing ahead.⁹¹

Yet rights to participation and consent are frequently violated. Even when supposed community consultations occur, individuals are often put under duress, denied full information, or only convened when crucial decisions have already been taken behind closed doors. Indigenous people often suffer disproportionately. Project information rarely exists in languages and formats which the local community can access and understand, and violence is often used to force 'agreement': almost 40% of the murders Global Witness documented in 2016 were of indigenous leaders.⁹²

THE CONTEXT FOR KILLINGS

In Malaysia, for example, it is alleged that the state-owned company behind a series of planned hydroelectric dams manipulated community consultations, selecting participants and threatening elders.⁹³ Unsurprisingly, many locals are opposed to the initiative, which would submerge forests and force around 20,000 indigenous people from their land.⁹⁴ Opponents have faced threats and harassment.⁹⁵ In a rare move, the local Sarawak government cancelled the most controversial project, the Baram Dam, in early 2016.⁹⁶

Consulting properly can prevent conflicts, keep activists safe and secure the future of projects beneficial to both company and community. For example, after over two years of consultations, Engie's wind farm in France is expected to operate for over 20 years without costly protests.⁹⁷

It also allows communities to say no. In Cajamarca, Colombia, for example, South African giant AngloGold

Ashanti hopes to install Latin America's biggest mine, sourcing gold from an open pit.⁹⁸

A popular referendum in March saw 98% of residents vote against the project, and prevented tense protests from escalating.⁹⁹ This may not be the end of the story though. Mining Minister, German Arce, has suggested the referendum's result might not be implemented, while the company is yet to confirm its withdrawal.¹⁰⁰

The eyes of many are following the case, to assess whether the Colombian Government and AngloGold Ashanti have learnt a lesson which all governments and businesses need to grasp: that only by guaranteeing the meaningful participation of affected communities and respecting their right to veto a project, can abuses be prevented and the safety of local activists guaranteed.

Governments and business are responsible for ensuring that free, prior and informed consent is guaranteed before projects go ahead. © Giles Clarke/Global Witness



INTERNATIONAL LAW ON FREE, PRIOR AND INFORMED CONSENTⁱⁱⁱ

International law, guidance and practise protect the principle that all communities should be able to make free and informed choices about whether and how their land and natural resources are used and developed, with individuals having the right to say ‘no’ to business projects which affect their rights, their land or their environment.

International experts have developed a number of tools exploring what proper free, prior and informed consent (FPIC) should look like in practice,^A but key principles include:

- > FREE – nobody should be coerced, intimidated, or manipulated into giving their approval to a project. Where defenders are under threat, therefore, conditions for FPIC do not exist.**
- > PRIOR – sufficient time should be given for decision-making before bidding for licences and land takes place, and before each significant study, change or phase in a project.**
- > INFORMED – communities must have all the information they need. The information must be objective, accurate, and accessible in their native language.**
- > CONSENT – the right to veto a project should be guaranteed. Consultation is not consent.**

Under international law, the right to give or withhold FPIC is best understood as an expression of the right to self-determination. It can be interpreted as applying to all self-identified peoples who maintain customary (ie. administered under traditional systems and customs) relationships with their land and natural resources,^B particularly indigenous peoples. This is enshrined in International Labour Organization Convention 169 on Indigenous and Tribal Peoples^C plus the UN Declaration on the Rights of Indigenous Peoples,^D and reiterated by a range of expert guidance.^E

However, there is an increasing recognition that the principle of FPIC should be applied to *all* communities whose land, resources or rights might be affected by a business project.^F The right of every citizen to participate in public affairs has long been outlined in the International Covenant on Civil and Political Rights,^G whilst the UN Declaration on the Right to Development is clear that all individuals should be able to participate freely and meaningfully in development and its benefits.^H

The UN-REDD Programme, aimed at preserving forests to reduce carbon emissions, states that FPIC is a means to ensure “the full and effective participation of relevant stakeholders [including...] local communities”.^I Regional conventions have reiterated the need to guarantee public participation,^J and the UN Special Rapporteur for the right to food has asserted that “any shifts in land use can only take place with the free, prior, and informed consent of the local communities concerned.”^K The palm oil sustainability watchdog RSPO agrees that FPIC is a requirement for all potentially affected communities;^L a principle reinforced by Michelin Tyres,^M the Colombian Constitutional Court,^N and government agencies of Indonesia,^O amongst others.

As well as governments, business also has the responsibility to ensure that FPIC is guaranteed before projects go ahead. The UN Guiding Principles on Business and Human Rights not only underscore the business duty to respect international human rights law, regardless of the capacity or will of the state to enforce it, but also reiterate the importance of meaningful consultations with potentially affected groups.^P IFC Performance Standard 7 too articulates expectations upon investors in regards to the necessary consent of communities with customary relationships with their land.^Q

ⁱⁱⁱ See explanatory notes on page 45

“They sell the image that we are against development. We are not against development, we are against injustice.”¹⁰¹

Francisca Ramírez, CDTLS



© Global Witness

NICARAGUA – DIVIDED FOR PROFIT

- 11 defenders killed in 2016 – making it the most dangerous country in the world *per capita*
- 10 of those murdered were indigenous people, with most killed in conflicts with settler communities over land. Meanwhile rural ‘campesino’ defenders faced threats, harassment and attacks, including for opposing the construction of an inter-oceanic canal
- Activists were increasingly criminalised: foreign environmentalists were expelled, community leaders arrested and legislation passed restricting freedoms of speech and association

“We have carried out 87 marches, demanding that they respect our rights and we have had no response. The only response we have had is the bullet.”¹⁰²

Francisca Ramírez

Francisca Ramírez, a 39-year-old mother of five, is fighting to prevent her country from being carved in two. She has been threatened, assaulted and arrested for opposing plans for an inter-oceanic canal that would force up to 120,000 indigenous people from their land.¹⁰³

In October, one of her children was beaten by men in military uniform.¹⁰⁴ According to campaigners, more than a hundred protesters have been imprisoned.¹⁰⁵ In an attack against a march, Francisca told Global Witness a member of her community lost an eye and another was shot in the stomach.¹⁰⁶

THE CONTEXT FOR KILLINGS

In 2013, the Nicaraguan government signed into law a 100-year concession to a Chinese company, the Hong Kong Canal Development Group (HKND).¹⁰⁷ It permitted the company to build a canal that will slice through the middle of the country, connecting the Atlantic and Pacific oceans. This major new shipping route will be three times the size of the Panama Canal.¹⁰⁸

It is already a striking example of the conflict caused by not consulting communities over large-scale development projects.

THE GREEN LIGHT WITHOUT CONSENT

Francisca first heard about the canal when developers arrived in her village to inform the community that their land would be wiped out. Francisca looked in more detail at the government's plans and found they contravened international law.¹⁰⁹ She joined, and later led, a grassroots campesino organisation, the CDTLS,¹¹⁰ calling on the Nicaraguan government to respect the rights of rural communities and revoke Law 840, the legislation that granted the canal concession to HKND.

Such an enormous project should have been preceded by careful consideration of the environmental consequences and extensive public debate. In fact, HKND was granted the concession without a bidding process and with no prior environmental impact assessment.¹¹¹ Law 840 was rubber-stamped by parliament in one week, with no amendments and no public consultation.¹¹² According to analysis by Nicaraguan lawyers, Law 840 violates 40 articles of the Nicaraguan constitution and grants extraordinary powers to the Chinese company, including the right to expropriate whatever land it deems necessary.¹¹³

Incredibly, HKND is also exempt from any liability for breach of contract, so it would bear no responsibility if the project failed or wreaked environmental destruction on Nicaragua.¹¹⁴

STANDING UP TO HAVE A SAY

Francisca has rallied *campesino* groups from around the country who will be adversely affected by the canal to call for a meaningful say in its development. In June 2015, 30,000 people gathered for an anti-canal protest – Francisca organised 40 trucks so her community could attend.¹¹⁵

But her opposition came with a heavy price: Francisca and her family were repeatedly assaulted.¹¹⁶ “The children live in fear,” she says.¹¹⁷ In response, the European Court of Human Rights passed a resolution urging the Nicaraguan government to “refrain from harassing and using acts of reprisal against Francisca Ramírez and other human rights defenders,”¹¹⁸ and establish a public process to assess the environmental impact of the canal.

President Daniel Ortega's government recently tried to negotiate in secret with Francisca, but she refused.¹¹⁹

“The government wants to talk to us behind closed doors, but the position of the campesinos is that we are prepared to have an open and public dialogue, because we don't want anything to be hidden.”¹²⁰ Francisca Ramírez

Resistance to the canal takes place against a terrifying backdrop of multiple murders in indigenous communities elsewhere in the country which have stood up against the arrival of agricultural settlers and demanded the government guarantee their land rights.¹²¹ Even requests by the Inter-American human rights system haven't spurred the government into protecting community activists from being disappeared, mutilated and murdered.¹²²

Tangible improvements in the government's attitude to dissenting voices are necessary if defenders like Francisca are to be kept safe, and the spirit of the European Court resolution fulfilled.

Yet the contrary is currently the case: laws restricting free speech have tightened, human rights defenders have been arrested, and environmental activists expelled from the country.¹²³

The Nicaraguan government must reverse these conditions and safeguard the participation of local communities in decisions regarding business projects. If not, its status as the world's worst country *per capita* for land and environmental defenders will continue.

HONDURAS – SILENCED FOR SPEAKING UP

- 14 defenders killed in 2016 – affirming Honduras as the most dangerous country *per capita* over the last decade, with 127 murders since 2007
- Hydro dams and agribusiness were the industries most linked to murders
- Widespread corruption, a lack of community consultation, and the government's failure to protect activists are the driving forces behind the attacks

“Mother Nature – militarized, fenced-in, poisoned – demands that we take action.”¹²⁴ Berta Cáceres, COPINH

The brutal murder of Honduran activist Berta Cáceres shocked the world. Around midnight on 2 March 2016 gunmen broke down the door of her home and shot her dead. Cáceres, mother of four, lost her life because she opposed the construction of the Agua Zarca hydropower dam on her community's land. She was one of 14 land and environmental activists killed in Honduras in 2016 – making it the most dangerous country in the world over the last decade to be a defender.¹²⁵

It did not have to be this way. Cáceres was only forced to take a stand because the indigenous Lenca people, whose access to the Gualcarque River - with which they hold significant spiritual ties - was set to be affected by the dam, were never consulted on its development by the Honduran state or the company contracted to build it, Desarrollos Energéticos SA (DESA).¹²⁶

FAILING TO CONSULT

The ex-mayor who granted the dam's licence is facing charges for his failure to consult with the Lenca.¹²⁷ It is a welcome development, but it has not halted the

construction of the dam, or the threats, violence and murders against members of the organisation Cáceres led, the COPINH.¹²⁸ When asked to comment by Global Witness, DESA has denied any involvement in the murder of Berta Cáceres or in any other violence linked to the Agua Zarca dam.

The UN Special Rapporteur on indigenous rights visited Honduras in April 2017 and said the state's failure to consult indigenous peoples had forced them into “peaceful protest, which unfortunately has resulted in the criminalisation of those who defend their lands.”¹²⁹

The same tragic pattern has also played out in other communities across Honduras.

In Santa Elena, for example, villagers first heard of the Los Encinos dam when bulldozers arrived late at night to begin construction. Community member Ana Mirian helped organise a series of peaceful protests, calling on the company to formally consult with those who would be affected.¹³⁰ The company's response, with apparent backing from powerful state actors,¹³¹ was to arrange for a sham consultation in October 2014. Eyewitnesses attest that around 600 El Salvadoran nationals were transported over the border to forge signatures agreeing to the dam on behalf of the local community.¹³² The list of signatories is missing from the official minutes of the consultation.¹³³

REFUSING TO BE INTIMIDATED

Ana Mirian continued fighting to give her community a say, but has suffered brutal consequences. In October 2015, her home was raided by 30 heavily armed men, including soldiers and police.¹³⁴ They held guns to her children's heads, and savagely beat her and her pregnant sister-in-law, who lost her baby.¹³⁵ A few months later, Ana Mirian lost all of her family's belongings in an arson attack on her home.¹³⁶ But she refuses to be cowed.

“We must keep up the fight, we can't be frightened by all the killings that have happened. We must not lose our spirit, our children's future depends on it.”¹³⁷

Ana Mirian Romero

When asked to comment by Global Witness on these allegations, the sole Director of the Los Encinos dam project, Arnold Castro denied any responsibility for attacks against indigenous activists.

In spite of the international outcry that followed Berta Cáceres' death, the Honduran government is still failing



Ana Mirian was savagely beaten, almost losing her baby, after speaking out against a hydro dam planned on her community's land. © Front Line Defenders

to support and protect land and environmental activists, some of whom are also grappling with aggressive legal cases being brought against them. In February 2017 the dam company Cáceres opposed filed civil charges against activist Suyapa Martínez, who had been vocal in demanding justice for the murder of Berta Cáceres, demanding US\$40,000 in damages for releasing “inexact and prejudicial information” about the company. The case was thrown out.¹³⁸

The Honduran government's response to a recent Global Witness report on the reasons behind attacks on land and environmental defenders in the country was emblematic. Whilst some officials opened their door for a frank dialogue, a congresswoman filed a case against us, a Minister called for our arrest and, rather than meeting

with us, the President set about questioning our report's veracity.¹³⁹ Business representatives were equally belligerent.¹⁴⁰

Yet the country does possess a valuable opportunity to tackle one of the root causes of threats against defenders, given current negotiations around a proposed law on the free, prior and informed consent of indigenous and afro-Hondurans regarding the use of their land. It is crucial that this chance isn't lost, meaning the government must heed recent calls from the UN and include indigenous and environmental organisations, like Cáceres' COPINH, in defining the law.¹⁴¹

INVESTOR RESPONSIBILITY: BACKING BLOODY BUSINESS

Another troubling dimension to the brutal murder of award-winning environmentalist Berta Cáceres was the role of investors. For years, the Dutch Development Bank (FMO) and the Finnish Development Bank (Finnfund) continued to bankroll the hydroelectric project Berta opposed, even after she and others had reported numerous threats and attacks. The banks only spoke out when Berta's murder was met with international outcry, and announced their withdrawal from the project only when an employee of the company they were investing in, was arrested for alleged involvement in the killing.¹⁴² Had they acted sooner, Berta might still be alive and their reputations might still be intact.

In the vast majority of cases, land and environmental defenders are threatened because they have questioned or opposed a commercial project. This means that companies and investors have the power to support defenders, and ensure that communities can express their views on, and even protest against, projects without facing threats or attacks. With much of the violence driven by the thirst for profit, those who hold the purse strings can be a force for good.

THE ROLE OF DEVELOPMENT BANKS

The Berta Cáceres case shows that this is not only an issue for private investors. Disgracefully, even those international institutions charged with stimulating growth in developing countries are often part of the problem. Many of the projects that give rise to threats, murders or attacks are financed by development banks, whether multilaterals like the World Bank and the IFC, or national institutions like the FMO and Finnfund.

In 2016 a coalition of 169 NGOs from around the world called on development banks to “do everything within their powers” to ensure the public can have a say about the projects they finance. They demanded that defenders be able to “hold [development banks] to account without risking their security”.¹⁴³ Many organisations have also called on the FMO to learn lessons from the Berta Cáceres tragedy and include strong provisions for the protection

of defenders in its sustainability and human rights policies.¹⁴⁴ Generally, the banks' responses to these calls have so far been sorely insufficient.

WHAT INVESTORS CAN DO

To prevent fuelling violence, investors should pay special attention to countries and sectors where defenders face the greatest risks, ensuring this analysis forms part of an extensive due diligence process. If any proposed investment can't reliably ensure that abuses of the rights of defenders are prevented, then the investment shouldn't go forward. Failure to carry out or adhere to this due diligence could have significant impacts upon the project, with a company potentially losing its risk insurance cover for example, and thus making the venture unviable. Where they do choose to do business, investors must develop specific policies and take actions to prevent and respond to any threats that defenders might face.

They should talk to the communities affected by their projects, to assess whether they feel safe and listened-to when they raise objections or concerns. They should evaluate whether or not information about the business is available in languages and formats that local people can easily access, so they can effectively engage in decision making. If these conditions are not in place, then investment should be frozen.

Investors should never stand idle as defenders are threatened or attacked for voicing opinions on the projects which they, or their intermediaries, finance. The minimum they can do is to raise concerns with the local authorities, their shareholders and their clients; using their leverage to minimize harm. They should condemn the threats publicly, and open dialogue with those at risk to understand what other measures they can take to protect them and remedy any harm done.¹⁴⁵

As things stand, the silence of many investors is putting those who speak out against their projects at even greater risk.



Extractive companies and their investors have a duty to speak out when communities opposing their projects are threatened and attacked. © Ravi Mishra/Global Witness

Silence is interpreted as a green light by those wishing to repress defenders. Shareholders and consumers may conclude that investors actually *condone* attacks against activists. Investors must act as soon as a threat is made. They can't wait for a direct link to be proven through prosecutions – which are highly uncommon – or through the testimony of clients or governments, who are often trying to cover their tracks.

For example, the Hidroituango hydroelectric project in Colombia continues to be financed by the Inter-American Development Bank (IDB)¹⁴⁶ and its private financing arm, the Inter-American Investment Corporation (IIC).¹⁴⁷ The Colombian Ombudsman's Office¹⁴⁸ and UN experts¹⁴⁹ have documented that members of the local community and of the organization Rios Vivos have faced threats and attacks

in response to their opposition to the project. Rios Vivos has even denounced assassinations of its members.¹⁵⁰

Yet the IIC does not appear to have taken this evidence into account, suggesting it continues to rely upon its client company as its sole source of information. It has not acknowledged any responsibility, nor taken clear steps to minimize the risk of future attacks or secure remedy for the defenders already affected. Its reluctance to act has arguably left local activists, the project's future and the Bank's reputation all at risk.

Investors must ensure the impact they have on defenders is positive. For as long as the investment keeps flowing while the threats and attacks continue to occur, lives will be lost, and business will be bad.



Responses by the World Bank and others to soaring violence have been sorely insufficient. © 2015 Anadolu Agency / Getty

THE LEGAL AND BUSINESS ARGUMENTS FOR INVESTOR ACTION

There is both a business case and a legal imperative for investors to engage with and protect land and environmental defenders.

Affected communities' and defenders' local expertise is essential for investors to identify, prevent and mitigate human rights abuses, therefore minimizing adverse business impacts resulting from financial and non-financial legal, reputational, operational, and regulatory risks.

Their local knowledge can help investors navigate specific laws and contexts, establish risk management procedures, and design effective grievance policies, mitigation strategies and remediation mechanisms, building strong foundations for a project's long-term security and effectiveness. By engaging defenders, investors are better prepared to prevent and mitigate negative human rights impacts and build relationships with local stakeholders.

This approach can minimise the risk of community conflict and social strife, which often lead to interrupted production, security costs, crisis management, litigation

and negative reputational impact. In other words, projects are more likely to be successful and sustainable.

Ethical business and the management of environmental, social and governance risks are often rewarded by both consumers and markets. What is more, a context in which defenders are safe is a context conducive to business stability too. Both benefit from transparency, rule of law and civic freedoms

International law – interpreted via the UN Guiding Principles on Business and Human Rights – obliges investors to respect the right of citizens, including defenders, to express their views on and protest against business activities.¹⁵¹ Investors must therefore guarantee that they, their clients and contractors, refrain from harming defenders or impeding their rights. They should heed the Guiding Principles' recommendation to engage with all stakeholders, including defenders.¹⁵²

Investors should implement policies and practices guided by the UN Declaration on Human Rights Defenders, which articulates how existing human rights law should be applied to protect defenders. They should also be led by international norms and good practises concerning community participation and free, prior and informed consent (see page 23).

THE PHILIPPINES: COAL AND THE IFC

- 28 defenders killed in 2016 – the highest number in Asia for the fourth year running
- Most murders were linked to mining, coal and extractive industries, whilst half of those killed were indigenous people
- The government's regulatory rhetoric on mining is contradicted by a discourse threatening defenders

“The World Bank is masquerading as an institution that is concerned about climate change. But here they are indirectly funding coal projects, funding projects that led to the death of an environmentalist.”¹⁵³ Valentino de Guzman, Philippine Movement for Climate Justice

On the evening of 1 July 2016 Gloria Capitan was chatting with a friend inside her family's karaoke bar when armed assassins on motorbikes shot her dead at close range. Gloria's eight-year-old grandson watched as she died.¹⁵⁴ She was killed because of her activism.¹⁵⁵

Gloria was 57. A grandmother of 18, she was heartbroken to see her grandchildren fall ill with respiratory problems and skin allergies, a result of the intense air pollution caused by the vast coal power plants and storage facilities in her hometown of Lucanin.¹⁵⁶ That's why she campaigned against them. She had been threatened already. The investors said nothing.

COAL BOOM

In the Philippines the coal sector is booming. In 2015, 45% of the country's power was generated by coal, while its extraction, both for power plants and other industries, is expected to rise considerably in the coming years.¹⁵⁷ Bataan Province, where Gloria lived, is home to two coal-fired power plants and two storage facilities. With coal at



The IFC should steer clear of risky investments linked with environmental abuses and threats against defenders in the Philippines. © Mariano Sayno / Getty

the centre of power supply in the Philippines, production is set to increase.¹⁵⁸

In 2015 the provincial Health Office rejected Gloria's permit to operate her bar. They told her it would have to close because of the health risk posed by ash from a local power plant.¹⁵⁹ Meanwhile, in her province, the expansion of an existing plant and the development of two new coal-fired power stations was approved.¹⁶⁰

Two of these projects are owned or part-owned by San Miguel Power, which has received hundreds of millions of dollars from two Philippine commercial banks, Rizal and BDO Uniba.¹⁶¹ Both banks are propped up by the World Bank's International Finance Corporation (IFC). The IFC owns US\$149 million of Rizal's shares, US\$150 million of BDO Unibank's, and is represented on the boards of both.¹⁶² With such a significant stake in the banks' holdings, the IFC could influence their lending decisions. It could steer them away from risky investments that are going against international agreements, damaging the environment and associated with threats against defenders. In 2013, the World Bank introduced a new energy policy that sought to limit funding of coal-fired power plants to "rare circumstances".¹⁶³ However, via the IFC and private banks, World Bank investments continue to support the coal boom in the Philippines that Gloria opposed.

THE CONTEXT FOR KILLINGS

“It is difficult to speak up against giants. Against industries that can buy anything, even governments.”

Derek Cabe, Coal-Free Bataan Movement

DEFYING THE THREATS

In March 2015 Gloria filed a petition with the local authorities and the Department of Environment and Natural Resources, carrying the signatures of her community. It detailed the impact coal production was having on local people’s health.¹⁶⁴ As Gloria began to speak out publicly, the threats and intimidation began.

A representative from the Coal-Free Bataan Movement told Global Witness that Gloria was offered bribes of US\$300 a month and hospital treatment for her sick husband. On refusing the bribe, Gloria received an anonymous threat: “I care about all of you. I’d hate to see any of you buried under a mound of earth.”¹⁶⁵

It remains unclear who ordered the killing of Gloria Capitan. There is no evidence that her killers acted on the instructions of San Miguel Power.

Global Witness documented the murder of 28 land and environmental defenders in the Philippines in 2016, a third of whom were campaigning against mining and extractives. As the government moves towards reforming the extractive sector, it is imperative that it also puts in place policies and institutional reforms that will safeguard those on the frontline of the struggle for land and the environment.¹⁶⁶

Gloria Capitan was killed after receiving threats for her campaign against coal pollution. © The Coal-Free Bataan Movement.



BRAZIL: DAMS AND THE BNDES

➤ 49 defenders killed in 2016 – year-after-year it is the most dangerous country in terms of numbers

➤ The logging industry was linked to 16 murders, while landowners were the suspected perpetrators of many killings in the Amazon

➤ The government has rolled back environmental legislation and debilitated human rights institutions

Nilce de Souza Magalhães’ body was found tied to a rock and washed up on the shore of the Madeira River in July 2016. She had been missing for six months, her body submerged in the depths created by the Jirau dam at Porto Velho – a project she spent the last years of her life opposing.¹⁶⁷

Brazil has consistently been the deadliest country for land and environmental defenders since Global Witness began compiling data. In 2016 a staggering 49 people were killed for protecting their lands: 16 defending Brazil’s rich forests from loggers, a growing number fighting expanding agribusiness and its powerful lobby in government.¹⁶⁸

Nilce, a fisherwoman and a grandmother, took on the Jirau dam as it devastated fish stocks in a river the community has fished for generations. She became a leading activist and part of the Movement of People Affected by Dams (MAB) in the state of Rondônia.¹⁶⁹

The last time Nilce was seen alive was just a few weeks after speaking out on behalf of the uprooted fishing communities at a national hearing in the capital Brasilia.¹⁷⁰

Police sentenced Edione Pessoa da Silva with 15 years in prison for her murder, seeking to blame the death on a personal conflict between him and Nilce.¹⁷¹ However, in a statement MAB insisted that Nilce was killed because of her activism.



Nilce de Souza Magalhães' body was found tied to a rock and washed up on the shore of the Madeira River in July 2016. © Joka Madruga/Terra Sem Males

“We demand a full investigation and a trial. We will remain firm in the fight, denouncing the persecution of those affected by dams and charging that no investigation be thrown under the rug to protect more powerful people.”¹⁷²

Movement of People Affected by Dams (MAB)

ROLLING BACK PROTECTION

Despite the shocking and growing number of murders, the Brazilian government is actually rolling back protection for environmental defenders. Almost as soon as it came into power in August last year, Michel Temer's administration dismantled the Ministry for Human Rights.¹⁷³ A national programme for the protection of human rights defenders is under-resourced and ineffective.¹⁷⁴ Two of Nilce's MAB colleagues, Lurdilane Gomes da Silva and Iza Cristina Bello, have received death threats in the past year.¹⁷⁵

The murders are emblematic of the extreme levels of violence in rural Brazil. Local organisation Land Pastoral

Commission (CPT) ascribes this to the aggressive and state-backed advance of business projects – including agribusiness, mining and energy companies – over indigenous, traditional and small-scale farming communities, which have organised a growing collective resistance to tackle the problem. According to CPT, the roots of conflict are to be found in Brazil's history of colonialism and slavery, and the fact the government has never resolved the structural problems of its agrarian sector.¹⁷⁶

This is why many organisations suggest the conflict can only be resolved through the implementation of the agrarian reform policy set forth in the Brazilian Constitution.¹⁷⁷ However, the strong influence of the rural elite over national politics, which has deepened with the current political crisis, has so far prevented this from happening. Meanwhile, the violence escalates. CPT documented 61 murders of individuals – including land and environmental defenders – due to land conflicts in Brazil in 2016.¹⁷⁸

It's clear that, to stem the tide of killings, the Brazilian government must beef up its support for environmental and land defenders, especially in the most remote parts of the country.

IRRESPONSIBLE INVESTMENT

Community members in Porto Velho would probably not need protection, however, if the dam hadn't received the investment it needed to go ahead. It received US\$1.78bn in direct financing from Brazil's national development bank, BNDES, as well as from several international and Brazilian commercial banks.¹⁷⁹ They were not deterred by dire warnings from scientists, who foresaw environmental disaster when the dam was granted its licence a decade ago.¹⁸⁰ In 2014, these fears were realised when the region suffered unexpected and devastating floods, with parts of the city of Porto Velho submerged under 18 metres of water, tens of thousands of people homeless, and livelihoods lost.¹⁸¹

Yet the international investments kept coming. In August 2016, just one month after Nilce's body was found, the Jirau dam was registered to receive financing under the UN's Clean Development Mechanism, an international emissions-trading scheme.¹⁸²

Investment can be the life-blood of development projects for the good of both people and business. But too often investors are ploughing money into projects like the Jirau dam, and thereby financing the destruction of the environment and the devastation of local communities.

Investors in agribusiness, extractives and hydropower projects must ensure that the projects they fund are a force for good.

The Brazilian government must strengthen its support for environmental and land defenders, especially in the most remote parts of the country, containing vital yet threatened ecosystems.
© Kevin Schafer / Barcroft USA / Getty Images



CRIMINALISATION: A GLOBAL PHENOMENON

As well as threats and attacks, land and environmental defenders are increasingly facing trumped-up and aggressive criminal and civil cases by governments and companies in an effort to silence them. This 'criminalisation' is used to intimidate defenders, tarnish their reputations and lock them into costly legal battles. Once charged, they are often stigmatised publicly, branded as criminals by the government and in the media. This means of silencing dissent is particularly cruel when you take into account the huge disparity of resources between businesses and governments, often with armies of well-paid lawyers at their disposal, and defenders, often humble farmers in remote communities.

Criminalisation tends to be used as a tactic when governments and business collude to prioritise short-term profit over sustainable development. Increasingly governments are filing spurious criminal charges against activists – subjecting them to police raids, wrongful arrests, fines and imprisonment. Over the course of 2015 and 2016 the Business and Human Rights Resource Centre documented at least 134 criminalisation cases of this type.¹⁸³

Some of the same companies which have been loath to use their resources to properly consult communities or support defenders, have filed civil cases against activists for slander, defamation and spreading false information – often with the backing of governmental actors.¹⁸⁴ Defenders are also being charged with common crimes such as property damage or disruption of public works for opposing large infrastructure projects like hydro dams and mines. Some of the key testimony against defenders is often provided by business representatives.¹⁸⁵

INCENDIARY RHETORIC

Criminalisation often goes hand-in-hand with incendiary rhetoric, branding defenders' actions as 'terrorism' and making attacks on them more likely. For example, before the murder of renowned environmentalist Berta Cáceres in 2016, the dam company she opposed brought baseless charges against her for "usurpation and continued damage" of its property.¹⁸⁶ It then called on the Honduran government to "act with all resources at its disposal to persecute, punish and neutralise" her organisation COPINH.¹⁸⁷



Governments must ensure that activists can peacefully voice their opinions without facing arrest. © Rafael Ríos

Although criminalisation of land and environmental defenders is especially prevalent in Latin America,¹⁸⁸ it is increasingly becoming a global reality. Human Rights Watch have reported on recent trumped-up charges being brought against critics of World Bank-funded projects in Cambodia, Ethiopia, India, Uganda and Uzbekistan.¹⁸⁹

GLOBAL SUPPRESSION

This abuse of legal processes to crush dissent is part of a broader trend of suppression of civil society globally.¹⁹⁰ It is certainly not confined to developing countries. In 2016 the UN accused Australia of undermining environmental defenders by publicly vilifying their work and filing unjust charges against protestors in Tasmania under new laws.¹⁹¹ Proposed laws in Australia would also criminalise the legitimate actions of environmental defenders, categorising them as “disrupting business operations”.¹⁹² In Canada, environmental groups and First Nation

Peoples fear new anti-terrorism legislation will be used to step up the surveillance of protesters opposed to oil and mining projects.¹⁹³ The Canadian media has also reported on several government agencies that are systematically spying on environmental organisations.¹⁹⁴

Governments must address the skewing of their criminal justice systems that permit this form of persecution, ensuring that activists can peacefully voice their opinions without facing arrest, and are guaranteed due process when charges are brought against them. It also means reforming laws that unjustly target environmental activism and the right to protest. Similarly, companies have to stop abusing the judicial process to silence defenders. Rather than being threatened with legal action, defenders should be celebrated for their work.



The Standing Rock Indian reservation is protesting against the construction of an oil pipeline under Lake Oahe, which the tribe considers to be sacred.
© ROBYN BECK/AFP/Getty Images

THE US: STANDING ROCK AND THE SUPPRESSION OF PROTEST

- No defenders were murdered in the US in 2016, although criminalisation increased
- Indigenous activists were on the frontline of a broader movement – increasingly stigmatised under the new administration – against fracking, oil pipelines and monocultures
- Environmental protection legislation is being weakened and anti-protest laws hardened at both state and federal level

Earlier this year North Dakota legislators debated a bill that would allow motorists to run over and kill an environmental protester without facing jail.¹⁹⁵ Narrowly defeated, it was followed by a suite of new proposals seeking to significantly increase the financial and legal burden of peaceful protest in the state.¹⁹⁶ UN experts noted this potential new legislation “will highly increase

penalties for participating in protests and therefore is likely to have a chilling effect on protesters in North Dakota.”¹⁹⁷

The bills have a clear target: the indigenous Sioux tribe and their supporters, who came together at the Standing Rock Indian reservation to protest against the construction of an oil pipeline under Lake Oahe, which the tribe considers to be sacred. The Sioux were not properly consulted on the development, according to the UN.¹⁹⁸ They claim that their right as indigenous people under international law to free, prior and informed consent has been violated.¹⁹⁹

The Dakota Access Pipeline, operated by Energy Transfer Partners, will channel oil 1,200 miles from the Bakken shale oil fields in North Dakota to an oil-tank farm near Patoka, Illinois.²⁰⁰ It was temporarily blocked by the Obama administration in December 2016,²⁰¹ but an executive order signed by President Trump just four days into his presidency, amid conflict-of-interest claims,²⁰² meant construction could recommence.²⁰³

THE CONTEXT FOR KILLINGS

Campaigner Kandi Mossett – a citizen of the Mandan, Hidatsa and Arikara Nations, working for the Indigenous Environmental Network (IEN) – says her North Dakota community is directly impacted by Bakken.

Kandi says the weight of history can stop indigenous Americans from battling environmental threats: “Historically when the government says it is going to take something away from us, they do, and we don’t get anything for it. My own community, where the oil is coming from for the Dakota Access Pipeline, is heavily controlled by the fossil-fuel industry. My tribal council signed a contract, saying we might as well get paid.”

ANTI-PROTEST LEGISLATION

New anti-protest bills have been introduced in 18 states since the US election last November, some on the route of the pipeline.²⁰⁴ The proposed bills employ a variety of tactics, including increased penalties for blocking roads and allowing for the seizure of protesters’ assets.²⁰⁵ In South Dakota, a bill was signed into law in March giving the governor and sheriff powers to make it illegal for more than 20 people to gather on public land.²⁰⁶ In North Carolina a bill protecting motorists who hit protestors with their cars (allegedly inspired by the failed North Dakota legislation) was approved by the State House of Representatives and is awaiting the vote in the State Senate.²⁰⁷

Lee Rowland of the American Civil Liberties Union says these bills have been “dressed up” as addressing obstruction or public safety, when in fact they “have one intent and effect, and that is to suppress dissent”.²⁰⁸

Kandi feels that legislation “is meant to be a deterrent, but for people living through the destruction in our communities, we don’t have a choice. We either fight back, or continue to die a death by a thousand cuts. The whole system is broken and crooked and you can see it. It’s making it harder for us to practice our first amendment rights.”

SETTING THE TONE

The state-level crackdowns on peaceful protest are in line with the tone and actions of the Trump administration. Trump has introduced a series of executive orders to ‘enhance law and order’, that some civil rights experts say are over-reaching and unnecessary.²⁰⁹ In response to protests earlier this year, a statement on the White House website proclaimed: “Our job is not to make life more comfortable for the rioter, the looter, or the violent disrupter.”²¹⁰

In proposing to cut the budget of the Environmental Protection Agency by 31%,²¹¹ signing executive orders to remove restrictions on pollution and carbon emissions,²¹² and pulling the US out of the Paris Climate Agreement,²¹³ the Trump administration has given environmental defenders much to protest against.

The Standing Rock camp, which became the largest gathering of Native Americans in more than 100 years,²¹⁴ was broken up by National Guard and police officers in February 2017.²¹⁵ Law enforcement officials, heavily armed with military equipment and riot gear, forcibly entered and evicted protesters from the camp.²¹⁶ They were accused of using excessive force against protesters and human rights violations.²¹⁷

Kandi was one of the Water Protectors who stood in peaceful protest for several months at Standing Rock, happy that the Sioux tribal council, unlike her own, were choosing to protect their land.



Campaigner Kandi Mossett says her own community is heavily controlled by the fossil fuel industry. © Emily Arasim/Women’s Earth & Climate Action Network (WECAN)

Protesters²¹⁸ and journalists²¹⁹ covering Standing Rock have been charged with criminal offences. Kandi says: “Anybody that’s exercising their first amendment rights – particularly against the fossil fuel industry – has an easier time of being jailed. Right now around 800 people²²⁰ that were arrested at Standing Rock are facing charges.”

A recent leak of over 100 documents to news website *The Intercept*²²¹ from an employee of TigerSwan, the private security firm employed by Energy Transfer Partners, showed intrusive military-style surveillance and a counterintelligence campaign against the Standing Rock



Civil rights experts say Trump's executive orders to 'enhance law and order' and state-level crackdowns on peaceful protest are over-reaching and unnecessary. © ROBYN BECK/AFP/Getty Images

Water protestors and their allies. They even branded the protestors “jihadists”.

TigerSwan did not respond to *The Intercept's* request for comment. Energy Transfer Partners also declined, saying it does not “discuss details of our security efforts”.

Kandi experienced TigerSwan’s tactics first-hand, saying: “They were intentionally instigating trouble and had people do bad things. Cattle and buffalo that were butchered, and it was these terrible TigerSwan infiltrator people that were working with the police, working with the government. They were doing these things and blaming them on the Water Protectors, but now the truth is coming out.”²²²

Despite the increasingly hostile legislative environment, the movement has cause for cautious optimism that the Dakota Access Pipeline could be shut down. A recent federal ruling said the Army Corps did not adequately

consider the effects of a possible oil spill on the fishing and hunting rights of the Standing Rock Sioux tribe, ordering the US Army Corps of Engineers to reconsider its environmental review.²²³

Kandi holds out hope for the future.

“We’re going up against the government; we’re going up against trained military people with guns and weapons. We have our sage and our sweet grass. This is what we’re dealing with on just one pipeline. Standing Rock helped us gain attention for our plight as Native Americans in this country.”²²⁴ Kandi Mossett

RECOMMENDATIONS: WHAT NEEDS TO BE DONE?

Land and environmental defenders will only be able to carry out their activism safely when a range of actors take action to prevent attacks against them, protect those defenders who are at risk, and react when threats do occur.

With this in mind, we have grouped our recommendations along the following lines:

- **Tackle Root Causes:** The only effective prevention in the long-term. This means combatting corruption and impunity, securing and respecting land titles, and guaranteeing the right of affected communities²²⁵ to give or withhold their free, prior and informed consent regarding the use of their land and natural resources.
- **Support and Protect:** A range of measures can be taken by business and governments to recognise publically the important role of defenders, advocate for their protection, provide them with the tools they need to carry out their activism effectively, and guarantee their safety when they are at risk.
- **Ensure accountability:** In order to prevent future threats and dissuade would-be aggressors, those responsible for attacks on defenders must be brought to justice, while those who fail to support and protect them should face political, financial and judicial consequences.

WHO IS RESPONSIBLE?

States (through their governments) have the primary duty, under international law, to guarantee that human rights defenders can carry out their activism safely. However, land and environmental defenders face specific and heightened risks because they are challenging business interests.

There are a range of actors who can influence business projects. Therefore there are a range of actors who can – and must – act to keep defenders safe.

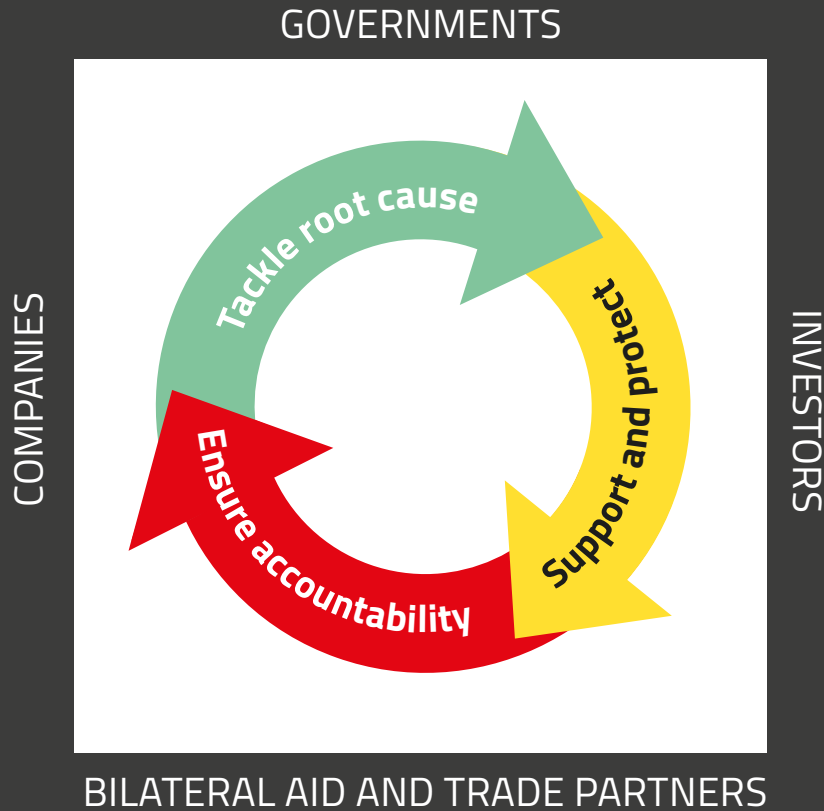
Companies, investors and bilateral aid and trade partners, have a responsibility – as well as a business incentive – to take action alongside national and local **governments** to protect defenders and respect their rights.

Overleaf are a range of general recommendations; each and every one of which can and should be interpreted and implemented by governments, companies, investors, and bilateral aid and trade partners. In order to illustrate them, we have included an example for each recommendation of how it might look if implemented by one actor or another.

In order to prevent future threats and dissuade would-be aggressors, those responsible for attacks on defenders must be brought to justice. © The Coal-Free Bataan Movement



RECOMMENDATIONS AND EXAMPLES OF IMPLEMENTATION



TACKLE ROOT CAUSE

> Guarantee that no business project goes ahead without the free, prior and informed consent of affected communities at every stage of the project cycle

Example: An investor ensures independent verification of whether or not affected communities have given their free prior and informed consent for the use of their land for a project they hope to back, and withholds financing from the project if this cannot be proven

> Guarantee the informed and meaningful participation of affected communities in environmental, social and human rights impact assessments, as well as other processes related to the planning and implementation of business projects

Example: A company freezes a project because they are unable to verify whether a potentially affected community

has participated meaningfully in local environmental and social impact assessments

> Sanction and eradicate corruption, particularly regarding the allocation of licenses in the natural resource sector²²⁶

Example: A national government ensures their judiciary has the independence, resources and mandate necessary to prosecute public officials found guilty of bribery or abuse of office

> Ensure that land rights are protected and respected, particularly in regards to indigenous and community land titling

Example: A bilateral aid donor provides financial and technical support, through their embassy, to help a national government simplify community land titling and clear backlogs of titling requests and disputes effectively

SUPPORT AND PROTECT

➤ Implement specific laws, policies and practices for the recognition, support and protection of human rights defenders,²²⁷ and guarantee the human and financial resources necessary for their effective implementation

Example: A company creates a human rights or sustainability policy which outlines which specific measures they will employ to contribute to the protection of human rights defenders,²²⁸ and details how implementation will be resourced and enforced

➤ Make strong public statements recognising the important and legitimate role of land and environmental defenders, committing to their protection

Example: Local representatives of a development bank meet with at-risk defenders in a country where they finance projects, in order to explore how they can best support them. They then issue a press release recognising the legitimate role of defenders and committing to support them

➤ Speak out to condemn threats and attacks against defenders wherever they occur

Example: A company publicly condemns a reported threat against a defender who has questioned a project of theirs, and also privately advocates for their protection with the local government

➤ Suspend those specific business projects where defenders have been threatened, until robust measures are taken to prevent further threats against those at risk

Example: An investor freezes their backing for a project because a credible report has been made of a threat against a defender who opposed one of their projects.

➤ Implement protective measures for at-risk defenders, which are commensurate with the specific risks, context, identity and requests of each individual

Example: At the request of a defender at risk and based on an expert risk analysis, a local government provides the defender's indigenous organisation with police guards and a satellite telephone, and orders the private security guards stationed in their community to be unarmed

➤ Create spaces for dialogue between companies, investors, public officials, affected communities and defenders

Example: An embassy convenes and facilitates dialogue between business representatives, government officials, affected communities and human rights defenders before a company or investor domiciled in their country commits to a new project locally

ENSURE ACCOUNTABILITY

➤ Bring to justice those responsible for ordering or carrying out any threat or attack against a land or environmental defender

Example: A national government creates and fully resources a special prosecutor for the investigation of crimes against defenders, which collaborates with international bodies wherever the victim requests so, and successfully prosecutes both the material and intellectual authors of such crimes

➤ Carry out due diligence to assess whether land and environmental defenders can operate safely in specific industry sectors and countries and – where this is not the case – cease to promote, implement or back (directly or via intermediaries) business projects, until guarantees of defenders' safety have been made

Example: A development bank establishes a clear due diligence process allowing them to assess the rights and security of land and environmental defenders in countries where they are planning financing, and decides not to invest in a certain sector where this process proves that defenders active around this sector have been threatened and attacked

➤ Make aid to countries, and investment in projects, conditional upon whether specific measures for the security of land and environmental defenders are in place or not

Example: A bilateral aid donor establishes effective criteria through which to measure the extent to which defenders are safe and able to operate in the countries to which they grant assistance, and withholds part or all of this aid until such criteria are met

➤ Guarantee accountability, remedy and reparations for defenders, organisations and communities affected by threats and attacks

Example: A company establishes a safe and effective grievance and remedy mechanism which enables local defenders to bring complaints of threats, attacks and obstacles associated with their activism related to a business project

CONCLUSION: A WATERSHED YEAR

"We must keep up the fight. We must not lose our spirit, our children's future depends on it."²²⁹ Ana Miriam Romero

More activists murdered across more countries. Defenders arrested, protests outlawed. Rural and indigenous communities manipulated and ignored.

The facts paint a bleak picture.

Yet many of the stories are inspirational.

Prafulla faced threats and smears, yet was ultimately successful in gaining an historic Supreme Court sentence which could protect tribal peoples from abusive mining across India.

Ana Miriam was pregnant when the police beat her up, and almost lost her baby. But her determination that her daughter grow up in a brighter Honduras has prevented a hydro company from stealing her community's indigenous lands.

Francisca's tireless mobilisation of rural communities across the country means that you no longer have to be rich to know your rights in Nicaragua. And it is the bravery of Rodrigue and his colleagues which means that the mountain gorillas remain in Virunga, in spite of local poaching and the impact of big business.

Not only do land and environmental defenders have the right to be heard and protected. It makes great sense to do so.

They are the experts on the ground who can identify, prevent and mitigate the human rights impact of business projects, avoiding conflict and unnecessary risks and costs. They are on the front line of the struggle to slow climate change, and often the proponents of sustainable development which benefits local communities.

And yet these expert voices are being shut out, silenced, killed off.

Global Witness calls upon governments, companies and investors to make 2017 a watershed year.

It is imperative that policies be put in place, and actions taken: to guarantee communities can give or withhold their free, prior and informed consent regarding the use of their land; to support defenders and guarantee their safety; and to hold those responsible accountable when attacks do take place.

In the words of Berta Cáceres: "Mother Nature... demands that we take action".

Government, companies and investors have the power to make 2017 a turning point in the treatment of land and environmental defenders. © Goldman Prize



METHODOLOGY

This report is based on research on killings and enforced disappearances of land and environmental defenders, who we define as people who take peaceful action to protect land or environmental rights, whether in their own personal capacity or professionally. The period of time covered by this report is from 1 January 2016 to 31 December 2016. As for previous reports, cases were identified by searching and reviewing reliable sources of publicly online information through the following process:

➤ **Opportunistic:** We identified datasets from international and national sources with details of named human rights defenders killed in 2016, such as the Frontline Defenders 2016 annual report and the Programa Somos Defensores annual report on Colombia, and then researched each case.

➤ **Systematic:** We set up search engine alerts using keywords and conducted other searches online to identify relevant cases across the world.

➤ **Verified:** Where possible, we checked with in-country or regional partners to gather further information on the cases and verify that they were applicable to our definition. The following criteria needed to be met for a case to be included:

> Credible, published and current online sources of information.

> Details about the type of act and method of violence, including the date and location.

> Name and further biographical information about the victim, such as their occupation, organisational and political affiliations and - where relevant - their ethnic or indigenous identity.

> Clear, proximate and documented connections to an environmental or land issue.

In some cases, the criterion of an online source is negated by the capacity of respected local organisations to carry out and transmit to Global Witness the results of their own investigation and verification of cases.

We have recorded data about the cases using the HURIDOCS Event Standard Formats and Micro-Thesauri, an approach which is widely used to manage and analyse

material of this nature. While we have made every effort to identify and investigate cases in line with the methodology and criteria, it is important to add that our research mostly relies on public information and that we have not been able to conduct detailed national-level searches in all countries. Language is another limitation; besides English, the main languages that we have searched in are Spanish and Portuguese. Due to the large number of countries and potential sources, we have concentrated our searches on those countries where initial alerts indicated that there were potentially relevant cases to investigate. Our contact with local organisations is also patchy; Global Witness has well established links in some countries but they are lacking in others.

In summary, the figures presented in this report should be considered to be only a partial picture of the extent of killings of environmental and land defenders across the world in 2016. Relevant cases have been identified in 24 countries in 2016, but it is possible that they also occurred in other countries where human rights violations are widespread and likely to also affect land and environmental defenders. Reasons why we may not have been able to document such cases in line with our methodology and criteria include:

➤ Limited presence of civil society organisations, NGOs and other groups monitoring the situation in the field.

➤ Suppression of the media and other information outlets.

➤ Wider conflicts and/or political violence, including between communities, that make it difficult to identify specific cases.

It should be noted that we include in our database friends, colleagues and family of murdered defenders if a) they appear to have been murdered as a reprisal for the defender's work, or b) if they were killed in an attack which also left the defender dead.

Finally, Global Witness is committed to fighting the impunity in which the majority of killings of defenders are currently found. We will only take cases out of our database, where a successful prosecution has concluded that the motive for the murder of the individual was not his or her land or environmental activism, and when the individual's organisation and/or family believe that due process was followed in that prosecution.

DATA IN REAL TIME

As of July 2017, Global Witness will be providing regularly updated data on the killings of defenders via an online collaboration with The Guardian newspaper, which can be found at www.globalwitness.org/guardian. We will keep that data up-to-date according to the same criteria and with the same limitations as outlined here.

However, sometimes verification of cases is time-consuming, meaning that – whilst we endeavour to update our database in real-time, inevitably the names of some individuals will be added weeks, or even months, after their death.

ACKNOWLEDGEMENTS

Global Witness has drawn on information from many organisations for the research on this report. In particular, we are grateful for the assistance provided by:

- > Comissão Pastoral da Terra (CPT), Brazil
- > Programa Somos Defensores, Colombia
- > Unidad de Protección a Defensoras y Defensores de Derechos Humanos (UDEFEUGA), Guatemala
- > Asociación para una Ciudadanía Participativa (ACI-PARTICIPA), Honduras
- > Centro Mexicano de Derecho Ambiental (CEMDA), Mexico
- > Centro por la Justicia y Derechos Humanos de la Costa Atlántica de Nicaragua (CEJUDHCAN), Nicaragua
- > Coordinadora Nacional de Derechos Humanos (CNDDHH), Peru
- > Kalikasan, Philippines
- > Karapatan, Philippines
- > Alyansa Tigil Mina, Philippines
- > Protection International, Thailand
- > Front Line Defenders
- > The Thin Green Line Foundation
- > International Ranger Federation
- > Pesticide Action Network Asia and the Pacific (PANAP)
- > Comité Cerezo, Mexico
- > Digital Empowerment Foundation (DEF), India
- > Konsorsium Pembaruan Agraria (KPA), Indonesia
- > Conselho Indigenista Missionário (CIMI), Brazil
- > Comisión Ecuémica de Derechos Humanos del Ecuador (CEDHU), Ecuador
- > Chitragada Choudhury
- > Covenant Consult Myanmar

EXPLANATORY NOTES

‘CRIMINALISATION’ (PAGE 6)

Oxford Dictionaries define “criminalisation” as “The action of turning someone into a criminal by making their activities illegal” or “the action of turning an activity into a criminal offence by making it illegal”. Both are increasingly true for the way in which States – often in collusion with business – are using the judicial apparatus to restrict the work of land and environmental defenders, obliging them to use their time and resources in often costly legal battles rather than their legitimate human rights defence. Criminalisation includes the creation and implementation of laws unduly restricting or criminalising human rights defence, social protest and freedom of expression, and the mis-application of counter-terrorism and national security laws against defenders. It sits alongside other judicial and non-judicial actions being used to restrict their rights or affect the reputation of defenders in a way which suggests that their activism might be criminal, including public statements by State or business officials suggesting that defenders are criminals; arbitrary and pre-trial detention; and the denial of due process to defenders subjected to criminal or civil trials. In the same vein, it is also increasingly common to see cases in which private actors that have apparently previously failed to act to respect the rights of defenders, instead use their resources to bring civil cases against them, with the apparent intention of preventing defenders from criticising the human rights impact of a business project.

For more on the various ways in which the judicial system is being used to restrict the work of defenders, see: <http://www.oas.org/en/iachr/reports/pdfs/criminalization2016.pdf> and http://protectioninternational.org/wp-content/uploads/2012/02/ProtectionInternational_English_Update.pdf

‘ENFORCED DISAPPEARANCES’ (PAGE 11)

Amnesty International have helpfully explained this phenomenon in layman’s terms: “The legal term may be clunky - “enforced disappearance” - but the human story is simple: People literally disappear, from their loved ones and their community, when state officials (or someone acting with state consent) grab them from the street or from their homes and then deny it, or refuse to say where they are. It is a crime under international law. Often people are never released and their fate remains unknown. Victims are frequently tortured and in constant fear of being killed. They know their families have no idea where they are and the chances are no one is coming to help. Even if they escape death and are eventually released, the physical and psychological scars stay with them.” Amnesty International, ‘Disappearances’, Available at: <https://www.amnesty.org/en/what-we-do/disappearances/> (accessed: 14 June 2017);

The official definition is found in ‘the International Convention for the Protection of All Persons from Enforced Disappearance’,

Available at: <http://www.ohchr.org/EN/HRBodies/CED/Pages/ConventionCED.aspx> (accessed: 14 June 2017).

‘FREE, PRIOR AND INFORMED CONSENT’ (PAGE 23)

[A] A limited list would include: Global Witness, The Oakland Institute and International Land Coalition, ‘Dealing With Disclosure: Improving Transparency In Decision-Making Over Large-scale Land Acquisitions, Allocations And Investments’. Available at: https://www.globalwitness.org/sites/default/files/library/Dealing_with_disclosure_1.pdf (accessed 13 June 2017); Oxfam America, (2013), ‘Free, Prior, and Informed Consent in Africa: An Emerging Standard for Extractive Industry Projects’. pp. 27-35. Available at: <https://www.oxfamamerica.org/static/media/files/community-consent-in-africa-jan-2014-oxfam-americaAA.PDF> (accessed: 14 June 2017); Roundtable on Sustainable Palm Oil, (2015), ‘Free, Prior and Informed Consent Guide for RSPO Members’. Available at: <http://www.forestpeoples.org/sites/fpp/files/publication/2016/01/rspo-free-prior-and-informed-consent-fpic-companies-2015-english.pdf> (accessed: 20 June 2017); Forest Peoples, ‘Making FPIC- Free Prior and Informed Consent- Work: Challenges and Prospects for Indigenous Peoples’. Available at: <http://www.forestpeoples.org/sites/fpp/files/publication/2010/08/fpicsynthesisjun07eng.pdf> (accessed: 19 June 2017); UN-REDD Programme, (January 2013), ‘Guidelines on Free, Prior and Informed Consent’. Available at: <http://www.unclearn.org/sites/default/files/inventory/un-redd05.pdf> (accessed: 20 June 2017); Asia Indigenous Peoples Pact (AIPP) and (International work Group for Indigenous Affairs (IWGIA), (2012), ‘Training Manual On Free, Prior And Informed Consent (Fpic) In Redd+ For Indigenous Peoples’. Available at: <http://www.forestpeoples.org/sites/fpp/files/publication/2012/10/fpic-manual-web21.pdf> (accessed: 20 June 2017); Oxfam, (June 2010), ‘Guide to Free, Prior and Informed Consent’. Available at: https://www.culturalsurvival.org/sites/default/files/guidetofreepriorinformedconsent_0.pdf (accessed: 20 June 2017); The Center for People and Forests (RECOFTC), (April 2012), ‘Putting Free, Prior, and Informed Consent into Practice in REDD+ Initiatives’. Available at: <https://www.recoftc.org/project/grassroots-capacity-building-redd/training-manuals-and-guides/putting-free-prior-and-informed-consent-practice-redd-initiatives> (accessed: 20 June 2017); Forest Peoples Programme, 24 February 2016), ‘Liberia FPIC Training Materials: Communities in the Driving Seat’. <http://www.forestpeoples.org/topics/agribusiness/training/2016/liberia-fpic-training-materials-communities-driving-seat> (accessed: 20 June 2017).

[B] Phrase adapted from Food and Agriculture Organisation of the United Nations, (FAO) (2014), FAO Governance of Tenure Technical Guide No.3, ‘Respecting free, prior and informed consent’. p.9. Available at: <http://www.fao.org/3/a-i3496e.pdf> (accessed: 13 June 2017).

[C] International Labour Organization, C169 - Indigenous and Tribal Peoples Convention, 1989 (No. 169). Available

at: http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C169 (accessed: 20 June 2017).

[D] The UN declaration on the rights of indigenous peoples includes seven provisions expressly recognizing the duty of States to secure FPIC from indigenous peoples, and establishes that “Indigenous peoples shall not be forcibly removed from their lands or territories. No relocation shall take place without the free, prior and informed consent of the indigenous peoples concerned and after agreement on just and fair compensation and, where possible, with the option of return”.

See: United Nations Declaration on the Rights of Indigenous Peoples, (March 2008), Article 10, p. 6. Available at: http://www.un.org/esa/socdev/unpfii/documents/DRIPS_en.pdf (accessed: 13 June 2017).

[E] Notably, Article 1 of the International Covenant on Economic, Social and Cultural Rights also safeguards the right to self-determination.

See too: UN-REDD Programme, (2013), ‘Guidelines on Free Prior and Informed Consent’. Section 1.4, Normative Framework: Human Rights-Based Approach contains a good overview of the protection of FPIC in international human rights texts, pp. 12-16. Available at: <http://www.unclearn.org/sites/default/files/inventory/un-redd05.pdf> (accessed 13 June 2017);

A raft of other guidance exists. We would highlight: The UN Committee on the Elimination of All Forms of Racial Discrimination (CERD) General Recommendation 23 on indigenous peoples calls upon states to “Ensure that members of indigenous peoples have equal rights in respect of effective participation in public life and that no decisions directly relating to their rights and interests are taken without their informed consent” and “Recognize and protect the rights of indigenous peoples to own, develop, control and use their communal lands, territories and resources and, where they have been deprived of their lands and territories traditionally owned or otherwise inhabited or used without their free and informed consent, to take steps to return those lands and territories”. Office of the High Commissioner for Human Rights (OHCHR), (18 October 1997), ‘General Recommendation No. 23: Indigenous Peoples’. Available at: <http://www.tebtebba.org/index.php/all-resources/category/24-committee-on-the-elimination-of-racial-discrimination-cerd?download=217:general-recommendation-no-23-in-digenous-peoples> (paragraph 4d), (accessed: 13 June 2017);

UN Sub-commission on the promotion and protection of human rights, working group on indigenous populations says “Indigenous peoples should not be coerced or intimidated, their consent should be sought and freely given prior to the authorisation or start of any activities, they should have full information about the scope and impacts of any proposed developments, and ultimately their choices to give or withhold consent should be respected”. Commission on Human Rights: Sub-Commission on the Promotion and Protection of Human Rights Working Group on Indigenous Populations, 18-22 July 2005, 23rd session (14 July 2005), ‘Legal commentary on the standard of FPIC’. Available at: www2.ohchr.org/english/issues/indigenous/docs/wgip23/WP1.doc (accessed: 13 June 2017); Food and Agriculture Organisation of the United Nations, (FAO),

(2014), FAO Governance of Tenure Technical Guide No.3, ‘Respecting free, prior and informed consent’. Available at: <http://www.fao.org/3/a-i3496e.pdf> (accessed: 13 June 2017).

[F] Texts endorsing this principle include: The Convention on Biological Diversity (CBD, 1992) which expressly affirms the principle of FPIC for all. Article 8 (j) states that “[a]ccess to traditional knowledge, innovations and practices of indigenous and local communities should be subject to prior informed consent or prior informed approval from the holders of such knowledge, innovations and practices.”

UN FAO Technical Guide, ‘Respecting Free, Prior and Informed Consent’, says “FPIC requires ensuring that communities can meaningfully participate in decision-making processes and that their concerns, priorities and preferences are accommodated in project designs, indicators and outcomes. ... FPIC thus additionally requires that communities can negotiate fair and enforceable outcomes and withhold their consent to a project if their needs, priorities and concerns are not adequately addressed” p.1;

Roundtable on Sustainable Palm Oil, (2013), ‘Principles and Criteria for the Production of Sustainable Palm Oil 2013’. Available at: <http://www.rspo.org/publications/download/224fa0187afb4b7> (accessed: 13 June 2017); The Espoo Convention, (2015), ‘Convention on Environmental Impact Assessment in a Transboundary Context (Espoo, 1991) - the ‘Espoo (EIA) Convention’. Available at: http://www.unece.org/env/eia/about/eia_text.html (accessed: 20 June 2017).

Aarhus Convention also contains important provisions guaranteeing public participation, which bolster arguments that FPIC ought to apply to all affected communities. Aarhus Convention, (25 June 1998), Convention On Access To Information, Public Participation In Decision-Making And Access To Justice In Environmental Matters’. Available at: <https://www.unece.org/fileadmin/DAM/env/pp/documents/cep43e.pdf> (accessed: 20 June 2017)

[G] Office of the High Commissioner for Human Rights (OHCHR), (16 December 1976), International Convention on Civil and Political Rights. Available at: <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CCPR.aspx> (accessed: 13 June 2017)

[H] Article 2 (3) : “States have the right and the duty to formulate appropriate national development policies that aim at the constant improvement of the well-being of the entire population and of all individuals, on the basis of their active, free and meaningful participation in development and in the fair distribution of the benefits resulting therefrom”. See: United Nations: Declaration on the Right to Development: A/RES/41/128, (4 December 1986). Available at: <http://www.un.org/documents/ga/res/41/a41r128.htm> (accessed: 13 June 2017)

[I] The UNREDD programme has made the argument that “although the term ‘FPIC’ is not expressly referred to in the Cancun Agreements or in the Appendix on REDD+ safeguards, FPIC is addressed indirectly because the text “note[s]” that the General Assembly has adopted UNDRIP (which itself sets out the principle of FPIC). Securing FPIC is a means to meet the Cancun Agreements’ requirement of countries to promote and

support “respect for the knowledge and rights of indigenous peoples and members of local communities” and to ensure “the full and effective participation of relevant stakeholders, inter alia, indigenous peoples and local communities”. See UN-REDD Programme, (2013), ‘Guidelines on Free Prior and Informed Consent’. Available at: <http://www.unclearn.org/sites/default/files/inventory/un-redd05.pdf> p. 15. citing Cancun Agreements, paras. 69, 72; and Appendix I, paras. 2(a), (c) and (d)

[J] The UNREDD programme assesses that “International courts and human rights commissions in the African and Americas regions in particular have also made it clear that binding regional human rights treaties and conventions such as the African Charter on Human and Peoples Rights (Banjul Charter) (1981) as well as the American Convention on Human Rights (1969) and the American Declaration on the Rights and Duties of Man (1948), all recognize the State’s duties and obligations to secure FPIC”. See: UN-REDD Programme, (2013), ‘Guidelines on Free Prior and Informed Consent’. Section 1.4, Normative Framework: Human Rights-Based Approach contains a good overview of the protection of FPIC in international human rights texts, p. 14. Available at: <http://www.unclearn.org/sites/default/files/inventory/un-redd05.pdf> (accessed 13 June 2017)

[K] Office of the High Commissioner for Human Rights (OHCHR), (2015), ‘Lands and Human Rights – Standards and Applications. p. 83. Available at: http://www.ohchr.org/Documents/Publications/Land_HR-StandardsApplications.pdf (accessed 13 June 2017)

[L] The document states that “The RSPO standard refers to both ‘indigenous peoples and local communities’ and requires the same processes and respect for rights of both groups by members, including notably in relation to respect for the right to give or withhold FPIC.” See: Roundtable for Sustainable Palm Oil (2015), ‘Free, Prior and Informed Consent Guide for RSPO Members’, p23. Available at: <http://www.rspo.org/news-and-events/announcements/free-prior-and-informed-consent-guide-for-rspo-members-2015-endorsed> (accessed: 13 June 2017); Roundtable for Sustainable Palm Oil, (21 January 2016), ‘Free, Prior And Informed Consent Guide For Rspo Members (2015) Endorsed’. Available at: <http://www.rspo.org/news-and-events/announcements/free-prior-and-informed-consent-guide-for-rspo-members-2015-endorsed> (accessed: 14 June 2017)

[M] Michelin’s policy on sourcing sustainable natural rubber states that “The Group is committed to ‘free, prior and informed consent’ (FPIC) principle of local communities likely to be affected by its operations”. See: Michelin (2016), ‘Sustainable Natural Rubber Policy’, p.8. Available at: <https://purchasing.michelin.com/Espace-documents> (accessed 13 June 2017)

[N] Recent Colombian Constitutional Court decisions appear to refer to the right of peasant farming communities to participate in decision-making on development in so far as rural communities should be able to develop their own “life plan” (plan de vida): “En particular, el artículo 64 hace alusión al deber estatal de garantizar ciertos bienes y servicios a la población rural en razón a su especial condición de vulnerabilidad, con el fin de que puedan desarrollar su plan de vida” Colombia Constitutional Court ruling 2015: Sentencia C-635-15

[O] Exemplary: Declaration National Programme for the Recognition and Protection of Customary Communities through REDD+ (Reduction of Emissions from Deforestation and Forest and Peat-land Degradation), (1 September 2014). Available at: http://www.forestpeoples.org/sites/fpp/files/news/2014/09/Declaration%20Text_English.pdf (accessed 19 June 2017)

[P] What’s more, former UN Special Representative on the Rights of Indigenous Peoples, James Anaya, argues that “Corporations must, however, exercise due diligence to mitigate power imbalances and avoid outcomes that are not compliant with human rights standards, and States must act to protect against such power imbalances and ensure the adequacy of any agreements. Because of the significant disparities in power, negotiating capacity and access to information that typically exist between corporations and indigenous peoples, the protective role of the State is especially important in this context. This duty to protect includes providing for appropriate grievance mechanisms.”

See: Human Rights Council, Report of the Special Rapporteur on the Rights of Indigenous Peoples, James Anaya, (July 2012), UN Doc., A/HRC/21/47, paragraph 71

[Q] International Finance Corporation, (January 2012) Performance Standards on Environmental and Social Sustainability, Performance Standard 7 on Indigenous Peoples. Available at: http://www.ifc.org/wps/wcm/connect/115482804a0255db96fbffd1a5d13d27/PS_English_2012_Full-Documents.pdf?MOD=AJPERES (accessed: 13 June 2017)

ENDNOTES

1 Global Witness interview with Jakeline Romero (15 May 2017).

2 The measure was rejected with 50 voting against and 41 in favour of the legislation. See: LegiScan, Bringing People to the Process, 'North Dakota House Bill'. Available at: <https://legiscan.com/ND/bill/1203/2017> (accessed: 19 June 2017).

CNN, (26 January 2017), Proposed Laws Would Crack Down on Protestors who Block Roadways. Available at: <http://edition.cnn.com/2017/01/25/us/nd-protest-driver-bill-trnd/> (accessed: 19 June 2017); Los Angeles Times, (3 February 2017), 'In North Dakota, it could become legal to hit a protester with your car', Available at: <http://www.latimes.com/nation/la-na-bills-protest-criminal-20170201-story.html> (accessed: 19 June 2017).

3 The Revolutionary Armed Forces of Colombia (Fuerzas Armadas Revolucionarias de Colombia—Ejército del Pueblo).

4 75 of the 200 victims in 2016 were indigenous people.

5 Global Witness statistics from 2016.

Brazil saw 49 killings of land and environmental defenders in 2016, the most of any country. Nicaragua, with a population of 6 million, saw 11 killings in 2016 compared with Honduras' 14 (pop. 8 million) making it the most dangerous country per capita last year. However Global Witness has documented 127 killings in Honduras over the last decade compared with 26 in Nicaragua, making Honduras the most dangerous country per capita historically.

6 Global Witness has documented 953 killings of land and environmental defenders globally since 2010. See Global Witness (15 April 2014), 'Deadly Environment'. Available from: <https://www.globalwitness.org/en/campaigns/environmental-activists/deadly-environment/> and Global Witness reports 'How Many More' (2015) and 'On Dangerous Ground' (2016) available from: <https://www.globalwitness.org/en/campaigns/environmental-activists/>.

7 Nicaragua, with a population of 6 million, saw 11 killings in 2016 compared with Honduras' 14 (pop. 8 million) making it the most dangerous country per capita last year. However Global Witness has documented 127 killings in Honduras over the last decade compared with 26 in Nicaragua, making Honduras the most dangerous country per capita historically. See Global Witness (15 April 2014), 'Deadly Environment'. Available from: <https://www.globalwitness.org/en/campaigns/environmental-activists/deadly-environment/> and Global Witness reports 'How Many More' (2015) and 'On Dangerous Ground' (2016) available from: <https://www.globalwitness.org/en/campaigns/environmental-activists/>.

8 UN General Assembly Resolution A/RES/53/144 (1998), UN Declaration on Human Rights Defenders. Available at: <http://www.ohchr.org/EN/Issues/SRHRDefenders/Pages/Declaration.aspx> (accessed: 19 April 2017).

9 OHCHR (2011), 'Guiding Principles on Business and Human Rights'. Available at: http://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf (accessed: 19 April 2017).

10 UN Special Rapporteur on Human Rights Defenders (3 August 2016), A/71/281. Available at: https://www.protecting-defenders.org/sites/protecting-defenders.org/files/57d2a3364_0.pdf (accessed: 15 June 2017).

11 In an email to Global Witness, Jakeline Romero confirmed that the threatening messages said "...no se meta en lo que no le incumbe evite problemas, sus hijas están muy lindas y piense en ellas, gran malparida perjudicial evite problema porque hasta su madre se la desaparezo para que siga de sapa..." The threat was also reported in the following sources: El Espectador (21 December 2016), 'Amenazan a dos líderes indígenas en La Guajira'. Available at: <http://www.elespectador.com/noticias/judicial/amenazan-dos-lideres-indigenas-guajira-articulo-671471> (accessed: 14 June 2017); La Libertad (15 December 2016), 'Mujeres indígenas Wayúu denuncian amenazas contra una de sus líderes'. Available at: <http://lalibertad.com.co/wp/2016/12/15/mujeres-indigenas-wayuu-denuncian-amenazas-contra-una-de-sus-lideres/> (accessed: 14 June 2017); Contagio Radio (15 December 2016), 'Amenazan a Jakeline Romero Lideresa Wayúu'. Available at: <http://www.contagioradio.com/amenazan-jakeline-rome-ro-lideresa-wayuu-articulo-33804/> (accessed: 14 June 2017).

12 In 2014 Jakeline's teenage daughter received phone calls threatening her and her family, and her sister Jazmin, also a vocal member of the Fuerza de Mujeres Wayúu, has also received death threats. Global Witness Interview with Jakeline Romero (15 May 2017); The Star (21 May 2014), 'Canada must live up to obligations on human rights in Colombia'. Available at: <https://www.thestar.com/opinion/com>

mentary/2014/05/21/canada_must_live_up_to_obligations_on_human_rights_in_colombia.html (accessed: 14 June 2017); CENSAT (16 December 2016), 'Comunicado en rechazo a las amenazas a la lideresa Wayuu Jackeline Romero Epiayú'. Available at: <http://censat.org/es/noticias/comunicado-en-rechazo-a-las-amenazas-a-la-lideresa-wayuu-jakeline-romero-epiayu> (accessed: 14 June 2017).

13 London-listed multinational companies Glencore, BHP Billiton and Anglo-American are the owners of Cerrejón.

14 Aljazeera (10 February 2016), 'Life by Latin America's largest open-pit coal mine'. Available at: <http://www.aljazeera.com/indepth/features/2016/02/life-latin-america-largest-open-pit-coal-160201114829811.html> (accessed: 19 June 2017); El Heraldo (24 July 2014), 'Indígenas denuncian que hay 18.200 afectados por sequía en La Guajira'. Available at: <https://www.elheraldo.co/la-guajira/indigenas-denuncian-que-hay-18200-afectados-por-sequia-en-la-guajira-160446> (accessed: 19 June 2017); Joint written statement CETIM and AAJ (11 November 2007), 'Human rights violations committed by transnational corporations in Colombia'. Available at: <http://www.cetim.ch/human-rights-violations-committed-by-transnational-corporations-in-colombia/> (accessed: 19 June 2017); Centro de Investigación y Educación Popular (CINEP) (24 September 2014) 'Bárbaros Hoscós. Historia De Resistencia Y Conflicto En La Explotación Del Carbón En La Guajira, Colombia'. Available at: https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2499767 (accessed: 19 June 2017).

15 Global Witness interview with Jakeline Romero (15 May 2017).

16 The Star (21 May 2014), 'Canada must live up to obligations on human rights in Colombia'. Available at: https://www.thestar.com/opinion/commentary/2014/05/21/canada_must_live_up_to_obligations_on_human_rights_in_colombia.html (accessed: 14 June 2017).

17 This signifies an escalation in the alarming trend of recent years of increasing violence and assassinations suffered by Colombian environmental and land activists. In 2015, Global Witness recorded 26 assassinations, in 2014, 25 environmental activists were killed. See Global Witness (April 20 2015), 'How Many More'. Available at: <https://www.globalwitness.org/en/campaigns/environmental-activists/how-many-more/> (accessed 19 June 2017); Global Witness (20 June 2016), 'On Dangerous Ground'. Available at: <https://www.globalwitness.org/en/campaigns/environmental-activists/dangerous-ground/> (accessed: 19 June 2017); BBC (16 March 2017), 'Dozens of rights activists killed in Colombia in 2016'. Available at: <http://www.bbc.com/news/world-latin-america-39299865> (accessed: 19 June 2017); BBC (19 May 2017), 'Why has Colombia seen a rise in activist murders?' Available at: <http://www.bbc.com/news/world-latin-america-39717336> (accessed: 19 June 2017).

18 BBC Mundo (12 April 2017), 'El preocupante aumento de asesinatos de líderes sociales en Colombia que las autoridades no logran detener'. Available from: <http://www.bbc.com/mundo/noticias-america-latina-39448854> (accessed: 22 June 2017); Telesur (24 March 2017), 'Colombian Paramilitaries Kill Another Indigenous Leader'. Available from: <http://www.telesurtv.net/english/news/Colombian-Paramilitaries-Kill-Another-Indigenous-Leader-20170324-0015.html> (accessed: 22 June 2017) and Guardian (9 March 2016), 'Colombian activist murders create unease amid Farc peace talks'. Available from: <https://www.theguardian.com/world/2016/mar/09/colombia-leftwing-activists-murdered-farc-peace-deal> (accessed: 22 June 2017).

19 El Tiempo, (10 February 2017), 'Gobierno modifica régimen de inversión extranjera en el país'. Available at: <http://www.eltiempo.com/economia/sectores/inversion-extranjera-directa-en-colombia-31037> (accessed: 19 June 2017); Caracol Radio, (17 June 2016), 'Colombia busca inversiones extranjeras por 9.000 millones de dólares'. Available at: http://caracol.com.co/radio/2016/06/17/economia/1466179218_289109.html (accessed: 19 June 2017).

20 Amnesty International (5 November 2015), 'Colombia: restoring the land, securing the peace'. Available from: <https://www.amnestyusa.org/reports/colombia-restoring-the-land-securing-the-peace/> (accessed: 22 June 2017) and UNDP (December 2014), 'Cauca: Análisis de Conflictividades y Construcción de Paz'. Available from: http://www.co.undp.org/content/colombia/es/home/library/crisis_prevention_and_recovery/cauca--analisis-de-conflictividades-y-construccion-de-paz.html (accessed: 22 June 2017).

21 For a recent statement from Colombian civil society on business interests and human rights in Colombia. See: Tierra Digna (12 July 2016), 'Statement from Colombian civil society regarding the Colombian Government's policy on Business and Human Rights'. Available at: <http://tierradigna.org/2016/07/12/statement-from-colombian-civil-society-regarding-the-colombian-governments-policy-on-business-and-human-rights/> (accessed: 19 June 2017); Multinationals that have stood accused of complicity with paramilitaries in Colombia include: UK Oil Company BP. See: The Guardian (22 May 2015), 'Colombian takes BP to court in UK over alleged

complicity in kidnap and torture'. Available at: <https://www.theguardian.com/environment/2015/may/22/colombian-takes-bp-to-court-in-uk-alleged-complicity-kidnap-and-torture> (accessed: 19 June 2017); US banana company Chiquita, which was fined \$25 million by the US Department of Justice for paying paramilitaries to protect their plantations. See Aljazeera, (8 April 2011), 'US banana firm hired Colombian paramilitaries'. Available at: <http://www.aljazeera.com/indepth/features/2011/04/20114813392621189.html> (accessed: 19 June 2017); Coca Cola: See Business and Human Rights Resource Centre, (no date), 'Coca-Cola lawsuit (re Colombia)'. Available at: <https://business-humanrights.org/en/coca-cola-law-suit-re-colombia> (accessed: 19 June 2017).

22 Aljazeera (10 February 2016), 'Life by Latin America's largest open-pit coal mine'. Available at: <http://www.aljazeera.com/indepth/features/2016/02/life-latin-america-largest-open-pit-coal-160201114829811.html> (accessed: 19 June 2017); El Heraldo (24 July 2014), 'Indígenas denuncian que hay 18.200 afectados por sequía en La Guajira'. Available at: <https://www.elheraldo.co/la-guajira/indigenas-denuncian-que-hay-18200-afectados-por-sequia-en-la-guajira-160446> (accessed: 19 June 2017); Joint written statement CETIM and AAJ (11 November 2007) 'Human rights violations committed by transnational corporations in Colombia'. Available at: <http://www.cetim.ch/human-rights-violations-committed-by-transnational-corporations-in-colombia/> (accessed: 19 June 2017); Centro de Investigación y Educación Popular (CINEP) (24 September 2014), 'Bárbaros Hoscós. Historia De Resistencia Y Conflicto En La Explotación Del Carbón En La Guajira, Colombia'. Available at: https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2499767 (accessed: 19 June 2017).

23 General overview of lack of consultation, forced displacement of peoples, see: Witness for Peace (no date), 'Nimbyism and Colombia's "Socially Responsible" Mine, Cerrejón'. Available at: <http://witnessforpeace.org/nimbyism-and-colombias-socially-responsible-mine-cerrejon/> (accessed: 19 June 2017); Friends of the Earth International (26 February 2015), 'Can we afford 30 more years of coal exploitation?' Available at: <http://www.foei.org/news/can-afford-30-years-coal-exploitation> (accessed: 19 June 2017); London Mining Network (24 June 2014), 'Cerrejón Coal, Colombia: "an abusive marriage, full of machismo"'. Available at: <http://londonminingnetwork.org/2014/06/cerrejon-coal-colombia-an-abusive-marriage-full-of-machismo/> (accessed: 19 June 2017); Expansion of the mine and failure of Free Prior and Informed Consent processes led to the forced expropriation of the Afro-Caribbean community of Tabaco in 2001, resulting in violent clashes and a court order to resettle the community that were displaced against their will. See: The Guardian (25 July 2013), 'Cerrejon mine in Colombia, can it address its human rights abuses?'. Available at: <https://www.theguardian.com/sustainable-business/cerrejon-mine-colombia-human-rights> (accessed: 19 June 2017); On the recent Constitutional Court ruling calling for effective Free Prior and Informed Consent processes. Colombia Plural (2 March 2017), 'El Cerrejón sí es el problema de La Guajira'. Available at: <https://colombiaplural.com/cerrejon-problema-la-guajira/> (accessed 19 June 2017); Contagio Radio (2 March 2017), 'Corte Constitucional suspende licencia ambiental al Cerrejón en la Guajira'. Available at: <http://www.contagioradio.com/corte-constitucional-suspende-licencia-ambiental-al-cerrejon-en-la-guajira-articulo-37127/> (accessed: 19 June 2017); Colombia Constitutional Court Sentencia T-704/16 (13 December 2016). Available at: <https://redjusticiaambientalcolombia.files.wordpress.com/2011/08/sentencia-t-704-2016.pdf> (accessed 19 June 2017).

24 Organización Nacional Indígena de Colombia (ONIC), (15 December 2016), 'Amenazan de muerte a lideresa Wayuu Jakeline Romero'. Available at: <http://www.onic.org.co/comunicados-regionales/1595-amenazan-de-muerte-a-lideresa-wayuu-jakeline-romero> (accessed: 19 June 2017); emailed communication between Jakeline Romero and Global Witness, (June 2017).

25 For an overview of the conflict surrounding the diversion of water sources by the Cerrejón: See CENSAT (6 August 2014), 'Conflictos socio-ambientales por el agua en la Guajira'. Available at: <http://censat.org/es/analisis/acciones-sociales-frente-a-conflictos-ambientales-conflictos-socio-ambientales-por-el-agua-en-la-guajira> (accessed: 19 June 2017).

26 Global Witness interview with Jakeline Romero (15 May 2017).

27 Colombia Constitutional Court (13 December 2016), 'Sentencia T-704/16'. Available at: <https://redjusticiaambientalcolombia.files.wordpress.com/2011/08/sentencia-t-704-2016.pdf> (accessed 19 June 2017).

28 The Guardian (26 October 2016), 'Air of discontent around Cerrejón mine deepens as Colombians cry foul'. Available at: <https://www.theguardian.com/global-development/2016/oct/26/discontent-cerrejon-coal-mine-colombians-cry-foul> (accessed: 19 June 2017).

29 See statement from the company from 27 January 2017, condemning the threats: Cerrejón, (27 January 2017), 'Cerrejón rejects new threats to social leaders

from La Guajira'. Available at: <http://www.cerrejon.com/site/english/press-room/news-archives/cerrejon-rejects-new-threats-to-social-leaders.aspx> (accessed: 19 June 2017); the Guardian (26 October 2016), 'Air of discontent around Cerrejón mine deepens as Colombians cry foul'. Available at: <https://www.theguardian.com/global-development/2016/oct/26/discontent-cerrejon-coal-mine-colombians-cry-foul> (accessed: 19 June 2017).

30 Emailed communication from Jakeline Romero to Global Witness (26 June 2017).

31 Somos Defensores, (22 February 2015), 'Contra las Cuerdas'. Available at: <https://somosdefensores.org/index.php/en/publicaciones/informes-siaddh-h/144-contra-las-cuerdas> (accessed: 19 June 2017).

32 Global Witness interview with Jakeline Romero (15 May 2017).

33 Communities Building Peace in the Territories (CONPAZ). See <https://comunidadesconpaz.wordpress.com/quienes-somos/>

34 Frontline Defenders, (18 January 2017), 'Emilsen Manyoma Killed'. Available at: <https://www.frontlinedefenders.org/en/case/emilsen-manyoma-killed> (accessed: 17 June 2017); Telesur, (18 January 2017), 'Columbian Human Rights Leader Assassinated'. Available at: <http://www.telesurtv.net/english/news/Colombian-Human-Rights-Leader-Assassinated-20170118-0002.html> (accessed: 19 June 2017).

35 Frontline Defenders, (18 January 2017), 'Emilsen Manyoma Killed'. Available at: <https://www.frontlinedefenders.org/en/case/emilsen-manyoma-killed> (accessed: 17 June 2017); Telesur, (18 January 2017), 'Columbian Human Rights Leader Assassinated'. Available at: <http://www.telesurtv.net/english/news/Colombian-Human-Rights-Leader-Assassinated-20170118-0002.html> (accessed: 19 June 2017).

36 Global Witness data from 2016 shows 22 cases of suspected involvement of paramilitary forces in killings of Colombian land and environmental defenders.

37 El tiempo, (11 January 2017), 'En Colombia no hay paramilitarismo: MinDefensa'. Available at: <http://www.eltiempo.com/justicia/cortes/gobierno-reitera-que-en-el-pais-no-hay-paramilitares-49323> (accessed: 19 June 2017); El Colombiano, (11 January 2017), 'En Colombia no hay paramilitarismo': Ministro de Defensa'. Available at: <http://www.elcolombiano.com/colombia/en-colombia-no-hay-paramilitarismo-dice-ministro-de-defensa-luis-carlos-villegas-IX5734390> (accessed: 19 June 2017).

38 Colombian Defence Minister stated in an interview to the BBC that the police, prosecutor's offices and the military have found cases of killings to be as a result of "local causes" such as the robbery of a motorcycle, drug peddling and organized crime. See BBC Mundo (6 March 2017), 'Esa batalla por la ocupación de territorios que dejaron las FARC la ganamos ya: Ministro de Defensa de Colombia, Luis Carlos Villegas'. Available at: <http://www.bbc.com/mundo/noticias-america-latina-39176148> (accessed: 22 June 2017).

39 Quoted in BBC Mundo (6 March 2017), 'Esa batalla por la ocupación de territorios que dejaron las FARC la ganamos ya: Ministro de Defensa de Colombia, Luis Carlos Villegas'. Available at: <http://www.bbc.com/mundo/noticias-america-latina-39176148> (accessed: 19 June 2017).

40 According to eye witness Dambaru Sikaka, interviewed by investigators from the National Confederation of Human Rights Organisations (NCHRO). See NCHRO (May 2016), 'NCHRO Report on Alleged State Repression and Killing of Tribals in Kalahandi and Rayagada Districts'. Available from: http://www.nchro.org/index.php?option=com_content&view=article&id=7669:nchro-report-on-alleged-state-repression-and-killing-of-tribals-in-kalahandi-and-rayagada-districts&catid=5:dalitsatribals&Itemid=14 (accessed at: 20 June 2017); New India Express (2 March 2016), Encounter Fake, Allege Dongria Kondhs. Available from: <http://www.newindianexpress.com/states/odisha/2016/mar/02/Encounter-Fake-Allege-Dongria-Kondhs-898804.html> (accessed at: 20 June 2017).

41 Ibid.

42 Ibid.

43 The Goldman Environmental Prize, (2017), Prafulla Samantara: 2017 Goldman Prize Recipient. Available at: <http://www.goldmanprize.org/recipient/prafulla-samantara/> (accessed: 20 June 2017).

44 Global Witness interview with Prafulla Samantara, (May 2017).

45 The Goldman Environmental Prize, (2017), Prafulla Samantara: 2017 Goldman Prize Recipient. Available at: <http://www.goldmanprize.org/recipient/prafulla-samantara/> (accessed: 20 June 2017).

46 The Citizen, (21 June 2017), 'Prafulla Samantara, A "Maoist" For Vedanta and Odisha, Earns Global Recognition. Available at: <http://www.thecitizen.in/index.php/NewsDetail/index/2/10510/Prafulla--Samantara-A-Maoist-For-Veda> (accessed: 20 June 2017).

47 Vedanta response to Global Witness letter asking for comment, June 2017 .

48 The Guardian, (5 February 2010), 'Church of England sells Vedanta stake over human rights concerns'. Available at: <https://www.theguardian.com/business/2010/feb/05/vedanta-niyamgiri-orissa-church-of-england> (accessed: 20 June 2017).

49 Scribd, (27 May 2016), 'Letter Vedanta 27 May 2016'. Available at: <https://www.scribd.com/document/342449425/Letter-to-Vedanta-27-May-2016> (accessed: 20 June 2017).

50 In 2014 IFC made a \$150 million investment in Axis Bank. This consisted of a \$100 million investment in a "fixed-rate, infrastructure bond" and a \$50 million equity purchase. See: 'IFC Project Number 34782: Axis bank III'. Available at <https://disclosures.ifc.org/#/projectDetail/SII/34782> (accessed 20 June 2017).

Also in 2014, Vedanta entered a \$500 million syndicated facility arranged by Axis Bank. Vedanta's 2016 annual report showed the loan as outstanding. See: 'Vedanta: A resilient portfolio through the cycle'. Available at http://www.vedantaresources.com/media/200956/vedanta_annual_report_fy2016__final.pdf (accessed 20 June 2017).

51 In 2012 IFC provided a \$75 million loan to Yes for "augmenting its capital base and to prepare it for Basel III implementation," among other purposes. See: 'IFC Project Number 31493: Yes Bank'. Available at <https://disclosures.ifc.org/#/projectDetail/SPI/31493> (accessed 20 June 2017).

In 2013, IFC provided a \$60 million loan to Yes for "growing its assets, increasing its reach and improving its market share," among other purposes. See: 'IFC Project Number 34478: Yes Bank II'. Available at <https://disclosures.ifc.org/#/projectDetail/SII/34478> (accessed 20 June 2017).

The Thomson One financial database shows Yes Bank to have been a book runner on various bond issues. However, it is not clear whether they still hold any of those bonds or not.

52 Amnesty USA and Amnesty India, 'When Land is Lost, Do we Eat Coal?: Coal Mining and Violations of Adivasi Rights in India'. Available at: <https://www.amnestyusa.org/reports/when-land-is-lost-do-we-eat-coal-coal-mining-and-violations-of-advasi-rights-in-india/> (accessed: 20 June 2017) .

Scroll.in, 'How coal companies let greed (and loopholes) come in the way of Adivasi rights'. Available at <https://scroll.in/article/811646/how-coal-companies-let-greed-and-loopholes-come-in-the-way-of-advasi-rights> (accessed 28 June 2017).

First Post, 'Coal mining is exploitative: Amnesty report shows Adivasi communities are suffering'. Available at <http://www.firstpost.com/india/coal-mining-is-exploitative-amnesty-report-shows-advasi-communities-are-suffering-2893170.html> (accessed 28 June 2017).

Business Standard, (18 February 2017), 'Chhattisgarh govt cancels tribal rights over forest lands'. Available at: <http://www.business-standard.com/article/current-affairs/chhattisgarh-govt-cancels-tribal-rights-over-forest-lands-1160216013271.html> (accessed: 20 June 2017).

FirstPost, (14 July 2016), 'Coal Mining is Exploitative: Amnesty report shows Adivasi communities are suffering'. Available at: <http://www.firstpost.com/india/coal-mining-is-exploitative-amnesty-report-shows-advasi-communities-are-suffering-2893170.html> (accessed: 20 June 2017).

53 Business Standard, (18 February 2017), 'Chhattisgarh govt cancels tribal rights over forest lands'. Available at: <http://www.business-standard.com/article/current-affairs/chhattisgarh-govt-cancels-tribal-rights-over-forest-lands-1160216013271.html> (accessed: 20 June 2017).

FirstPost, (14 July 2016), 'Coal Mining is Exploitative: Amnesty report shows Adivasi communities are suffering'. Available at: <http://www.firstpost.com/india/coal-mining-is-exploitative-amnesty-report-shows-advasi-communities-are-suffering-2893170.html> (accessed: 20 June 2017).

54 Scroll.in, 'Mining-affected Adivasis in Chhattisgarh have forced a coal firm and the state to hear them out'. Available at: <https://scroll.in/article/812086/how-mining-affected-advasi-in-chhattisgarh-forced-a-minerals-firm-and-the-state-to-hear-them-out> (accessed 28 June 2017).

The Wire, 'Photo Story: The Coal Curse of Raigarh'. Available at: <https://thewire.in/68974/raigarhs-coal-curse/> (accessed: 28 June 2017).

Discover Society, 'ON THE FRONTLINE: LANDLESS AND DISPLACED – THE FUTURE OF INDIGENOUS TRIBES IN INDIA?'. Available from: <http://discoversociety.org/2016/10/04/on-the-frontline-landless-and-displaced-the-future-of-indigenous-tribes-in-india/> (accessed: 28 June 2017).

The Wire, 'Environment Ministry to Bend Over Backwards to Whitelist Illicit Projects'. Available from: <https://thewire.in/118158/environment-ministry-back-door-compliance/> (accessible 28 June 2017).

55 The Provisions of the Panchayats (Extension to the Schedules areas) Act, 1996, (PESA). Available at: <http://pesadarpan.gov.in/en> (accessed: 29 June 2017).

56 Times of India, (5 November 2016), 'Anti-national acts: 25 NGOs lose foreign fund licenses'. <http://timesofindia.indiatimes.com/india/Anti-national-acts-25-NGOs-lose-foreign-fund-licences/articleshowprint/55254613.cms?null> (accessed: 20 June 2017).

57 Human Rights Watch, (November 2016), 'India: Foreign Funding Law used to Harass 25 Groups'. Available at: <https://www.hrw.org/news/2016/11/08/india-for-foreign-funding-law-used-harass-25-groups> (accessed: 20 June 2017).

58 The Guardian, (25 April 2017), 'From Congo child soldier to award-winning wildlife ranger – a life in danger'. Available at: <https://www.theguardian.com/environment/2017/apr/24/from-congo-child-soldier-to-award-winning-wildlife-ranger-a-life-in-danger> (accessed: 19 June 2017); Save Upemba, (no date), 'We need to protect Upemba National Park for Nature and Future Generations'. Available at: <https://saveupemba.com/> (accessed: 19 June 2017).

59 Global Witness Interview with Goldman winner, Rodrigue Mugaruka Katembo, (18 April 2017). See also: Mongabay (16 December 2012), 'Congo Ranger Ambushed and Killed Protecting Wildlife'. Available at: <https://news.mongabay.com/2012/12/congo-ranger-ambushed-and-killed-defending-wildlife> (accessed: 13 June 2017).

60 Killings of Wizani Baloyi in South Africa on 16 June 2016, Anthony Twesigye in Uganda on 19 October 2016, Kennedy Zvavahera in Zimbabwe on 1 March 2016 and Bruce Danny Ngongo in Cameroon on 7 December 2016. All cases verified by the Thin Green Line Foundation. See: The Thin Green Line Foundation, Available at: <https://www.thingreenline.org.au/> (accessed: 14 June 2017).

61 See Virunga National Park's official website at <https://virunga.org/the-park/> For more information also see: Global Witness, (4 September 2014), 'Drillers in the Mist'. Available at: <https://www.globalwitness.org/en/reports/virunga/>; the Guardian (8 May 2016), 'On the frontline of Africa's wildlife wars'. Available at: <https://www.theguardian.com/environment/2016/may/07/africa-frontline-of-wildlife-wars> (accessed: 14 June 2017); The Daily Telegraph, (6 September 2014), 'Battle for Virunga: The fight to save Africa's oldest national park'. Available at: <http://www.telegraph.co.uk/news/worldnews/africaandindianocean/democraticrepublicofcongo/11075473/Battle-for-Virunga-The-fight-to-save-Africas-oldest-national-park.html> (accessed: 14 June 2017); The Guardian (16 December 2012), 'Virunga ranger killed by Mai Mai rebels while protecting gorillas'. Available at: <https://www.theguardian.com/environment/2016/dec/16/virunga-ranger-killed-rebels-protecting-gorillas> (accessed: 14 June 2017).

62 European Parliament, (17 December 2015), Resolution 2015/2728(RSP) on the protection of the Virunga National Park in the Democratic Republic of Congo. Available at: <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P8-TA-2015-0475+0+DOC+XML+V0//EN&language=EN> (accessed: 13 June 2017); Zoological Society of London, (2 August 2013), 'Campaign to stop oil exploration in Virunga National Park'. Available at: <https://www.zsl.org/blogs/campaign-to-stop-oil-exploration-in-virunga-national-park> (accessed: 13 June 2017).

63 Virunga, Grain Media, Netflix Documentary. Available at: <http://virungamovie.com/> (accessed: 13 June 2017).

64 BBC (16 April 2014), 'Belgian Emmanuel de Merode shot in DR Congo ambush'. Available from: <http://www.bbc.co.uk/news/world-africa-27049627> (accessed: 22 June 2017).

65 BBC News, (16 April 2014), 'Belgian Emmanuel de Merode shot in DR Congo ambush'. Available at: <http://www.bbc.co.uk/news/world-africa-27049627> (accessed: 13 June 2017); National Geographic, (17 April 2014), 'Chief Warden Shot in Africa's Oldest National Park'. Available at: <http://news.nationalgeographic.com/news/2014/04/140416-emmanuel-de-merode-warden-shot-virunga-congo/> (accessed: 13 June 2016).

66 Global Witness, (10 June 2015), 'Virunga: UK Company Bankrolled Soldiers Accused Of Bribery And Violence In Quest For Oil In Africa's Oldest National Park'. Available at: <https://www.globalwitness.org/en/campaigns/democratic-republic-congo/soco-in-virunga/> (accessed: 19 June 2017).

- 67** Global Witness, (4 September 2014), 'Drillers in the Mist'. Available at: <https://www.globalwitness.org/en/reports/virunga/>.
- 68** See Soco International's 2014 letter in Global Witness, (10 June 2015), Virunga: UK Company Bankrolled Soldiers Accused Of Bribery And Violence In Quest For Oil In Africa's Oldest National Park. Available at: <https://www.globalwitness.org/en/campaigns/democratic-republic-congo/soco-in-virunga/> (accessed: 19 June 2017).
- 69** See Soco International's 2014 letter in Global Witness, (10 June 2015), Virunga: UK Company Bankrolled Soldiers Accused Of Bribery And Violence In Quest For Oil In Africa's Oldest National Park. Available at: <https://www.globalwitness.org/en/campaigns/democratic-republic-congo/soco-in-virunga/>.
- 70** See Soco International's responses in Global Witness, (10 June 2015), 'Virunga: UK Company Bankrolled Soldiers Accused Of Bribery And Violence In Quest For Oil In Africa's Oldest National Park'. Available at: <https://www.globalwitness.org/en/campaigns/democratic-republic-congo/soco-in-virunga/>.
- 71** Church of England (1 July 2015), The Church Commissioners for England announce full divestment from SOCO. Available at: <https://www.churchofengland.org/media-centre/news/2015/07/the-church-commissioners-for-england-announce-full-divestment-from-soco.aspx> (accessed: 13 June 2017).
- 72** European Parliament, (17 December 2015), Resolution 2015/2728(RSP) on the protection of the Virunga National Park in the Democratic Republic of Congo. Available at: <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P8-TA-2015-0475+0+DOC+XML+V0//EN&language=EN> (accessed: 13 June 2017); Zoological Society of London, (2 August 2013), 'Campaign to stop oil exploration in Virunga National Park'. Available at: <https://www.zsl.org/blogs/campaign-to-stop-oil-exploration-in-virunga-national-park> (accessed: 13 June 2017).
- 73** For Soco International's completing its oil exploration in 2014 see: Soco International, 'Soco has ceased to hold the Block V licence'. Available at: <https://www.socointernational.com/bkv> (accessed: 13 June 2017).
- 74** Africa Energy Intelligence, (16 May 2017), 'Minister Mukeni in a rush to get rid of block V'. Available at: <https://www.africaintelligence.com/AEM/oil/2017/05/16/minister-mukeni-in-a-rush-to-get-rid-of-block-v,108233764-ART> (accessed: 13 June 2017).
- 75** Thomson Reuters Foundation, (24 April 2017), 'Goldman environmental prize awarded amid murders, violence against activists'. Available at: <http://news.trust.org/item/20170424040847-wciia/> (accessed: 13 June 2017); Deutsche Welle, (24 April 2017), 'Annual Goldman Environmental Prize awarded to grassroots activists'. Available at: <http://www.dw.com/en/annual-goldman-environmental-prize-awarded-to-grassroots-activists/a-38558820> (accessed: 13 June 2017); The Guardian, (25 April 2017), 'From Congo child soldier to award-winning wildlife ranger – a life in danger'. Available at: <https://www.theguardian.com/environment/2017/apr/24/from-congo-child-soldier-to-award-winning-wildlife-ranger-a-life-in-danger> (accessed: 13 June 2017).
- 76** Thomson Reuters Foundation, (24 April 2017), 'Goldman environmental prize awarded amid murders, violence against activists'. Available at: <http://news.trust.org/item/20170424040847-wciia/> (accessed: 13 June 2017); Deutsche Welle, (24 April 2017), 'Annual Goldman Environmental Prize awarded to grassroots activists'. Available at: <http://www.dw.com/en/annual-goldman-environmental-prize-awarded-to-grassroots-activists/a-38558820> (accessed: 13 June 2017); The Guardian, (25 April 2017), 'From Congo child soldier to award-winning wildlife ranger – a life in danger'. Available at: <https://www.theguardian.com/environment/2017/apr/24/from-congo-child-soldier-to-award-winning-wildlife-ranger-a-life-in-danger> (accessed: 13 June 2017).
- 77** Global Witness interview with Goldman winner, Rodrigue Mugaruka Katembo, (18 April 2017).
- 78** Global Witness Interview with Goldman winner, Rodrigue Mugaruka Katembo, (18 April 2017). Virunga Park is setting up an endowment fund to pay for pensions of widows and retired rangers, as well as medical treatment for rangers injured in the line of duty. See: Virunga National Park, 'Emmanuel De Merode Launches \$1 Million Fundraising Campaign For Virunga'. Available at: <https://virunga.org/news/marathon/> (accessed: 13 June 2017).
- 79** Global Witness Interview with Goldman winner, Rodrigue Mugaruka Katembo, (18 April 2017).
- 80** See Rainforest Foundation UK's Rainforest, Parks and People website that monitors abuses and conflicts in the Congo Basin at <http://rainforestparksandpeople.org/#close>; also see The Guardian, (28 August 2016), 'The tribes paying the brutal price of conservation'. Available at: <https://www.theguardian.com/global-development/2016/aug/28/exiles-human-cost-of-conservation-indigenous-peoples-eco-tourism> (accessed : 14 June 2017).
- 81** See Rainforest Foundation UK's Rainforest, Parks and People website that monitors abuses and conflicts in the Congo Basin at <http://rainforestparksandpeople.org/#close>; also see The Guardian, (28 August 2016), 'The tribes paying the brutal price of conservation'. Available at: <https://www.theguardian.com/global-development/2016/aug/28/exiles-human-cost-of-conservation-indigenous-peoples-eco-tourism> (accessed : 14 June 2017).
- 82** Human Rights Watch, (2 June 2017), 'Democratic Republic of Congo in Crisis'. Available at: <https://www.hrw.org/blog-feed/democratic-republic-congo-crisis> (accessed: 14 June 2017); Global Witness, (2 May 2017), 'Threatening not for profits undermines OECD principles'. Available at: <https://www.globalwitness.org/en/blog/threatening-not-profits-undermines-oecd-principles/> (accessed 14 June 2017).
- 83** Global Witness, Press Release, (14 July 2016), 'Global Witness employees expelled from DRC under false allegations'. Available from: <https://www.globalwitness.org/en/press-releases/global-witness-employees-expelled-drc-under-false-allegations/> (accessed 14 June 2017).
- 84** UN Special Rapporteur on the Situation of Human Rights Defenders (2016), 'They spoke truth to power and were murdered in cold blood: analysis on the situation of environmental human rights defenders and concrete recommendations to better protect them'. Available at: <https://www.protecting-defenders.org/pdf.js/web/viewer.html?file=https%3A/www.protecting-defenders.org/sites/protecting-defenders.org/files/environmentaldefenders.pdf> (accessed 9 June 2017).
- 85** Power-Technology, (no date), 'Gilgel Gibe III Hydroelectric Power Project, Ethiopia'. Available at: <http://www.power-technology.com/projects/gilgel-gibe-iii-hydroelectric-power-project/> (accessed: 19 June 2017).
- 86** Human Rights Watch, (March 2017), 'Ethiopia: Dams, Plantations a Threat to Kenyans'. Available at: <https://www.hrw.org/news/2017/02/14/ethiopia-dams-plantations-threat-kenyans> (accessed: 13 June 2017).
- 87** Human Rights Watch, (18 June 2012), 'What will happen if Hunger Comes?: Abuses against the Indigenous Peoples of Ethiopia's Lower Omo Valley'. Available at: <https://www.hrw.org/report/2012/06/18/what-will-happen-if-hunger-comes/abuses-against-indigenous-peoples-ethiopia-lower> (accessed: 13 June 2017); Human Rights Watch, (March 2017), 'Ethiopia: Dams, Plantations a Threat to Kenyans'. Available at: <https://www.hrw.org/news/2017/02/14/ethiopia-dams-plantations-threat-kenyans> (accessed: 13 June 2017); Survival International, 'The Omo Valley tribes'. Available at: <http://www.survivalinternational.org/tribes/omovalley/gibedam> (accessed: 13 June 2017).
- 88** Ibid.
- 89** The Guardian, (7 March 2011), 'Ethiopia's controversial dam project'. Available at: <https://www.theguardian.com/global-development/poverty-matters/2011/mar/07/ethiopia-controversial-dam-criticism-communities> (accessed: 19 June 2017); Survival International, (6 October 2011), 'People over Dam'. Available at: <http://www.survivalinternational.org/news/7758> (accessed: 19 June 2017); Institute for Social Science, (no date), 'Challenging the Construction of Ethiopia's Gibe III Dam'. Available at: <http://socialsciences.ucdavis.edu/iss-journal/features/challenging-the-construction-of-ethiopia2019s-gibe-iii-dam> (accessed: 19 June 2017).
- 90** For more on the business case for FPIC, see: Oxfam America, (2013), 'Free, Prior, and Informed Consent in Africa: An Emerging Standard for Extractive Industry Projects'. pp. 27-35. Available at: <https://www.oxfamamerica.org/static/media/files/community-consent-in-africa-jan-2014-oxfam-americaAA.PDF> (accessed: 14 June 2017).
- 91** OHCHR (2011), Guiding Principles on Business and Human Rights, p. 13. Available from: http://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf (accessed: 19 June 2017).
- 92** In 75 of the 200 cases compiled by Global Witness in 2016, the victims could be identified as indigenous people.
- 93** Forest Peoples, (August 2014), 'No Consent to Proceed: Indigenous Peoples' Rights Violations at the Proposed Baram Dam in Sarawak'. Available at: <http://www.forestpeoples.org/sites/fpp/files/publication/2014/08/noconsenttoproceed-baramreport2014-1.pdf> (accessed 9 June 2017); The Borneo Project, (4 November 2014), 'Joint Statement: Human Rights Groups Demand Police Stop Intimidating Rightful Landowners of Baram'. Available at <http://borneoproject.org/updates/>

press-release-human-rights-groups-demand-police-stop-intimidating-rightful-landowners-of-baram (accessed: 13 June 2017); Bruno Manser Fonds, (BMF), (November 2012), 'Sold Down the River: How Sarawak Dam Plans Compromise the Future of Malaysia's Indigenous People's'. Available at: http://www.bmf.ch/upload/berichte/sold_down_the_river_bmf_dams_report.pdf (accessed: 13 June 2017); Herbertson, Kirk, (October 2012) 'Sarawak Energy Publishes "Facts" About the Murum Dam', International Rivers. Available at: http://www.stop-corruptiondams.org/resources/Commentary_on_SEB_Factsheet_on_Murum_Dam__Oct_2012_.pdf (accessed 9 June 2017); Borneo Post Online, (14 March 2017), 'Villagers celebrate anniversary of Baram dam cancellation with festivity'. Available at: <http://www.theborneopost.com/2017/03/14/villagers-celebrate-anniversary-of-baram-dam-cancellation-with-festivity/> (accessed: 20 June 2017).

94 Ibid.

95 Ibid.

96 Borneo Post Online, (14 March 2017), 'Villagers celebrate anniversary of Baram dam cancellation with festivity'. Available at: <http://www.theborneopost.com/2017/03/14/villagers-celebrate-anniversary-of-baram-dam-cancellation-with-festivity/> (accessed: 20 June 2017); Channel News Asia, (3 May 2016), 'Controversial Baram Dam project not cancelled due to pressure: Sarawak Chief Minister'. Available at: <http://www.channelnewsasia.com/news/asiapacific/controversial-baram-dam-project-not-cancelled-due-to-pressure-sa-8014740> (accessed: 20 June 2017).

97 Business and Human Rights Resource Centre, (April 2017), 'Investor Briefing: Renewable Energy Impacts on Communities'. p.9. Available at: <https://business-humanrights.org/en/renewable-energy-investor-briefing-managing-risks-responsibilities-for-impacts-on-local-communities> (accessed : 13 June 2017).

98 Mongabay, (27 March 2017), 'Villagers Vote to Ban 'La Colosa' Gold Mining Project in Columbia'. Available at: <https://news.mongabay.com/2017/03/villagers-vote-to-ban-la-colosa-gold-mining-project-in-columbia/> (accessed: 19 June 2017); Columbia Reports, (27 April 2017), AngloGold Ashanti 'accepts' central Columbia town vote to ban 'world's largest open-pit goldmine'. Available at: <https://colombiareports.com/anglogold-ashanti-accepts-central-colombia-town-vote-ban-worlds-largest-open-pit-gold-mine/> (accessed: 19 June 2017).

99 BBC News, (28 March 2017), 'Colombia minister in battle over Cajamarca mining ban'. Available at: <http://www.bbc.com/news/world-latin-america-39425592> (accessed : 13 June 2017); El País, (27 March 2017), 'AngloGold Ashanti analizará "consecuencias" tras 'No' de Cajamarca a explotación minera'. Available at: <http://www.elpais.com.co/colombia/anglogold-ashanti-analizara-consecuencias-tras-no-de-cajamarca-a-explotacion-minera.html> (accessed: 13 June 2017).

100 Ibid.

101 Global Witness interview with Francisca Ramirez, (May 2017).

102 Global Witness interview with Francisca Ramirez, (May 2017).

103 For information on the attacks and arrest of Francisca see: Global Witness interview with Francisca Ramirez, (May 2017); Frontline Defenders, Case: Francisca Ramirez. Available at: <https://www.frontlinedefenders.org/en/profile/francisca-ramirez> (accessed 13 June 2017);

For up to 120,000 people displaced see: European Parliament resolution of 16 February 2017 on the situation of human rights and democracy in Nicaragua – the case of Francisca Ramirez (2017/2563(RSP) (16 February 2017). Available at: <http://www.europarl.europa.eu/sides/getDoc.do?type=TA&reference=P8-TA-2017-0043&language=GA&ring=B8-2017-0163> (accessed: 13 June 2017); Independent (14 June 2015), 'Mass protests in Nicaragua as farmers claim planned canal will 'sell country to the Chinese'. Available at: <http://www.independent.co.uk/news/world/americas/mass-protests-in-nicaragua-as-farmers-claim-planned-canal-will-sell-country-to-the-chinese-10318705.html> (accessed 13 June 2017).

104 Frontline Defenders, Case: Francisca Ramirez. Available at: <https://www.frontlinedefenders.org/en/profile/francisca-ramirez> (accessed 13 June 2017); La Prensa, (25 April 2017), 'Francisca Ramirez denuncia ante la Policía de Nueva Guinea el ataque contra su hijo'. Available at: <http://www.laprensa.com.ni/2017/04/25/nacionales/2219557-francisca-ramirez-denuncia-ataque-contra-su-hijo> (accessed 13 June 2017); Global Witness interview with Francisca Ramirez, (May 2017).

105 Global Witness interview with Francisca Ramirez, (May 2017); La Nación, (22 December 2016), 'El canal de Nicaragua: el megaproyecto que no arranca pero sí genera protestas'. Available at: http://www.nacion.com/mundo/centroamerica/Canal-Nicaragua-megaproyecto-arranca-protestas_0_1605039553.html (accessed: 14 June 2017).

106 Global Witness interview with Francisca Ramirez, (May 2017).

107 Gazeta Oficial del Gobierno de Nicaragua (14 June 2013), 'Law 840'. Available at: [http://legislacion.asamblea.gob.ni/SILEG/Gacetas.nsf/5eea6480fc3d-3d90062576e300504635/f1ecd8f640b8e6ce06257b8f005bae22/\\$FILE/Ley%20No.%20840.pdf](http://legislacion.asamblea.gob.ni/SILEG/Gacetas.nsf/5eea6480fc3d-3d90062576e300504635/f1ecd8f640b8e6ce06257b8f005bae22/$FILE/Ley%20No.%20840.pdf) (accessed: 22 June 2017); The Guardian, (6 June 2013), 'Nicaragua gives Chinese firm contract to build alternative to Panama Canal'. Available at: <https://www.theguardian.com/world/2013/jun/06/nicaragua-china-panama-canal> (accessed: 13 June 2017); Mail Online, (13 December 2013) 'China's plan to build £25bn rival to the Panama Canal across Nicaragua'. Available at: <http://www.dailymail.co.uk/news/article-2523188/Chinese-waterway-Nicaragua-thatll-longer-Panama-Canal.html> (accessed 13 June 2017).

108 The New York Times, (3 April 2016), 'Lost in Nicaragua, a Chinese Tycoon's Canal Project'. Available at: https://www.nytimes.com/2016/04/04/world/americas/nicaragua-canal-chinese-tycoon.html?_r=0 (accessed 13 June 2017); Mail Online, (13 December 2013) 'China's plan to build £25bn rival to the Panama Canal across Nicaragua'. Available at: <http://www.dailymail.co.uk/news/article-2523188/Chinese-waterway-Nicaragua-thatll-longer-Panama-Canal.html> (accessed 13 June 2017).

109 The granting of the canal's license breached the International Labour Organisation's 169 Convention, ratified by Nicaragua, as no environmental impact study was conducted and no prior consultation was launched with indigenous peoples.

Federación Internacional de Derechos Humanos (FIDH), (14 October 2016), 'Nicaragua : el gobierno debe revocar la concesión del canal interoceánico'. Available at: <https://www.fidh.org/es/region/americas/nicaragua/nicaragua-el-gobierno-no-debe-revocar-la-concesion-del-canal> (accessed 13 June 2017); European Parliament resolution of 16 February 2017 on the situation of human rights and democracy in Nicaragua – the case of Francisca Ramirez (2017/2563(RSP) (16 February 2017). Available at: <http://www.europarl.europa.eu/sides/getDoc.do?type=TA&reference=P8-TA-2017-0043&language=GA&ring=B8-2017-0163> (accessed: 13 June 2017).

110 The full name of Francisca's organisation is the National Council in Defense of Our Lake, Land, and Sovereignty (CDTLS).

111 For concession granted with no bidding process. See: Huffington Post (no date), 'Will China's Nicaraguan Canal Shift Power In The Western Hemisphere?' Available at: http://www.huffingtonpost.com/carlos-f-chamorro/china-nicaragua-canal_b_5737358.html (accessed 19 June 2017); International Policy Digest (20 July 2015), 'Nicaragua Canal: Major Project and Major Impact'. Available at: <https://intpolicydigest.org/2015/07/20/nicaragua-canal-major-project-and-major-impact/> (accessed: 19 June 2017). For no prior environmental assessment see: National Geographic, (22 February 2014), 'Nicaraguan Canal Could Wreck Environment, Scientists Say'. Available at: <http://news.nationalgeographic.com/news/2014/02/140220-nicaraguan-canal-environment-conservation/> (accessed: 13 June 2017). HKND carried out its own Environmental Impact Assessment (EIA) only after being awarded the concession, which was criticized by scientists arguing that the two-year time frame to compile the study was inadequate to assess the potential impacts, and that there was insufficient data on key environmental risks areas. See: Phys Org, (19 June 2015), 'Scientists question Nicaraguan canal in newly released report'. Available at: <https://phys.org/news/2015-06-scientists-nicaraguan-canal-newly.html> (accessed: 13 June 2017).

112 Rights and Resources, (17 August 2015), 'Upside Down World: Nicaraguans Fight to Save Land and Sovereignty from Canal Development'. Available at: <http://rightsandresources.org/en/blog/upside-down-world-nicaraguans-fight-to-save-land-and-sovereignty-from-canal-development/#.WPC651N968o> (accessed: 13 June 2017); Federación Internacional de Derechos Humanos (FIDH), (14 October 2016), 'Nicaragua : el gobierno debe revocar la concesión del canal interoceánico'. Available at: <https://www.fidh.org/es/region/americas/nicaragua/nicaragua-el-gobierno-debe-revocar-la-concesion-del-canal> (accessed 13 June 2017).

113 Rights and Resources, (17 August 2015), 'Upside Down World: Nicaraguans Fight to Save Land and Sovereignty from Canal Development'. Available at: <http://rightsandresources.org/en/blog/upside-down-world-nicaraguans-fight-to-save-land-and-sovereignty-from-canal-development/#.WPC651N968o> (accessed: 13 June 2017); Recurso de Inconstitucionalidad, (29 June 2013), 'Honorable Corte Suprema de Justicia de Nicaragua'. Available at: <http://www.calpi-nicaragua.org/wp-content/uploads/2014/12/RECURSO-DE-INCONSTITUCIONALIDAD-29-6-13.doc-lp.pdf> (accessed: 13 June 2017).

114 Rights and Resources, (17 August 2015), 'Upside Down World: Nicaraguans Fight to Save Land and Sovereignty from Canal Development'. Available at: <http://rightsandresources.org/en/blog/upside-down-world-nicaraguans-fight-to-save-land-and-sovereignty-from-canal-development/#.WPC651N968o>

(accessed: 13 June 2017); European Parliament resolution of 16 February 2017 on the situation of human rights and democracy in Nicaragua – the case of Francisca Ramirez (2017/2563(RSP) (16 February 2017). Available at: <http://www.europarl.europa.eu/sides/getDoc.do?type=TA&reference=P8-TA-2017-0043&language=GA&ring=B8-2017-0163> (accessed: 13 June 2017).

115 Rights and Resources, (17 August 2015), 'Upside Down World: Nicaraguans Fight to Save Land and Sovereignty from Canal Development'. Available at: <http://rightsandresources.org/en/blog/upside-down-world-nicaraguans-fight-to-save-land-and-sovereignty-from-canal-development/#.WPc651N9680> (accessed: 13 June 2017); Independent, (14 June 2015), 'Mass protests in Nicaragua as farmers claim planned canal will 'sell country to the Chinese'. Available at: <http://www.independent.co.uk/news/world/americas/mass-protests-in-nicaragua-as-farmers-claim-planned-canal-will-sell-country-to-the-chinese-10318705.html> (accessed 13 June 2017).

116 Frontline Defenders, Case: Francisca Ramírez. Available at: <https://www.frontlinedefenders.org/en/profile/francisca-ramirez> (accessed 13 June 2017) and La Prensa, (25 April 2017), 'Francisca Ramírez denuncia ante la Policía de Nueva Guinea el ataque contra su hijo'. Available at: <http://www.laprensa.com.ni/2017/04/25/nacionales/2219557-francisca-ramirez-denuncia-ataque-contra-su-hijo> (accessed 13 June 2017); Global Witness interview with Francisca Ramirez, (May 2017).

117 Global Witness interview with Francisca Ramirez, (May 2017).

118 European Parliament resolution on the situation of human rights and democracy in Nicaragua – the case of Francisca Ramirez: 2017/2563(RSP), (15 February 2017). Available at: <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+MOTION+P8-RC-2017-0156+0+DOC+XML+V0//EN> (accessed: 13 June 2017).

119 El País, (28 April 2017), 'Doña Francisca, el azote contra la Nicaragua de Ortega'. Available at: <http://elpaissemanal.elpais.com/confidencias/francisca-ramirez-nicaragua/> (accessed: 13 June 2017); La Prensa, (15 February 2017), 'Daniel Ortega busca reunirse en secreto con lideresa anticanal'. Available at: <http://www.laprensa.com.ni/2017/02/15/politica/2182922-gobierno-daniel-ortega-trata-coaptar-lideresa-anticanal> (accessed: 13 June 2017).

120 La Prensa, (15 February 2017), 'Daniel Ortega busca reunirse en secreto con lideresa anticanal'. Available at: <http://www.laprensa.com.ni/2017/02/15/politica/2182922-gobierno-daniel-ortega-trata-coaptar-lideresa-anticanal> (accessed: 13 June 2017).

121 10 of the 11 murders documented by Global Witness in 2016 occurred under such circumstances. See: La Prensa, (30 October 2016), 'Asesinato atroz de indígenas miskitos'. Available at: <http://www.laprensa.com.ni/2016/08/30/nacionales/2091798-hallados-cuerpos-de-dos-indigenas-miskitos-decapitados> (accessed: 20 June 2017); CENIDH, (6 September 2016), 'Policía se niega a recibir denuncia sobre graves hechos de violencia en Waspam'. Available at: <http://cenidh.org/noticias/935/> (accessed 20 June 2017); La Prensa, (3 December 2016), 'Masacre fue por territorios'. Available at: <http://www.laprensa.com.ni/2016/12/03/nacionales/2145204-masacre-fue-por-territorios> (accessed: 20 June 2017); EL Nuevo Diario, (10 January 2016), 'Corre sangre en territorio indígena'. Available at: <http://www.elnuevodiario.com.ni/sucesos/415200-corre-sangre-territorio-indigena/> (accessed: 20 June 2017); La Prensa, (4 January 2016), 'Temen muerte de indígenas secuestrados'. Available at: <http://www.laprensa.com.ni/2016/01/04/nacionales/1963345-temen-muerte-de-indigenas-secuestrados> (accessed: 20 June 2017); Agencia EFE, (2 January 2016), 'Los miskitos de Nicaragua viven "con hambre y miedo" tras la invasión de sus tierras'. Available at: <http://www.efo.com/efe/americas/politica/los-miskitos-de-nicaragua-viven-con-hambre-y-miedo-tras-la-invasion-sus-tierras/20000035-2806545#> (accessed: 20 June 2-17).

122 La Prensa, (30 October 2016), 'Asesinato atroz de indígenas miskitos'. Available at: <http://www.laprensa.com.ni/2016/08/30/nacionales/2091798-hallados-cuerpos-de-dos-indigenas-miskitos-decapitados> (accessed: 20 June 2017); Organización de los Estados Americanos: Democracia para la paz, la Seguridad y el desarrollo, (7 February 2017), 'CIDH condena asesinatos a defensoras y defensores de derechos humanos en la región'. Available at: <http://www.oas.org/es/cidh/prensa/comunicados/2017/011.asp> (accessed: 20 June 2017).

123 Frontline Defenders, (no date), 'Nicaragua'. Available at: <https://www.frontlinedefenders.org/en/location/nicaragua> (accessed: 20 June 2017); FIDH, (February 2016), 'Criminalización De Defensores De Derechos Humanos En El Contexto De Proyectos Industriales: Un Fenómeno Regional En América Latina'. Available at: <https://www.fidh.org/IMG/pdf/criminalisationobsangocto2015bass-def.pdf> (accessed: 20 June 2017); La Prensa, (28 April 2017), 'Nicaragua, el país que más retrocedió en libertad de expresión, según RSF'. Available at: <http://www.laprensa.com.ni/2017/04/28/politica/2221077-nicaragua-pais-retrocedo-libertad-de-expresion> (accessed: 20 June 2017); La Prensa, (18 March 2017), 'Denuncian restricciones a la libre expresión en Nicaragua'. Available at: <http://www.laprensa.com.ni/2017/03/18/nacionales/2201018-cidh-examina-caso-libertad-expresion-nicaragua> (accessed: 20 June 2017); The Guardian, (28 June 2016), 'Nicaragua expels six environmental activists accused of handling explosives'. Available at: <https://www.theguardian.com/world/2016/jun/28/nicaragua-expels-environmental-activists-explosives> (accessed: 20 June 2017).

124 Berta Cáceres' acceptance speech for the Goldman Prize for environmental activism, (May 2015).

125 14 killings of environmental and land defenders were recorded by Global Witness in Honduras over 2016. This is in addition to 109 killings recorded between 2010 and 2015: See Global Witness (January 2017), 'Honduras: The Deadliest Place to Defend the Planet'. Available at: <https://www.globalwitness.org/en/campaigns/environmental-activists/honduras-deadliest-country-world-environmental-activism/> (accessed: 14 June 2017); Global Witness Press Release (4 March 2016), 'New data on the murder rate of environmental and land activists in Honduras, the highest in the world'. Available at: <https://www.globalwitness.org/en/press-releases/global-witness-releases-new-data-murder-rate-environmental-and-land-activists-honduras-highest-world/> (accessed: 14 June 2017).

126 Report of the Special Rapporteur on the rights of indigenous peoples, Victoria Tauli-Corpuz (21 July 2016), The Situation of Indigenous Peoples in Honduras. Available at: <http://unsr.vtaulicorpuz.org/site/index.php/documents/country-reports/148-report-honduras>; El Heraldo (24 June 2016), 'A los tribunales exalcalde de Intibucá por aprobar proyecto Agua Zarca'. Available at: <http://www.elheraldo.hn/pais/973548-466/a-los-tribunales-excalcalde-de-intibuc%C3%A1-por-aprobar-proyecto-agua-zarca> (accessed: 16 September 2016).

127 El Heraldo (24 June 2016), 'A los tribunales exalcalde de Intibucá por aprobar proyecto Agua Zarca'. Available from: <http://www.elheraldo.hn/pais/973548-466/a-los-tribunales-excalcalde-de-intibuc%C3%A1-por-aprobar-proyecto-agua-zarca> (accessed 16 September 2016); and public letter from Friends of the Earth, International Rivers and Ökumenisches Büro für Frieden und Gerechtigkeit to Siemens (20 January 2015). Available from: <http://amazonwatch.org/assets/les/2015-agua-zarca-siemens-hr-dossier.pdf> (accessed 14 September 2016).

128 Global Witness highlighted the murder of four COPINH activists who had protested the hydro-electric dam and the impact on community land: on 15 July 2013, COPINH member Tomas García and his 17-year-old son were shot at close range by the Honduran military during a peaceful demonstration at the dam site in Río Blanco. Tomas García died instantly of his wounds but his son Alan survived, despite being shot several times in the chest, back and arm. A year later, Willaim Jacobo Rodríguez was murdered. In 2016, in the days after Cáceres' killing, her colleague, Nelson García, was shot dead in the face by unidentified gunmen. In July 2016, the body of yet another COPINH activist, Lesbia Janeth Urquía, was found on a rubbish dump with machete wounds to the head. See Global Witness 'Case Study 2: Berta Cáceres, Copinh And The Shady Interests Behind The Agua Zarca Dam' in 'Honduras: The Deadliest Place to Defend the Planet', (January 2017). Available at: <https://www.globalwitness.org/en/campaigns/environmental-activists/honduras-deadliest-country-world-environmental-activism/> (accessed: 14 June 2017).

129 La Tribuna, (12 April 2017), 'Relatora de la ONU verificará en Honduras derecho a consulta previa indígena'. Available at: <http://www.latribuna.hn/2017/04/12/relatora-la-onu-verificara-honduras-derecho-consulta-previa-indigena/> (accessed: 20 June 2017); Criterio, (16 April 2017), 'Victoria Tauli. Corpuz, Relatora especial de la ONU para los pueblos indígenas inicia hoy visita a Honduras'. Available at: <http://criterio.hn/2017/04/16/victoria-tauli-corpuz-relatora-especial-la-onu-los-pueblos-indigenas-inicia-hoy-visita-honduras/> (accessed: 20 June 2017); La Prensam, (12 April 2017), 'Relatora de la ONU verificará el derecho a la consulta previa indígena'. Available at: <http://www.laprensa.hn/honduras/1061968-410/relatora-de-la-onu-verificar%C3%A1-el-derecho-a-la-consulta-previa-ind%C3%ADgena> (accessed: 20 June 2017).

130 See Global Witness 'Case study 1: The National Party president and her links to illegal dams in Honduras: The Deadliest Place to Defend the Planet', (January 2017). Available at: <https://www.globalwitness.org/en/campaigns/environmental-activists/honduras-deadliest-country-world-environmental-activism/> (accessed: 14 June 2017).

131 According to documents seen by Global Witness, the director of the Los Encinos hydroelectric project is the husband of Gladis Aurora Lopez, president of the ruling National Party, and vice-president of the Congress. For Arnold Gustavo Castro as Gladis Aurora López's husband. See: La Tribuna, (26 January 2015), 'Gladys Aurora López'. Available at: <http://www.latribuna.hn/2015/01/26/gladis-aurora-lopez-3/> (accessed 30 August 2016);

For Arnold Castro as the owner of Los Encinos, see: Santa Elena municipality mayor's office (18 October 2013) Certification of meeting minutes;

For Arnold Castro as the owner of La Aurora see: Secretary of state for the interior and population departments (7 October 2010) Certification of decision by the legal

services unit.

Inversiones Encinos is the company that owns the Los Encinos dam whilst Inversiones La Aurora owns the La Aurora dam. As sole director of both companies Global Witness considers that he actively controls the companies and represents their interests.

132 Global Witness interview with numerous members of the Lenca indigenous movement of La Paz (MILPAH), (23 October 2015).

133 The list of signatories is missing from the official minutes of the consultation seen by Global Witness, and the Mayor's office has never disclosed it, despite repeated requests from indigenous rights group Movimiento Indígena Lenca de La Paz Honduras (MILPAH).
See: Santa Elena Municipality (6 October 2014), Minutes from consultation on dam feasibility study.

134 Official complaint to Honduras' Prosecutor's Office by Ana Miriam Romero (27 October 2015); Front Line Defenders, (13 December 2016), '13 Diciembre 2016 Actos de intimidación y amenazas de muerte contra integrantes de los Consejos Indígenas de Santiago Apóstol y San Isidro Labrador'. Available at: <https://www.frontlinedefenders.org/es/case/case-history-ana-miriam-romero> (accessed: 19 June 2017).

135 Official complaint to Honduras' Prosecutor's Office by Ana Miriam Romero (27 October 2015) CEHPRODEC, (2015) 'Resumen de los últimos acontecimientos ocurridos en la zona indígena lenca del municipio de Santa Elena la paz, Honduras'.

136 Front Line Defenders, (5 February 2015), 'Arson attack at the home of human rights defenders Ana Miriam Romero and Rosario Vasquez Pineda'. Available at: <https://www.frontlinedefenders.org/en/case/case-history-ana-miriam-romero#-case-update-id-1004> (accessed 31 August 2016); CEHPRODEC, (2015) 'Resumen de los últimos acontecimientos ocurridos en la zona indígena lenca del municipio de Santa Elena la paz, Honduras'.

137 "Debemos seguir en la lucha, no temamos a todos los muertos que ha habido, no nos desanimemos, si no, no les dejaremos historia a nuestros hijos". Cited in Mongabay, (16 June 2016), 'Ana Miriam Romero: la guardiana de los ríos de Honduras'. Available at: <https://es.mongabay.com/2016/06/ana-miriam-romero-la-guardiana-los-rios-honduras/> (accessed: 14 June 2017).

138 Frontline Defenders, (no date), 'Complaint against Centro de Estudios de la Mujer-Honduras'. Available at: <https://www.frontlinedefenders.org/en/case/complaint-against-centro-de-estudios-de-la-mujer-%E2%80%93-honduras> (accessed: 14 June 2017); Centro de Estudios de la Mujer- Honduras, (2 March 2017), 'Harassment and criminalization of CEM-H for demanding #JusticeForBerta'. Available at: <http://im-defensoras.org/2017/03/whrdalert-honduras-harassment-and-criminalization-of-cem-h-for-demanding-justiceforberta/> (accessed: 14 June 2017).

139 Global Witness, Blog, (6 March 2017), 'You'd Better Make Sure That Car's Bullet-Proof!' An Account Of Our Recent Trip To Honduras'. Available at: <https://www.globalwitness.org/en/blog/you-d-better-make-sure-cars-bullet-proof-account-our-recent-trip-honduras/> (accessed: 20 June 2017); El País, (11 February 2017), 'El informe ecológico que irritó al Gobierno de Honduras'. Available at: http://internacional.elpais.com/internacional/2017/02/09/america/1486617921_790115.html (accessed: 20 June 2017); La Tribuna, 3 February 2017), 'Solicitan orden de captura contra representante de Global Witness'. Available at: <http://www.latribuna.hn/2017/02/03/solicitan-orden-captura-representante-global-witness/> (accessed: 20 June 2017).

140 Criterio, (4 February 2017), 'Empresarios hondureños arremeten contra Global Witness'. Available at: <http://criterio.hn/2017/02/04/empresarios-hondurenos-arremeten-global-witness/> (accessed: 20 June 2017); La Tribuna, (2 February 2017), 'Cohep rechaza y deslegitima el informe de Global Witness'. Available at: <http://www.latribuna.hn/2017/02/02/cohep-rechaza-deslegitima-informe-global-witness/> (accessed: 20 June 2017).

141 Radio Progreso, (13 June 2017), 'Las recomendaciones de la Relatora en materia de consulta previa'. Available at: <http://radioprogreso.net/index.php/comunicaciones/nuestra-palabra/item/3702-las-recomendaciones-de-la-relatora-en-materia-de-consulta-previa-13-junio-2017> (accessed: 20 June 2017); Confidencial, 21 April 2017), 'Califican ley de consulta como 'cortina de humo' para esconder asesinatos de dirigentes indígenas'. Available at: <http://confidencial.hn.com/2017/04/21/califican-ley-de-consulta-como-cortina-de-humo-para-esconder-asesinatos-de-dirigentes-indigenas/> (accessed: 20 June 2017); Pasos de Animal Grande, 20 April 2017), 'Pueblos indígenas y negros exigen participación en propuesta de consulta previa, libre e informada'. Available at: <http://www.pasosdeanimalgrande.com/index.php/en/contexto/item/1725-pueblos-indigenas-y-negros-exigen-participacion-en-propuesta-de-consulta-previa-libre-e-informada> (accessed: 20 June 2017);

Radio Progreso, 21 April 2017), 'Comunidades Piden A Relatora De La Onu Construcción Transparente De Ley De Consulta Previa'. Available at: <http://radio-progreso.net/index.php/comunicaciones/noticias/item/3597-comunidades-piden-a-relatora-de-la-onu-construccion-transparente-de-ley-de-consulta-previa> (accessed: 20 June 2017).

142 FMO, (9 Mat 2016), 'FMO seeks to exit Agua Zarca'. Available at: <https://www.fmo.nl/news-detail/5a7ee738-23ea-4fc4-b804-d5f7dbdc095a/fmo-seeks-to-exit-agua-zarca> (accessed: 20 June 2017).
FinnFund, (2016), 'Finnfund seeks to exit Agua Zarca'. Available at: https://www.finnfund.fi/ajankohtaista/uitiset16/en_GB/agua_zarca_honduras/ (accessed: 20 June 2017).

143 Coalition for Rights in Development in Development, (no date), 'Responsibility to Ensure Meaningful and Effective Participation'. Available at: <http://rightsindevelopment.org/our-work/hrd/participationstatement/> (accessed: 14 June 2017).

144 32 international organisations called on FMO to improve their policies on human rights defenders.
See Global Witness Press Release, (16 November 2016), 'Joint Call to Action: The Dutch Development Bank Should Protect Human Rights Defenders'. Available at: <https://www.globalwitness.org/en/press-releases/joint-call-action-dutch-development-bank-should-protect-human-rights-defenders/> (accessed: 14 June 2017).

145 For more examples of actions they could take, see: International Service for Human Rights - Joint Statement (no date), 'Consult, respect, protect: Cross regional group of human rights defenders calls on business to take action for their engagement and protection'. Available at: http://www.ishr.ch/sites/default/files/documents/10decupdated151115-joint-statement-hrds-bhr-_with_logos_final.pdf (accessed: 14 June 2017); International Service for Human Rights - Civil Society Joint report (October 2015), 'The role of business and States in violations against human rights defenders of land rights, the right to territory and rights related to the environment'. Available at: http://www.ishr.ch/sites/default/files/article/files/reportcoalitionbusiness-landshr_final_0.pdf (accessed: 14 June 2017).

146 IDB Project CO-T1250 gave \$150,000 in technical assistance in 2012. See: Inter-American Development Bank, 'CO-T1250 : Support for Structuring the Ituango Hydroelectric Project'. Available at <http://www.iadb.org/en/projects/project-description-title,1303.html?id=CO-T1250> (Accessed 26 June 2017).

IDB Project CO-L1226 gave a loan of \$50 million. See: Inter-American Development Bank, 'CO-L1226 : Ituango Hydropower Project'. Available at <http://www.iadb.org/en/projects/project-description-title,1303.html?id=CO-L1226> (Accessed 26 June 2017).

147 The IIC approved \$65 million in 2016 via project 11794-04. The joint IDB/IIC loan facility will provide an unsecured loan of up to \$550million. See: Inter-American Investment Corporation, 'Planta Hidroeléctrica Ituango'. Available at <http://www.iic.org/en/projects/project-disclosure/11794-04/planta-hidro-el%C3%A9ctrica-ituango> (Accessed 26 June 2017).

148 See Risk Analysis (document "Informe de Riesgo N 022-14 A.I.") from Colombian Ombudsman (Defensoría del Pueblo) which, in 2014, declared civilians in the region near HidroItuango to be "at high risk" and recommend an Early Warning go out to local and national officials. The report highlights the high rates of violence, forced displacement and complex interplay between FARC, the government and other armed actors. The report specifically states that human rights defenders are not freely able to express their opinion; they have been victims of stigmatization and have received repeated threats; those who are concerned specifically about the Ituango Hydro project have been victim of repeated illegal detention as a form of intimidation and threat. (p. 3 & 14).
Defensoría del Pueblo de Colombia (24 July 2014), 'INFORME DE RIESGO N° 022-14 A.I.'. Available at <http://sisat.defensoria.org.co/subsitio/doc/historicoAdvertencia/IR2014PDF/IR%20N%C2%B0%20022-14%20A.I.%20ANTIOQUIA-Ituango,%20San%20Andr%C3%A9s%20de%20Cuerquia%20y%20Toledo.pdf> (Accessed 26 June 2017)

This classification of "high risk" for members of Rios Vivos and community leaders in the area was reiterated in the Ombudsman's office February 2017 report. Defensoría del Pueblo de Colombia (24 July 2014), 'INFORME DE RIESGO N° 003-17'.

149 Document of letter exchange between Colombian government and UNHCHR, recognizing threats against members of Rios Vivos in January 2015. Available at: [https://spdb.ohchr.org/hrdb/28th/Colombia_29.01.15_\(7.2014\).pdf](https://spdb.ohchr.org/hrdb/28th/Colombia_29.01.15_(7.2014).pdf) (Accessed 26 June 2017).

150 Rios Libres, Territorios de Paz (2013), 'Asesinato a otro miembro del Movimiento en Defensa de los Territorios y Afectados por Represas Ríos Vivos Antioquia'. Available at <http://debatehidroituango.blogspot.co.uk/2013/12/asesin>

ato-otro-miembro-del-movimiento.html (Accessed 26 June 2017).

151 The Guiding Principles establish the “Business enterprises should respect human rights”, going on to explain that “Because business enterprises can have an impact on virtually the entire spectrum of internationally recognized human rights, their responsibility to respect applies to all such rights”. This would therefore include the right to free speech and the right to free assembly. It would also include respecting all rights as applicable to human rights defenders, including land and environmental defenders, as laid out in the UN Declaration on Human Rights Defenders. OHCHR (2011), ‘Guiding Principles on Business and Human Rights’. Available at: http://www.ohchr.org/Documents/Publications/GuidingPrinciples-BusinessHR_EN.pdf (accessed: 19 April 2017).

152 The UN Guiding Principles on Business and Human Rights (Guiding Principles) establish that States and business should engage in meaningful consultations with “potentially affected groups and other relevant stakeholders” to identify the human rights impacts of their work.

153 Inclusive Development International, (October 2016), “‘Disaster for us and the planet’: how the IFC is quietly funding a coal boom”. p3. Available from: <http://www.inclusivedevelopment.net/wp-content/uploads/2016/09/Outsourcing-Development-Climate.pdf> (accessed: 20 June 2017).

154 Front Line Defenders, (no date), ‘Cases: Gloria Capitan’. Available at: <https://www.frontlinedefenders.org/en/case/case-history-gloria-capitan> (accessed: 19 June 2017); Manila Times, (2 July 2016), ‘Anti-coal activist killed in Bataan’. Available at: <http://www.manilatimes.net/anti-coal-activist-killed-in-bataan/271291/> (accessed: 20 June 2017).

155 Front Line Defenders, Cases: Gloria Capitan, <https://www.frontlinedefenders.org/en/case/case-history-gloria-capitan> (accessed: 13 June 2017).

156 Global Witness interview with representative of the Coal-Free Bataan Movement, (12 May 2017); Coal Free Bataan Movement (6 July 2016), Fact Sheet on Gloria Capitan (not available online).

157 Philippines Government Department of Energy website. Available at: <https://www.doe.gov.ph/coal-0> (accessed: 13 June 2017).

158 Reuters, (24 August 2015), ‘Philippines’ coal-power plans unsettle clean-energy investors’. Available at: <http://www.reuters.com/article/philippines-energy-coal-idUSL3N10U22520150824> (accessed: 20 June 2017). Inclusive Development International (October 2016), “‘Disaster for us and the planet’: how the IFC is quietly funding a coal boom”. Available at: <http://www.inclusivedevelopment.net/wp-content/uploads/2016/09/Outsourcing-Development-Climate.pdf> (accessed: 19 June 2017).

159 Global Witness interview with representative of the Coal-Free Bataan Movement, (12 May 2017); Coal Free Bataan Movement (6 July 2016), Fact Sheet on Gloria Capitan (not available online).

160 Power Engineering International (30 June 2015), Philippines set for 23 new coal-fired power plants. Available from: <http://www.powerengineeringint.com/articles/2015/06/23-new-coal-fired-power-plants-for-philippines.html> and Inclusive Development, (October 2016), ‘Outsourcing Development: Lifting the Veil on the World Bank Group’s Lending through Financial Intermediaries’ p14. Available at: <http://www.inclusivedevelopment.net/wp-content/uploads/2016/09/Outsourcing-Development-Climate.pdf> (accessed: 22 June 2017).

161 Ibid.

162 Inclusive Development, (October 2016), ‘Outsourcing Development: Lifting the Veil on the World Bank Group’s Lending through Financial Intermediaries’ p14. Available at: <http://www.inclusivedevelopment.net/wp-content/uploads/2016/09/Outsourcing-Development-Climate.pdf> (accessed: 13 June 2017).

163 Reuters, (17 July 2013), ‘World Bank to limit financing of coal-fired plants’. Available at: <http://uk.reuters.com/article/us-worldbank-climate-coal-idUKBRE96F19U20130716> (accessed: 13 June 2017); The Guardian, (4 April 2011), ‘World Bank to limit funding for coal-power stations’. Available at: <https://www.theguardian.com/environment/2011/apr/04/world-bank-funding-coal-power> (accessed: 20 June 2017).

164 Coal Free Bataan Movement (6 July 2016), Fact Sheet on Gloria Capitan (not available online)

165 Gloria Capitan’s testimony as documented in Coal Free Bataan Movement (6 July 2016), Fact Sheet on Gloria Capitan (not available online).

166 EITI, ‘EITI Philippines’. Available at: <https://eiti.org/philippines> (accessed: 20

June 2017).

167 Folha da Sao Paulo, (June 2016), ‘Após 5 meses, corpo de ativista é achado em lago da usina Jirau’. Available at: <http://www1.folha.uol.com.br/poder/2016/06/1784814-apos-5-meses-corpo-de-ativista-e-achado-em-lago-da-usina-jirau-ro.shtml> (accessed: 14 June 2017); Conselho Nacional dos Direitos Humanos (CNDH), (August 2016) ‘Relatório da missão realizada em Junho/2016 pelo grupo de trabalho sobre defensores de direitos humanos ameaçados no estado de Rondônia, criado no âmbito da comissão permanente de defensores de direitos humanos e enfrentamento à criminalização dos movimentos sociais, do conselho nacional dos direitos humanos: p.10 Available at: <http://www.sdh.gov.br/sobre/participacao-social/cndh/relatorios/relatorio-sobre-defensores-de-direitos-humanos-ameaçados-no-estado-de-rondonia> (accessed: 14 June 2017); New Internationalist, (5 July 2016) ‘Brazil human rights defender found drowned in dam’. Available at: <https://beta.newint.org/blog/2016/07/05/brazil-human-rights-defender-found-drowned-in-dam> (accessed: 14 June 2017).

168 Mongabay, (23 May 2017) ‘Brazil agribusiness company accuses ally Temer in secret bribe taping’. Available at: <https://news.mongabay.com/2017/05/brazil-agribusiness-company-accuses-ally-temer-in-secret-bribe-taping/> <https://www.scientificamerican.com/article/agribusiness-drives-most-illegal-deforestation/> (accessed: 14 June 2017); Greenpeace, (10 December 2013) ‘Brazilian agribusiness wants to destroy the Amazon to grow sugar’. Available at: <http://www.greenpeace.org.uk/blog/forests/brazilian-agribusiness-wants-destroy-amazon-grow-sugar-20131210> (accessed: 14 June 2017).

169 CENSAT (no date) ‘Desaparecida Nilce de Souza Magalhães ‘Nininha’, militante de MAB Brasil’. Available at: <http://censat.org/es/noticias/desaparecida-nilce-de-souza-magalhaes-nininha-militante-de-mab-brasil> (accessed: 14 June 2017); Comissao Pastoral da Terra (no date) ‘Liderança do MAB em Jirau está desaparecida’, Available at: <https://www.cptnacional.org.br/index.php/publicacoes/noticias/conflitos-no-campo/3053-lideranca-do-mab-em-jirau-esta-desaparecida> (accessed: 14 June 2017).

170 Conselho Nacional dos Direitos Humanos (CNDH), (August 2016) ‘Relatório da missão realizada em Junho/2016 pelo grupo de trabalho sobre defensores de direitos humanos ameaçados no estado de Rondônia, criado no âmbito da comissão permanente de defensores de direitos humanos e enfrentamento à criminalização dos movimentos sociais, do conselho nacional dos direitos humanos’. Available at: <http://www.sdh.gov.br/sobre/participacao-social/cndh/relatorios/relatorio-sobre-defensores-de-direitos-humanos-ameaçados-no-estado-de-rondonia> (accessed: 14 June 2017); CENSAT (no date) ‘Desaparecida Nilce de Souza Magalhães ‘Nininha’, militante de MAB Brasil’. Available at: <http://censat.org/es/noticias/desaparecida-nilce-de-souza-magalhaes-nininha-militante-de-mab-brasil> (accessed: 14 June 2017); New Internationalist (5 July 2016) ‘Brazil human rights defender found drowned in dam’. Available at: <https://beta.newint.org/blog/2016/07/05/brazil-human-rights-defender-found-drowned-in-dam> (accessed: 14 June 2017).

171 Globo, (24 March 2017) ‘Acusado de matar Nininha em Rondônia é condenado a 15 anos’. Available at: <http://g1.globo.com/ro/rondonia/noticia/2017/03/acusado-de-matar-nininha-em-rondonia-e-condenado-15-anos.html> (accessed: 14 June 2017); MAB Amazônia, (24 March 2017), Em Porto Velho (RO), ‘Justiça condena assassino de Nininha a 15 anos de prisão’. Available at: <http://www.mabnacional.org.br/noticia/em-porto-velho-ro-justi-condena-assassino-nininha-15-anos-pris> (accessed: 14 June 2017).

172 Movimento dos Atingidos por Barragens (MAB), (24 March 2017) ‘Em Porto Velho (RO), Justiça condena assassino de Nininha a 15 anos de prisão’. Available at: <http://www.mabnacional.org.br/noticia/em-porto-velho-ro-justi-condena-assassino-nininha-15-anos-pris> (accessed: 14 June 2017).

173 The former Ministry devoted to promoting Women, Racial Equality, and Human Rights was folded under one Secretary within the Ministry of Justice. Frontline Defenders, (1 June 2016) ‘Brazil Tops List for Killings of HRDs in 2016’. Available at: <https://www.frontlinedefenders.org/en/blog/post/brazil-tops-list-killings-hrds-2016> (accessed: 14 June 2017).

New Internationalist, (5 July 2016) ‘Brazil human rights defender found drowned in dam’. Available at: <https://beta.newint.org/blog/2016/07/05/brazil-human-rights-defender-found-drowned-in-dam> (accessed: 14 June 2017); New York Times, (12 May 2016) ‘New President of Brazil, Michel Temer, Signals More Conservative Shift’. Available at: https://www.nytimes.com/2016/05/13/world/americas/michel-temer-brazils-interim-president-may-herald-shift-to-the-right.html?_r=0 (accessed: 14 June 2017); Frontline Defenders (1 June 2016), ‘List of Killings of HRDs in 2016’, by Mary Lawlor, Available at: <https://www.frontlinedefenders.org/en/blog/post/brazil-tops-list-killings-hrds-2016> (accessed: 13 June 2017).

174 Amnesty International Annual Report 2016/2017 references the under-resourcing of human rights defenders programme. See: Amnesty International, 'Annual Report: Brazil 2016/2017'. Available at: <https://www.amnesty.org/en/countries/americas/brazil/report-brazil/> (accessed: 14 June 2017);

Quotes from MAB members on the failure of the national Human Rights Programme to protect them here. See: Brasil de Fato, (13 December 2016) 'Ludma e Índia, militantes do MAB de Rondônia, são homenageadas no Rio de Janeiro'. Available at: <https://www.brasildefato.com.br/2016/12/13/ludma-e-india-militantes-do-mab-de-rondonia-sao-homenageadas-no-rio-de-janeiro/> (accessed: 14 Jun 2017).

175 Movimento dos Atingidos por Barragens (MAB), (16 December 2016), 'Ludma and Índia, MAB militants of Rondônia, are honored in Rio de Janeiro'. Available at: <http://www.mabnacional.org.br/noticia/ludma-and-india-militantes-rondonia-are-honored-rio-janeiro> (accessed: 14 June 2017); Brasil de Fato, (13 December 2016) 'Ludma e Índia, militantes do MAB de Rondônia, são homenageadas no Rio de Janeiro'. Available at: <https://www.brasildefato.com.br/2016/12/13/ludma-e-india-militantes-do-mab-de-rondonia-sao-homenageadas-no-rio-de-janeiro/> (accessed: 14 Jun 2017); Global Witness Interview with representative of MAB (12 May 2017).

176 Comissão Pastoral da Terra (2017), Conflitos no Campo Brasil 2016. Goiânia: Comissão Pastoral da Terra, p. 28. Available from: <https://www.cptnacional.org.br/index.php/component/jdownloads/download/41-conflitos-no-campo-brasil-publicacao/14061-conflitos-no-campo-brasil-2016> (accessed 29 June 2017).

177 According to the Brazilian legislation, "agrarian reform is considered to be a combination of measures that aim to promote a more equitable distribution of land, through changes in the possession and use of it, with the aim of achieving the principles of social justice and increased productivity." The main instrument for the realisation of agrarian reform is the expropriation of land that does not fulfil a social function, which is set out in article 186 of the Brazilian Constitution. See Comissão Pastoral da Terra (2017), Conflitos no Campo Brasil 2016. Goiânia: Comissão Pastoral da Terra, p. 30. Available from: <https://www.cptnacional.org.br/index.php/component/jdownloads/download/41-conflitos-no-campo-brasil-publicacao/14061-conflitos-no-campo-brasil-2016> (accessed 29 June 2017).

178 Comissão Pastoral da Terra (2017), Conflitos no Campo Brasil 2016. Goiânia: Comissão Pastoral da Terra, p. 23. Available from: <https://www.cptnacional.org.br/index.php/component/jdownloads/download/41-conflitos-no-campo-brasil-publicacao/14061-conflitos-no-campo-brasil-2016> (accessed 29 June 2017).

CPT's methodology differs from that of Global Witness since, as well as documenting the murders of land and environmental defenders, they also cover rural workers killed because of their labour and union activism. Likewise, they record killings of individuals in land conflicts that they consider are generated by a lack of governmental action to tackle the root causes of rural violence. However, these individuals do not always fit into Global Witness' definition of land and environmental defenders.

See: Comissão Pastoral da Terra (2017), Conflitos no Campo Brasil 2016. Goiânia: Comissão Pastoral da Terra, p. 16. Available from: <https://www.cptnacional.org.br/index.php/component/jdownloads/download/41-conflitos-no-campo-brasil-publicacao/14061-conflitos-no-campo-brasil-2016> (accessed 29 June 2017).

179 BNDES Portal da Transparência: records two loans to the consortium Energia Sustentável do Brasil for the construction and operation of the Jirau dam: Direct financing of 2.325.000.002,00 BRL (Contract no: 12207981; 18 September 2012); Indirect financing (via Itaú bank) of 7.219.999.928,00 BRL (Contract no: 09200971; 29 June 2009). See: O banco nacional do desenvolvimento, Available at: <http://www.bndes.gov.br/wps/portal/site/home/transparencia> (accessed: 14 June 2017); Banktrack (1 November 2015), 'Rio Madeira dams: Jirau and Santo Antonio Brazil'. Available at: https://www.banktrack.org/project/rio_madeira_dam/pdf (accessed: 14 June 2017).

For information on GDF SUEZ / ENGIE's involvement see: ENGIE, (13 May 2013), 'GDF SUEZ announces a new partnership with Mitsui on Jirau project, in Brazil'. Available at: <http://www.engie.com/en/journalists/press-releases/gdf-suez-announces-a-new-partnership-with-mitsui-on-jirau-project-in-brazil/>; Recharge, (no date), 'Brazil's BNDES approves \$3.08bn loan for Jirau project'. Available at: <http://www.rechargenews.com/news/americas/859409/brazils-bndes-approves-usd-308bn-loan-for-jirau-project> (accessed: 14 June 2017).

180 Greenpeace, (24 February 2014), 'Shoot: Flooding in the Madeira River in Brazil'. Available at: http://media.greenpeace.org/C.aspx?VP3=SearchResult_VPage&S-TID=27MZIF3FGM0A (accessed: 14 June 2017); Mongabay, (16 March 2014), 'Controversial Amazon dams may have exacerbated biblical flooding'. Available at: <https://news.mongabay.com/2014/03/controversial-amazon-dams-may-have-exacer->

[bated-biblical-flooding/](https://news.mongabay.com/2014/03/controversial-amazon-dams-may-have-exacer-) (accessed: 14 June 2017); International Rivers, (11 March 2014), 'Grab for Profits Pushes Madeira River Past Its Limits During Historic Floods'. Available at: <https://www.internationalrivers.org/blogs/258/grab-for-profits-pushes-madeira-river-past-its-limits-during-historic-floods> (accessed: 14 June 2017).

181 Greenpeace, (24 February 2014), 'Shoot: Flooding in the Madeira River in Brazil'. Available at: http://media.greenpeace.org/C.aspx?VP3=SearchResult_VPage&S-TID=27MZIF3FGM0A (accessed: 14 June 2017); Mongabay, (16 March 2014), 'Controversial Amazon dams may have exacerbated biblical flooding'. Available at: <https://news.mongabay.com/2014/03/controversial-amazon-dams-may-have-exacerbated-biblical-flooding/> (accessed: 14 June 2017); International Rivers, (11 March 2014), 'Grab for Profits Pushes Madeira River Past Its Limits During Historic Floods'. Available at: <https://www.internationalrivers.org/blogs/258/grab-for-profits-pushes-madeira-river-past-its-limits-during-historic-floods> (accessed: 14 June 2017).

182 ENGIE, (17 May 2013), 'Jirau: The world's largest renewable CDM project obtains registration at the United Nations'. Available at: <http://www.engie.com/en/news/jirau-the-worlds-largest-renewable-cdm-project-obtains-registration-at-the-united-nations/> (accessed: 14 June 2017); Renewable Energy World, (5 June 2013), 'Brazil's Jirau Hydro Project World's Largest CDM-Registered Renewable Plant'. Available at: <http://www.renewableenergyworld.com/articles/2013/06/brazils-jirau-hydro-project-worlds-largest-cdm-registered-renewable-plant.html> (accessed: 14 June 2017); HydroWorld, (6 May 2013), 'Brazil's Jirau hydro project world's largest CDM-registered renewable plant'. Available at: <http://www.hydroworld.com/articles/2013/06/brazil-s-jirau-hydro-project-world-s-largest-cdm-registered-rene.html> (accessed: 14 June 2017).

183 At least 134 land and environmental defenders suffered criminalization in this time period according to data taken from Business and Human Rights Resource Centre's database of attacks on Human Rights Defenders. See: Business and Human Rights Resource Centre. Available at: <https://www.business-humanrights.org/en/bizhrds> (accessed: 13 June 2017).

184 FIDH, (25 February 2016), 'Criminalización de defensores de derechos humanos: un preocupante fenómeno en América Latina'. Available at: <https://www.fidh.org/es/temas/defensores-de-derechos-humanos/criminalizacion-de-defensores-de-derechos-humanos-un-preocupante> (accessed: 13 June 2017); Amnesty International, (1 September 2016), 'Americas: "We Are Defending The Land With Our Blood: Defenders Of The Land, Territory And Environment In Honduras And Guatemala"'. Available at: <https://www.amnesty.org/en/documents/amr01/4562/2016/en/> (accessed: 13 June 2017); Human Rights Watch, (22 June 2015), 'At Your Own Risk: Reprisals against Critics of World Bank Group Projects'. Available at: <https://www.hrw.org/report/2015/06/22/your-own-risk/reprisals-against-critics-world-bank-group-projects> (accessed: 13 June 2017).

185 FIDH, (25 February 2016), 'Criminalización de defensores de derechos humanos: un preocupante fenómeno en América Latina'. Available at: <https://www.fidh.org/es/temas/defensores-de-derechos-humanos/criminalizacion-de-defensores-de-derechos-humanos-un-preocupante> (accessed: 13 June 2017); Amnesty International, (1 September 2016), 'Americas: "We Are Defending The Land With Our Blood: Defenders Of The Land, Territory And Environment In Honduras And Guatemala"'. Available at: <https://www.amnesty.org/en/documents/amr01/4562/2016/en/> (accessed 13 June 2017); Human Rights Watch, (22 June 2015), 'At Your Own Risk: Reprisals against Critics of World Bank Group Projects'. Available at: <https://www.hrw.org/report/2015/06/22/your-own-risk/reprisals-against-critics-world-bank-group-projects> (accessed: 13 June 2017).

186 Request for 'Amparo' appeal to Honduras Supreme Court (30 January 2014), SLO-0108-2014, cited in 2014 in Global Witness, 'Honduras: The Deadliest Place to Defend the Planet', (31 January 2017), Available at: <https://www.globalwitness.org/en/campaigns/environmental-activists/honduras-deadliest-country-world-environmental-activism/> (accessed: 13 June 2017).

187 Request for 'Amparo' appeal to Honduras Supreme Court (30 January 2014), SLO-0108-2014, cited in 2014 in Global Witness, 'Honduras: The Deadliest Place to Defend the Planet', (31 January 2017), Available at: <https://www.globalwitness.org/en/campaigns/environmental-activists/honduras-deadliest-country-world-environmental-activism/> (accessed: 13 June 2017).

188 FIDH, (25 February 2016), 'Criminalización de defensores de derechos humanos: un preocupante fenómeno en América Latina'. Available at: <https://www.fidh.org/es/temas/defensores-de-derechos-humanos/criminalizacion-de-defensores-de-derechos-humanos-un-preocupante> (accessed: 13 June 2017).

189 Human Rights Watch, (22 June 2015), 'At Your Own Risk: Reprisals against Critics of World Bank Group Projects'. Available at: <https://www.hrw.org/report/2015/06/22/your-own-risk/reprisals-against-critics-world-bank-group-projects> (accessed: 13 June 2017).

190 Civicus, (June 2016), 'State of Civil Society Report 2016', p2. Available at:

http://www.civicus.org/images/documents/SOCS2016/summaries/State-of-Civil-Society-Report-2016_Exec-Summary.pdf (accessed: 13 June 2017).

191 UN Special Rapporteur on the situation of human rights defenders (18 October 2016), 'End of Mission to Australia Statement'. Available at: <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20689&LangID=E#sthash.eF0WrrY.dpuf> (accessed: 13 June 2017).

192 UN Special Rapporteur on the situation of human rights defenders (18 October 2016), 'End of Mission to Australia Statement'. Available at: <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20689&LangID=E#sthash.eF0WrrY.dpuf> (accessed: 13 June 2017).

193 Huffington Post, (12 March 2015), 'Bill C-51: Environmental Activists, Aboriginals Fear Legislation Will Tread On Rights'. Available at: http://www.huffingtonpost.co.uk/2015/03/12/reject-flawed-anti-terror_n_6854550.html (accessed: 13 June 2017); Guardian (30 January 2015), 'Canada's new anti-terror legislation prompts civil liberties fears'. Available at: <https://www.theguardian.com/world/2015/jan/30/canadas-anti-terror-legislation-civil-liberties-fears> (accessed: 13 June 2017).

194 The National Observer, (5 May 2017), 'Spies in our midst: RCMP and CSIS snoop on green activists'. Available from: <http://www.nationalobserver.com/2017/05/05/news/spies-our-midst-rcmp-and-csis-snoop-green-activists> (accessed: 13 June 2017); The Globe and Mail (6 February 2014), 'RCMP, intelligence agency accused of spying on pipeline opponents'. Available from: <http://www.theglobeandmail.com/news/british-columbia/csis-rcmp-accused-of-spying-on-pipeline-opponents/article16726444/> (accessed: 13 June 2017).

195 CNN, (26 January 2017), 'Proposed laws would crack down on protestors who block roads'. Available at: <http://edition.cnn.com/2017/01/25/us/nd-protest-driver-bill-trnd/> (accessed: 20 June 2017); Los Angeles Times, (3 February 2017), 'In North Dakota, it could become legal to hit a protestor with your car'. Available at: <http://www.latimes.com/nation/la-na-bills-protest-criminal-20170201-story.html> (accessed: 20 June 2017).

196 The measure was rejected with 50 voting against and 41 in favour of the legislation. See: LegiScan, 'North Dakota House Bill 1203'. Available at: <https://legiscan.com/ND/bill/1203/2017> (accessed: 20 June 2017). A similar bill introduced in North Carolina was recently approved by the State's House of Representatives, and is awaiting reading by the Senate. North Carolina General Assembly, House Bill 330. Available at: <http://www.ncleg.net/gascripts/BillLookup/BillLookup.pl?Session=2017&BillID=H330> (accessed: 20 June 2017).

197 OHCHR (27 March 2017), 'Joint communications from special procedures'. Available from: <http://i2.cdn.turner.com/cnn/2017/images/04/15/un.report.pdf> (accessed 22 June 2017)

198 Oxfam, (1 November 2016), 'Standing with Standing Rock'. Available at: <https://politicsofpoverty.oxfamamerica.org/2016/11/standing-with-standing-rock/> (accessed: 20 June 2017); CBC News, 'Standing Rock Sioux Tribe not properly heard in pipeline dispute, says UN official'. Available at: <http://www.cbc.ca/news/indigenous/standing-rock-tribe-not-properly-heard-says-un-official-1.4008851> (accessed: 20 June 2017).

199 Oxfam, (1 November 2016), 'Standing with Standing Rock'. Available at: <https://politicsofpoverty.oxfamamerica.org/2016/11/standing-with-standing-rock/> (accessed: 20 June 2017); CBC News, 'Standing Rock Sioux Tribe not properly heard in pipeline dispute, says UN official'. Available at: <http://www.cbc.ca/news/indigenous/standing-rock-tribe-not-properly-heard-says-un-official-1.4008851> (accessed: 20 June 2017).

200 The Guardian, (3 November 2016), 'Dakota Access pipeline: the who, what and why of the Standing Rock protests'. Available at: <https://www.theguardian.com/us-news/2016/nov/03/north-dakota-access-oil-pipeline-protests-explainer> (accessed: 20 June 2017); The New York Times, (20 March 2017), 'The Conflict Alog 1,172 Miles of the Dakota Access Pipeline'. Available at: https://www.nytimes.com/interactive/2016/11/23/us/dakota-access-pipeline-protest-map.html?_r=0 (accessed: 20 June 2017).

201 The Wall Street Journal, (5 December 2016), 'Dakota Pipeline Project Halted as Obama Administration Denies Permit for Last Leg'. Available at: <http://www.wsj.com/articles/obama-administration-moves-to-deny-easement-for-dakota-pipeline-1480890468> (accessed: 20 June 2017); Politico, (12 April 2016), 'Obama Administration blocks Dakota pipeline, angering Trump allies'. Available at: <http://www.politico.com/story/2016/12/us-army-corps-blocks-dakota-access-pipeline-232172> (accessed: 20 June 2017).

202 The Guardian, (26 October 2016), 'Dakota Access pipeline company and Donald Trump have close financial ties'. Available at: <https://www.theguardian.com/us-news/2016/oct/26/donald-trump-dakota-access-pipeline-investment-en>

[ergy-transfer-partners](#) (accessed: 20 June 2017).

203 The White House, (24 January 2017), 'Presidential Memorandum Regarding Construction of the Dakota Access Pipeline'. Available at: <https://www.whitehouse.gov/the-press-office/2017/01/24/presidential-memorandum-regarding-construction-dakota-access-pipeline> (accessed: 20 June 2017).

204 The Washington Post, (24 February 2017), 'Republican lawmakers introduce bills to curb protesting in at least 18 states'. Available at: <https://www.washingtonpost.com/news/wonk/wp/2017/02/24/republican-lawmakers-introduce-bills-to-curb-protesting-in-at-least-17-states/> (accessed: 20 June 2017); CNN, (25 April 2017), 'Numerous states considering anti-protest bills'. Available at: <http://edition.cnn.com/2017/04/24/politics/states-anti-protest-legislation/index.html> (accessed: 20 June 2017), 'Anti-protest bills would 'attack right to speak out' under Donald Trump'. Available at: <https://www.theguardian.com/world/2017/may/08/donald-trump-anti-protest-bills> (accessed 29 June 2017).

205 The Washington Post, (24 February 2017), 'Republican lawmakers introduce bills to curb protesting in at least 18 states'. Available at: <https://www.washingtonpost.com/news/wonk/wp/2017/02/24/republican-lawmakers-introduce-bills-to-curb-protesting-in-at-least-17-states/> (accessed: 20 June 2017); CNN, (25 April 2017), 'Numerous states considering anti-protest bills'. Available at: <http://edition.cnn.com/2017/04/24/politics/states-anti-protest-legislation/index.html> (accessed: 20 June 2017).

206 Senate Bill 176, an Act to preserve the use of public land, to ensure free travel, to enhance emergency response, and to declare an emergency includes the prohibition of gatherings of more than twenty people upon request of the Governor and the sheriff "if the prohibition is necessary to preserve the undisturbed use of the land by the lessee or if the land may be damaged by the activity".

See: South Dakota Legislature (2017), SB No. 176. Available from: <http://www.sdlegislature.gov/docs/legsession/2017/Bills/SB176ENR.pdf> (accessed 22 June 2017); The bill signed into law by the South Dakota Governor Dennis Daugaard on 13 March 2017

See: South Dakota State News, (13 March 2017), 'Gov Daugaard Signs Public Safety Bill'. Available at: <http://news.sd.gov/newsitem.aspx?id=21606> (accessed: 20 June 2017).

207 North Carolina General Assembly, House Bill 330. Available at: <http://www.ncleg.net/gascripts/BillLookup/BillLookup.pl?Session=2017&BillID=H330> (accessed: 20 June 2017).

208 ACLU, (17 February 2017), 'Where Protests Flourish, Anti-Protest Bills Follow'. Available at: <https://www.aclu.org/blog/speak-freely/where-protests-flourish-anti-protest-bills-follow>. (accessed: 20 June 2017);

209 CATO Institute, (10 February 2017), 'Police Executive Order Invites Overfederalization'. Available at: <https://www.cato.org/blog/police-executive-order-invites-overfederalization> (accessed: 20 June 2017).

ACLU, (9 February 2017), 'ACLU Response to Executive Orders on Crime Task Forces'. Available at: <https://www.aclu.org/news/aclu-response-executive-orders-crime-task-forces> (accessed: 20 June 2017); TIME, (27 February 2017), 'How 3 of Donald Trump's Executive Orders Target Communities of Color'. Available at: <http://time.com/4679727/donald-trump-executive-orders-police/> (accessed: 20 June 2017).

210 The White House, (no date), 'Standing up for our law enforcement community'. Available at: <https://www.whitehouse.gov/law-enforcement-community> (accessed: 20 June 2017).

211 New York Times, (10 April 2017), 'What's at Stake in Trump's Proposed E.P.A Cuts'. Available at: <https://www.nytimes.com/2017/04/10/climate/trump-epa-budget-cuts.html> (accessed: 20 June 2017); The Washington Post, (23 May 2017), 'EPA remains top target with Trump administration proposing 31 percent budget cut'. Available at: https://www.washingtonpost.com/news/energy-environment/wp/2017/05/22/epa-remains-top-target-with-trump-administration-proposing-31-percent-budget-cut/?utm_term=.be9a6b8c6d35 (accessed: 20 June 2017).

212 CNBC, (28 March 2017), 'Trump signs executive order to roll back Obama-era climate actions, power plant emissions rule'. Available at: <http://www.cnbc.com/2017/03/27/trump-to-roll-back-obama-climate-actions-power-plant-emissions-rule.html> (accessed: 20 June 2017); New York Times, (28 February 2017), 'Rollback with order on clean water'. Available at: https://www.nytimes.com/2017/02/28/us/politics/trump-epa-clean-water-climate-change.html?_r=0 (accessed: 20 June 2017); National Geographic, (14 June 2017), 'A Running List of How Trump is Changing the Environment'. Available at: <http://news.nationalgeographic.com/2017/03/how-trump-is-changing-science-environment/> (accessed: 20 June 2017).

- 213** The Guardian, (26 March 2017), 'Trump to sign executive order undoing Obama's clean power plan'. Available at: <https://www.theguardian.com/environment/2017/mar/26/trump-executive-order-clean-power-plan-coal-plants> (accessed: 20 June 2017); The Telegraph, (2 June 2017), 'Donald Trump pulls US out of Paris climate accord to 'put American workers first'. Available at: <http://www.telegraph.co.uk/news/2017/06/01/trump-pull-paris-accord-look-better-deal/> (accessed: 20 June 2017).
- 214** BBC, (2 September 2016), 'Life in the Native American Oil protest camps'. Available at: <http://www.bbc.co.uk/news/world-us-canada-37249617> (accessed: 20 June 2017).
- 215** The Guardian, (23 February 2017), 'Police remove last Standing Rock protesters in military-style takeover'. Available at: <https://www.theguardian.com/us-news/2017/feb/23/dakota-access-pipeline-camp-cleared-standing-rock> (accessed: 20 June 2017); CNN, (24 February 2017), 'Dakota Access Pipeline protest site is cleared'. Available at: <http://edition.cnn.com/2017/02/22/us/dakota-access-pipeline-evacuation-order/index.html> (accessed: 20 June 2017).
- 216** The Guardian, (31 October 2016), 'Dakota Access pipeline pros: UN group investigates human rights abuses'. Available at: <https://www.theguardian.com/us-news/2016/oct/31/dakota-access-pipeline-protest-investigation-human-rights-abuses> (access: 20 June 2017); Amnesty International, (22 March 2017), 'Letter to ND State's Attorney General'. Available at: http://www.amnestyusa.org/pdfs/letter_to_nd_states_attorneys_general.pdf (accessed: 20 June 2017).
- 217** Grist.org (21 June 2017), 'Paramilitary security tracked and targeted DAPL opponents as 'jihadists,' docs show'. Available from: <http://grist.org/justice/paramilitary-security-tracked-and-targeted-nodapl-activists-as-jihadists-docs-show/> (accessed: 2 July 2017); Inside Sources (29 May 2017), 'As North Dakota Continues to Try Standing Rock Protesters, Dismissed Cases Pile Up'. Available from: <http://www.insidesources.com/nd-dismissed-cases-standing-rock/> (accessed: 2 July 2017)
- 218** Amnesty International, (22 March 2017), 'Letter to ND State's Attorney General'. Available at: http://www.amnestyusa.org/pdfs/letter_to_nd_states_attorneys_general.pdf (accessed: 20 June 2017); The Guardian, (31 October 2016), 'Dakota Access pipeline pros: UN group investigates human rights abuses'. Available at: <https://www.theguardian.com/us-news/2016/oct/31/dakota-access-pipeline-protest-investigation-human-rights-abuses> (access: 20 June 2017).
- 219** CPJ, (17 February 2017), 'Journalists covering Standing Rock face charges as police arrest protesters'. Available at: <https://cpj.org/blog/2017/02/journalists-covering-standing-rock-face-charges-as.php> (accessed: 20 June 2017). The Guardian, (31 October 2016), 'Dakota Access pipeline pros: UN group investigates human rights abuses'. Available at: <https://www.theguardian.com/us-news/2016/oct/31/dakota-access-pipeline-protest-investigation-human-rights-abuses> (access: 20 June 2017).
- 220** Grist, (1 June 2017), 'Paramilitary security tracked and targeted DAPL opponents as "jihadists," docs show'. Available at: <http://grist.org/justice/paramilitary-security-tracked-and-targeted-nodapl-activists-as-jihadists-docs-show/> (accessed: 19 June 2017); Inside Alerts, (29 May 2017), 'As North Dakota Continues to Try Standing Rock Protesters, Dismissed Cases Pile Up'. Available at: <http://www.insidesources.com/nd-dismissed-cases-standing-rock/> (accessed at: 19 June 2017).
- 221** The Intercept, (27 May 2017), 'Leaked Documents Reveal Counter Terrorism Tactics Used at Standing Rock to "Defeat Pipeline Insurgencies"'. Available at: <https://theintercept.com/2017/05/27/leaked-documents-reveal-security-firms-counterterrorism-tactics-at-standing-rock-to-defeat-pipeline-insurgencies/> (accessed: 19 June 2017).
- 222** Global Witness interview with Kandi Mossett, (June 2017); Democracy Now, (31 May 2017), 'Private Mercenary Firm TigerSwan Compares Anti-DAPL Water Protectors to "Jihadist Insurgency"'. Available at: https://www.democracynow.org/2017/5/31/private_mercenary_firm_tigerswan_compares_anti (accessed: 19 June 2017); Indian Country Today, (29 May 2017), 'TigerSwan, Counter-Terrorism and NoDAPL: 10 Astonishing Revelations in 'The Intercept' Report'. Available at: <https://indiancountrymedianetwork.com/news/native-news/tigerswan-counter-terrorism-intercept-nodapl/> (accessed: 19 June 2017).
- 223** Reuters, (15 June 2017), 'Federal judge orders more environmental analysis of Dakota pipeline'. Available at: <https://www.reuters.com/article/us-northdakota-pipeline-dapl-idUSKBN19538I> (accessed: 19 June 2017). Mail Online (15 June 2017), 'Judge orders environmental review of Dakota oil pipeline'. Available from: <http://www.dailymail.co.uk/wires/afp/article-4606568/Judge-orders-environmental-review-Dakota-oil-pipeline.html> (accessed 22 June 2017)
- 224** Global Witness interview with Kandi Mossett, (June 2017).
- 225** We define "affected communities" as those communities whose land, environment, human rights or natural resources might be affected by a business project
- 226** See: Global Witness, (January 2012), 'A Citizens' Checklist Preventing Corruption in the Award Of Oil, Gas and Mining Licenses'. Available at: <https://www.globalwitness.org/sites/default/files/a%20citizens%20checklist%20en%20jan%202012.pdf> (accessed 19 June 2017).
- 227** A range of guidance is available for states wishing to develop national laws and policies on human rights defenders. See for example: International Service for Human Rights (June 2016), 'Model Law for the Recognition and Protection of Human Rights Defenders'. Available at https://www.ishr.ch/sites/default/files/documents/model_law_full_digital_updated_15june2016.pdf (accessed 26 June 2017).
- Protection International (2012), 'Protection of Human Rights Defenders: Best Practices and Lessons Learnt'. Available at <http://protectioninternational.org/wp-content/uploads/2013/04/Best-Practices-and-Lessons-Learnt.pdf> (accessed 26 June 2017).
- 228** See: Global Witness, Press Release, (16 November 2016), 'Joint Call to Action - The Dutch Development Bank Should Protect Human Rights Defenders'. Available at: <https://www.globalwitness.org/en/press-releases/joint-call-action-dutch-development-bank-should-protect-human-rights-defenders/> (accessed: 19 June 2017).
- 229** "Debemos seguir en la lucha, no tenemos a todos los muertos que ha habido, no nos desanimemos, si no, no les dejaremos historia a nuestros hijos" cited in Mongabay, (16 June 2016), 'Ana Mirian Romero: la guardiana de los ríos de Honduras'. Available at: <https://es.mongabay.com/2016/06/ana-mirian-romero-la-guardiana-los-rios-honduras/> (accessed: 14 June 2017).



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